

**THIRTY-FIFTH DAY - MARCH 1, 2013**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**FIRST SESSION**

**THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 1, 2013

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senators Kolowski and Sullivan who were excused; and Senator Ashford who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 225A.** Placed on Select File.

**LEGISLATIVE BILL 363A.** Placed on Select File.

(Signed) John Murante, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 28, 2013, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Babcock, Marsha L.

Mechanical Contractors Association of Omaha, Inc.

Becker, Timothy A.

Heartland Strategy Group, LLC  
 Bunger, Charles K.  
 Village of Waterloo  
 Cannon, Patricia  
 Novartis Vaccines and Diagnostics  
 Jarecke, David A.  
 Nebraska Rural Electric Association  
 Lewis, Mike  
 Nebraska Secular Advocates  
 Moeller, Alan  
 University of Nebraska  
 Pappas, James E.  
 League of Human Dignity  
 UNO Chapter of the AAUP  
 Rubin, Barry R.  
 Heartland Strategy Group, LLC  
 Schudel, Paul M.  
 Permanent Nebraska Universal Service Fund Group  
 Waite, Michelle  
 University of Nebraska

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### ANNOUNCEMENT

The Chair announced today is Senator Bolz's birthday.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 7.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend sections 81-3436, 81-3437, 81-3450, and 81-3454, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to signatures and seals; 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, 46:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	
Coash	Harms	Lautenbaugh	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Ashford      Kolowski      Sullivan

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

**LEGISLATIVE BILL 24.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Cumulative Supplement, 2012; to update references to the Internal Revenue Code; to repeal the original section; 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, 46:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	
Coash	Harms	Lautenbaugh	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Ashford      Kolowski      Sullivan

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 28.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1233.04, Reissue Revised Statutes of Nebraska; to change provisions relating to personal property tax returns; to provide an operative date; and to repeal the original section.

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, 43:

Adams	Conrad	Harms	Lathrop	Scheer
Avery	Cook	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Wallman
Campbell	Gloor	Karpisek	Murante	Watermeier
Carlson	Haar, K.	Kintner	Nelson	Wightman
Christensen	Hadley	Krist	Nordquist	
Coash	Hansen	Larson	Price	

Voting in the negative, 0.

Present and not voting, 2:

Pirsch            Schumacher

Excused and not voting, 4:

Ashford          Chambers          Kolowski          Sullivan

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

**LEGISLATIVE BILL 29.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1616 and 77-1710, Reissue Revised Statutes of Nebraska; to change provisions relating to tax lists; to provide a duty for county treasurers relating to recording tax assessments and collections; to eliminate provisions relating to tax lists and a controlling account; to repeal the original sections; and to outright repeal section 77-1615, Revised Statutes Cumulative Supplement, 2012.

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, 45:

Adams	Conrad	Harms	Lathrop	Price
Avery	Cook	Harr, B.	Lautenbaugh	Scheer
Bloomfield	Crawford	Howard	McCoy	Schilz
Bolz	Davis	Janssen	McGill	Schumacher
Brasch	Dubas	Johnson	Mello	Seiler
Campbell	Gloor	Karpisek	Murante	Smith
Carlson	Haar, K.	Kintner	Nelson	Wallman
Christensen	Hadley	Krist	Nordquist	Watermeier
Coash	Hansen	Larson	Pirsch	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford      Chambers      Kolowski      Sullivan

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

### **LEGISLATIVE BILL 32.**

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,130.04, Reissue Revised Statutes of Nebraska; to change provisions relating to historical vehicle license plates; and to repeal the original section.

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, 44:

Adams	Conrad	Harms	Lathrop	Scheer
Avery	Cook	Harr, B.	McCoy	Schilz
Bloomfield	Crawford	Howard	McGill	Schumacher
Bolz	Davis	Janssen	Mello	Seiler
Brasch	Dubas	Johnson	Murante	Smith
Campbell	Gloor	Karpisek	Nelson	Wallman
Carlson	Haar, K.	Kintner	Nordquist	Watermeier
Christensen	Hadley	Krist	Pirsch	Wightman
Coash	Hansen	Larson	Price	

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 4:

Ashford      Chambers      Kolowski      Sullivan

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

**LEGISLATIVE BILL 36.** With Emergency Clause.

A BILL FOR AN ACT relating to the documentary stamp tax; to amend section 76-902, Revised Statutes Cumulative Supplement, 2012; to change an exemption relating to death certificates; to repeal the original section; 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, 45:

Adams	Coash	Hansen	Larson	Pirsch
Avery	Conrad	Harms	Lathrop	Scheer
Bloomfield	Cook	Harr, B.	Lautenbaugh	Schilz
Bolz	Crawford	Howard	McCoy	Schumacher
Brasch	Davis	Janssen	McGill	Seiler
Campbell	Dubas	Johnson	Mello	Smith
Carlson	Gloor	Karpisek	Murante	Wallman
Chambers	Haar, K.	Kintner	Nelson	Watermeier
Christensen	Hadley	Krist	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Price

Excused and not voting, 3:

Ashford      Kolowski      Sullivan

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 LB39 with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 39.**

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-1202, 50-1203, 50-1204, 50-1208, 50-1209, 50-1213, and 50-1214, Reissue Revised Statutes of Nebraska, and sections 43-4302, 50-1205, 50-1210, 50-1211, 77-2711, and 77-27,119, Revised Statutes Cumulative Supplement, 2012; to eliminate and replace references to the Legislative Performance Audit Section; 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	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski      Sullivan

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 LB40 with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 40.** With Emergency Clause.

A BILL FOR AN ACT relating to auditing standards; to amend sections 50-1204 and 50-1205.01, Reissue Revised Statutes of Nebraska, and section 84-304, Revised Statutes Cumulative Supplement, 2012; to change references to auditing standards; 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	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski      Sullivan

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 LB67 with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 67.** With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3965, 2-3966, 2-3971, 2-3975, 2-3976, 2-3977, 2-3981, 2-3982, 2-3986, 2-3988, and 2-3989, Reissue Revised Statutes of Nebraska; to update and change provisions of the Nebraska Milk Act; 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, 46:

Adams	Coash	Harms	McCoy	Schumacher
Ashford	Conrad	Harr, B.	McGill	Seiler
Avery	Cook	Howard	Mello	Smith
Bloomfield	Crawford	Janssen	Murante	Wallman
Bolz	Davis	Johnson	Nelson	Watermeier
Brasch	Dubas	Karpisek	Nordquist	Wightman
Campbell	Gloor	Kintner	Pirsch	
Carlson	Haar, K.	Krist	Price	
Chambers	Hadley	Larson	Scheer	
Christensen	Hansen	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

Excused and not voting, 2:

Kolowski      Sullivan

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 LB78 with 40 ayes, 2 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 78.**

A BILL FOR AN ACT relating to government; to amend sections 54-1158, 54-1161, 54-1162, 54-1163, 54-1165, 54-1168, 54-1169, 54-1170, 54-1172, 81-1201.01, 81-1201.02, 81-1201.03, 81-1361, 81-1368, 81-3607, and 81-3609, Reissue Revised Statutes of Nebraska, and sections 81-1201.18, 81-12,149, 81-12,150, 81-12,155, and 81-12,164, Revised Statutes Cumulative Supplement, 2012; to eliminate the Nebraska State Airline Authority, the Livestock Auction Market Board, the Athletic Advisory

Committee, the Affirmative Action Committee, the Rural Development Commission, and the Economic Development Commission; to change and provide powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 3-801, 3-802, 3-803, 3-804, 3-805, 54-1160, 81-1201.05, 81-1201.06, 81-1363, 81-1364, 81-1365, 81-1366, 81-3601, 81-3603, and 81-3604, Reissue Revised Statutes of Nebraska, and sections 81-8, 139.01, 81-1201.04, 81-3602, and 81-3605, Revised Statutes Cumulative Supplement, 2012.

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, 44:

Adams	Christensen	Hansen	Lautenbaugh	Scheer
Ashford	Coash	Harr, B.	McCoy	Schilz
Avery	Conrad	Howard	McGill	Schumacher
Bloomfield	Cook	Janssen	Mello	Seiler
Bolz	Crawford	Johnson	Murante	Smith
Brasch	Dubas	Karpisek	Nelson	Wallman
Campbell	Gloor	Kintner	Nordquist	Watermeier
Carlson	Haar, K.	Larson	Pirsch	Wightman
Chambers	Hadley	Lathrop	Price	

Voting in the negative, 3:

Davis	Harms	Krist
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Excused and not voting, 2:

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

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 135.**

A BILL FOR AN ACT relating to community colleges; to amend section 85-1512, Reissue Revised Statutes of Nebraska; to prohibit employment of a member of the board of governors by the community college area he or she serves; and to repeal the original section.

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, 46:

Adams	Coash	Harms	Lautenbaugh	Schumacher
Ashford	Conrad	Harr, B.	McCoy	Seiler
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	Mello	Wallman
Bolz	Davis	Johnson	Murante	Watermeier
Brasch	Dubas	Karpisek	Nordquist	Wightman
Campbell	Gloor	Kintner	Pirsch	
Carlson	Haar, K.	Krist	Price	
Chambers	Hadley	Larson	Scheer	
Christensen	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Kolowski      Nelson      Sullivan

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

**LEGISLATIVE BILL 137.** With Emergency Clause.

A BILL FOR AN ACT relating to state government; to establish state fleet card programs; to create a fund; 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, 45:

Adams	Christensen	Hadley	Krist	Price
Ashford	Coash	Hansen	Larson	Scheer
Avery	Conrad	Harms	Lathrop	Schilz
Bloomfield	Cook	Harr, B.	Lautenbaugh	Schumacher
Bolz	Crawford	Howard	McCoy	Seiler
Brasch	Davis	Janssen	Mello	Smith
Campbell	Dubas	Johnson	Murante	Wallman
Carlson	Gloor	Karpisek	Nordquist	Watermeier
Chambers	Haar, K.	Kintner	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 3:

Kolowski      Nelson      Sullivan

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 LB147 with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 147.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-7306, 44-7308, 44-7310, and 44-7311, Reissue Revised Statutes of Nebraska; to adopt the Health Carrier External Review Act; to eliminate certain grievance review provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 44-7309, 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, 46:

Adams	Coash	Harms	Lautenbaugh	Schumacher
Ashford	Conrad	Harr, B.	McCoy	Seiler
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	Mello	Wallman
Bolz	Davis	Johnson	Murante	Watermeier
Brasch	Dubas	Karpisek	Nordquist	Wightman
Campbell	Gloor	Kintner	Pirsch	
Carlson	Haar, K.	Krist	Price	
Chambers	Hadley	Larson	Scheer	
Christensen	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Kolowski      Nelson      Sullivan

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 156.**

A BILL FOR AN ACT relating to public assistance; to amend section 68-153, Reissue Revised Statutes of Nebraska; to eliminate a reporting requirement for counties utilizing a community service program; to harmonize provisions; to repeal the original section; and to outright repeal section 68-156, 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, 46:

Adams	Coash	Harms	Lautenbaugh	Schumacher
Ashford	Conrad	Harr, B.	McCoy	Seiler
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	Mello	Wallman
Bolz	Davis	Johnson	Murante	Watermeier
Brasch	Dubas	Karpisek	Nordquist	Wightman
Campbell	Gloor	Kintner	Pirsch	
Carlson	Haar, K.	Krist	Price	
Chambers	Hadley	Larson	Scheer	
Christensen	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Kolowski      Nelson      Sullivan

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

**LEGISLATIVE BILL 164.**

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend sections 60-1403.01 and 60-1417.02, Reissue Revised Statutes of Nebraska; to change provisions related to auctions; to harmonize provisions; 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	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski      Sullivan

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

**LEGISLATIVE BILL 173.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.06, Reissue Revised Statutes of Nebraska; to change provisions relating to documentary proof of age; to repeal the original section; 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	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski      Sullivan

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 180.**

A BILL FOR AN ACT relating to veterans; to amend section 80-411, Reissue Revised Statutes of Nebraska; to provide for the waiver of fees for dependents of veterans as prescribed; and to repeal the original section.

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	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski      Sullivan

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 LB207 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 207.**

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-1515, Reissue Revised Statutes of Nebraska, and sections 60-386, 60-3,141, 60-3,156, 60-3,186, and 60-3,190, Revised Statutes Cumulative Supplement, 2012; to transfer powers and duties from county

treasurers to the Department of Motor Vehicles; to change the distribution of certain motor vehicle registration fees; to provide for postage and handling fees as prescribed; to harmonize provisions; to provide an operative date; 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, 45:

Adams	Coash	Hansen	Lathrop	Price
Avery	Conrad	Harms	Lautenbaugh	Scheer
Bloomfield	Cook	Harr, B.	McCoy	Schilz
Bolz	Crawford	Howard	McGill	Schumacher
Brasch	Davis	Janssen	Mello	Seiler
Campbell	Dubas	Johnson	Murante	Smith
Carlson	Gloor	Karpisek	Nelson	Wallman
Chambers	Haar, K.	Kintner	Nordquist	Watermeier
Christensen	Hadley	Larson	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Ashford      Krist

Excused and not voting, 2:

Kolowski      Sullivan

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

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 207A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 207, One Hundred Third Legislature, First Session, 2013.

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, 45:



Adams	Coash	Hansen	Lathrop	Price
Avery	Conrad	Harms	Lautenbaugh	Scheer
Bloomfield	Cook	Harr, B.	McCoy	Schilz
Bolz	Crawford	Howard	McGill	Schumacher
Brasch	Davis	Janssen	Mello	Seiler
Campbell	Dubas	Johnson	Murante	Smith
Carlson	Gloor	Karpisek	Nelson	Wallman
Chambers	Haar, K.	Kintner	Nordquist	Watermeier
Christensen	Hadley	Larson	Pirsch	Wightman

Voting in the negative, 1:

Krist

Present and not voting, 1:

Ashford

Excused and not voting, 2:

Kolowski      Sullivan

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

### **LEGISLATIVE BILL 209.**

A BILL FOR AN ACT relating to trade names; to amend sections 87-214 and 87-219, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to publication; to harmonize provisions; 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, 46:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	
Coash	Harms	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 2:

Kolowski      Sullivan

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

### **LEGISLATIVE BILL 210.**

A BILL FOR AN ACT relating to secured transactions; to amend sections 9-101 and 9-510, Uniform Commercial Code, Reissue Revised Statutes of Nebraska, and section 1-101, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2012; to provide remedies and procedures regarding unauthorized financing statement filings; to harmonize provisions; 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, 46:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	
Coash	Harms	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 2:

Kolowski      Sullivan

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 LB213 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 213.** With Emergency Clause.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-103, 8-108, 8-135, 8-167.01, 8-1,140, 8-204, 8-213, 8-355, 8-702, 8-705, 8-706, 8-915, and 21-17,115, Reissue Revised Statutes of Nebraska; to change provisions relating to financial interests of the Director of Banking and Finance and borrowing restrictions on employees of the Department of Banking and Finance; to change provisions relating to Director of Banking and Finance powers, electronic fund transfers, and bank publication requirements; to change provisions relating to trust companies; to revise powers of state-chartered banks, building and loan associations, and credit unions; to eliminate obsolete provisions; 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, 46:

Adams	Coash	Harms	McCoy	Schumacher
Ashford	Conrad	Harr, B.	McGill	Seiler
Avery	Cook	Howard	Mello	Smith
Bloomfield	Crawford	Janssen	Murante	Wallman
Bolz	Davis	Johnson	Nelson	Watermeier
Brasch	Dubas	Karpisek	Nordquist	Wightman
Campbell	Gloor	Kintner	Pirsch	
Carlson	Haar, K.	Krist	Price	
Chambers	Hadley	Larson	Scheer	
Christensen	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 2:

Kolowski      Sullivan

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 LB214 with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 214.**

A BILL FOR AN ACT relating to consumer protection; to amend sections 8-1101, 8-1104, 8-1108, 8-1108.02, 8-1109, 8-1111, 8-1114, 8-1120, and 59-1722, Reissue Revised Statutes of Nebraska, and sections 58-703 and 58-711, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Securities Act of Nebraska and the administration of the act and to eliminate registration by notification provisions; to correct a reference in the Seller-Assisted Marketing Plan Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 8-1105, 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, 47:

Adams	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski      Sullivan

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 LB250 with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 250.**

A BILL FOR AN ACT relating to motor vehicles; to amend section 66-1418, Reissue Revised Statutes of Nebraska, and section 60-3,198, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the issuance of trip permits; 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	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski      Sullivan

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

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 279.**

A BILL FOR AN ACT relating to finance; to amend sections 45-191.10, 45-920, 45-1008, 45-1013, and 45-1018, Reissue Revised Statutes of Nebraska, and section 45-190, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to loan brokers and to redefine a term; to change provisions relating to the Delayed Deposit Services Licensing Act

and the Nebraska Installment Loan Act; 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	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski      Sullivan

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 LB290 with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 290.**

A BILL FOR AN ACT relating to the Residential Mortgage Licensing Act; to amend sections 45-727, 45-737, and 45-741, Reissue Revised Statutes of Nebraska, and sections 45-701 and 45-729, Revised Statutes Cumulative Supplement, 2012; to eliminate obsolete provisions; to change provisions relating to notice, certain licensee duties, and Director of Banking and Finance powers; to harmonize provisions; 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	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski      Sullivan

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

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 311.**

A BILL FOR AN ACT relating to official bonds and oaths; to amend sections 11-105 and 11-115, Reissue Revised Statutes of Nebraska; to change provisions relating to filing requirements; 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	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski Sullivan

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

**LEGISLATIVE BILL 336.**

A BILL FOR AN ACT relating to sickness and accident insurance; to amend section 44-710, Reissue Revised Statutes of Nebraska; to change provisions relating to policies subject to the federal Patient Protection and Affordable Care Act; and to repeal the original section.

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	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pirsch	
Chambers	Hadley	Larson	Price	
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski Sullivan

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

**WITHDRAW - Amendments to LB21**

Senator Lautenbaugh withdrew his amendments, AM192 and AM193, found on pages 427 and 430, to LB21.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 21.**

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation



Act; to eliminate a sunset provision; to provide an operative date; and to outright repeal section 48-1,111, 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, 44:

Adams	Coash	Hansen	Larson	Price
Ashford	Conrad	Harms	Lathrop	Scheer
Avery	Cook	Harr, B.	Lautenbaugh	Schilz
Bolz	Crawford	Howard	McCoy	Schumacher
Brasch	Davis	Janssen	McGill	Seiler
Campbell	Dubas	Johnson	Mello	Wallman
Carlson	Gloor	Karpisek	Murante	Watermeier
Chambers	Haar, K.	Kintner	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield	Nelson	Smith
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Excused and not voting, 2:

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

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 7, 24, 28, 29, 32, 36, 39, 40, 67, 78, 135, 137, 147, 156, 164, 173, 180, 207, 207A, 209, 210, 213, 214, 250, 279, 290, 311, 336, and 21.

### **SENATOR CARLSON PRESIDING**

**GENERAL FILE****LEGISLATIVE BILL 133.** Considered.

Senator Chambers offered the following motion:

MO18

Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 316.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**COMMITTEE REPORTS**

## 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.

Patrick Drickey - Nebraska Arts Council  
 Kathryn LeBaron - Nebraska Arts Council  
 Sherry McClymont - Nebraska Arts Council  
 Stephanie Metz O'Keefe - Nebraska Arts Council

Aye: 8 Bloomfield, Coash, Johnson, Karpisek, Krist, Lautenbaugh, Murante, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

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: 8 Bloomfield, Coash, Johnson, Karpisek, Krist, Lautenbaugh, Murante, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

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.

John Hiller - State Electrical Board

Aye: 8 Bloomfield, Coash, Johnson, Karpisek, Krist, Lautenbaugh, Murante, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

Natural Resources

The Natural Resources 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.

Kent Forney - Nebraska Game and Parks Commission

Aye: 7 Brasch, Carlson, Dubas, K. Haar, Johnson, Schilz, Smith. Nay: 0. Absent: 1 Kolowski. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

## COMMITTEE REPORTS

General Affairs

**LEGISLATIVE BILL 230.** Placed on General File with amendment. AM355 is available in the Bill Room.

**LEGISLATIVE BILL 642.** Placed on General File with amendment. AM363

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 2-1215, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 2-1215 ~~Any (1) Except as provided in subsection (2) of~~
- 6 this section, (a) any person, corporation, or association holding
- 7 or conducting any horserace or horserace meeting in connection with
- 8 which the said-parimutuel system of wagering is used or to be used,
- 9 without a license duly issued by the State Racing Commission, (b)
- 10 ~~or any person, corporation, or association holding or conducting~~
- 11 horseraces or horserace meetings in connection with which any
- 12 wagering is permitted otherwise than in the manner hereinbefore
- 13 specified, or (c) or any person, corporation, or association
- 14 violating any of the provisions of sections 2-1201 to 2-1218 or any
- 15 of the rules and regulations prescribed adopted and promulgated by
- 16 the commission, shall be is guilty of a Class I misdemeanor.
- 17 (2)(a) Any person, corporation, or association
- 18 not licensed by the State Racing Commission operating an
- 19 advanced-deposit wagering system that takes or receives wagers from
- 20 residents of this state on any thoroughbred horserace in violation
- 21 of sections 2-1201 to 2-1218 is guilty of a Class IV felony.
- 22 (b) For purposes of this subsection, advanced-deposit
- 23 wagering system means a system whereby wagers are debited and

- 1 payouts credited to an advanced-deposit account.  
 2 Sec. 2. Original section 2-1215, Reissue Revised Statutes  
 3 of Nebraska, is repealed.

(Signed) Russ Karpisek, Chairperson

Judiciary

**LEGISLATIVE BILL 44.** Placed on General File with amendment.  
 AM151

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 28-101, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 28-101 Sections 28-101 to 28-1356 and section 2 of this  
 6 act shall be known and may be cited as the Nebraska Criminal Code.  
 7 Sec. 2. (1) Notwithstanding any other provision of law,  
 8 the penalty for any person convicted of a Class IA felony for an  
 9 offense committed when such person was under the age of eighteen  
 10 years shall be a maximum sentence of life imprisonment and a  
 11 minimum sentence of thirty years imprisonment.  
 12 (2) In determining the sentence of a convicted person  
 13 under subsection (1) of this section, the court shall consider  
 14 mitigating factors which led to the commission of the offense.  
 15 The convicted person may submit mitigating factors to the court,  
 16 including, but not limited to:  
 17 (a) The convicted person's age at the time of the  
 18 offense;  
 19 (b) The impetuosity of the convicted person;  
 20 (c) The convicted person's family and community  
 21 environment;  
 22 (d) The convicted person's ability to appreciate the  
 23 risks and consequences of the conduct;  
 1 (e) The convicted person's intellectual capacity; and  
 2 (f) The outcome of a comprehensive mental health  
 3 evaluation of the convicted person conducted by an adolescent  
 4 mental health professional licensed in this state. The evaluation  
 5 shall include, but not be limited to, interviews with the convicted  
 6 person's family in order to learn about the convicted person's  
 7 prenatal history, developmental history, medical history, substance  
 8 abuse treatment history, if any, social history, and psychological  
 9 history.  
 10 Sec. 3. (1) Any offender who was under the age of  
 11 eighteen years when he or she committed the offense for which he or  
 12 she was convicted and incarcerated shall, if the offender is denied  
 13 parole, be considered for release on parole by the Board of Parole  
 14 every year after the denial.  
 15 (2) During each hearing before the Board of Parole for  
 16 the offender, the board shall consider and review, at a minimum:

- 17 (a) The offender's educational and court documents;  
 18 (b) The offender's participation in available  
 19 rehabilitative and educational programs while incarcerated;  
 20 (c) The offender's age at the time of the offense;  
 21 (d) The offender's level of maturity;  
 22 (e) The offender's ability to appreciate the risks and  
 23 consequences of his or her conduct;  
 24 (f) The offender's intellectual capacity;  
 25 (g) The offender's level of participation in the offense;  
 26 (h) The offender's efforts toward rehabilitation; and  
 27 (i) Any other mitigating factor or circumstance submitted  
 1 by the offender.  
 2 Sec. 4. Section 83-1,135, Revised Statutes Cumulative  
 3 Supplement, 2012, is amended to read:  
 4 83-1,135 Sections 83-170 to 83-1,135 and section 3 of  
 5 this act shall be known and may be cited as the Nebraska Treatment  
 6 and Corrections Act.  
 7 Sec. 5. Original sections 28-101 and 83-1,135, Revised  
 8 Statutes Cumulative Supplement, 2012, are repealed.

**LEGISLATIVE BILL 46.** Placed on General File with amendment.  
 AM398

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. (1) The Legislature finds that there is  
 4 redundancy in services being provided by public crime laboratories  
 5 of counties which contain a city of the metropolitan class and that  
 6 planning for the consolidation and coordination of public crime  
 7 laboratory services within such counties should be done in order  
 8 to save tax money through elimination of redundancy and improve  
 9 delivery of services through standardization of procedures.  
 10 (2) Within thirty days after the effective date of this  
 11 act, any county which contains a city of the metropolitan class  
 12 and any city of the metropolitan class therein shall appoint a  
 13 joint planning board. The planning board shall have six members,  
 14 two appointed by the county board, two appointed by the mayor  
 15 and city council, and the expert in government efficiency and the  
 16 chairperson appointed by the other members. The members shall not  
 17 be current employees of either the county or city and shall not  
 18 be compensated or reimbursed for expenses. The planning board shall  
 19 have one member from each of the following areas of expertise:  
 20 (a) A forensic toxicologist;  
 21 (b) An expert in forensic DNA;  
 22 (c) A criminologist;  
 23 (d) An individual with experience in law enforcement and  
 1 crime scene investigation;  
 2 (e) A medical ethicist; and  
 3 (f) An expert in government efficiency.  
 4 (3) The planning board shall study issues relating

5 to the consolidation and coordination of the public crime  
 6 laboratory services of the county and city and develop a plan for  
 7 consolidation and coordination of public crime laboratory services.  
 8 The planning board shall inventory public sector and private  
 9 sector resources, identify areas of duplication of services and  
 10 the extra tax cost of such duplication, conduct needs assessments,  
 11 and analyze national best practices. The plan shall provide for an  
 12 independent governing board of members with expertise in forensics  
 13 for public crime laboratory services and for accreditation of  
 14 the crime laboratory by an appropriate national professional  
 15 accrediting body. The independent governing board shall have  
 16 members with the same expertise listed in subdivisions (2)(a)  
 17 through (f) of this section. The planning board shall develop the  
 18 plan within six months after the planning board was established  
 19 and report the plan to the mayor of the city, the county board of  
 20 the county, and the chairperson of the Judiciary Committee of the  
 21 Legislature. The plan shall be used by the Judiciary Committee as  
 22 the basis for legislation to implement the purposes set forth in  
 23 subsection (1) of this section.

24 Sec. 2. Since an emergency exists, this act takes effect  
 25 when passed and approved according to law.

**LEGISLATIVE BILL 99.** Placed on General File with amendment.  
 AM34

1 1. Strike the original sections and insert the following  
 2 new sections:

3 Section 1. Section 20-501, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 20-501 Racial profiling is a practice that presents a  
 6 great danger to the fundamental principles of a democratic society.  
 7 It is abhorrent and cannot be tolerated. ~~Motorists who have An~~  
 8 individual who has been detained or whose vehicle has been stopped  
 9 by the police for no reason other than the color of ~~their his or~~  
 10 her skin or ~~their his or~~ her apparent nationality or ethnicity ~~are~~  
 11 the victims is the victim of discriminatory ~~practices, practice.~~

12 Sec. 2. Section 20-502, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:

14 20-502 (1) No member of the Nebraska State Patrol or  
 15 a county sheriff's office, officer of a city or village police  
 16 department, or member of any other law enforcement agency in this  
 17 state shall engage in racial profiling. The disparate treatment of  
 18 an individual who has been detained or whose motor vehicle has  
 19 been stopped by a law enforcement officer is inconsistent with this  
 20 policy.

21 (2) Racial profiling shall not be used to justify the  
 22 detention of an individual or to conduct a motor vehicle stop.

23 Sec. 3. Section 20-504, Reissue Revised Statutes of  
 1 Nebraska, is amended to read:

2 20-504 (1) On or before January 1, ~~2002, 2014,~~ the

3 Nebraska State Patrol, the county sheriffs, all city and village  
 4 police departments, and any other law enforcement agency in this  
 5 state shall adopt and provide a copy to the Nebraska Commission  
 6 on Law Enforcement and Criminal Justice of a written policy that  
 7 prohibits the detention of any person or a motor vehicle stop  
 8 when such action is motivated by racial profiling. Such racial  
 9 profiling prohibition policy shall include definitions consistent  
 10 with section 20-503 and one or more internal methods of prevention  
 11 and enforcement including, but not limited to: ~~and the action would~~  
 12 ~~constitute a violation of the civil rights of the person.~~

13 (a) Internal affairs investigation;

14 (b) Preventative measures including extra training at the  
 15 Nebraska Law Enforcement Training Center focused on avoidance of  
 16 apparent or actual racial profiling;

17 (c) Early intervention with any particular personnel  
 18 determined by the administration of the agency to have committed,  
 19 participated in, condoned, or attempted to cover up any instance of  
 20 racial profiling; and

21 (d) Disciplinary measures or other formal or informal  
 22 methods of prevention and enforcement.

23 None of the preventative or enforcement measures shall  
 24 be implemented contrary to the collective bargaining agreement  
 25 provisions or personnel rules under which the member or officer in  
 26 question is employed.

27 (2) The Nebraska Commission on Law Enforcement and  
 1 Criminal Justice may develop and distribute a suggested model  
 2 written policy on racial profiling prevention for use by law  
 3 enforcement agencies, but it shall not mandate its adoption except  
 4 as to any particular law enforcement agency which fails to timely  
 5 create and provide to the commission its own policy in conformance  
 6 with the minimum standards set forth in this section.

7 ~~(2)-(3)~~ With respect to a motor vehicle stop, on and  
 8 after January 1, 2002, and until January 1, ~~2014, 2018,~~ the  
 9 Nebraska State Patrol, the county sheriffs, all city and village  
 10 police departments, and any other law enforcement agency in this  
 11 state shall record and retain the following information using the  
 12 form developed and promulgated pursuant to section 20-505:

13 (a) The number of motor vehicle stops;

14 (b) The characteristics of race or ethnicity of the  
 15 person stopped. The identification of such characteristics shall  
 16 be based on the observation and perception of the law enforcement  
 17 officer responsible for reporting the motor vehicle stop and the  
 18 information shall not be required to be provided by the person  
 19 stopped;

20 (c) If the stop is for a law violation, the nature of the  
 21 alleged law violation that resulted in the motor vehicle stop;

22 (d) Whether a warning or citation was issued, an arrest  
 23 made, or a search conducted as a result of the motor vehicle stop.  
 24 Search does not include a search incident to arrest or an inventory

25 search; and

26 (e) Any additional information that the Nebraska  
27 State Patrol, the county sheriffs, all city and village police  
1 departments, or any other law enforcement agency in this state, as  
2 the case may be, deems appropriate.

3 ~~(3)-(4)~~ The Nebraska Commission on Law Enforcement and  
4 Criminal Justice may develop a uniform system for receiving  
5 allegations of racial profiling. The Nebraska State Patrol, the  
6 county sheriffs, all city and village police departments, and  
7 any other law enforcement agency in this state shall provide to  
8 the commission (a) a copy of each allegation of racial profiling  
9 received and (b) written notification of the review and disposition  
10 of such allegation. No information revealing the identity of  
11 the law enforcement officer involved in the stop shall be used,  
12 transmitted, or disclosed in violation of any collective-bargaining  
13 agreement provision or personnel rule under which such law  
14 enforcement officer is employed. No information revealing the  
15 identity of the complainant shall be used, transmitted, or  
16 disclosed in the form alleging racial profiling.

17 ~~(4)-(5)~~ Any law enforcement officer who in good faith  
18 records information on a motor vehicle stop pursuant to this  
19 section shall not be held civilly liable for the act of recording  
20 such information unless the law enforcement officer's conduct was  
21 unreasonable or reckless or in some way contrary to law.

22 ~~(5)-(6)~~ On or before October 1, 2002, and annually  
23 thereafter until January 1, ~~2014, 2018,~~ the Nebraska State Patrol,  
24 the county sheriffs, all city and village police departments, and  
25 all other law enforcement agencies in this state shall provide  
26 to the commission, in such form as the commission prescribes, a  
27 summary report of the information recorded pursuant to subsection  
1 ~~(2)-(3)~~ of this section.

2 ~~(6)-(7)~~ On and after January 1, 2002, and until April  
3 1, ~~2014, 2018,~~ the commission ~~may, shall,~~ within the limits of  
4 its existing appropriations, including any grant funds which the  
5 commission is awarded for such purpose, provide for a review and  
6 analysis of the prevalence and disposition of motor vehicle stops  
7 based on racial profiling and allegations of racial profiling  
8 involved in other detentions reported pursuant to this section.  
9 After the review and analysis, the commission may, when it deems  
10 warranted, inquire into and study individual law enforcement agency  
11 circumstances in which the raw data collected and analyzed raises  
12 at least some issue or appearance of possible racial profiling.  
13 The commission may make recommendations to any such law enforcement  
14 agency for the purpose of improving prevention measures against  
15 racial profiling or the appearance of racial profiling. The results  
16 of such review, analysis, inquiry, study, and any recommendations  
17 by the commission to any law enforcement agency shall be reported  
18 annually to the Governor and the Legislature beginning on or before  
19 April 1, 2004, until April 1, ~~2014-2018.~~ The report submitted to



20 the Legislature shall be submitted electronically.

21 Sec. 4. Section 20-505, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 20-505 On or before January 1, 2002, the Nebraska  
24 Commission on Law Enforcement and Criminal Justice, the  
25 Superintendent of Law Enforcement and Public Safety, the Attorney  
26 General, and the State Court Administrator may adopt and  
27 promulgate: (1) A form, in printed or electronic format, to be used  
1 by a law enforcement officer when making a motor vehicle stop to  
2 record personal identifying information about the operator of such  
3 motor vehicle, the location of the stop, the reason for the stop,  
4 and any other information that is required to be recorded pursuant  
5 to subsection ~~(2)~~(3) of section 20-504 and (2) a form, in printed  
6 or electronic format, to be used to report an allegation of racial  
7 profiling by a law enforcement officer.

8 Sec. 5. Section 20-506, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 20-506 (1) The Racial Profiling Advisory Committee is  
11 created.

12 (2)(a) The committee shall consist of:

13 (i) The executive director of the Nebraska Commission  
14 on Law Enforcement and Criminal Justice, who also shall be the  
15 chairperson of the committee;

16 (ii) The Superintendent of Law Enforcement and Public  
17 Safety or his or her designee;

18 (iii) The director of the Commission on Latino-Americans  
19 or his or her designee; and

20 (iv) The executive director of the Commission on Indian  
21 Affairs or his or her designee.

22 (b) The committee shall also consist of the following  
23 persons, each appointed by the Governor from a list of three names  
24 submitted to the Governor for each position:

25 (i) A representative of the Fraternal Order of Police;

26 (ii) A representative of the Nebraska County Sheriffs  
27 Association;

1 (iii) A representative of the Police Officers Association  
2 of Nebraska;

3 (iv) A representative of the American Civil Liberties  
4 Union of Nebraska;

5 (v) A representative of the AFL-CIO;

6 (vi) A representative of the Police Chiefs Association of  
7 Nebraska;

8 (vii) A representative of the Nebraska branches of the  
9 National Association for the Advancement of Colored People; and

10 (viii) A representative of the Nebraska State Bar  
11 Association appointed by the Governor from a list of attorneys  
12 submitted by the executive council of the Nebraska State Bar  
13 Association.

14 (3) The committee shall meet and organize within thirty

15 days after the appointment of the members. The committee shall meet  
 16 semiannually at a time and place to be fixed by the committee.  
 17 Special meetings may be called by the chairperson or at the request  
 18 of two or more members of the committee.

19 (4) The committee shall advise the commission and its  
 20 ~~executive director of the commission~~ in the conduct of ~~his or~~  
 21 ~~her~~ their duties regarding (a) the completeness and acceptability  
 22 of written racial profiling policies submitted by individual  
 23 law enforcement agencies as required by subsection (1) of  
 24 section 20-504; (b) the collection of data by law enforcement  
 25 agencies, any needed additional data, and any needed additional  
 26 analysis, investigation, or inquiry as to the data provided  
 27 pursuant to subsection (3) of section 20-504; (c) the review,  
 1 analysis, inquiry, study, and recommendations, required pursuant to  
 2 subsection ~~(6)-(7)~~ of section 20-504, ~~provide~~ including an analysis  
 3 of the review, analysis, inquiry, study, and recommendations and  
 4 (d) and make policy recommendations of the committee with respect  
 5 to the prevention of racial profiling and the need, if any, for  
 6 enforcement by the Department of Justice of the prohibitions found  
 7 in section 20-502.

8 Sec. 6. Original sections 20-501, 20-502, 20-504, 20-505,  
 9 and 20-506, Reissue Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 128.** Placed on General File with amendment.  
 AM238

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 28-906, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 28-906 (1) A person commits the offense of obstructing a  
 6 peace officer: ~~—when,~~  
 7 (a) By intentionally and knowingly removing a firearm  
 8 or weapon from a peace officer in uniform or a peace officer  
 9 displaying a badge of authority who is engaged in the performance  
 10 of his or her official duties; or  
 11 (b) When, by using or threatening to use violence,  
 12 force, physical interference, or obstacle, he or she intentionally  
 13 obstructs, impairs, or hinders ~~(a)~~ (i) the enforcement of the penal  
 14 law or the preservation of the peace by a peace officer or judge  
 15 acting under color of his or her official authority or ~~(b)~~ (ii)  
 16 a police animal assisting a peace officer acting pursuant to the  
 17 peace officer's official authority.  
 18 (2) For purposes of this section, police animal means  
 19 a horse or dog owned or controlled by the State of Nebraska or  
 20 any county, city, or village for the purpose of assisting a peace  
 21 officer acting pursuant to his or her official authority.  
 22 (3) Obstructing a peace officer is a Class I misdemeanor.  
 23 Sec. 2. Original section 28-906, Revised Statutes  
 1 Cumulative Supplement, 2012, is repealed.

(Signed) Brad Ashford, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 1, 2013, at 11:05 a.m. were the following: LBs 7, 24e, 28, 29, 32, 36e, 39, 40e, 67e, 78, 135, 137e, 147, 156, 164, 173e, 180, 207, 207A, 209, 210, 213e, 214, 250, 279, 290, 311, 336, and 21.

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

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Coash asked unanimous consent to add his name as cointroducer to LB456. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Senator Harms wife, daughter, son-in-law, and granddaughter, Pat Harms, from Scottsbluff, and Stacy, Bill, and Elizabeth Moore from Gering.

The Doctor of the Day was Dr. Joe Miller from Lexington.

**ADJOURNMENT**

At 11:49 a.m., on a motion by Speaker Adams, the Legislature adjourned until 10:00 a.m., Monday, March 4, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature

