

FIRST DAY - JANUARY 9, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 9, 2013

PRAYER

The prayer was offered by Senator Harms.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army and Air National Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Third Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 9, 2013, and was called to order by President Sheehy.

The roll was called and the following members were present:

Adams, Greg L.	Haar, Ken	Mello, Heath
Ashford, Brad	Hadley, Galen	Murante, John
Avery, Bill	Hansen, Thomas F.	Nelson, John E.
Bloomfield, Dave	Harms, John N.	Nordquist, Jeremy
Bolz, Kate	Harr, Burke	Pirsch, Pete
Brasch, Lydia	Howard, Sara	Price, Scott
Campbell, Kathy	Janssen, Charlie	Scheer, Jim
Carlson, Tom	Johnson, Jerry	Schilz, Ken
Chambers, Ernie	Karpisek, Russ	Schumacher, Paul
Christensen, Mark	Kintner, Bill	Seiler, Les
Coash, Colby	Kolowski, Rick	Smith, Jim
Conrad, Danielle	Krist, Bob	Sullivan, Kate
Cook, Tanya	Larson, Tyson	Wallman, Norman
Crawford, Sue	Lathrop, Steve	Watermeier, Dan
Davis, Al	Lautenbaugh, Scott	Wightman, John
Dubas, Annette M.	McCoy, Beau	
Gloor, Mike	McGill, Amanda M.	

MOTION - Temporary Clerk and Sergeant at Arms

Senator Wightman moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Ron Witkowski as temporary Sergeant at Arms.

The motion prevailed.

RESIGNATION

December 20, 2012

Governor Dave Heineman
1445 K Street
Lincoln, NE 68509

Dear Governor Heineman,

On November 6, 2012, I was elected to represent the people of Nebraska in the United States Senate. My swearing in ceremony will take place on January 3, 2013. To avoid any confusion, I will be resigning as the State Senator for Legislative District 43 effective January 2, 2013.

It has been an honor and a pleasure to represent the people of the 43rd District in the Nebraska Unicameral.

If you have any questions, please contact my office. Thank you for your service to the State of Nebraska, and I look forward to working with you in the near future.

Sincerely,
(Signed) Deb Fischer
Senator, District 43

cc: Senator Mike Flood, Speaker of the Nebraska Legislature
Patrick O'Donnell, Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

December 21, 2012

Senator Deb Fischer
District 43
Box 54
Valentine, Nebraska 69201

Dear Senator Fischer:

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Ninth day of January in the year of our Lord, two thousand and thirteen.

(SEAL)

(Signed) John A. Gale
Secretary of State

DISTRICT/NAME	ELECTED
1 Dan Watermeier	November 6, 2012
2 Bill Kintner	November 6, 2012
3 Scott Price	November 6, 2012
4 Pete Pirsch	November 2, 2010
5 Heath Mello	November 6, 2012
6 John E. Nelson	November 2, 2010
7 Jeremiah Nordquist	November 6, 2012
8 Burke J. Harr	November 2, 2010
9 Sara Howard	November 6, 2012
10 Bob Krist	November 2, 2010
11 Ernie Chambers	November 6, 2012
12 Steve Lathrop	November 2, 2010
13 Tanya Cook	November 6, 2012
14 Jim Smith	November 2, 2010
15 Charlie Janssen	November 6, 2012
16 Lydia Brasch	November 2, 2010
17 Dave Bloomfield	November 6, 2012
18 Scott Lautenbaugh	November 2, 2010
19 Jim Scheer	November 6, 2012
20 Brad Ashford	November 2, 2010
21 Ken Haar	November 6, 2012
22 Paul Schumacher	November 2, 2010
23 Jerry Johnson	November 6, 2012
24 Greg L. Adams	November 2, 2010
25 Kathy Campbell	November 6, 2012
26 Amanda M. McGill	November 2, 2010
27 Colby Coash	November 6, 2012
28 Bill Avery	November 2, 2010
29 Kate Bolz	November 6, 2012
30 Norman Wallman	November 2, 2010
31 Rick Kolowski	November 6, 2012
32 Russ Karpisek	November 2, 2010
33 Les Seiler	November 6, 2012
34 Annette M. Dubas	November 2, 2010
35 Mike Gloor	November 6, 2012
36 John Wightman	November 2, 2010
37 Galen Hadley	November 6, 2012
38 Tom Carlson	November 2, 2010
39 Beau McCoy	November 6, 2012

Bloomfield, Dave	Haar, Ken	Murante, John
Bolz, Kate	Hadley, Galen	Nordquist, Jeremiah
Campbell, Kathy	Howard, Sara	Price, Scott
Chambers, Ernie	Janssen, Charlie	Scheer, Jim
Coash, Colby	Johnson, Jerry	Schilz, Ken
Cook, Tanya	Kintner, Bill	Seiler, Les
Crawford, Sue	Kolowski, Rick	Sullivan, Kate
Davis, Al	McCoy, Beau	Watermeier, Dan
Gloor, Mike	Mello, Heath	

The committee escorted the Chief Justice from the Chamber.

MOTION - Adopt Temporary Rules

Senator McGill moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 9, 2013.

The motion prevailed.

MOTION - Election of Officers

Senator Wightman moved that the following officers, recommended by the Executive Board, be elected to serve for the One Hundred Third Legislature:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Ron Witkowski

The motion prevailed.

MOTION - Election of Speaker

Senator Price moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Adams placed his name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Adams.

The motion prevailed.

Senator Adams was duly elected Speaker of the Legislature.

MOTION - Committee on Committees Members

Senator Coash moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Adams, Campbell, Coash, and Conrad were nominated from District 1.

Senators Ashford, Krist, Lathrop, and Mello were nominated from District 2.

Senators Carlson, Davis, Hadley, and Sullivan were nominated from District 3.

Senator Christensen moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Chairperson of Executive Board

Senator Harms moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Wightman placed his name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Wightman.

The motion prevailed.

Senator Wightman was duly elected Chairperson of the Executive Board.

MOTION - Vice Chairperson of Executive Board

Senator Smith moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Nelson placed his name in nomination.

Senator Krist placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Conrad, Lautenbaugh, and Schumacher as tellers.

Senator Nelson	21
Senator Krist	<u>28</u>
	49

Senator Krist was duly elected Vice Chairperson of the Executive Board.

MOTION - Executive Board Members

Senator B. Harr moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Avery and Campbell were nominated from District 1.

Senators Chambers and Lathrop were nominated from District 2.

Senators Christensen and Karpisek were nominated from District 3.

Senator Nelson moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Standing Committee Chairpersons

Senator Wallman moved to proceed to the election of the standing committee chairpersons, by secret ballot, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

CHAIRPERSON - Agriculture

Senator Schilz placed his name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Schilz.

The motion prevailed.

Senator Schilz was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Hansen placed his name in nomination.

Senator Mello placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Coash, Cook, and Smith as tellers.

Senator Hansen	24
Senator Mello	<u>25</u>
	49

Senator Mello was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Gloor placed his name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Gloor.

The motion prevailed.

Senator Gloor was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Senator Lathrop placed his name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Lathrop.

The motion prevailed.

Senator Lathrop was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Senator Sullivan placed her name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Sullivan.

The motion prevailed.

Senator Sullivan was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Karpisek placed his name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Karpisek.

The motion prevailed.

Senator Karpisek was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Avery placed his name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Avery.

The motion prevailed.

Senator Avery was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Senator Campbell placed her name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Campbell.

The motion prevailed.

Senator Campbell was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Ashford placed his name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by

acclamation be cast for Senator Ashford.

The motion prevailed.

Senator Ashford was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Carlson placed his name in nomination.

Senator Christensen placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Campbell, Larson, and Wallman as tellers.

Senator Carlson 32

Senator Christensen $\frac{17}{49}$

Senator Carlson was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Senator Nordquist placed his name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Nordquist.

The motion prevailed.

Senator Nordquist was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Senator Hadley placed his name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hadley.

The motion prevailed.

Senator Hadley was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Dubas placed her name in nomination.

Senator Price placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators K. Haar, Nelson, and Seiler as tellers.

Senator Dubas	28
Senator Price	<u>21</u>
	49

Senator Dubas was duly elected Chairperson of the Transportation and Telecommunications Committee.

CHAIRPERSON - Urban Affairs

Senator McGill placed her name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by acclamation be cast for Senator McGill.

The motion prevailed.

Senator McGill was duly elected Chairperson of the Urban Affairs Committee.

MOTION - Special and Select Committee Chairpersons

Senator Janssen moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.

CHAIRPERSON - Rules

Senator Lautenbaugh placed his name in nomination.

Senator Dubas moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Lautenbaugh.

The motion prevailed.

Senator Lautenbaugh was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator Larson nominated Senator Murante.

Senator Dubas moved the nominations be closed and a unanimous vote by

acclamation be cast for Senator Murante.

The motion prevailed.

Senator Murante was duly elected Chairperson of the Enrollment and Review Committee.

MOTION - Election Returns

Senator Lautenbaugh moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2012.

The motion prevailed.

The Chair appointed Senators Brasch, Pirsch, and Sullivan to serve on said committee.

The committee escorted Secretary of State, John A. Gale, to the rostrum where he delivered the following report.

REPORT FROM THE SECRETARY OF STATE

January 9, 2013

Speaker of the Legislature
One Hundred Third Legislature, First Session 2013
State Capitol
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 6, 2012 for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Supreme Court Judges, and Nebraska Workers Compensation Judges which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 2000 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to four Constitutional Amendments are

on file in this office. A certification of these returns is also attached.

Inasmuch as these canvass sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.

Respectfully submitted,
 (Signed) John A. Gale
 Secretary of State

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Secretary of State
 State of Nebraska)

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Supreme Court Judge, and Nebraska Workers Compensation Judges receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 6, 2012.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Ninth day of January in the year of our Lord, two thousand and thirteen.

(SEAL) (Signed) John A. Gale
 Secretary of State

- Public Service Commission, District 1 - Frank Landis
- Public Service Commission, District 3 - Tim Schram
- Board of Regents of the University of Nebraska - Dist 3 - Jim Pillen
- Board of Regents of the University of Nebraska - Dist 4 - Bob Whitehouse
- Board of Regents of the University of Nebraska - Dist 5 - Lavon L. Heidemann
- Board of Regents of the University of Nebraska - Dist 8 - Hal Daub
- State Board of Education - Dist 1 - Lillie Larsen
- State Board of Education - Dist 2 - Mark Quandahl
- State Board of Education - Dist 3 - Rachel Wise
- State Board of Education - Dist 4 - Rebecca Valdez
- Supreme Court Judge, District 1 - Kenneth C. Stephan
- Supreme Court Judge, District 4 - Michael McCormack
- Nebraska Workers Compensation Judge James Michael Fitzgerald

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Secretary of State
 State of Nebraska)

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of Constitutional Amendments proposed by the Legislature showing the number of votes cast for and against each at the General Election held on November 6, 2012.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Ninth day of January in the year of our Lord, two thousand and thirteen.

(SEAL) (Signed) John A. Gale
 Secretary of State

2012 General Election

Amendments

Amendment 1

A constitutional amendment to provide that any misdemeanor while in pursuit of his or her office is grounds for impeachment of a civil officer.

For 606,433
 Against 124,467

Amendment 2

A constitutional amendment to establish the right to hunt, to fish, and to harvest wildlife and to state that public hunting, fishing, and harvesting of wildlife shall be a preferred means of managing and controlling wildlife.

For 557,534
 Against 169,250

Amendment 3

A constitutional amendment to change the limit on legislative terms to three consecutive terms.

For 263,394
Against 481,574

Amendment 4

A constitutional amendment to change the salary of members of the Legislature to twenty-two thousand five hundred dollars.

For 236,566
Against 513,230

Senator Nordquist moved pursuant to Article IV, Section 4, to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

The Secretary of State was escorted from the Chamber.

MOTION - Inaugural Ceremonies

Senator Adams moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 10, 2013, at 1:30 p.m.

The motion prevailed.

VISITOR

The Doctor of the Day was Dr. Ron Klutman from Columbus.

ADJOURNMENT

At 12:45 p.m., on a motion by Senator Avery, the Legislature adjourned until 10:00 a.m., Thursday, January 10, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

