

**SIXTEENTH DAY - JANUARY 31, 2013**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**FIRST SESSION**  
**SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 31, 2013

**PRAYER**

The prayer was offered by Senator Davis.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Christensen, Conrad, Janssen, and Seiler who were excused; and Senators Campbell, Karpisek, and Mello who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifteenth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 87.** Placed on Select File.

**LEGISLATIVE BILL 111.** Placed on Select File.

**LEGISLATIVE BILL 112.** Placed on Select File.

**LEGISLATIVE BILL 113.** Placed on Select File.

(Signed) John Murante, Chairperson

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 147.** Placed on General File.

**LEGISLATIVE BILL 209.** Placed on General File.

**LEGISLATIVE BILL 213.** Placed on General File.

**LEGISLATIVE BILL 214.** Placed on General File.

**LEGISLATIVE BILL 336.** Placed on General File.

(Signed) Mike Gloor, Chairperson

## Transportation and Telecommunications

**LEGISLATIVE BILL 32.** Placed on General File.

**LEGISLATIVE BILL 207.** Placed on General File.

**LEGISLATIVE BILL 250.** Placed on General File with amendment.  
AM7

- 1 1. On page 11, strike beginning with "The" in line 20
- 2 through line 23.
- 3 2. On page 13, strike lines 1 through 3.

(Signed) Annette Dubas, Chairperson

## Agriculture

**LEGISLATIVE BILL 67.** Placed on General File with amendment.  
AM23

- 1 1. On page 2, line 15, and page 11, line 19, strike
- 2 "Supplies", show as stricken, and insert "Shippers".
- 3 2. On page 5, after line 18 insert the following
- 4 subdivision:
- 5 (10) Grade A Pasteurized Milk Ordinance means the
- 6 documents delineated in subsection (3) of section 2-3965; in line
- 7 19 strike "(10)" and insert "(11)"; and in line 22 strike "(11)"
- 8 and insert "(12)".
- 9 3. On page 6, line 3, strike "(12)" and insert "(13)";
- 10 and in line 6 strike "(13)" and insert "(14)".
- 11 4. On page 11, line 18, after "documents" insert ", as
- 12 delineated in section 2-3965,"; in line 19 strike beginning with
- 13 the first comma through the second comma and show the old matter
- 14 as stricken; and strike beginning with "for" in line 21 through the
- 15 period in line 22, show the old matter as stricken, and insert "of
- 16 the National Conference on Interstate Milk Shipments".

(Signed) Ken Schilz, Chairperson

## Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Paul Gerber - Motor Vehicle Industry Licensing Board  
Ricky Pearson - Motor Vehicle Industry Licensing Board  
Angela Quinn - Motor Vehicle Industry Licensing Board  
Jeff Scherer - Motor Vehicle Industry Licensing Board

Aye: 8 Brasch, Dubas, Hadley, Janssen, McCoy, Price, Smith, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Transportation and Telecommunications 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.

Rhonda Lahm - Director, Department of Motor Vehicles

Aye: 8 Brasch, Dubas, Hadley, Janssen, McCoy, Price, Smith, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Health and Human Services

Room 1510

Thursday, February 7, 2013 1:30 p.m.

LB507 (cancel)

Wednesday, February 20, 2013 1:30 p.m.

LB507

Wednesday, February 20, 2013 1:30 p.m.

LB270 (cancel)

Thursday, February 7, 2013 1:30 p.m.

LB270

Friday, March 15, 2013 1:00 p.m.

Brian Buhlke - Nebraska Rural Health Advisory Commission

(Signed) Kathy Campbell, Chairperson

Executive Board

Room 2102

Thursday, February 7, 2013 12:00 p.m.

LB18  
LR1CA  
LR31

Monday, February 11, 2013 12:00 p.m.

LB242  
LB620

Tuesday, February 19, 2013 12:00 p.m.

LB609  
LB612  
LB613

(Signed) John Wightman, Chairperson

**MOTION - Withdraw LB641**

Senator Sullivan offered her motion, MO5, found on page 324, to withdraw LB641.

The Sullivan motion to withdraw the bill prevailed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 49.** Title read. Considered.

Committee AM31, found on page 297, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**NOTICE OF COMMITTEE HEARING**

Agriculture

Room 2102

Tuesday, February 19, 2013 1:30 p.m.

LB654  
LB647  
LB435  
LB587

(Signed) Ken Schilz, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Ondracek, Mark A. - Nebraska Ethanol Board - Natural Resources

(Signed) John Wightman, Chairperson  
Executive Board

**COMMITTEE REPORT**

Transportation and Telecommunications

**LEGISLATIVE BILL 164.** Placed on General File.

(Signed) Annette Dubas, Chairperson

**AMENDMENT - Print in Journal**

Senator McCoy filed the following amendment to LB72:  
AM73

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 81-885.21, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 81-885.21 (1) Each broker other than an inactive broker
- 6 shall maintain in a bank, savings bank, building and loan
- 7 association, or savings and loan association a separate, insured
- 8 checking account in this state in his or her name or the name
- 9 under which he or she does business which shall be designated a
- 10 trust account in which all downpayments, earnest money deposits,
- 11 or other trust funds received by him or her, his or her associate
- 12 brokers, or his or her salespersons on behalf of his or her
- 13 principal or any other person shall be deposited and remain until
- 14 the transaction is closed or otherwise terminated unless all

15 parties having an interest in the funds have agreed otherwise in  
16 writing. Until July 1, ~~2014, 2017~~, such trust account may be either  
17 an interest-bearing or a non-interest-bearing account. Any broker  
18 using an interest-bearing account and, if interest bearing, shall  
19 comply with subsection (7) of this section. On and after July  
20 1, ~~2014, 2017~~, such trust account shall be a non-interest-bearing  
21 account.

22 (2) Each broker shall notify the commission of the  
23 name of the bank, savings bank, building and loan association,  
1 or savings and loan association in which the trust account is  
2 maintained and also the name of the account on forms provided  
3 therefor.

4 (3) Each broker shall authorize the commission to examine  
5 such trust account by a duly authorized representative of the  
6 commission. Such examination shall be made annually or at such time  
7 as the commission may direct.

8 (4) A broker may maintain more than one trust account in  
9 his or her name or the name under which he or she does business if  
10 the commission is advised of such account as required in subsection  
11 (2) of this section.

12 (5) In the event a branch office maintains a separate  
13 trust account, a separate bookkeeping system shall be maintained in  
14 the branch office.

15 (6) A broker shall not be entitled to any part of the  
16 earned money or other money paid to him or her or the entity  
17 under which he or she does business in connection with any real  
18 estate transaction as part or all of his or her compensation  
19 or consideration until the transaction has been consummated or  
20 terminated.

21 (7) If the trust account is an interest-bearing account,  
22 as authorized under subsection (1) of this section, the interest  
23 from the interest-bearing account may ~~only~~ be distributed or  
24 otherwise accrue only to nonprofit organizations that promote  
25 housing in Nebraska and that are exempt from the payment of  
26 federal income taxes. A broker may use an interest-bearing account  
27 for a transaction only if the use of such account for purposes  
1 of promoting housing in Nebraska has been approved by the party  
2 whose money will be deposited into such account. The commission  
3 may further define policies and procedures for the processing of  
4 and distributions from interest-bearing trust accounts by rule and  
5 regulation.

6 Sec. 2. Original section 81-885.21, Revised Statutes  
7 Cumulative Supplement, 2012, is repealed.

**GENERAL FILE**

**LEGISLATIVE BILL 125.** Title read. Considered.

Committee AM47, found on page 298, was offered.

Senator Avery offered his amendment, AM75, found on page 325, to the committee amendment.

Senator Scheer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Avery amendment was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Senator B. Harr offered the following amendment, to the committee amendment:

AM97

(Amendments to Standing Committee amendments, AM47)

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 32-606, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 32-606 (1) Any candidate may place his or her name on
- 5 the primary election ballot by filing a candidate filing form
- 6 prescribed by the Secretary of State as provided in section 32-607.
- 7 If a candidate for an elective office is an incumbent of any
- 8 elective office, the filing period for filing the candidate filing
- 9 form shall be between December 1 and February 15 prior to the
- 10 date of the primary election, except for candidates for election in
- 11 2013 to the board of education of a Class V school district. No
- 12 incumbent who resigns from elective office prior to the expiration
- 13 of his or her term shall file for any office after February 15 of
- 14 that election year. ~~All~~ Incumbent and nonincumbent candidates for
- 15 election in 2013 to the board of education of a Class V school
- 16 district and all other candidates shall file for office between
- 17 December 1 and March 1 prior to the date of the primary election.
- 18 A candidate filing form may be transmitted by facsimile for the
- 19 offices listed in subdivision (1) of section 32-607 if (a) the
- 20 transmission is received in the office of the filing officer by the
- 21 filing deadline and (b) the original filing form is mailed to the
- 22 filing officer with a legible postmark bearing a date on or prior
- 1 to the filing deadline and is in the office of the filing officer
- 2 no later than seven days after the filing deadline.
- 3 (2) Any candidate for a township office in a county
- 4 under township organization, the board of trustees of a village,
- 5 the board of directors of a reclamation district, the county weed
- 6 district board, the board of directors of a public power district
- 7 receiving annual gross revenue of less than forty million dollars,

8 the school board of a Class II school district, or the board of an  
 9 educational service unit may place his or her name on the general  
 10 election ballot by filing a candidate filing form prescribed by the  
 11 Secretary of State as provided in section 32-607. If a candidate  
 12 for an elective office is an incumbent of any elective office,  
 13 the filing period for filing the candidate filing form shall be  
 14 between December 1 and July 15 prior to the date of the general  
 15 election. No incumbent who resigns from elective office prior to  
 16 the expiration of his or her term shall file for any office after  
 17 July 15 of that election year. All other candidates shall file  
 18 for office between December 1 and August 1 prior to the date of  
 19 the general election. A candidate filing form may be transmitted  
 20 by facsimile for the offices listed in subdivision (1) of section  
 21 32-607 if (a) the transmission is received in the office of the  
 22 filing officer by the filing deadline and (b) the original filing  
 23 form is mailed to the filing officer with a legible postmark  
 24 bearing a date on or prior to the filing deadline and is in the  
 25 office of the filing officer no later than seven days after the  
 26 filing deadline.

27 (3) Any city having a home rule charter may provide for  
 1 filing deadlines for any person desiring to be a candidate for the  
 2 office of council member or mayor.

3 2. On page 3, line 13, strike "OPS 13-001" and insert  
 4 "XX".

5 3. On page 9, line 26, strike "(1)".

6 4. On page 10, strike beginning with "(2)" in line 11  
 7 through line 18 and show the old matter as stricken.

8 5. Amend the repealer and renumber the remaining sections  
 9 accordingly.

The B. Harr amendment was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 4 nays, 3 present and not voting, and 5 excused and not voting.

## **SPEAKER ADAMS PRESIDING**

**LEGISLATIVE BILL 155.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.



**NOTICE OF COMMITTEE HEARINGS**  
Revenue

Room 1524

Thursday, February 7, 2013 1:30 p.m.

LB406

Friday, February 8, 2013 1:30 p.m.

LB327

LB532

LB573

LB626

(Signed) Galen Hadley, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Davis asked unanimous consent to add his name as cointroducer to LB65. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB145. No objections. So ordered.

**VISITOR**

The Doctor of the Day was Dr. Carol Lacroix from Omaha.

**ADJOURNMENT**

At 11:54 a.m., on a motion by Senator Hansen, the Legislature adjourned until 9:00 a.m., Friday, February 1, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature

