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:
I am hereby acknowledging receipt of your resignation letter and accepting your resignation as State Senator for Legislative District 43 effective January 2, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

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

**MOTION - Committee on Credentials**

Senator McCoy moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November 2012.

The motion prevailed.

Senator McCoy moved to elect the following five members of the Legislature to serve on the Committee on Credentials: Senators Adams, Ashford, Avery, Carlson, and Christensen.

The motion prevailed.

**REPORT OF COMMITTEE ON CREDENTIALS**

State of Nebraska

United States of America, )
) ss.
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 copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Third Legislature, First Session, 2013.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Third Legislature, First Session, 2013.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.
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
MOTION - Credentials Committee Report

Senator Ashford moved to approve the Committee on Credentials Report as certified and presented by the Secretary of State.

The motion prevailed.

MOTION - Escort Chief Justice

Senator Sullivan moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the members of the Legislature.

The motion prevailed.

The Chair appointed Senators Adams, Ashford, Avery, Carlson, and Christensen to serve on said committee.

MEMBERS' OATH OF OFFICE

STATE OF NEBRASKA
LANCASTER COUNTY

Do you and each of you solemnly swear (or affirm) that you will support the constitution of the United States, and the constitution of the State of Nebraska, and will faithfully discharge the duties of members of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill said office, you have not improperly influenced in any way the vote of any elector, and have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation).
Bloomfield, Dave
Bolz, Kate
Campbell, Kathy
Chambers, Ernie
Coash, Colby
Cook, Tanya
Crawford, Sue
Davis, Al
Gloor, Mike
Haar, Ken
Hadley, Galen
Howard, Sara
Janssen, Charlie
Johnson, Jerry
Kintner, Bill
Kolowski, Rick
McCoy, Beau
Mello, Heath
Murante, John
Nordquist, Jeremiah
Price, Scott
Scheer, Jim
Schilz, Ken
Seiler, Les
Sullivan, Kate
Watermeier, Dan

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 - Escort Chief Justice

Senator Krist moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Senators Bloomfield, Coash, Hansen, B. Harr, and McGill to serve on said committee.

OFFICERS' OATH OF OFFICE

STATE OF NEBRASKA )
) ss.
LANCASTER COUNTY )

We, and each of us, do solemnly swear (or affirm) that we will support the constitution of the United States, the constitution of the State of Nebraska, and will faithfully discharge the duties of our respective offices to the best of our ability.

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

The committee escorted the Chief Justice from the Chamber.

MOTION - Chairperson of Committee on Committees

Senator Bloomfield moved to proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Senator McCoy placed his name in nomination.

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

The motion prevailed.

Senator McCoy was duly elected Chairperson of the Committee on Committees.
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.

<table>
<thead>
<tr>
<th>Senator</th>
<th>Votes</th>
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<tbody>
<tr>
<td>Nelson</td>
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<tr>
<td>Krist</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>49</td>
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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.

<table>
<thead>
<tr>
<th>Senator</th>
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</thead>
<tbody>
<tr>
<td>Hansen</td>
<td>24</td>
</tr>
<tr>
<td>Mello</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td>49</td>
</tr>
</tbody>
</table>

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 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.

<table>
<thead>
<tr>
<th>Senator Dubas</th>
<th>28</th>
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<tbody>
<tr>
<td>Senator Price</td>
<td>21</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>49</td>
</tr>
</tbody>
</table>

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.
Amendment 4

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

For 263,394
Against 481,574

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