

FIRST DAY - JANUARY 9, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

FIRST DAY

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

PRAYER

The prayer was offered by Senator Harms.

PRESENTATION OF COLORS

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

ROLL CALL

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

The roll was called and the following members were present:

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

MOTION - Temporary Clerk and Sergeant at Arms

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

The motion prevailed.

RESIGNATION

December 20, 2012

Governor Dave Heineman
1445 K Street
Lincoln, NE 68509

Dear Governor Heineman,

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

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

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

Sincerely,
(Signed) Deb Fischer
Senator, District 43

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

MESSAGE FROM THE GOVERNOR

December 21, 2012

Senator Deb Fischer
District 43
Box 54
Valentine, Nebraska 69201

Dear Senator Fischer:

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

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

(SEAL)

(Signed) John A. Gale
Secretary of State

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

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

The committee escorted the Chief Justice from the Chamber.

MOTION - Adopt Temporary Rules

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

The motion prevailed.

MOTION - Election of Officers

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

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

The motion prevailed.

MOTION - Election of Speaker

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

The motion prevailed.

Senator Adams placed his name in nomination.

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

The motion prevailed.

Senator Adams was duly elected Speaker of the Legislature.

MOTION - Committee on Committees Members

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

The motion prevailed.

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

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

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

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

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Chairperson of Executive Board

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

The motion prevailed.

Senator Wightman placed his name in nomination.

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

The motion prevailed.

Senator Wightman was duly elected Chairperson of the Executive Board.

MOTION - Vice Chairperson of Executive Board

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

The motion prevailed.

Senator Nelson placed his name in nomination.

Senator Krist placed his name in nomination.

The Chair declared the nominations closed.

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

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

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

MOTION - Executive Board Members

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

The motion prevailed.

Senators Avery and Campbell were nominated from District 1.

Senators Chambers and Lathrop were nominated from District 2.

Senators Christensen and Karpisek were nominated from District 3.

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

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Standing Committee Chairpersons

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

The motion prevailed.

CHAIRPERSON - Agriculture

Senator Schilz placed his name in nomination.

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

The motion prevailed.

Senator Schilz was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Hansen placed his name in nomination.

Senator Mello placed his name in nomination.

The Chair declared the nominations closed.

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

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

Senator Mello was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Gloor placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Business and Labor

Senator Lathrop placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Education

Senator Sullivan placed her name in nomination.

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

The motion prevailed.

Senator Sullivan was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Karpisek placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Avery placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Health and Human Services

Senator Campbell placed her name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Judiciary

Senator Ashford placed his name in nomination.

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

acclamation be cast for Senator Ashford.

The motion prevailed.

Senator Ashford was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Carlson placed his name in nomination.

Senator Christensen placed his name in nomination.

The Chair declared the nominations closed.

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

Senator Carlson	32
Senator Christensen	<u>17</u>
	49

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

CHAIRPERSON - Nebraska Retirement Systems

Senator Nordquist placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Revenue

Senator Hadley placed his name in nomination.

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

The motion prevailed.

Senator Hadley was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Dubas placed her name in nomination.

Senator Price placed his name in nomination.

The Chair declared the nominations closed.

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

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

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

CHAIRPERSON - Urban Affairs

Senator McGill placed her name in nomination.

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

The motion prevailed.

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

MOTION - Special and Select Committee Chairpersons

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

The motion prevailed.

CHAIRPERSON - Rules

Senator Lautenbaugh placed his name in nomination.

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

The motion prevailed.

Senator Lautenbaugh was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator Larson nominated Senator Murante.

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

acclamation be cast for Senator Murante.

The motion prevailed.

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

MOTION - Election Returns

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

The motion prevailed.

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

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

REPORT FROM THE SECRETARY OF STATE

January 9, 2013

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

Honorable Speaker:

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

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

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

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

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

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

CERTIFICATE

State of Nebraska

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

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

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

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

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

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

CERTIFICATE

State of Nebraska

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

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

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

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

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

2012 General Election

Amendments

Amendment 1

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

For 606,433
 Against 124,467

Amendment 2

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

For 557,534
 Against 169,250

Amendment 3

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

For 263,394
Against 481,574

Amendment 4

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

For 236,566
Against 513,230

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

The motion prevailed.

The Secretary of State was escorted from the Chamber.

MOTION - Inaugural Ceremonies

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

The motion prevailed.

VISITOR

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

ADJOURNMENT

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

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 10, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 10, 2013

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MOTION - Adopt Temporary Rules

Senator Adams moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

MESSAGES FROM THE GOVERNOR

April 26, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed

to the Nebraska Power Review Board:

Frank Reida, 1122 Turner Blvd, Omaha, NE 68105

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

April 26, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Emergency Medical Services:

Gary (Randy) Boldt, 1804 South 190th Plaza, Omaha, NE 68130

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

May 8, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

John (Jack) Hynes, 12105 S. Holstein Ave., Holstein, NE 68950

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

May 8, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Crime Victim's Reparations Committee:

Joe Kelly, 575 South 10th Street, Lincoln, NE 68508
Jeff Davis, 8335 Platteview, Papillion, NE 68046

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

May 15, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the State Racing Commission:

Helen Abbott Feller, P.O. Box 155, Wisner, NE 68791

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

May 15, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Nebraska Oil and Gas Conservation Commission:

Tim Wistrom, 2981 W. Hwy 30, Kimball, NE 69145

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

June 7, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Motor Vehicle Industry Licensing Board:

Angela Quinn, 3405 North 143rd Circle, Omaha, NE 68164

Contingent upon your approval, the following individuals are being reappointed to the Motor Vehicle Industry Licensing Board:

Paul Gerber, 1605 North 136th St., Omaha, NE 68154

Jeff Scherer, 150 Beemer Road, Beemer, NE 68716

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

June 12, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Board of Parole:

Rex Richard, 2811 Fletcher Avenue, Apt. #28, Lincoln, NE 68504

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

June 14, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Coordinating Commission for Postsecondary Education:

Deborah Frison, 11515 Spaulding Street, Omaha, NE 68164

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

June 22, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Nebraska Investment Council:

John Conley, 9300 Underwood Avenue, Suite 100, Omaha, NE 68114

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 16, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as a member of the Nebraska State Fair Board:

Chris Kircher, 15715 California Street, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 16, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Board of Educational Lands and Funds:

James Vokal, Jr., 119 South 51st Street, Omaha, NE 68132

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 16, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as Director of the Department of Roads:

Randall Peters, 916 Fall Creek Road, Lincoln, NE 68510

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 16, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Nebraska Accountability and Disclosure Commission:

Sean Conway, 2308 North 50th Avenue, Omaha, NE 68104

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 25, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Ethanol Board:

Charles "Tod" Brodersen, 2405 West 11th Street, Hastings, NE 68901

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 25, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Eileen Dakan, 1501 11th Avenue, Kearney, NE 68845

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 25, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Motor Vehicle Industry Licensing Board:

Ricky Pearson, 88230 568th Avenue, Hartington, NE 68739

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 25, 2012

Mr. President, Speaker Flood and

Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Crime Victim's Reparations Committee:

Derek Vaughn, 8328 Sheffield St., Omaha, NE 68122

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

August 6, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Foster Care Advisory Committee:

Michelle Hynes, P.O. Box 733, Dakota City, NE 68731
Sandra Kruback, 9524 S. Coyote Ln, North Platte, NE 69101
Craig Timm, 3811 South 200 Circle, Omaha, NE 68130
Elizabeth Neeley, 1525 North 1st St., Seward, NE 68434
Sheree Keely, 5111 Dodge Street, Omaha, NE 68132

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

August 13, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Jeromy Warner, 3111 Lake Park Lane, Hastings, NE 68901

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

August 31, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Rural Health Advisory Commission:

Dr. Avery Sides, 724 N. 155th Ave., Omaha, NE 68154
Dr. Brian Buhlke, 2510 18th Avenue, Central City, NE 68826

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Rural Health Advisory Commission:

Dr. Mark Goodman, 706 Pierce Street, Omaha, NE 68108
Dr. Rebecca Schroeder, 212 W. 9th Street, Curtis, NE 69025
Dr. Michael Sitorius, 8115 Jackson St., Omaha, NE 68114
Roger Wells, 1518 Jay Street, St. Paul, NE 68873

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

August 31, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as a member of the Board of Public Roads Classifications and Standards:

Mick Syslo, 6721 LaSalle St., Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 12, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as a member of the Nebraska Tourism Commission:

Tony Moody, 16622 Capital Plaza, Apt. #3, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman

Governor

Enclosures

September 12, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as a member of the Technical Advisory Committee for Statewide Assessment:

Frank Harwood, 404 Dowding Court, Bellevue, NE 68005

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 12, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed as members of the Nebraska Information Technology Commission:

Donna Hammack, 3817 Firethorn Court, Lincoln, NE 68520
Brad Moline, 440 West 11th Street, Imperial, NE 69033

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman

Governor

Enclosures

September 14, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being
reappointed as a member of the State Electrical Board:

John Hiller, 15573 Walnut Circle, Omaha, NE 68144

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 25, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed
as a member of the Nebraska Rural Health Advisory Commission:

Mary Kent, 71565 625th Avenue, Table Rock, NE 68447

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 25, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as a member of the State Personnel Board:

Wayne Boyd, 300 South Fork Place, South Sioux City, NE 68776

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 26, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Game and Parks Commission:

Lynn Berggren, 514 Westridge Drive, Broken Bow, NE 68822
Kent Forney, 5001 Totter Circle, Lincoln, NE 68516
S. Michael "Mick" Jensen, P.O. Box 500, Blair, NE 68008

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 26, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Arts Council:

Stephanie Metz O'Keefe, 9838 Harney Parkway North, Omaha, NE 68114

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Kathryn LeBaron, 6130 The Knolls, Lincoln, NE 68512

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 26, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Educational Telecommunications Commission:

Kim Dinsdale, 1919 West LaMar Ave., Grand Island, NE 68803
Clay Smith, 2310 Woodsdale Blvd, Lincoln, NE 68502

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman

Governor

Enclosures

October 23, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Curt Frye, 1111 N Main Street, Wayne, NE 68787

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 23, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Sherry McClymont, 1909 Wedgewood Drive, Holdrege, NE 68949

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 23, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska State Fair Board:

Lowell Minert, P.O. Box 68, Dunning, NE 68833

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 26, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the State Emergency Response Commission:

Steven Danon, 4804 South 160th St., Omaha, NE 68135
Don Eisenhower, 803 4th Street, Fairbury, NE 68352

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 26, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Board of Trustees of the Nebraska State Colleges:

Robert Engles, 1809 Courthouse Avenue, Auburn, NE 68305

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

November 5, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Rhonda Lahm, 20216 North Shore Drive, Eagle, NE 68347

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

November 9, 2012

Mr. President, Speaker Flood and

Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Patrick Drickey, 1510 Leavenworth, Omaha, NE 68102

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 3, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Power Review Board:

Stephen Lichter, 24434 Mason Street, Waterloo, NE 68069

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 12, 2012

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Board of Emergency Medical Services:

Ann Fiala, 132 North Walnut Street, Ainsworth, NE 69210

Contingent upon your approval, the following individuals are being appointed to the Board of Emergency Medical Services:

Dr. John Bonta, 7831 Abigail Circle, Lincoln, NE 68516
Karen Bowlin, 400 Road West 30, Ogallala, NE 69153
Michael Miller, 18427 Cinnamon St., Omaha, NE 68135

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 21, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Trustees of the Nebraska State Colleges:

John Chaney, 1101 17th Street, Auburn, NE 68305

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 21, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Crime Victim's Reparations Committee:

Michelle Schindler, 4630 Sugar Creek Court, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 21, 2012

Mr. President, Speaker Flood and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Public Employees Retirement Board:

Elaine Stuhr, 208 Road 18, Bradshaw, NE 68319

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

REPORTS

The reports listed below are reports that were filed with the Legislature in 2012 prior to the electronic reporting requirements required by LB782, which took effect July 19, 2012. Reports filed with the Legislature beginning July 19, 2012, can be found at:
<http://www.nebraskalegislature.gov/agencies/view.php>

Auditor of Public Accounts

Nebraska Public Employees Retirement Systems - School Employees, Judges, and State Patrol Retirement Plans - Pension Trust Funds of the State of Nebraska for the FY ended June 30, 2011

Economic Development, Department of

2011 Annual Report

Education, Department of

Truancy Task Force Report

Game and Parks Commission, Nebraska

Game Law Investigation Cash Fund Twelfth Annual Report

Health and Human Services, Nebraska Department of

ACCESSNebraska (LB374) Report (January - March 2012 Quarter)

Division of Children & Family Services 2011 Caseload Report

Foster Care Rate Reimbursement Committee Report

IV-E Demonstration Committee Report

Investment Finance Authority, Nebraska (NIFA)

2009 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program - 2009) as of March 31, 2012

Annual Report

Clean Water State Revolving Fund Bonds

Clean Water State Revolving Fund Revenue Bond Series 2011

Homeownership Revenue Bonds Series 2011 A

Legislative Fiscal Office

Monthly Consensus Estimate of General Fund Receipts

Natural Resources, Department of

Republican River Basin Water Sustainability Task Force Final Report

Retirement Systems, Public Employees

County Employees' Retirement System Cash Balance Benefit Fund - Actuarial Valuation Results as of January 1, 2012 for State Fiscal Year Ending June 30, 2014

County Equal Retirement Benefit Fund - Actuarial Valuation Results as of January 1, 2012 for Fiscal Year Ending June 30, 2013

Investment Performance Review as of 12/31/2011

Retirement Plan Review, Review Period: January 1, 2011 to December 31, 2011

State Employees' Retirement System Cash Balance Benefit Fund - Actuarial Valuation Results as of January 1, 2012 for State Fiscal Year Ending June 30, 2014

State Equal Retirement Benefit Fund - Actuarial Valuation Results as of January 1, 2012 for State Fiscal Year Ending June 30, 2013

Revenue, Nebraska Department of

2011 Nebraska Tax Incentives Annual Report

Roads, Department of

Nebraska State Highway Commission Quarterly Report as of March 31, 2012

**2012 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
511	Examine incorporation of agricultural literacy into educational curricula		X	
507	Examine potential farm-to-school initiative			X
528	Examine issues associated with division of Knox County by the Brand Area		X	
559	Study potential structural models for commodity promotion programs		X	
557	Examine progress in developing a blender fuel pump infrastructure in Nebraska		X	
558	Examine other state laws regarding disruptions of agricultural operations			X
574	Examine emerging federal disease traceability rules governing interstate movements of livestock			X
575	Examine interests of Department of Agriculture in resolving incidents of livestock animal cruelty/neglect		X	
577	Examine needs and resources related to food insecurity			X

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
546	Impact of implementing the federal Patient Protection and Affordable Care Act	X		

550	Impact of the federal cuts due to the Budget Control Act of 2011		X	
549	Investment returns on the Nebraska Health Care Cash Fund and demands upon the current recipients of the funds over the next ten years	X		
493	Use of the Civic and Community Center Financing Fund	X		
488	State settlement funds			X
596	Enhancing the budgetary coordination between the Revenue Committee and Appropriations Committee			X
540	Examine the concept of a philanthropic entity investing in an area of state government			X

Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
513	Health benefit policies		X	
476	Business entity statutes		X	
483	Uniform Commerce Code		X	
562	Banking and finance industry			X
563	Delay or denial of insurance		X	
498	Affordable Care Act		X	
547	Health benefits			X
592	Treatment for autism		X	
588	Tourism			X
544	Promote international trade			X
595	Direct investments			X
560	Holds on credit cards			X
462	Ancillary service contracts			X

Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
569	Examine implementation of utilization and treatment guidelines in cases before the Nebraska Workers' Compensation Court		X	

581	Analyze the effectiveness of vocational rehabilitation in workers' compensation cases in Nebraska		X	
601	Determine the workforce training opportunities that renewable energy projects can provide in Nebraska communities and how Nebraska can be more strategic and competitive in its job training approaches		X	

Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
489	Interim study to examine early childhood education programs in Nebraska		X	
492	Interim study to examine the system of financing public education in Nebraska		X	
491	Interim study to examine the effectiveness of the current systems for seeking medicaid reimbursements from the federal government for physical therapy, occupational therapy, speech therapy, and administrative claims		X	
511*	Interim study to examine Nebraska's kindergarten through twelfth grade education standards and curricula to determine whether agriculture is incorporated as an essential component		X	
490	Interim study to examine funding for educational service units		X	
591	Interim study to examine the progress toward the development of a state longitudinal education data system		X	
500	Interim study to examine the purchasing policies and practices of school districts and educational service units		X	

597	Interim study to examine methods to enhance educational and employment opportunities involving science, technology, engineering, and mathematics in Nebraska			X
548	Interim study to examine the Nebraska state 529 educational savings plan and make recommendations on ways to increase plan participation			X
536	Interim study to examine methods used by schools in Nebraska to foster creativity, critical thinking, and innovation in their students			X
510	Interim study to provide that a select committee gather information and provide recommendations for an early childhood learning and development reform agenda			X
590	Interim study to review matters under the jurisdiction of the Education Committee			X

*Referenced to the Agriculture and Education Committees

General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
586	Interim study to examine issues under the jurisdiction of the General Affairs Committee		X	
594	Interim study to examine several policy issues regarding the definition of a flavored malt beverage		X	

Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
502	Interim study to examine the issues surrounding governmental transparency		X	

561	Interim study to examine the feasibility of a merger between the Department of Economic Development and the Department of Labor as proposed in LB971		X	
464	Interim study to examine the procurement procedures of governmental units with respect to contracts for publicly funded construction projects		X	
496	Interim study to examine the issues surrounding the adoption and promulgation of rules and regulations		X	
486	Interim study to examine the issues surrounding state procurement policies		X	
512	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee		X	
503	Interim study to examine issues surrounding project labor agreements		X	

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
529	Review and Assess entry of children into the child welfare system		X	
578	Assess State of NE compliance with federal Indian Child Welfare Act and NE Indian Child Welfare Act		X	
525	Examine NE system regarding reports of child abuse and neglect and NE rate of out-of-home care		X	
506	Examine issues on moratorium on long term beds under the NE Health Care Certificate of Need Act		X	
551	Assess effectiveness of ACCESS NE		X	
532	Assess mechanisms in school districts to detect health issues during construction		X	

465	Examine pulse oximetry procedure in testing for congenital heart disease in newborns		X	
555	Examine issues within NE Medicaid for Workers with disabilities		X	
517	Examine benefits of adult day services for NE seniors		X	
519	Examine wage subsidy programs		X	
537	Study gaps in services to youth who "age out" of NE foster care system		X	
533	Examine resources in schools to detect and treat mental illness in school-age children		X	
546	Examine implementation of ACA impact on state budget		X	
549	Study investment returns of NE Health Care Funding Act		X	
508	Review the implementation and sustainability of the NE Health Care Funding Act		X	
479	Examine laws regarding radon; and effect of radon gas on children			X
505	Safe injection practices			X
515	Study delivery of health services through Medicaid			X
521	Parent support payments for juveniles in DHHS custody			X
577	Research food insecurity			X

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
478	Interim study to examine the issue of discrimination based on sexual orientation and gender identity in Nebraska		X	
487	Interim study to examine issues surrounding restrictions on registered sex offender participation in state and federal holiday activities that are centered around children			X

516	Interim study to examine issues relating to the crime of destruction of property through the use of graffiti and to develop recommendations to prevent, combat, and abate graffiti in communities		X	
521	Interim study to evaluate whether the courts are utilizing the provision which provides that a court may order a parent to pay a reasonable sum to cover support, study, and treatment of a juvenile in the custody of the Dept. of Health and Human Services			X
525	Interim study to examine how Nebraska's system for screening, assessing, and investigating reports of child abuse and neglect contributes to Nebraska's rates of out-of-home care		X	
534	Interim study to determine whether services are available in Nebraska for victims of sex trafficking and labor trafficking			X
535	Interim study to examine the conditions, use, and effectiveness of Nebraska's youth rehabilitation and treatment centers		X	
538	Interim study to examine eminent domain authority and judicial approval and interpretation of the public interest determination			X
571	Interim study to review matters under the jurisdiction of the Judiciary Committee		X	
576	Interim study to conduct a review of the laws governing the powers of a court appointed representative of a deceased individual to take control of or terminate any accounts or message services that are considered digital assets			X
584	Interim study to examine the authority and execution of eminent domain and condemnation proceedings			X

585	Interim study to examine the structure, maintenance, and mission of the parole system and the Board of Parole			X
587	Interim study to determine if there is a need for and what kind of safeguards are needed to protect adults with developmental disabilities, who require a guardian or conservator, from being unduly influenced to make changes for the financial benefit of another person, rather than for the best interests of the adult			X
602	Interim study of the intent of LB919, and the current fees paid to sheriffs for performing their statutory responsibilities and increasing docket fees to cover the actual costs associated with using the court system			X

Natural Resources Committee

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
495	Interim study to examine the flood control needs of Omaha and the greater metropolitan area	X		
556	Interim study to examine the current ground water policy contained in Nebraska's statutes			X
504	Interim study to examine Nebraska's statutes and regulations on hydraulic fracturing, also known as fracking		X	
564	Interim study to examine the constitutionality of creating standing secondary surface water for interbasin transfers to mitigate flood damage which are inferior in right to any future surface water appropriations that may be issued in the basin of origin			X

480	Interim study to examine how Nebraska's public power utilities can partner with private energy efficiency companies to offer "On Bill Pay" a process in which a consumer contracts with an energy service company to audit, finance, and manage energy efficiency			X
539	Interim study to examine ways in which to manage water and provide benefits to landowners and other entities for their ability to store and manager water in recharge areas			X
545	Interim study to examine statutes and regulations that deal with the Nebraska Power Review Board's approval of major investments in electric utility power plants			X
580	Interim study to examine the potential for research, development, and deployment of liquid fluoride thorium reactors in the state of Nebraska			X
543	Interim study to examine the potential adoption of an energy efficiency resource standard in Nebraska			X
482	Interim study to examine the use of eminent domain by political subdivisions for the taking of private land for the use of development or management of recreational trails or corridors			X
509	Interim study to examine the feasibility of a hydroelectric dam in the Platte River near Interstate 80			X

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
452	Study Nebraska retirement systems		X	

518	Examine investment of state pension and college savings funds into economic development within Nebraska		X	
628	Study pensions for first class city firefighters		X	

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
481	Study funding sources for 21st Century Community Learning Centers		X	
514	Comprehensive study of tax sale laws		X	
520	Examine issues related to land banking		X	
541	Local sales tax refunds: Should § 77-27,144(2) be changed?		X	
542	Study creating a state infrastructure bank		X	
553	Promote restoring historic business districts		X	
565	Examine tax incentives for affordable housing		X	
566	Funding mechanism for cities' new projects for destination tourism		X	
567	Examine tax burdens and fiscal conditions in Nebraska communities		X	
568	Examine any aspect of state tax structure and tax policy		X	
573	Examine methods of analyzing impact of tax incentives		X	
579	Examine limitations on cities' bonded indebtedness		X	
589	Analyze the Nebraska Advantage Act		X	
593	Examine taxation of malt flavored alcoholic beverages		X	
596	Enhance budget coordination		X	
598	Examine methods to more equitably value ag land for tax purposes		X	
600	Examine the MEF formula and sources of funding for the MEF		X	

644	Study alternative sources of county revenue if the inheritance tax is repealed	X		
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Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
608	Examine the issues surrounding the One Call Notification Act			X
494	Examine uninsured and unlicensed drivers and penalties			X
583	Examine the structure, authority, and mission of the PSC and its administration of transportation by passenger motor carriers			X
542	Examine issues surrounding the creation of state infrastructure bank			X
572	Review matters under the jurisdiction of the T&T Committee			X

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
501	Interim study to examine intergovernmental relations between municipal and state governments in Nebraska	X		
520	Interim study to examine issues relating to land banking		X	
552	Interim study to examine economic development in the more rural areas of the state, with a focus on cities of the first and second class and villages		X	
553	Interim study to examine strategies to promote the restoration and revitalization of historic business districts throughout Nebraska		X	
582	Interim study to conduct a comprehensive review of the laws governing powers of a city to enter into a redevelopment project for property within a radius of three miles of the boundaries of the city		X	

387	Interim study to analyze the feasibility, process, and profitability of selling Omaha's Metropolitan Utilities District from the public domain to a private utility			X
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COMMUNICATION

Received a copy of House Concurrent Memorial 2007 from the state of Arizona relating to a balanced budget amendment to the United States Constitution.

COMMUNICATION

Pursuant to 84-104.05 R.R.S. of Nebraska Governor Dave Heineman issued a proclamation declaring January 5, 2013, as George W. Norris Day.

ATTORNEY GENERAL'S OPINION

Opinion 12009

SUBJECT: Protected Classes Under The State Civil Rights Statutes; Do Cities And Counties Have Statutory Authority To Create Protected Classes Not Listed In State Statute?

REQUESTED BY: Senator Beau McCoy
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Dale A. Comer, Assistant Attorney General

You introduced LB 912 during the 2012 legislative session. Among other things, that bill would have prohibited political subdivisions, including municipalities, from adopting or enforcing any local laws or ordinances which created protected classifications beyond those contained in the state's civil rights statutes such as the Age Discrimination In Employment Act or the Fair Employment Practices Act. LB 912 did not progress out of committee.

In your opinion request correspondence, you indicate that you are now considering reintroducing LB 912. However, to determine if that step is necessary, you have asked us if, under current Nebraska law, "cities and counties have the authority to create protected classes not listed in state statute." For the reasons set out below, it is our opinion that while political subdivisions may pass ordinances or other laws on the same subject matter which are not inconsistent with the state's civil rights classifications,

political subdivisions are not authorized to expand protected classes beyond the scope of the civil rights provided for in state statute.

As a preliminary matter, it is worth noting that this issue has been considered previously by a Nebraska municipality. In the early 1980s, the people of Lincoln voted to reject a proposal to amend the City Charter to include protections for classes beyond those which are currently defined by state statute. At that time, Lincoln's City Attorney, William F. Austin, a highly respected lawyer whose public career includes nearly thirty years of service to Lincoln, issued an opinion to the City's leaders that the proper mechanism for making such a change would require a vote of the people to amend the City Charter. Following the issuance of that opinion, the question was properly submitted to the people of Lincoln and summarily rejected.

We are aware of no changes with regard to that aspect of municipal corporation law in the intervening years since Mr. Austin's opinion, and he recently reaffirmed his views in a letter published in the Lincoln Journal Star. Notwithstanding what Nebraska cities may or may not do with regard to the expansion of protected classes beyond that provided by statute, and even if one discounts the analysis that follows in this opinion, it remains the case that such an expansion at the city level must be pursuant to an amendment to a city's charter. Such an amendment indisputably requires a vote of the people. Lincoln's government recognized the soundness of Mr. Austin's opinion in 1982, and the foundation of that opinion remains fully applicable today.

Apart from home rule charter revisions, there are two Nebraska statutes which pertain to the authority of certain political subdivisions, including municipalities, to create and enforce legislation pertaining to civil rights – Neb. Rev. Stat. § 18-1724 (2007) and Neb. Rev. Stat. § 20-113 (2007). We will discuss each of those statutes in turn.

In *Midwest Employers Council, Inc. v. Omaha*, 177 Neb. 877, 131 N.W.2d 609 (1964), two Omaha corporations challenged Omaha Ordinance No. 22026, entitled "Fair Employment Practices," which would have prohibited "an employer of three or more persons . . . from discriminating on the basis of race, religious creed, color, national origin, or ancestry." *Id.* at 881, 131 N.W.2d at 612. In striking down the ordinance, the Court stated "the state by its Legislature has extensively entered the field of labor" and "it is obvious that the Department of Labor . . . is vested with the power and responsibility of enforcing employment regulations within the state." *Id.* at 886-87, 131 N.W.2d at 615. The Court held that ordinance No. 22026:

[Is] unconstitutional in its entirety for the reason that the state, through the Legislature, did not delegate to the city of Omaha the power to permit its city council to legislate on fair employment practices and civil rights by passing ordinance No. 22026; and for the further reason that the power relating to labor relations and practices, and civil rights, lies in the state, and such matters are of statewide concern and not of

local concern nor municipal government concern.

Id. at 888. 131 N.W.2d at 616. Clearly the Court was concerned with municipal corporations expanding upon existing state fair employment practices and exercising enforcement in an area in which the state had been vested with power and responsibility.

In an apparent response to the Court's ruling in *Midwest Employers*, the Legislature specifically gave municipal corporations the power to enact civil rights laws by ordinance in 1971. 1971 Neb. Laws LB 161 (codified as amended at Neb. Rev. Stat. § 18-1724 (2007)). Section 18-1724 addressed the situation in *Midwest Employers* by allowing municipal corporations to establish ordinances on the classifications specifically outlined in the bill, and provided for local control and enforcement. However, the power of municipalities under § 18-1724 is limited. That statute currently states:

Notwithstanding any other law or laws heretofore enacted, all cities and villages in this state shall have the power by ordinance to define, regulate, suppress, and prevent discrimination on the basis of race, color, creed, religion, ancestry, sex, marital status, national origin, familial status as defined in section 20-311, handicap as defined in section 20-313, age, or disability in employment, public accommodation, and housing and may provide for the enforcement of such ordinances by providing appropriate penalties for the violation thereof. It shall not be an unlawful employment practice to refuse employment based on a policy of not employing both husband and wife if such policy is equally applied to both sexes.

Neb. Rev. Stat. § 18-1724 (Reissue 2007) (Emphasis added). Thus, municipal corporations have the power, under § 18-1724, to define, regulate and enforce existing classifications as defined by statute.

Neb. Rev. Stat. § 20-113 (2007) also pertains to civil rights legislation by political subdivisions. Section 20-113 specifically states:

Any incorporated city may enact ordinances and any county may adopt resolutions which are substantially equivalent to the Age Discrimination in Employment Act, the Nebraska Fair Employment Practice Act, the Nebraska Fair Housing Act, and sections 20-126 to 20-143 and 48-1219 to 48-1227 or which are more comprehensive than such acts and sections in the protection of civil rights. No such ordinance or resolution shall place a duty or liability on any person, other than an employer, employment agency, or labor organization, for acts similar to those prohibited by section 48-1115. Such ordinance or resolution may include authority for a local agency to seek an award of damages or other equitable relief on behalf of the complainant by the filing of a petition in the district court in the county with appropriate jurisdiction. The local agency shall have within its authority jurisdiction substantially equivalent to or more comprehensive than the Equal

Opportunity Commission or other enforcement agencies provided under such acts and sections and shall have authority to order backpay and other equitable relief or to enforce such orders or relief in the district court with appropriate jurisdiction. Certified copies of such ordinances or resolutions shall be transmitted to the commission. When the commission determines that any such city or county has enacted an ordinance or adopted a resolution that is substantially equivalent to such acts and sections or is more comprehensive than such acts and sections in the protection of civil rights and has established a local agency to administer such ordinance or resolution, the commission may thereafter refer all complaints arising in such city or county to the appropriate local agency. All complaints arising within a city shall be referred to the appropriate agency in such city when both the city and the county in which the city is located have established agencies pursuant to this section. When the commission refers a complaint to a local agency, it shall take no further action on such complaint if the local agency proceeds promptly to handle such complaint pursuant to the local ordinance or resolution. If the commission determines that a local agency is not handling a complaint with reasonable promptness or that the protection of the rights of the parties or the interests of justice require such action, the commission may regain jurisdiction of the complaint and proceed to handle it in the same manner as other complaints which are not referred to local agencies. In cases of conflict between this section and section 20-332, for complaints subject to the Nebraska Fair Housing Act, section 20-332 shall control.

Any club which has been issued a license by the Nebraska Liquor Control Commission to sell, serve, or dispense alcoholic liquor shall have that license revoked if the club discriminates because of race, color, religion, sex, familial status as defined in section 20-311, handicap as defined in section 20-313, or national origin in the sale, serving, or dispensing of alcoholic liquor to any person who is a guest of a member of such club. The procedure for revocation shall be as prescribed in sections 53-134.04, 53-1,115, and 53-1,116.

Neb. Rev. Stat. § 20-113 (2007) (Emphasis added).

We have considered the parameters of § 20-113 previously in our Op. Att'y Gen. No. 160 (December 14, 1981). In that instance, Sen. Landis asked us whether "the state civil rights' enabling statutes [provide] sufficient legislative authority for a home rule charter city to enact anti-discrimination protections for classifications not specifically mentioned in state law." In response, we first concluded that a determination regarding the scope of the authority set out in § 20-113 required an "interpretation of the language 'more comprehensive than.'" Id. at 3. To assist in that interpretation, we considered the legislative history of two amendments to §20-113 contained in 1974 Neb. Laws LB 681, where the language at issue was added to the statute, and 1979 Neb. Laws LB 438, which added intent language to the statute. Ultimately, we opined that "although the 'more comprehensive than'

language could provide incorporated cities and counties with the authority to enact ordinances or resolutions protecting classifications of persons not specifically set out in the state anti-discrimination statutes, a contrary interpretation also is feasible." For that reason, we stated that "[i]n order to eliminate any doubts in this matter, one might wish to introduce clarifying legislation."

While we continue to believe, as we did in 1981, that the legislative history of § 20-113 does not provide an entirely clear answer to your question, it also seems to us that other aspects of the relevant statutes, which we did not discuss in 1981, indicate that the authority of political subdivisions to legislate in the area of civil rights is limited to the civil rights enumerated in state statute, absent changes in a home rule charter. However, before we turn to those additional considerations, we will discuss the portions of the legislative history of § 20-113 which support our conclusion that political subdivisions do not have statutory authority to enlarge the protected classes created by state statute.

The words "or which are more comprehensive than such acts and sections in the protection of civil rights," were added to § 20-113 in 1974 by LB 681. James Faimon, Assistant City Attorney for the City of Lincoln, who participated in the drafting of LB 681 and testified in support of the change, explained the purpose of the bill, in part, as an attempt to facilitate enforcement of civil rights provisions by cities:

The substantially equivalent language [in § 20-113] I think may, in some instances, create problems in reference to technical objections to passage of ordinances that may be otherwise legal, but because of the substantially equivalent requirement if the ordinance is not exactly the same language as the statute, there's always that possibly (sic) that enforcement of that ordinance could be delayed because of litigation to determine whether that ordinance is substantially equivalent to state statutes. So, I would like to change that, so we don't have that possibility arising.

Committee Records on LB 681, 83rd Neb. Leg., 2nd Sess. 11 (February 13, 1974)(Statement of James Faimon). In addition, the introducer of LB 681, Senator Hal Simpson, stated that LB 681 adds language to § 20-113 so "that the locals may, within these sections, be more comprehensive and then so would be able to enforce them at the local level." Committee Records on LB 681, 83rd Neb. Leg., 2nd Sess. 28 (February 13, 1974)(Statement of Senator Hal Simpson) (Emphasis added). Moreover, Senator Simpson asserted to the legislative committee that there was likely no opposition to the bill from the public because:

We're not adding something, that isn't already a fact of law. We're only asking where the enforcement is going to be.

Id. at 27.

Therefore, it appears to us that portions of the legislative history of LB 681 strongly indicate that the purpose of that amendment was not to allow political subdivisions to expand those existing civil rights classifications specifically enumerated in state statute, but only to provide for local enforcement as well as more comprehensive protections within existing state classifications. This is underscored by the fact that the second section of LB 681, relating to the Nebraska Liquor Control Commission, specifically delineates the classifications as they existed in § 18-1724.

Four years after the passage of LB 681, the right of political subdivisions to enforce civil rights protections was addressed again in *Omaha Human Relations Dep't on behalf of Guy v. City Wide Rock & Excavating Co.*, 201 Neb. 405, 268 N.W.2d 98 (1978). That proceeding involved a complaint filed by an employee of City Wide Rock that alleged discrimination because of race, a classification already covered in existing state statute. *Id.* at 406, 268 N.W.2d at 100. The Nebraska Supreme Court cited to *Midwest Employers*, and stated again that in the area of civil rights legislation, municipal corporations require statutory authority from the Legislature.

In 1979, in response to the decision in *City Wide Rock*, the Legislature restated its intent to provide for local enforcement of civil rights remedies as well as more comprehensive protections within existing state classifications by passing LB 438. 1979 Nebraska Laws LB 438. LB 438 amended § 20-113 to provide for additional procedures related to enforcement by municipal corporations. The introducer of LB 438, Senator Newell, indicated that the purpose of the bill was :

. . . to deal with the Supreme Court decision that said the Human Relations Department of the City of Omaha had no authority because it had not been given specific statutory authority by the State of Nebraska. This bill will give it specific statutory authority by the State of Nebraska and it will be able to continue to function.

Floor Debate on LB 438, 86th Neb. Leg., 1st Sess. 2374 (March 29, 1979) (Statement of Senator Dave Newell). The passage of LB 438 supports our conclusion regarding the meaning of the "more comprehensive than" language in § 20-113 because the bill expanded the enumerated sections of state law covered under § 20-113. If "more comprehensive than" in that statute was intended to allow political subdivisions to add new protected classifications for civil rights enforcement, then there was no need for the Legislature to amend new authority into § 20-113.

The passage of LB 438 in 1979 also supports our ultimate conclusion in this instance in another significant way which was not discussed in our previous opinion in 1981. LB 438 created Neb. Rev. Stat. § 20-113.01. That statute provides:

In order to declare the intent of the present Legislature and to effect the

original intent of sections 18-1724 and 20-113, the Legislature finds that civil rights are a local as well as state concern and the Legislature desires to provide for the local enforcement and enactment of civil rights legislation concurrent with the authority of the State of Nebraska.

(Emphasis added). In Nebraska, statutory language is to be given its plain and ordinary meaning in the absence of anything indicating to the contrary. *PSC Credit Services, Inc. v. Rich*, 251 Neb. 474, 558 N.W.2d 295 (1997). In that regard, the term "concurrent" has the following meaning:

Running together, having the same authority; acting in conjunction; agreeing in the same act or opinion; pursuit of the same course; contributing to the same event; contemporaneous.

BLACK'S LAW DICTIONARY 263 (5th ed. 1979). As a result, the precise language of § 20-113.01 indicates that the Legislature intended that political subdivisions in Nebraska, including municipalities, should enforce and enact civil rights legislation under §§ 18-1724 and 20-113 in conjunction with the State, and that those entities have the same authority under those statutes as the State. That language in § 20-113.01 requires us to conclude that the authority of political subdivisions to legislate in the area of civil rights is limited to the civil rights enumerated in state statute.

We would also point out that our conclusion regarding the authority of political subdivisions to enact civil rights legislation is supported by the fact that the Nebraska Fair Employment Practice Act, cited within § 20-113, explicitly does not include "homosexuality, bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender-identity disorders not resulting in physical impairments, [or] other sexual behavior disorders . . ." within the definition of disability. Neb. Rev. Stat. § 48-1102 (Reissue 2010). Further, the purpose of the Nebraska Fair Employment Practice Act is "to foster the employment of all employable persons in the state on the basis of merit regardless of their race, color, religion, sex, disability, or national origin . . ." Neb. Rev. Stat. § 48-1101 (Reissue 2010). A municipal corporation operating with "concurrent" authority to the State should not be allowed to create a new category of employer liability that the Legislature has specifically rejected.

It is also clear that should a political subdivision try to enforce an ordinance beyond the scope of its authority in such a way as to implicate the federal constitutional rights of those subject to enforcement, that action may expose public officers and the political subdivision to liability under 42 U.S.C. § 1983. In *Monroe v. Pape*, the Supreme Court held that a police officer was acting "under color of state law" even though his actions were in violation of state law. 365 U.S. 167 (1961). This was the first case in which the Supreme Court allowed liability to attach where a government official acted outside the scope of the authority granted to him by state law. Although the Court in *Monroe v. Pape* originally held that municipal corporations were excluded from such liability, the Court later reversed its

decision and determined in *Monell v. Department of Social Service*, that municipal corporations were within the ambit of § 1983. 436 U.S. 658 (1978). (Local governing bodies can be sued directly under § 1983 for monetary, declaratory, or injunctive relief where the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers.) Therefore, any enforcement action by a political subdivision outside of the authority granted to it under state law which implicates federal constitutional rights could subject the subdivision and its officers to liability. Additionally, a plaintiff need only succeed on "any significant issue" in the § 1983 litigation and achieve "some of the benefit" sought in bringing the suit to be deemed a "prevailing party" under 42 U.S.C. § 1988 and be entitled to an award of attorney's fees. See *Texas State Teachers Assoc. v. Garland Indep. Sch. Dist.*, 489 U.S. 782, 791-92 (1989).

In conclusion, Nebraska law, like federal law, recognizes and protects certain classifications of people from discrimination. And, Nebraska's anti-discrimination provisions may be enforced by both the State and certain local political subdivisions. However, while the pertinent Nebraska statutes authorize local legislation on the same subject matter which is not inconsistent with the state's civil rights classifications, they do not authorize political subdivisions in Nebraska, including municipalities, to expand protected classifications beyond the scope of the civil rights classifications created in state statute.

Sincerely,
 JON BRUNING
 Attorney General

(Signed) Dale A. Comer
 Assistant Attorney General

cc. Patrick J. O'Donnell
 Clerk of the Nebraska Legislature

COMMITTEE ON COMMITTEES PRELIMINARY REPORT

Senator McCoy offered the following Committee on Committees report:

Agriculture (8)

Rm. 2102 - Tuesday

Schilz (C), Bloomfield, Chambers, Hansen, Harr, B., Johnson, Lathrop, Wallman

Appropriations (9)

Rm. 1524 - Monday & Tuesday

Rm. 1003 - Wednesday, Thursday, & Friday

Mello (C), Bolz, Conrad, Harms, Kintner, Larson, Nelson, Nordquist, Wightman

Banking, Commerce and Insurance (8)

Rm. 1507 - Monday & Tuesday

Gloor (C), Campbell, Carlson, Christensen, Crawford, Howard, Pirsch, Schumacher

Business and Labor (7)

Rm. 2102 - Monday

Lathrop (C), Ashford, Chambers, Hansen, Harr, B., McGill, Wallman

Education (8)

Rm. 1525 - Monday & Tuesday

Sullivan (C), Avery, Cook, Davis, Haar, K., Kolowski, Scheer, Seiler

General Affairs (8)

Rm. 1510 - Monday

Karpisek (C), Bloomfield, Coash, Johnson, Krist, Lautenbaugh, Murante, Schilz

Government, Military and Veterans Affairs (8)

Rm. 1507 - Wednesday, Thursday, & Friday

Avery (C), Bloomfield, Karpisek, Lautenbaugh, Murante, Price, Scheer, Wallman

Health and Human Services (7)

Rm. 1510 - Wednesday, Thursday, & Friday

Campbell (C), Cook, Crawford, Gloor, Howard, Krist, Watermeier

Judiciary (8)

Rm. 1113 - Wednesday, Thursday, & Friday

Ashford (C), Chambers, Christensen, Coash, Davis, Lathrop, McGill, Seiler

Natural Resources (8)

Rm. 1525 - Wednesday, Thursday, & Friday

Carlson (C), Brasch, Dubas, Haar, K., Johnson, Kolowski, Schilz, Smith

Nebraska Retirement Systems (6)

Rm. 1525 - At call of Chair

Nordquist (C), Conrad, Davis, Karpisek, Kolowski, Mello

Revenue (8)

Rm. 1524 - Wednesday, Thursday, & Friday

Hadley (C), Hansen, Harr, B., Janssen, McCoy, Pirsch, Schumacher, Sullivan

Transportation and Telecommunications (8)

Rm. 1113 - Monday & Tuesday

Dubas (C), Brasch, Hadley, Janssen, McCoy, Price, Smith, Watermeier

Urban Affairs (7)

Rm. 1510 - Tuesday

McGill (C), Ashford, Coash, Karpisek, Krist, Lautenbaugh, Murante

Committee on Committees (13)

McCoy (C)

District 1:

Adams

Campbell

Coash (VC)

Conrad

District 2:

Ashford

Krist

Lathrop

Mello

District 3:

Carlson

Davis

Hadley

Sullivan

Enrollment and Review (1)

Murante (C)

Reference (9)

Wightman (C), Krist (VC), Adams, Avery, Campbell, Chambers, Christensen, Karpisek, Lathrop, Mello (nonvoting ex officio)

Rules (6)

Lautenbaugh (C), Brasch, Dubas, Lathrop, Schumacher, Adams (ex officio)

Executive Board of the Legislative Council (9)

Wightman (C), Krist (VC), Adams, Avery, Campbell, Chambers, Christensen, Karpisek, Lathrop, Mello (nonvoting ex officio)

ANNOUNCEMENT

The Committee on Committees elected Senator Coash as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to human trafficking; to amend section 28-830, Reissue Revised Statutes of Nebraska; to repeal reporting requirements that are no longer needed; to harmonize provisions; to repeal the original section; and to outright repeal section 28-832, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 2. Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to appropriations; to repeal provisions that are obsolete; and to outright repeal sections 90-526, 90-531, 90-532, 90-533, and 90-534, Reissue Revised Statutes of Nebraska, and sections 90-501, 90-502, 90-503, 90-504, 90-506, 90-507, 90-508, 90-509, 90-510, 90-511, 90-512, 90-513, 90-514, 90-515, 90-516, 90-518, 90-519, and 90-520, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 3. Introduced by Krist, 10.

A BILL FOR AN ACT relating to real property; to change filing provisions relating to nonconsensual liens.

LEGISLATIVE BILL 4. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Revised Statutes Cumulative Supplement, 2012; to change provisions governing transfers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 5. Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exempt social security benefits and military retirement benefits from state income taxation; and to repeal the original section.

LEGISLATIVE BILL 6. Introduced by Krist, 10.

A BILL FOR AN ACT relating to gambling; to amend sections 9-1,101, 9-831, 71-804, and 71-817, Reissue Revised Statutes of Nebraska; to create a commission and a program; to change provisions relating to a fund; to provide powers and duties as prescribed; to harmonize provisions; to eliminate a committee; to repeal the original sections; and to outright repeal section 71-816, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 7. Introduced by Krist, 10.

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.

LEGISLATIVE BILL 8. Introduced by Krist, 10.

A BILL FOR AN ACT relating to children; to amend section 68-911, Reissue Revised Statutes of Nebraska, and sections 68-908 and 68-1202,

Revised Statutes Cumulative Supplement, 2012; to include children's day health services in assistance provided under the Medical Assistance Act and the social services program; to require rules and regulations; and to repeal the original sections.

LEGISLATIVE BILL 9. Introduced by Krist, 10.

A BILL FOR AN ACT relating to schools; to amend sections 79-611 and 79-2120, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to free transportation for students in learning communities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 10. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,265 and 60-6,270, Reissue Revised Statutes of Nebraska, and sections 60-6,267 and 60-6,268, Revised Statutes Cumulative Supplement, 2012; to change and eliminate provisions relating to occupant protection systems; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 11. Introduced by Krist, 10.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-435, Reissue Revised Statutes of Nebraska, and sections 86-457 and 86-903, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to surcharges for 911 service; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 12. Introduced by Krist, 10.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-224, Reissue Revised Statutes of Nebraska; to change provisions relating to product liability actions; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 13. Introduced by Krist, 10.

A BILL FOR AN ACT relating to real property; to amend sections 71-3501, 71-3507, 71-3508.03, and 71-3519, Reissue Revised Statutes of Nebraska, and section 71-3503, Revised Statutes Cumulative Supplement, 2012; to state findings; to define terms; to provide powers and duties; to require radon resistant construction as prescribed; to create a task force; to require radon mitigation statements for sales of residential real property as prescribed; to provide for a cause of action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 14. Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2012; to adopt the Elementary and Secondary Educational Opportunity Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 15. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Pesticide Act; to amend sections 2-2624, 2-2645, 2-2648, 2-2650, 2-2652, 2-2655, and 2-2658, Reissue Revised Statutes of Nebraska; to change provisions relating to aerial pesticide spraying; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 16. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 90-278, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to transfer of certain property as prescribed; and to repeal the original section.

LEGISLATIVE BILL 17. Introduced by Nordquist, 7; Ashford, 20; Bolz, 29; Cook, 13; Crawford, 45; Lathrop, 12; McGill, 26; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exempt social security benefits from state income taxation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 18. Introduced by Nordquist, 7; Lathrop, 12.

A BILL FOR AN ACT relating to state government; to amend section 84-1604, Reissue Revised Statutes of Nebraska; to prohibit members of the Legislature and certain constitutional offices from participating in the Nebraska State Insurance Program; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 19. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Conveyance Safety Act; to amend sections 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2511, 48-2512, 48-2512.01, 48-2514, 48-2516, 48-2518, 48-2520, 48-2521, 48-2522, 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, and 81-405, Reissue Revised Statutes of Nebraska; to change administration of the act from the Commissioner of Labor to the State Fire Marshal; to rename a committee; to create a fund; to eliminate obsolete provisions; to

harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 48-2509, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 20. Introduced by Nordquist, 7; Gloor, 35.

A BILL FOR AN ACT relating to appropriations; to state intent relating to the rural health provider incentive program.

LEGISLATIVE BILL 21. Introduced by Lathrop, 12.

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.

LEGISLATIVE BILL 22. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to child custody; to amend section 43-2921, Reissue Revised Statutes of Nebraska, and section 43-2929, Revised Statutes Cumulative Supplement, 2012; to change provisions of the Parenting Act relating to findings and parenting plans; and to repeal the original sections.

LEGISLATIVE BILL 23. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the ICF/MR Reimbursement Protection Act; to amend section 68-1802, Reissue Revised Statutes of Nebraska, and section 68-1804, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change allocations of the ICF/MR Reimbursement Protection Fund; to delete obsolete provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 24. Introduced by Hadley, 37.

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.

LEGISLATIVE BILL 25. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2604, 77-4014, and 86-527, Reissue Revised Statutes of Nebraska, and sections 77-2602 and 77-2602.03, Revised Statutes Cumulative Supplement, 2012; to change the manner and timing for reporting and paying the cigarette tax and the tobacco products tax; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 26. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to cigarette tax; to amend section 77-2608, Revised Statutes Cumulative Supplement, 2012; to change the commission allowed to stamping agents; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 27. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend section 1-136.02, Reissue Revised Statutes of Nebraska; to change experience requirements; and to repeal the original section.

LEGISLATIVE BILL 28. Introduced by Hadley, 37.

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.

LEGISLATIVE BILL 29. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1616 and 77-1710, Reissue Revised Statutes of Nebraska; 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 harmonize provisions; to repeal the original sections; and to outright repeal section 77-1615, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 30. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-155 and 60-156, Reissue Revised Statutes of Nebraska; to change the distribution of fees; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 31. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to handicapped parking; to amend sections 60-3,113.02 and 60-3,113.05, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to permits for temporarily handicapped or disabled persons; and to repeal the original sections.

LEGISLATIVE BILL 32. Introduced by Hadley, 37.

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.

LEGISLATIVE BILL 33. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 32-1610, 77-3904, 77-3905, and 77-4022, Reissue Revised Statutes of Nebraska, and section 77-3906, Revised Statutes Cumulative Supplement, 2012; to provide for agreements relating to collections; to provide for a penalty for delinquent taxes; to eliminate a provision relating to campaign fund contributions; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-27,119.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 34. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5707.01, 77-5709, 77-5712, 77-5720, and 77-5728, Reissue Revised Statutes of Nebraska, and sections 77-5719, 77-5723, 77-5726, 77-5731, and 77-5735, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change provisions relating to applications, credits, and transfers of incentives; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 35. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 75-363, 75-364, 75-366, and 75-393, Revised Statutes Cumulative Supplement, 2012; to adopt and update references to certain federal provisions relating to handicapped or disabled parking permits, persons handling source documents, the International Registration Plan, operators' licenses; hazardous materials, motor carrier regulations and their enforcement, and the unified carrier registration plan; and to repeal the original sections.

LEGISLATIVE BILL 36. Introduced by Wightman, 36.

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; and to repeal the original section.

LEGISLATIVE BILL 37. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2476, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to powers of personal representatives with respect to a decedent's Internet sites; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 38. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend sections 30-3823 and 30-3855, Reissue Revised Statutes of Nebraska; to change provisions relating to testamentary powers and other powers, rights, and duties; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 39. Introduced by Harms, 48.

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.

LEGISLATIVE BILL 40. Introduced by Harms, 48.

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.

LEGISLATIVE BILL 41. Introduced by Cook, 13.

A BILL FOR AN ACT relating to elections; to amend sections 32-910, 32-916, 32-938, 32-943, 32-949, 32-950, 32-951, and 32-1027, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-808, 32-941, 32-942, and 32-1002, Revised Statutes Cumulative Supplement, 2012; to provide for a permanent early voting request list; to provide powers and duties; to change provisions relating to early voting; to permit return of ballots for early voting to polling places as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 42. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Nursing Home Administrator Practice Act; to amend sections 38-2401, 38-2418, 38-2419, and 38-2420, Reissue Revised Statutes of Nebraska; to provide and eliminate requirements for a credential as an administrator of a facility for persons with head injuries and associated disorders; to provide requirements for such facilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 43. Introduced by Cook, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2012; to change

provisions relating to a property tax exemption; and to repeal the original section.

LEGISLATIVE BILL 44. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2012; to change penalty provisions with respect to Class IA felonies committed by persons under the age of eighteen years; and to repeal the original section.

LEGISLATIVE BILL 45. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 24-1101 and 24-1102, Reissue Revised Statutes of Nebraska; to change Court of Appeals judges eligibility requirements; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 46. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crime laboratories; to provide for consolidation and coordination of services in certain counties.

LEGISLATIVE BILL 47. Introduced by Ashford, 20; McGill, 26.

A BILL FOR AN ACT relating to education; to amend section 85-932.01, Reissue Revised Statutes of Nebraska, and sections 79-777 and 85-1540, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to career academies; to create a fund; to provide for and change provisions relating to grants as prescribed; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 48. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to housing agencies; to amend sections 71-1594, 71-1598, 71-15,101, 71-15,102, 71-15,103, and 71-15,140, Reissue Revised Statutes of Nebraska; to change provisions relating to the board of commissioners and disposal of personal property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 49. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to housing agencies; to amend sections 71-1576, 71-1577, 71-1581, 71-1582, and 71-1586, Reissue Revised Statutes of Nebraska; to change provisions relating to housing agencies; to require establishment of regional housing agencies as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 50. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2012; to prohibit unreasonable placement of a firearm where a minor may unlawfully possess it; to provide for civil liability; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 51. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 24-107, 24-209, 24-212, 85-176, and 85-177, Reissue Revised Statutes of Nebraska; to change provisions relating to format and distribution of court opinions; and to repeal the original sections.

LEGISLATIVE BILL 52. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-183, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the employment of persons committed to the Department of Correctional Services; and to repeal the original section.

LEGISLATIVE BILL 53. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2707, Reissue Revised Statutes of Nebraska; to change provisions relating to sales and use tax with respect to the sale of a business or stock of goods; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 54. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-105 and 38-124, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to display of credentials and advertisement; to provide for disciplinary action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 55. Introduced by Wightman, 36; Bloomfield, 17; Janssen, 15; Schilz, 47.

A BILL FOR AN ACT relating to county assessment duties; to amend section 77-1340.04, Reissue Revised Statutes of Nebraska; to change a provision relating to assumption of contractual requirements; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 56. Introduced by Larson, 40.

A BILL FOR AN ACT relating to county officers; to amend section 32-815, Reissue Revised Statutes of Nebraska, and section 32-811, Revised Statutes Cumulative Supplement, 2012; to provide for automatic nomination of certain county officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 57. Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend section 81-15,175, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to allocations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 58. Introduced by Larson, 40.

A BILL FOR AN ACT relating to labor and employment; to adopt the Workplace Privacy Act.

LEGISLATIVE BILL 59. Introduced by Larson, 40; Carlson, 38.

A BILL FOR AN ACT relating to insurance; to amend section 44-361.01, Reissue Revised Statutes of Nebraska; to change provisions relating to presumptions regarding the circumvention of rebates by a licensed agent; and to repeal the original section.

LEGISLATIVE BILL 60. Introduced by Larson, 40; Carlson, 38; Schilz, 47.

A BILL FOR AN ACT relating to livestock; to amend section 54-1,109, Reissue Revised Statutes of Nebraska; to exclude Knox County from the brand inspection area; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 61. Introduced by Murante, 49.

A BILL FOR AN ACT relating to finance; to amend sections 87-803 and 87-804, Reissue Revised Statutes of Nebraska; to change provisions relating to the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006; to provide powers to and duties for the Attorney General; and to repeal the original sections.

LEGISLATIVE BILL 62. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2809, 35-508, 35-509, 35-514.02, 35-517, 77-3443, and 77-3444, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2012; to change levy provisions for rural

and suburban fire protection districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 63. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2012; to change the distribution of sales and use tax revenue; and to repeal the original section.

LEGISLATIVE BILL 64. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to deductions of refunds from municipal sales and use tax receipts; and to repeal the original section.

LEGISLATIVE BILL 65. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to sheriff's fees and commissions; to amend section 33-117, Revised Statutes Cumulative Supplement, 2012; to authorize counties to set such fees and commissions; and to repeal the original section.

LEGISLATIVE BILL 66. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-117, 16-120, and 16-130, Reissue Revised Statutes of Nebraska; to authorize annexation of certain noncontiguous property as prescribed; to change provisions relating to the extension of city services; and to repeal the original sections.

LEGISLATIVE BILL 67. Introduced by Schilz, 47.

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.

LEGISLATIVE BILL 68. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1072, 2-1074, 2-1083, 2-1091, 2-1091.01, 2-1095, 2-10,102, 2-10,103, 2-10,103.01, 2-10,103.02, 2-10,103.04, 2-10,104, 2-10,105, 2-10,106, and 2-10,115, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Plant Protection and Plant Pest Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-1075.01, 2-1077, 2-1080, 2-1092, 2-1093, 2-1094, 2-1096, 2-1097, 2-1098, 2-1099, 2-10,100, 2-10,100.01, 2-10,100.02, 2-10,101, and

2-10,116.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 69. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2624, 2-2626, 2-2629, 2-2634, 2-2635, 2-2636, 2-2638, 2-2639, 2-2641, 2-2642, 2-2646, 2-2646.01, and 2-2656, Reissue Revised Statutes of Nebraska; to change provisions relating to the Pesticide Act; to provide an operative date; and to repeal the original sections.

ANNOUNCEMENTS

The Chair announced January 9 was Senator Bloomfield's birthday.

The Chair announced that today is Senator Crawford's birthday.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 70. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3951, 2-3951.01, 2-3951.02, 2-3951.03, and 2-3951.04, Reissue Revised Statutes of Nebraska; to change provisions relating to membership of the Nebraska Dairy Industry Development Board; and to repeal the original sections.

LEGISLATIVE BILL 71. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to insurance; to require coverage for cochlear implants as prescribed.

LEGISLATIVE BILL 72. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.21, Revised Statutes Cumulative Supplement, 2012; to change the sunset date for allowing interest-bearing trust accounts; and to repeal the original section.

LEGISLATIVE BILL 73. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1228, Reissue Revised Statutes of Nebraska; to change provisions relating to interstate simulcast facility licenses; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 74. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section

77-2716, Revised Statutes Cumulative Supplement, 2012; to exempt social security benefits from state income taxation; and to repeal the original section.

LEGISLATIVE BILL 75. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exclude military retirement benefits from state income taxation; and to repeal the original section.

LEGISLATIVE BILL 76. Introduced by Nordquist, 7; Campbell, 25.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Transparency Act; to create an advisory committee; and to declare an emergency.

LEGISLATIVE BILL 77. Introduced by Avery, 28.

A BILL FOR AN ACT relating to state investments; to adopt the Nebraska Iran Divestment Act.

LEGISLATIVE BILL 78. Introduced by Avery, 28.

A BILL FOR AN ACT relating to government; to amend sections 2-945.01, 2-958.02, 54-1158, 54-1161, 54-1162, 54-1163, 54-1165, 54-1168, 54-1169, 54-1170, 54-1172, 81-1361, 81-1368, 81-3607, and 81-3609, Reissue Revised Statutes of Nebraska, and section 85-1643, Revised Statutes Cumulative Supplement, 2012; to eliminate the Riparian Vegetation Management Task Force, the Nebraska State Airline Authority, the Livestock Auction Market Board, the Athletic Advisory Committee, the Affirmative Action Committee, the Rural Development Commission, and the advisory council for the Private Postsecondary Career School Act; to change and provide powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-967, 2-968, 3-801, 3-802, 3-803, 3-804, 3-805, 54-1160, 81-1363, 81-1364, 81-1365, 81-1366, 81-3601, 81-3603, 81-3604, and 85-1607, Reissue Revised Statutes of Nebraska and sections 81-8,139.01, 81-3602, and 81-3605, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 79. Introduced by Avery, 28.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 28-915.01, 49-1413, 49-1415, 49-1433.01, 49-1445, 49-1446, 49-1446.04, 49-1447, 49-1455, 49-1456, 49-1457, 49-1458, 49-1459, 49-1461.01, 49-1463, 49-1463.01, 49-1464, 49-1467, 49-1469, 49-1469.05, 49-1469.06, 49-1469.07, 49-1469.08, 49-1477, 49-1478.01, 49-1479.02, 49-1488.01, 49-14,122, 49-14,123, 49-14,124, 49-14,124.01, 49-14,124.02, 49-14,125, 49-14,129, 49-14,132, 49-14,133, and 49-14,141,

Reissue Revised Statutes of Nebraska, and sections 49-14,126 and 49-14,140, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to filing campaign statements and reports; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1605, 32-1606, 32-1606.01, 32-1607, 32-1608.01, 32-1608.02, 32-1608.03, 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and 77-27,119.04, Reissue Revised Statutes of Nebraska, and section 32-1608, Revised Statutes Cumulative Supplement, 2012; and to declare an emergency.

LEGISLATIVE BILL 80. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-310, 60-346, 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska, and section 60-501, Revised Statutes Cumulative Supplement, 2012; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 81. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to provide for deduction of dividend payments from corporate income; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 82. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 39-2703, Revised Statutes Supplement, 2012; to adopt the Taxpayer Investment Program; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 83. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,161, Reissue Revised Statutes of Nebraska; to change provisions relating to turn signals; and to repeal the original section.

LEGISLATIVE BILL 84. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to change provisions relating to the operation of utility-type vehicles; and to repeal the original section.

LEGISLATIVE BILL 85. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,123, Reissue Revised Statutes of Nebraska; to authorize vehicular traffic weighing less than one thousand pounds to proceed through a traffic light after stopping as prescribed; and to repeal the original section.

LEGISLATIVE BILL 86. Introduced by McGill, 26.

A BILL FOR AN ACT relating to juvenile confinement; to amend sections 83-4,124, 83-4,125, and 83-4,132, Reissue Revised Statutes of Nebraska, and sections 43-2,108.05, 71-2453, 83-4,126, 83-4,131, and 83-4,133, Revised Statutes Cumulative Supplement, 2012; to authorize inspection and regulation of staff secure juvenile facilities by the board as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 87. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Cities Airport Authorities Act; to amend section 3-502, Reissue Revised Statutes of Nebraska; to change provisions for filling vacancies on the board; and to repeal the original section.

LEGISLATIVE BILL 88. Introduced by McGill, 26.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-905, Reissue Revised Statutes of Nebraska; to remove a zoning exception related to farmsteads; and to repeal the original section.

LEGISLATIVE BILL 89. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to weather emergencies; to amend section 81-829.66, Reissue Revised Statutes of Nebraska; to provide immunity from liability for providing shelter as prescribed; and to repeal the original section.

LEGISLATIVE BILL 90. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to sales and use taxes on the furnishing of electricity service; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 91. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to geologists; to amend sections 81-3520, 81-3527, 81-3529, 81-3531, 81-3537, 81-3539, and 81-3540, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the Board of Geologists, requirements for seals, distribution of civil

penalties, eligibility for geology examinations, and licensure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 92. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to insurance; to prohibit the use of credit information and discriminatory practices as prescribed; to define terms; to eliminate the Model Act Regarding Use of Credit Information in Personal Insurance; to provide an operative date; and to outright repeal sections 44-7701, 44-7702, 44-7703, 44-7704, 44-7705, 44-7706, 44-7707, 44-7708, 44-7709, 44-7710, 44-7711, and 44-7712, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 93. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-479, 60-484, and 60-4,117, Revised Statutes Cumulative Supplement, 2012; to provide for the notation of a person's status as a veteran on operators' licenses and state identification cards; to change application provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 94. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to hunting permits; to amend section 37-447, 37-450, and 37-455, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to eligibility for certain permits; to provide powers for the Game and Parks Commission; and to repeal the original sections.

LEGISLATIVE BILL 95. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to labor and employment; to adopt the Employee Credit Privacy Act.

LEGISLATIVE BILL 96. Introduced by Dubas, 34; Bloomfield, 17; Brasch, 16; Carlson, 38; Christensen, 44; Karpisek, 32; Larson, 40; Lathrop, 12; Schilz, 47; Seiler, 33; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2012; to exempt repair or replacement parts for commercial agricultural machinery and equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 97. Introduced by Mello, 5; Ashford, 20; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to land banks; to amend sections 77-1759, 77-1807, 77-1809, 77-1810, 77-3211, and 77-3213, Reissue Revised Statutes of Nebraska, and sections 77-1736.06, 77-1915, and 77-1916, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Municipal Land Bank Act; to change provisions relating to property tax refunds, payment of taxes, and collection of delinquent real property taxes; to provide for transfers of real property from land reutilization authorities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 98. Introduced by Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to administrative rules; to amend sections 84-908 and 84-911, Reissue Revised Statutes of Nebraska, and section 81-8,245, Revised Statutes Cumulative Supplement, 2012; to provide duties for the Public Counsel; to prohibit application of administrative rules as prescribed; to provide for award of attorney's fees and court costs as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 99. Introduced by Mello, 5.

A BILL FOR AN ACT relating to civil rights; to amend section 20-504, Reissue Revised Statutes of Nebraska; to change provisions relating to racial profiling information reviews performed by the Nebraska Commission on Law Enforcement and Criminal Justice; and to repeal the original section.

LEGISLATIVE BILL 100. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157.01, Reissue Revised Statutes of Nebraska; to eliminate a notice requirement with respect to automatic teller machines; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 101. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2012; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 102. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to water law; to amend sections 46-297 and 46-637, Reissue Revised Statutes of Nebraska; to remove the social security number requirement from certain water applications; and to repeal the original sections.

LEGISLATIVE BILL 103. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to courts; to amend section 24-734, Reissue Revised Statutes of Nebraska, and section 43-278, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to judges' powers at chambers; to provide for oral examination of incarcerated persons as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 104. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5708, Reissue Revised Statutes of Nebraska, and sections 77-5715, 77-5723, 77-5725, and 77-5727, Revised Statutes Cumulative Supplement, 2012; to provide tax incentives for renewable energy projects as prescribed; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 105. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend section 71-1908, Reissue Revised Statutes of Nebraska; to require liability insurance as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 106. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to unsworn declarations; to amend sections 28-915 and 28-915.01, Reissue Revised Statutes of Nebraska; to adopt the Uniform Unsworn Foreign Declarations Act; to change provisions relating to perjury; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 107. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Parenting Act; to amend section 43-2935, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to waiver of hearing; and to repeal the original section.

LEGISLATIVE BILL 108. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 14-102, 14-109, 15-203, 15-208, 15-215, 15-217, 15-220, 16-205, 16-206, 16-226, 16-233, 16-237, 17-120, 17-132, 17-133, 17-134, 17-207, 17-505, 17-525, 17-526, 23-808, and 23-813, Reissue Revised Statutes of Nebraska; to prohibit credentialing of professions and occupations as prescribed; to provide exceptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 109. Introduced by McGill, 26.

A BILL FOR AN ACT relating to precious metals dealers; to amend sections 69-201, 69-204, 69-205, 69-208, and 69-210, Reissue Revised Statutes of Nebraska, and section 69-206, Revised Statutes Cumulative Supplement, 2012; to define a term; to provide requirements for dealers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 110. Introduced by McGill, 26.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3502, 77-3509.01, 77-3509.02, 77-3514, 77-3516, and 77-3526, Reissue Revised Statutes of Nebraska; to change the eligibility date for homestead exemption determination; to harmonize provisions; and to repeal the original sections.

MOTION - Escort Committees

Senator Wightman moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 111. Introduced by McGill, 26; Ashford, 20; Karpisek, 32; Krist, 10.

A BILL FOR AN ACT relating to budgets; to amend sections 13-503, 13-504, 13-505, 13-506, 13-508, and 13-509.01, Reissue Revised Statutes of Nebraska; to authorize a city of the first class, a city of the second class, or a village to adopt a biennial budget as prescribed; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 112. Introduced by McGill, 26; Ashford, 20; Karpisek, 32; Krist, 10.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-317, 16-318, 17-605, 17-606, and 19-1101, Reissue Revised Statutes of Nebraska; to change powers and duties of the clerk and treasurer as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 113. Introduced by McGill, 26; Ashford, 20; Karpisek, 32; Krist, 10.

A BILL FOR AN ACT relating to cities of the second class; to amend

sections 17-110 and 17-614, Reissue Revised Statutes of Nebraska; to provide and change powers of the mayor; and to repeal the original sections.

LEGISLATIVE BILL 114. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to appropriations; to state intent relating to an appropriation to the University of Nebraska at Omaha.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1CA. Introduced by Larson, 40; Mello, 5; Nordquist, 7.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 8:

III-8 No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which ~~he such person is~~ elected, or on the date of his or her appointment, such person ~~he~~ is a registered voter, has attained the federal voting age, ~~of twenty one years~~ and has resided within the district from which he or she is elected or appointed for the term of one year next before his or her election, or appointment unless ~~he shall have such person~~ has been absent on the public business of the United States or of this State. ~~And no~~ No person elected ~~as aforesaid or appointed to the office of member of the Legislature shall hold his such office after he shall have or she has~~ removed from such district.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change eligibility requirements for membership in the Legislature.

For

Against.

LEGISLATIVE RESOLUTION 2CA. Introduced by Pirsch, 4.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 13:

III-13 The style of all bills shall be, Be it enacted by the people of the State of Nebraska, and no law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members elected to the Legislature and the yeas and nays on the question of

final passage of any bill shall be entered upon the journal, except that any bill that imposes a tax or increases the rate of a tax shall require the assent of a majority of all the members elected to the Legislature plus four.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require that any bill that imposes or increases a tax be approved by a majority of the members of the Legislature plus four.

For

Against.

VISITOR

Visitor to the Chamber was Mark Hunter from Omaha.

RECESS

At 11:10 a.m., on a motion by Speaker Adams, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

ROLL CALL

The roll was called and all members were present except Senators Chambers, Conrad, Cook, and Lautenbaugh who were excused.

PRESENTATION OF COLORS

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

INAUGURAL CEREMONIES

Chief Justice Michael G. Heavican, administered the Oath of Office to the newly elected state officials.

The Chief Justice and the newly elected state officials were escorted from the Chamber.

VISITOR

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 2:15 p.m., on a motion by Senator Mello, the Legislature adjourned until 10:00 a.m., Friday, January 11, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 11, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 11, 2013

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Carlson, Karpisek, Lautenbaugh, and Nelson who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

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>

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 115. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to homicide; to amend sections 28-302, 60-6,210, and 83-961, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-111, 28-1351, 28-1354, 29-4003, and 84-205, Revised Statutes Cumulative Supplement, 2012; to adopt, change, and eliminate provisions relating to manslaughter; to eliminate certain jury verdict determinations relating to homicide; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 28-305 and 29-2027, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 116. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Educational Service Units Act; to amend sections 79-1201 and 79-1201.01, Reissue Revised Statutes of Nebraska; to redefine a term; to provide requirements for dual-enrollment courses; and to repeal the original sections.

LEGISLATIVE BILL 117. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to permits for overweight vehicles; and to repeal the original section.

LEGISLATIVE BILL 118. Introduced by Harms, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,179.01, Revised Statutes Cumulative Supplement, 2012; to change enforcement provisions for using a handheld wireless communication device while operating a motor vehicle; and to repeal the original section.

LEGISLATIVE BILL 119. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to health and human services of local public health departments.

LEGISLATIVE BILL 120. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1410, 76-1416, and 76-1431, Reissue Revised Statutes of Nebraska; to redefine the term tenant; to change deposit requirements; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 121. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to schools; to amend section 79-801, Reissue Revised Statutes of Nebraska; to provide for waiver of a Nebraska certificate to administer as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 122. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for an environmental study of a hydroelectric dam project.

LEGISLATIVE BILL 123. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to court fees; to amend section 33-156, Reissue Revised Statutes of Nebraska; to return indigent defense fees

collected in a county containing a city of the metropolitan class to such county; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 124. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to grandparent visitation; to amend section 43-1802, Reissue Revised Statutes of Nebraska; to provide an additional ground for seeking visitation; and to repeal the original section.

LEGISLATIVE BILL 125. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to school boards; to amend sections 32-545, 32-552, 79-4,129, 79-552, and 79-559, Reissue Revised Statutes of Nebraska, and section 32-570, Revised Statutes Cumulative Supplement, 2012; to change membership provisions and provide for salaries for school boards for Class V school districts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 126. Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to amend sections 43-3718, 43-3719, and 43-3720, Revised Statutes Cumulative Supplement, 2012; to state intent relating to the Court Appointed Special Advocate Fund; to add and change provisions relating to grants; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 127. Introduced by McGill, 26.

A BILL FOR AN ACT relating to elections; to amend sections 32-301, 32-308, 32-311, 32-311.01, 32-312.05, 32-318.01, 32-320, 32-326, 60-4,130, and 60-4,130.02, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-310, 32-312, 60-484, and 60-4,120, Revised Statutes Cumulative Supplement, 2012; to provide for certain sixteen-year-olds and seventeen-year-olds to preregister to vote; to provide procedures; to change and provide powers and duties; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 128. Introduced by Coash, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2012; to create the offense of disarming an officer; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 129. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Board of Educational Lands and Funds; to amend section 72-201, Revised Statutes Cumulative Supplement,

2012; to change provisions relating to compensation of board members; and to repeal the original section.

LEGISLATIVE BILL 130. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend sections 66-1345 and 84-612, Revised Statutes Cumulative Supplement, 2012; to eliminate transfers as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 131. Introduced by Nordquist, 7; Campbell, 25; Harms, 48; Howard, 9; Kolowski, 31; McGill, 26.

A BILL FOR AN ACT relating to schools; to amend section 79-714, Reissue Revised Statutes of Nebraska; to adopt the Tobacco-Free Schools Act; to change provisions relating to accreditation; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 3. Introduced by Larson, 40.

WHEREAS, the Wausa Public School one-act team won the 2012 Class D-1 State Play Production Championship; and

WHEREAS, this victory marks the sixth time that the Wausa Public School one-act team has placed first at the State Play Production Championship; and

WHEREAS, Morgan Kumm was named best actress; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Wausa Public School one-act team on winning the 2012 Class D-1 State Play Production Championship.

2. That a copy of this resolution be sent to the Wausa Public School one-act team and their director, Brad Hoelsing.

Laid over.

LEGISLATIVE RESOLUTION 4. Introduced by Larson, 40.

WHEREAS, the Hartington Public School one-act team won the 2012 Class C-2 State Play Production Championship; and

WHEREAS, this victory marks the second time that the Hartington Public School one-act team has placed first at the State Play Production Championship; and

WHEREAS, Michaela Dendinger was named best actress; and

WHEREAS, Alec Fuelberth was named best actor; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Hartington Public School one-act team on winning the 2012 Class C-2 State Play Production Championship.

2. That a copy of this resolution be sent to the Hartington Public School one-act team and their directors, Linda Kathol and A. J. Johnson.

Laid over.

LEGISLATIVE RESOLUTION 5. Introduced by Larson, 40.

WHEREAS, Eleanor Wrede Nielsen, born January 26, 1903, will be celebrating her 110th birthday on January 26, 2013; and

WHEREAS, Eleanor Wrede Nielsen is currently the second-oldest living Nebraskan and a longtime resident of Knox County.

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

1. That the Legislature congratulates Eleanor Wrede Nielsen on her 110th birthday.

2. That a copy of this resolution be sent to Eleanor Wrede Nielsen.

Laid over.

LEGISLATIVE RESOLUTION 6. Introduced by Larson, 40.

WHEREAS, the Mean Green girls' softball team of O'Neill won the 2012 Nebraska Amateur Softball Association Fast Pitch 14-Under Class C State Championship by defeating the Spalding Sizzlers by a score of 11-2; and

WHEREAS, the Mean Green girls' softball team finished the season with an undefeated record; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Mean Green girls' softball team of O'Neill on winning the 2012 Nebraska Amateur Softball Association Fast Pitch 14-Under Class C State Championship.

2. That a copy of this resolution be sent to the Mean Green girls' softball team and their coaches, Bob Pinkerman, Cris Slack, and Chuck Price.

Laid over.

LEGISLATIVE RESOLUTION 7. Introduced by Larson, 40.

WHEREAS, the Shamrocks girls' softball team of O'Neill won the 2012 Nebraska Amateur Softball Association Fast Pitch 18-Under Class C State Championship by defeating the Flames of Nebraska from the Hastings/Kearney area; and

WHEREAS, the Shamrocks girls' softball team of O'Neill finished the season with a record of 34-8; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Shamrocks girls' softball team of O'Neill on winning the 2012 Nebraska Amateur Softball Association Fast Pitch 18-Under Class C State Championship.

2. That a copy of this resolution be sent to the Shamrocks girls' softball team and their coaches, Amy Krotter and Greg Appleby.

Laid over.

LEGISLATIVE RESOLUTION 8. Introduced by Larson, 40.

WHEREAS, Brady and Riley Wakefield of O'Neill took second place in the team roping competition at the 2012 National High School Finals Rodeo; and

WHEREAS, Brady and Riley finished the competition with a final time of 23.7 seconds; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Brady and Riley Wakefield on taking second place in the team roping competition at the 2012 National High School Finals Rodeo.

2. That a copy of this resolution be sent to Brady and Riley Wakefield.

Laid over.

LEGISLATIVE RESOLUTION 9. Introduced by Janssen, 15.

WHEREAS, Hugh LeRoy "Roy" Lemons was born in Pueblo, Colorado, in 1929; and

WHEREAS, Roy graduated from Glenwood High School in 1947 and served in the United States Army in the Pentagon and with the Federal Bureau of Investigation from 1948 to 1952; and

WHEREAS, Roy married JoAnn Rashleigh, the love of his life, in 1953; and

WHEREAS, Roy served on the Fremont City Council for twenty-three years, many of those years as president; and

WHEREAS, Roy was an active community member, serving in numerous capacities at First United Methodist Church in Fremont as well as contributing to many other community philanthropic and service organizations; and

WHEREAS, Roy was a devoted husband and loving father to his children, Tom, Doug, and Bryan, as well as their extended families; and

WHEREAS, Roy passed away on January 5, 2013.

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

1. That the Legislature expresses its thanks to Roy Lemons for his service to his community, his state, and his country.

2. That the Legislature extends its sympathy to the family of Roy Lemons.

3. That a copy of this resolution be sent to the family of Roy Lemons.

Laid over.

LEGISLATIVE RESOLUTION 10. Introduced by Janssen, 15.

WHEREAS, Richard "Dick" Wikert, was born in Esterville, Iowa, on April 20, 1936; and

WHEREAS, Mr. Wikert graduated from Graettinger High School and Morningside College, earning a bachelor's degree in business; and

WHEREAS, Mr. Wikert married Martha Macfarlane on November 7, 1959, in Sioux City, Iowa; and

WHEREAS, Mr. Wikert was a fixture in the Fremont business community, building Taylor & Martin, Inc. from a small regional auction company into the nation's largest transportation equipment auction company; and

WHEREAS, Mr. Wikert later was majority owner and chairman of the board of the American National Bank in Fremont; and

WHEREAS, Mr. Wikert also had business interests in the Nebraska College of Business, Lincoln School of Commerce, Bojens & Wikert John Deere dealership, Liberty Banks of Iowa, Uraseal of Dover, New Hampshire, and the Sioux City Musketeers and had farming operations in Brazil, Iowa, and Nebraska; and

WHEREAS, Mr. Wikert devoted great energy and attention to the Fremont philanthropic community, serving in numerous capacities with Midland University, the Fremont Area Chamber of Commerce, Greater Fremont Development Council, Fremont Area Medical Center Foundation, Love-Larson Opera House, and many other community institutions; and

WHEREAS, Mr. Wikert served his country as a jet fighter pilot in the United States Air Force; and

WHEREAS, Mr. Wikert was a loving husband to his wife of fifty-three years and a devoted father to his children, Susan, Mandy, Elizabeth, and Mary Jane, and their extended families; and

WHEREAS, Mr. Wikert passed away on December 21, 2012.

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

1. That the Legislature expresses its sincere appreciation of Richard "Dick" Wikert for his dedication and service to his community, his state, and his country.
2. That the Legislature expresses its deep sympathy to the family of Richard "Dick" Wikert.
3. That a copy of this resolution be sent to the family of Richard "Dick" Wikert.

Laid over.

LEGISLATIVE RESOLUTION 11. Introduced by Janssen, 15.

WHEREAS, the Fremont Tigers won the 2012 Class A Boys' State Cross Country Championship; and

WHEREAS, the win gave the Tigers their fifth state championship in the last eleven seasons; and

WHEREAS, team members Danny Aldaba, Mason Brown, Arturo Garcia, Seth Nickolaision, Josh Smrcina, Zach Smrcina, and Trevor Wiegert executed their "run for each other" team philosophy to perfection at the championship meet held in Kearney; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Fremont Tigers on winning the 2012 Class A Boys' State Cross Country Championship.
2. That a copy of this resolution be sent to the Fremont Tigers and their coaches, Sean McMahon and Jake Smrcina.

Laid over.

COMMITTEE ON COMMITTEES FINAL REPORT

Senator McCoy moved to approve the following final Committee on Committees report:

Agriculture (8)

Rm. 2102 - Tuesday

Schilz (C), Bloomfield, Chambers, Hansen, Harr, B., Johnson, Lathrop, Wallman

Appropriations (9)

Rm. 1524 - Monday & Tuesday

Rm. 1003 - Wednesday, Thursday, & Friday

Mello (C), Bolz, Conrad, Harms, Kintner, Larson, Nelson, Nordquist, Wightman

Banking, Commerce and Insurance (8)

Rm. 1507 - Monday & Tuesday

Gloor (C), Campbell, Carlson, Christensen, Crawford, Howard, Pirsch, Schumacher

Business and Labor (7)

Rm. 2102 - Monday

Lathrop (C), Ashford, Chambers, Hansen, Harr, B., McGill, Wallman

Education (8)

Rm. 1525 - Monday & Tuesday

Sullivan (C), Avery, Cook, Davis, Haar, K., Kolowski, Scheer, Seiler

General Affairs (8)

Rm. 1510 - Monday

Karpisek (C), Bloomfield, Coash, Johnson, Krist, Lautenbaugh, Murante, Schilz

Government, Military and Veterans Affairs (8)

Rm. 1507 - Wednesday, Thursday, & Friday

Avery (C), Bloomfield, Karpisek, Lautenbaugh, Murante, Price, Scheer, Wallman

Health and Human Services (7)

Rm. 1510 - Wednesday, Thursday, & Friday

Campbell (C), Cook, Crawford, Gloor, Howard, Krist, Watermeier

Judiciary (8)

Rm. 1113 - Wednesday, Thursday, & Friday

Ashford (C), Chambers, Christensen, Coash, Davis, Lathrop, McGill, Seiler

Natural Resources (8)

Rm. 1525 - Wednesday, Thursday, & Friday

Carlson (C), Brasch, Dubas, Haar, K., Johnson, Kolowski, Schilz, Smith

Nebraska Retirement Systems (6)

Rm. 1525 - At call of Chair

Nordquist (C), Conrad, Davis, Karpisek, Kolowski, Mello

Revenue (8)

Rm. 1524 - Wednesday, Thursday, & Friday

Hadley (C), Hansen, Harr, B., Janssen, McCoy, Pirsch, Schumacher, Sullivan

Transportation and Telecommunications (8)

Rm. 1113 - Monday & Tuesday

Dubas (C), Brasch, Hadley, Janssen, McCoy, Price, Smith, Watermeier

Urban Affairs (7)

Rm. 1510 - Tuesday

McGill (C), Ashford, Coash, Karpisek, Krist, Lautenbaugh, Murante

Committee on Committees (13)

McCoy (C)

District 1:

Adams

Campbell

Coash (VC)

Conrad

District 2:

Ashford

Krist

Lathrop

Mello

District 3:

Carlson

Davis

Hadley

Sullivan

Enrollment and Review (1)

Murante (C)

Reference (9)

Wightman (C), Krist (VC), Adams, Avery, Campbell, Chambers, Christensen, Karpisek, Lathrop, Mello (nonvoting ex officio)

Rules (6)

Lautenbaugh (C), Brasch, Dubas, Lathrop, Schumacher, Adams (ex officio)

Executive Board of the Legislative Council (9)

Wightman (C), Krist (VC), Adams, Avery, Campbell, Chambers, Christensen, Karpisek, Lathrop, Mello (nonvoting ex officio)

The Committee on Committees report was approved with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 132. Introduced by Nordquist, 7; Avery, 28; Campbell, 25; Howard, 9.

A BILL FOR AN ACT relating to tanning facilities; to adopt the Skin Cancer Prevention Act.

LEGISLATIVE BILL 133. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1401, Revised Statutes Cumulative Supplement, 2012; to establish priority of motor vehicle insurance policies for certain loaned motor vehicles; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 134. Introduced by Avery, 28.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2308, Reissue Revised Statutes of Nebraska; to provide for inheritance by certain issue conceived after decedent's death; and to repeal the original section.

LEGISLATIVE BILL 135. Introduced by Avery, 28.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1506, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on a Community College Board of Governors; and to repeal the original section.

LEGISLATIVE BILL 136. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the use of administrative fines and costs and forfeited property; to amend sections 2-10,103.02, 8-169, 8-1,134, 8-223, 8-332, 8-1108.01, 8-1120, 8-1726, 9-832, 21-20,169, 44-322, 44-3,127, 44-5814, 44-5815, 45-191.09, 45-347, 45-921, 45-1014, 45-1017, 45-1019, 54-415, 54-2606, 58-703, 58-711, 59-1725.01, 60-6,345, 69-2116, 69-2117, 69-2118, 71-449, 71-1920, 71-8006, 75-309.01, 81-5,162, and 81-3537, Reissue Revised Statutes of Nebraska, and sections 45-351 and 45-1002, Revised Statutes Cumulative Supplement, 2012; to provide for distribution of administrative fines in accordance with Article VII, section 5, of the Constitution of Nebraska and forfeited property in accordance with Article VII, section 7, of the Constitution of Nebraska; to provide for disposition of certain costs; to delete obsolete or repetitive provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 137. Introduced by Avery, 28.

A BILL FOR AN ACT relating to state government; to establish state fleet card programs; to create a fund; and to declare an emergency.

LEGISLATIVE BILL 138. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-128 and 85-129, Reissue Revised Statutes of Nebraska, and section 85-122, Revised Statutes Cumulative Supplement, 2012; to create the Group Health Trust Fund; to provide for investment of the fund by the state investment officer; to change provisions relating to the State Treasurer's authority for university funds; and to repeal the original sections.

LEGISLATIVE BILL 139. Introduced by Krist, 10.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-615, Revised Statutes Cumulative Supplement, 2012; to change annulment and

dissolution of marriage reporting requirements; and to repeal the original section.

LEGISLATIVE BILL 140. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Airport Zoning Act; to amend sections 3-301, 3-302, 3-303, 3-304, 3-306, 3-307, 3-308, 3-309, 3-310, 3-311, 3-312, 3-313, 3-314, 3-319, 3-320, 3-324, 3-329, 3-330, 3-331, and 3-333, Reissue Revised Statutes of Nebraska; to provide airport hazard area dimensions; to change provisions relating to airport hazard area zoning regulations, the board of adjustment, and judicial review; to define and redefine terms; to change a penalty; to eliminate provisions relating to appeal of zoning regulations, the board of adjustment, and judicial review; to repeal the original sections; and to outright repeal sections 3-315, 3-316, 3-317, 3-318, 3-321, 3-322, 3-325, 3-326, and 3-327, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 141. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-162.03, Reissue Revised Statutes of Nebraska, and section 48-182, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to bill of exceptions and motions; and to repeal the original sections.

LEGISLATIVE BILL 142. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2263, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Cumulative Supplement, 2012; to declare probation records not subject to disclosure as provided; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 143. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to child sexual abuse; to authorize schools to adopt a child sexual abuse policy as prescribed.

LEGISLATIVE BILL 144. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to elections; to amend section 32-605, Reissue Revised Statutes of Nebraska, and section 32-615, Revised Statutes Cumulative Supplement, 2012; to provide for certain defeated candidates to be eligible for write-in candidacy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 145. Introduced by Brasch, 16; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections

77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2012; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 146. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend section 4A-108, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to funds transfers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 147. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to insurance; to adopt the Health Carrier External Review Act; to eliminate certain grievance review provisions; and to outright repeal section 44-7309, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 148. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1212 and 69-2422, Reissue Revised Statutes of Nebraska, and sections 28-1204.01, 28-1206, and 28-1354, Revised Statutes Cumulative Supplement, 2012; to include ammunition in certain offenses involving firearms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 149. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Legislature; to provide for a biennial review of state agency programs and services by legislative committees.

LEGISLATIVE BILL 150. Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to natural gas; to amend sections 14-2138, 14-2139, and 77-2704.13, Reissue Revised Statutes of Nebraska; to change provisions relating to the retail sale of natural gas by metropolitan utilities districts; to exempt sales and purchases of energy or fuel used in the compression of natural gas from sales and use taxes as prescribed; to eliminate obsolete provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 151. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-803, Reissue Revised Statutes of Nebraska; to provide a hearsay exception for certain documents and data kept in the regular course of business; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 152. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to eminent domain; to restrict negotiations of a condemner as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 153. Introduced by Dubas, 34; Harms, 48.

A BILL FOR AN ACT relating to the Civic and Community Center Financing Act; to amend sections 13-2702, 13-2703, 13-2704, 13-2705, 13-2707, and 13-2709, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of a fund, the evaluation of grants, and reports; to define a term; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 154. Introduced by Dubas, 34; Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,378, Reissue Revised Statutes of Nebraska; to redefine a term relating to drivers' duties regarding road assistance vehicles; and to repeal the original section.

LEGISLATIVE BILL 155. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2387 and 77-2398, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change provisions relating to deposits in excess of insured or guaranteed amounts; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 12CA. Introduced by Harms, 48.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IX, section 4:

IX-4 The Legislature shall provide by law for the election of such county and township officers as may be necessary and for the consolidation of county offices for two or more counties. Each ~~;~~ ~~Provided, that each~~ of the counties affected may disapprove such consolidation by a majority vote in each of such counties. The Legislature may provide by law for a county manager form of county government in which county officers may be appointed, but such form shall be optional for each county and shall occur in a county only upon adoption by a majority vote.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county manager form of government.

For

Against.

LEGISLATIVE RESOLUTION 13. Introduced by Brasch, 16; Bolz, 29; Campbell, 25; Carlson, 38; Gloor, 35; Howard, 9; Johnson, 23; Kintner, 2; Lathrop, 12; McGill, 26; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Sullivan, 41; Watermeier, 1; Wightman, 36.

WHEREAS, Dick Lindberg, the former publisher of the West Point News, has been inducted into the Nebraska Journalism Hall of Fame; and

WHEREAS, this distinction is given to individuals who have made significant contributions to the newspaper industry, their communities, and their state and nation; and

WHEREAS, Dick Lindberg and his wife, Gwen, bought the West Point Republican and later combined it with the Cuming County Democrat in 1973 to create the West Point News. Later, they bought the Oakland, Lyons, and Scribner-Hooper newspapers; and

WHEREAS, Dick Lindberg has served on numerous boards during his career and has also served as president of the Central District Press Association, the Northeast District Press Association, and the Nebraska Press Association; and

WHEREAS, Dick Lindberg was named by the Nebraska Press Association as its Master Editor-Publisher in 2004.

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

1. That the Legislature congratulates Dick Lindberg on being inducted into the Nebraska Journalism Hall of Fame.

2. That a copy of this resolution be sent to Dick Lindberg.

Laid over.

LEGISLATIVE RESOLUTION 14. Introduced by Brasch, 16.

WHEREAS, Daniel Barber, son of Doug and Patricia Barber, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Daniel

has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Daniel remodeled storage spaces and built shelves for the Blair Public Library; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Daniel, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Daniel Barber on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Daniel Barber.

Laid over.

LEGISLATIVE RESOLUTION 15. Introduced by Brasch, 16.

WHEREAS, Jacob Jones, son of JoAnne Jones, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jacob has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Jacob refurbished the outdoor basketball court at Arbor Park Intermediate School in Blair, Nebraska; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jacob, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jacob Jones on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jacob Jones.

Laid over.

LEGISLATIVE RESOLUTION 16. Introduced by Brasch, 16.

WHEREAS, Colton Stoner, son of Matt and Melinda Stoner, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Colton has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Colton designed and built seven new picnic tables for Camp Fontanelle in Fontanelle, Nebraska; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Colton, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Colton Stoner on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Colton Stoner.

Laid over.

LEGISLATIVE RESOLUTION 17. Introduced by Brasch, 16.

WHEREAS, the Arlington Eagles won the 2012 Class C State Softball Championship; and

WHEREAS, the Eagles finished their outstanding season with a record of 26-7; and

WHEREAS, the Eagles displayed great determination, teamwork, perseverance, and sportsmanship throughout the season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Arlington Eagles on winning the 2012 Class C State Softball Championship.

2. That a copy of this resolution be sent to the Arlington Eagles and their coach, Janelle Lorsch.

Laid over.

LEGISLATIVE RESOLUTION 18. Introduced by Brasch, 16.

WHEREAS, Luke Ashton, son of Chris and Julie Ashton, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Luke has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Luke developed and produced an audio walking tour for Fort Atkinson State Historical Park; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Luke, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Luke Ashton on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Luke Ashton.

Laid over.

LEGISLATIVE RESOLUTION 19. Introduced by Brasch, 16.

WHEREAS, Dalton Van Stratten, son of Dale and Lisa Van Stratten, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Dalton has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Dalton erected a monument to the deceased and landscaped around the cemetery at Fort Atkinson State Historical Park; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Dalton, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Dalton Van Stratten on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Dalton Van Stratten.

Laid over.

LEGISLATIVE RESOLUTION 20. Introduced by Lathrop, 12.

WHEREAS, the One Hundredth Legislature, Second Session, 2008, adopted Legislative Resolution 283 to establish the Developmental Disabilities Special Investigative Committee of the Legislature. The committee was then reauthorized by the One Hundred First Legislature, First Session, 2009, in Legislative Resolution 11, by the One Hundred Second Legislature, First Session, 2011, in Legislative Resolution 47, and by the One Hundred Second Legislature, Second Session, 2012, in Legislative Resolution 365. The committee was authorized to study the quality of care and related staffing issues at the Beatrice State Developmental Center, investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, and determine how and why such services to the developmentally disabled were permitted to decline to the level documented in the United States Department of Justice report; and

WHEREAS, the committee issued a report of its findings and recommendations on December 15, 2008. Among other findings, the committee concluded that the state was likely to lose its federal medicaid funding for the Beatrice State Developmental Center, that various improvements needed to be made to the community-based programs, and that the developmental disability waiting list included 1,865 families who, absent some change in direction by the State of Nebraska, would remain on the waiting list indefinitely. The committee also made various recommendations for improvement of services to the developmentally disabled in the State of Nebraska. Those recommendations related not only to improvements at the Beatrice State Developmental Center but also to community-based programs as well as the provision of services to the developmentally disabled individuals who would otherwise sit indefinitely

on the state's waiting lists. To ensure that the recommendations of the committee would be implemented, the committee recommended that the Legislature continue oversight of these issues: "The LR 283 Committee should be reauthorized at the beginning of the next legislative session. This investigative committee should work with the Health and Human Services Committee to ensure that the terms of the DOJ Consent Decree as well as the recommendations herein are implemented in a timely fashion."

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and reappoint the special committee of the Legislature known as the Developmental Disabilities Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the executive board. The executive board shall appoint the chairperson and vice-chairperson of the committee with consideration being given to reappointing the current chairperson and vice-chairperson. The executive board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The executive board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue to study the quality of care and related staffing issues at the Beatrice State Developmental Center. The committee shall also continue to investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, including the determination of whether adequate funding and capacity exists for persons to be served in the community, options for service provisions for current residents of the Beatrice State Developmental Center at other twenty-four-hour care facilities in the state, and the staffing practices at twenty-four-hour care facilities and the relationship of those practices to the quality of care provided to the developmentally disabled. The committee shall also review the processes of how the Division of Developmental Disabilities of the Department of Health and Human Services determines eligibility for services for individuals who are in need of services, as well as the processes utilized by the division to determine when individuals who have received services by the division are no longer eligible for such services. The committee shall also provide oversight to ensure that the terms of the United States Department of Justice Consent Decree and the recommendations from the Report of the Developmental Disabilities Special Investigative Committee dated December 15, 2008, are implemented in a timely fashion.

3. The Developmental Disabilities Special Investigative Committee of the Legislature shall issue a report with its findings as the circumstances warrant.

4. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue its work until the beginning of the One Hundred Fourth Legislature, First Session.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Janssen asked unanimous consent to add his name as cointroducer to LB93. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Nebraska Water Leaders Academy from across the state.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 10:59 a.m., on a motion by Senator Brasch, the Legislature adjourned until 10:00 a.m., Monday, January 14, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 14, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 14, 2013

PRAYER

The prayer was offered by Senator Hadley.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Campbell who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1	General File
LB2	General File
LB3	Judiciary
LB4	Appropriations
LB5	Revenue
LB6	General Affairs
LB7	Health and Human Services
LB8	Health and Human Services
LB9	Education
LB10	Transportation and Telecommunications
LB11	Transportation and Telecommunications
LB12	Judiciary
LB13	Health and Human Services
LB14	Revenue
LB15	Agriculture
LB16	Natural Resources

LB17	Revenue
LB18	Executive Board
LB19	Business and Labor
LB20	Appropriations
LB21	Business and Labor
LB22	Judiciary
LB23	Health and Human Services
LB24	Revenue
LB25	Revenue
LB26	Revenue
LB27	Banking, Commerce and Insurance
LB28	Revenue
LB29	Revenue
LB30	Transportation and Telecommunications
LB31	Transportation and Telecommunications
LB32	Transportation and Telecommunications
LB33	Revenue
LB34	Revenue
LB35	Transportation and Telecommunications
LB36	Revenue
LB37	Judiciary
LB38	Judiciary
LB39	Executive Board
LB40	Government, Military and Veterans Affairs
LB41	Government, Military and Veterans Affairs
LB42	Health and Human Services
LB43	Revenue
LB44	Judiciary
LB45	Judiciary
LB46	Judiciary
LB47	Education
LB48	Urban Affairs
LB49	Urban Affairs
LB50	Judiciary
LB51	Judiciary
LB52	Judiciary
LB53	Revenue
LB54	Health and Human Services
LB55	Revenue
LB56	Government, Military and Veterans Affairs
LB57	Natural Resources
LB58	Business and Labor
LB59	Banking, Commerce and Insurance
LB60	Agriculture
LB61	Judiciary
LB62	Revenue
LB63	Revenue
LB64	Revenue
LB65	Government, Military and Veterans Affairs

LB66	Urban Affairs
LB67	Agriculture
LB68	Agriculture
LB69	Agriculture
LB70	Agriculture
LB71	Banking, Commerce and Insurance
LB72	Banking, Commerce and Insurance
LB73	General Affairs
LB74	Revenue
LB75	Revenue
LB76	Health and Human Services
LB77	Nebraska Retirement Systems
LB78	Government, Military and Veterans Affairs
LB79	Government, Military and Veterans Affairs
LB80	Banking, Commerce and Insurance
LB81	Revenue
LB82	Revenue
LB83	Transportation and Telecommunications
LB84	Transportation and Telecommunications
LB85	Transportation and Telecommunications
LB86	Judiciary
LB87	Urban Affairs
LB88	Urban Affairs
LB89	Judiciary
LB90	Revenue
LB91	Natural Resources
LB92	Banking, Commerce and Insurance
LB93	Transportation and Telecommunications
LB94	Natural Resources
LB95	Business and Labor
LB96	Revenue
LB97	Revenue
LB98	Government, Military and Veterans Affairs
LB99	Judiciary
LB100	Banking, Commerce and Insurance
LB101	Revenue
LB102	Natural Resources
LB103	Judiciary
LB104	Revenue
LB105	Health and Human Services
LB106	Judiciary
LB107	Judiciary
LB108	Government, Military and Veterans Affairs
LB109	Judiciary
LB110	Revenue
LB111	Urban Affairs
LB112	Urban Affairs
LB113	Urban Affairs
LB114	Appropriations

LR1CA Executive Board
 LR2CA Revenue

Berggren, Lynn - Nebraska Game and Parks Commission - Natural Resources
 Boldt, Gary (Randy) - Board of Emergency Medical Services - Health and Human Services
 Bonta, John - Board of Emergency Medical Services - Health and Human Services
 Bowlin, Karen - Board of Emergency Medical Services - Health and Human Services
 Boyd, Wayne - State Personnel Board - Government, Military and Veterans Affairs
 Brodersen, Charles "Tod" - Nebraska Ethanol Board - Natural Resources
 Buhlke, Brian - Nebraska Rural Health Advisory Commission - Health and Human Services
 Chaney, John - Board of Trustees of the Nebraska State Colleges - Education
 Conley, John - Nebraska Investment Council - Nebraska Retirement Systems
 Conway, Sean - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs
 Dakan, Eileen - Commission for the Deaf and Hard of Hearing - Health and Human Services
 Danon, Steven - State Emergency Response Commission - Government, Military and Veterans Affairs
 Davis, Jeff - Crime Victim's Reparations Committee - Judiciary
 Dinsdale, Kim - Nebraska Educational Telecommunications Commission - Education
 Drickey, Patrick - Nebraska Arts Council - General Affairs
 Eisenhower, Don - State Emergency Response Commission - Government, Military and Veterans Affairs
 Engles, Robert - Board of Trustees of the Nebraska State Colleges - Education
 Feller, Helen Abbott - State Racing Commission - General Affairs
 Fiala, Ann - Board of Emergency Medical Services - Health and Human Services
 Forney, Kent - Nebraska Game and Parks Commission - Natural Resources
 Frison, Deborah - Coordinating Commission for Postsecondary Education - Education
 Frye, Curt - Nebraska Educational Telecommunications Commission - Education
 Gerber, Paul - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
 Goodman, Mark - Nebraska Rural Health Advisory Commission - Health and Human Services
 Hammack, Donna - Nebraska Information Technology Commission - Transportation and Telecommunications
 Harwood, Frank - Technical Advisory Committee for Statewide Assessment

- Education

Hiller, John - State Electrical Board - General Affairs

Hynes, John (Jack) - Board of Public Roads Classifications and Standards -
Transportation and Telecommunications

Hynes, Michelle - Foster Care Advisory Committee - Health and Human
Services

Jensen, S. Michael "Mick" - Nebraska Game and Parks Commission -
Natural Resources

Keely, Sheree - Foster Care Advisory Committee - Health and Human
Services

Kelly, Joe - Crime Victim's Reparations Committee - Judiciary

Kent, Mary - Nebraska Rural Health Advisory Commission - Health and
Human Services

Kircher, Chris - Nebraska State Fair Board - Agriculture

Kruback, Sandra - Foster Care Advisory Committee - Health and Human
Services

Lahm, Rhonda - Public Employees Retirement Board - Nebraska Retirement
Systems

LeBaron, Kathryn - Nebraska Arts Council - General Affairs

Lichter, Stephen - Nebraska Power Review Board - Natural Resources

McClymont, Sherry - Nebraska Arts Council - General Affairs

Miller, Michael - Board of Emergency Medical Services - Health and
Human Services

Minert, Lowell - Nebraska State Fair Board - Agriculture

Moline, Brad - Nebraska Information Technology Commission -
Transportation and Telecommunications

Moody, Tony - Nebraska Tourism Commission - Government, Military and
Veterans Affairs

Neeley, Elizabeth - Foster Care Advisory Committee - Health and Human
Services

O'Keefe, Stephanie Metz - Nebraska Arts Council - General Affairs

Pearson, Ricky - Motor Vehicle Industry Licensing Board - Transportation
and Telecommunications

Peters, Randall - Director, Department of Roads - Transportation and
Telecommunications

Quinn, Angela - Motor Vehicle Industry Licensing Board - Transportation
and Telecommunications

Reida, Frank - Nebraska Power Review Board - Natural Resources

Richard, Rex - Board of Parole - Judiciary

Scherer, Jeff - Motor Vehicle Industry Licensing Board - Transportation and
Telecommunications

Schindler, Michelle - Crime Victim's Reparations Committee - Judiciary

Schroeder, Rebecca - Nebraska Rural Health Advisory Commission - Health
and Human Services

Sides, Avery - Nebraska Rural Health Advisory Commission - Health and
Human Services

Sitorius, Michael - Nebraska Rural Health Advisory Commission - Health
and Human Services

Smith, Clay - Nebraska Educational Telecommunications Commission -

Education
 Stuhr, Elaine - Public Employees Retirement Board - Nebraska Retirement Systems
 Syslo, Mick - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
 Timm, Craig - Foster Care Advisory Committee - Health and Human Services
 Vaughn, Derek - Crime Victim's Reparations Committee - Judiciary
 Vokal, James, Jr. - Board of Educational Lands and Funds - Education
 Warner, Jeromy - State Board of Health - Health and Human Services
 Wells, Roger - Nebraska Rural Health Advisory Commission - Health and Human Services
 Wistrom, Tim - Nebraska Oil and Gas Conservation Commission - Natural Resources

(Signed) John Wightman, Chairperson
 Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 13, 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

Abboud, Chris/Public Affairs Group
 Agri-Business Association, Nebraska
 Lincoln Police Union
 Manheims Omaha Auto Auction
 Monsanto
 Omaha Police Officers Association
 Vehicle and Truck Cleaning Tax Association
 Adair, Peggy
 League of Women Voters of Nebraska
 Adams, Don
 Nebraskans First, Inc.
 Adams, John H.
 International Gamco, Inc.
 Aerts, Anthony M.
 Farm Bureau Federation, Nebraska
 Alston, Garth R.
 Altria Client Services Inc. and its Affiliates
 Amack, Angela K.
 Center for People in Need
 Columbus Public Schools
 Electrical Workers and Building Trades (IBEW)
 Fire Fighters Association (NPPFA), Nebraska Professional

Grand Island Public Schools
American Communications Group, Inc.
American Cancer Society - Cancer Action Network
American Heart Association
Autism Speaks
Behavioral Health Organizations, Nebraska Association of
Big Red Keno aka EHPV Lottery Services, LLC
Center for Rural Affairs
Child Healthcare Alliance, Nebraska
Emergency Medical Services Association, Nebraska
Engineers and Architects, Nebraska Board of
Friends of Public Health in Nebraska
Goodwill Association of Iowa/Nebraska
Health Center Association of Nebraska
Medtronic, Inc.
Midwest Housing Equity Group
Nebraska Speech, Language and Hearing Association
Physical Therapy Association, Nebraska Chapter of the American
Psychological Association, Nebraska
Public Employees NAPE/AFSCME Local 61, Nebraska Association of
Regions I, II and V
Research Nebraska!
Surgical Technologists, Association of
Teamsters Local Union 554
Wind Coalition, The
YMCA's of Nebraska

Andersen, Robert C.
Cooperative Council, Nebraska

Anderson, Kristen
Realtors Association, Nebraska

Anderson, Robert L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.

Anderson, Tim W.
Central Nebraska Public Power and Irrigation District

Baack, Dennis G.
Community College Association, Nebraska

Badeer, Debra A.
Christian Home Educators Association, Nebraska

Baier, Richard J.
Chamber of Commerce & Industry, Nebraska

Barrett, John R.
Cox Communications

Bateman, Joseph
Union Pacific Railroad

Beal, Christopher
Otsuka America Pharmaceutical Inc.

Beattie, George
Bankers Association, Nebraska

- Becker, Jill
Black Hills Energy
- Beermann, Allen J.
Nebraska Press Association
- Bell, David
Loup River Public Power District
- Benjamin, Melody
Cattlemen, Inc., Nebraska
- Benson, Sandra E.
AARP
- Biles, Lacey
National Rifle Association (Withdrawn 01/03/2013)
- Blomstedt, Matthew L.
Educational Service Unit Coordinating Council
- Boddy, Heath
Health Care Association, Inc., Nebraska
- Boesch, Elizabeth L.
Nebraska Public Power District
- Bohrer, Bruce J.
Lincoln Chamber of Commerce
- Bonaiuto, John A.
School Administrators, Nebraska Council of
School Boards, Nebraska Association of
- Borgeson, Robert A.
United Transportation Union
- Bowling, Karen
Family Council, Nebraska
- Boyer, Wendy
Omaha Chamber, Greater
- Brady, Justin J.
Radcliffe, Walter H. of Radcliffe and Associates
- Brandt, Horan, Hallstrom and Stilmock
Bankers Association, Nebraska
Bankers Insurance and Services Company (NBISCO), Nebraska
Fire Chiefs' Association, Nebraska
Firefighters' Association, Nebraska State Volunteer
National Federation of Independent Business
Nebraskans for Workers' Compensation Equity and Fairness
NetWorks, Inc.
Pharmacists Association, Nebraska
- Brashear, Kermit A.
Lutheran Home, The
- Brenner, Becki
ACLU Nebraska
- Bromm, Curt/Bromm & Associates, LLC
Aflac
Cable Communications Association, Nebraska
Verizon Communications, Inc.
- Bromm, Jason

Bromm, Curt/Bromm & Associates, LLC
Brown, Michael V.
ABATE of Nebraska, Inc.
Bruckner, Traci
Center for Rural Affairs
Bruning, Deonne
U.S. Cellular
Buell, Hannah
Family Council, Nebraska
Buettner, Jeff J.
Central Nebraska Public Power and Irrigation District
Bydalek, Dave
Family First
Byers, Thomas L.
Magellan Midstream Partners
Cale, Grant
Bristol-Myers Squibb Co.
Carlson, Kyle
Planned Parenthood of the Heartland
Carritt, Nicole
Project Extra Mile
Carstenson, Eric B.
Telecommunications Association, Nebraska
Carter, Jennifer
Nebraska Appleseed
Cavanaugh Law Firm, P.C., L.L.O.
Creighton University
Explore Information Services
Insurance Agents of Nebraska, Independent
Cavanaugh, James P.
Cavanaugh Law Firm, P.C., L.L.O.
Cavanaugh, Patrick B.
Cavanaugh Law Firm, P.C., L.L.O.
Cheloha, John A. "Jack"
City of Omaha
Courtney, Robert M.
AARP
Cover, Joni
Pharmacists Association, Nebraska
Cunningham, Douglas
Affiliated Foods Midwest
Cunningham, James R.
Catholic Conference, Nebraska
Cutshall & Nowka
Anheuser-Busch Companies
Area Agencies on Aging, Nebraska Association of
Bryan Health (formerly BryanLGH Health System)
County Attorneys Association, Nebraska
Digital Gaming Solutions, Inc.

Elkhorn Public Schools
 Family Physicians, Nebraska Academy of
 Funeral Directors Association, Nebraska
 Home & Community Health Agencies, Nebraska Association of
 Metropolitan Utilities District
 National Multiple Sclerosis Society
 Nebraska Academy of Nutrition and Dietetics
 Nebraska Association of County Officials
 Nebraska Public Power District
 Nebraska State College System
 NET Foundation for Television
 Peetz and Company
 Pfizer, Inc.
 Police Officers' Association of Nebraska
 Pork Producers Association, Nebraska
 Poultry Industries, Inc., Nebraska
 Radiologic Technologists, Nebraska Society of
 Resources Districts, Nebraska Association of
 Rural Community Schools Association, Nebraska
 Sheriffs' Association, Nebraska
 Southern Public Power District
 Union Pacific Railroad
 Water Coalition, Nebraska
 Dake Abel, Julie
 Public Employees NAPE/AFSCME Local 61, Nebraska Association of
 Davis, Jeffrey N.
 Burlington Northern Sante Fe (BNSF) Railway Company
 Dibbern, Chris
 Nebraska Municipal Power Pool
 Dittmer, Judy
 AARP
 Dix, Larry J.
 Nebraska Association of County Officials
 Dobler, James B.
 Farmers Mutual of Nebraska
 Duckworth, Linda
 League of Women Voters of Nebraska
 Dudley, William H.
 Aflac
 Dulaney, Michael S.
 School Administrators, Nebraska Council of
 Edson, Dean E.
 Resources Districts, Nebraska Association of
 Edwards, Jon
 Cutshall and Nowka
 Egr, James M.
 Firefighters' Association, Nebraska State Volunteer
 Ekeler, Kelly M.
 Builders & Contractors, Inc., Associated

Elliott, Joseph W.
Insurance Agents of Nebraska, Professional

Eppler, Robert
AARP

Erb, Matthew
Lincoln Education Association

Erickson, Julie S.
American Communications Group, Inc.

Ernst, Dan E.
School Administrators, Nebraska Council of

Faustman, Nick
Health Care Association, Inc., Nebraska
Nurse Association of Nebraska, Licensed Practical

Ferrell, Beth Bazyn
Nebraska Association of County Officials

Fischer-Lempke, Marla J.
Arc of Nebraska, The

Forbes, Jarrod
United HealthCare Services Inc.

Forrest, Sarah
Voices for Children in Nebraska

Fraizer, Theodore D. (Tad)
Insurance Association, American
Mutual of Omaha
Updowntowners, Inc. (d.b.a. GOLincolnGO)

Franco, Alex
Mead Johnson Nutrition Company Mead Johnson and Company LLC

Freeman, Clayton
Alzheimer's Association, Midlands Chapter

Frohman Law Office, LLC
Medical Association, Nebraska

Fry, Renee
OpenSky Policy Institute

Gage, Suzanne
Americans United for Life Action

Gay, Tim
Husch Blackwell, LLP

Gilbertson, Korby M.
Radcliffe, Walter H. of Radcliffe and Associates
Wildlife Crimestoppers (NE Wildlife Protectors Assoc.), Nebraska

Gokie, Mark T.
Farmers Mutual of Nebraska

Gossman, Abigail
MedImmune, Inc.

Gottschalk, Kristen
Rural Electric Association, Nebraska

Gould, John 'Jack'
Common Cause National
Common Cause Nebraska

Gustafson, Robert
Lundbeck, LLC

Hack, Mace A.
Nature Conservancy, The

Haggerty, Patrick
CenturyLink

Hale, Brian
School Boards, Nebraska Association of

Hale, Susan
Planned Parenthood of the Heartland

Hallstrom, Robert J.
Brandt, Horan, Hallstrom and Stilmock

Hansen, John K.
Nebraska Farmers Union

Harding, William A.
Builders & Contractors, Inc., Associated
League of Nebraska Municipalities

Hartmann, William
One-Call Notification Center, Nebraska

Harvey, William F.
Big Red Keno aka EHPV Lottery Services, LLC
Vigilnet America LLC

Hassebrook, Chuck
Center for Rural Affairs

Hassebrook, Kristen
Cattlemen, Inc., Nebraska

Haubensak, Richard
Exelon Generation Company, LLC

Hayes, Jason W.
Education Association, Nebraska State

Head, Craig J.
Farm Bureau Federation, Nebraska

Hernandez, Jennifer M.
First Five Nebraska (Neb. Children and Families Foundation)

Herzog, Frank
AARP

Higgins, Shirley
Nebraska Public Power District

Hinds, Carolyn C.
AARP

Hoadley (Burroughs), Sheila Kay
Accountants, Nebraska Society of Certified Public

Hoffman, Jerry L.
Momentum Strategy Group LLC

Holmquist, David
American Cancer Society - Cancer Action Network

Hovorka, Duane
Wildlife Federation, Nebraska

Husch Blackwell, LLP

Blue Cross & Blue Shield of Nebraska
Chiropractic Physicians Association, Nebraska
Home Instead, Inc.
Indoor Tanning Association, Nebraska
KVC Health Systems, Inc.
Nurse Association, Visiting
Papio-Missouri River Natural Resources District, Nebraska
Sarpy County Board of Commissioners
Waste Management, Inc.

Intermill, Mark
AARP

Irsik, Ryan
Wal-Mart Stores, Inc.

Jeffers, Thomas E.
Cooperative Council, Nebraska

Jensen Rogert Associates, Inc.
ABATE of Nebraska, Inc.
Altria Client Services Inc. and its Affiliates
Children's Respite Care Center
Dental Hygienists' Association, Nebraska
Eli Lilly and Company
Fremont Public Schools
Health Management Systems
Industrial Energy Users of Nebraska
Intellectual Disabilities Services Providers, Nebraska
LeadingAge Nebraska
Learning Community of Douglas and Sarpy Counties
Magellan Health Services
Mosaic
National Rifle Association
Nebraska Optometric Association
Nurse Anesthetists, Nebraska Association of
Podiatric Medical Association, Nebraska
Statewide Property Owners' Association

Jensen, Ronald L.
Jensen Rogert Associates, Inc.

Johnson, Larry
Trucking Association, Nebraska

Johnson, Mary A.
Mueller Robak, LLC

Jorgens, Gary J., Jr.
ABATE of Nebraska, Inc.

Karl, Jamie
Chamber of Commerce & Industry, Nebraska

Karnes, David K.
Big Red Keno aka EHPV Lottery Services, LLC
Vigilnet America LLC

Katt, Peter W.
Mortgage Association, Nebraska

Kay, Sara A.

Architects, American Institute of - AIA Nebraska

Keigher & Associates, LLC

AirBoat Association, Nebraska

Aviation Trade Association, Nebraska

Community College Association, Nebraska

Credit Management Services

Iowa-Nebraska Equipment Dealers Association

Land Improvement Contractors Association, Nebraska

Luxottica Retail North America (formerly LensCrafters)

MillerCoors, L.L.C.

National Guard Association of Nebraska

Professional Towers Association of Nebraska

Keigher, Timothy P.

Keigher & Associates, LLC

Petroleum Marketers & Convenience Store Assn., Nebraska

Kelley and Jerram, PC, LLO

Coalition for Capital, Nebraska

Daily Record, The

Douglas County, Nebraska

Eastern Nebraska Human Services Agency

Elevator Industry Work Preservation Fund

Fraternal Order of Police, Nebraska State Lodge of the

Johnson Brothers of Nebraska

Omaha Exposition and Racing, Inc.

Kelley Governmental Relations

Metro Area Transit - OMETRO

Omaha Airport Authority

Tavern Association, Nebraska

Kelley, Michael

Kelley and Jerram, PC, LLO

Kelley Governmental Relations

Kelley, Sean

Kelley and Jerram, PC, LLO

Kelley Governmental Relations

Kelsey, Michael D.

Cattlemen, Inc., Nebraska

Kennedy, Barry L.

Chamber of Commerce & Industry, Nebraska

Kenny, Timothy R.

Investment Finance Authority, Nebraska

Kevil, G. Bruce

Builders & Contractors, Inc., Associated

Kilgarin, Karen

Nebraska State Education Association

Kirkpatrick, Jeffery R.

City of Lincoln

Kissel, Gordon

Kissel/E&S Associates, LLC

Kissel/E&S Associates, LLC
American Petroleum Institute
AmeriHealth Mercy
Ameristar Casinos, Inc.
Beverage Distributors of Nebraska, Associated
Boys & Girls Clubs of Nebraska
Burlington Northern Sante Fe (BNSF) Railway Company
CASA Association, Nebraska
Cooperative Council, Nebraska
County Court Association, Nebraska
Engineers Coalition, Professional
Engineers, Nebraska Society of Professional
Erickson & Sederstrom, PC
Golf Alliance, Nebraska
Golf Course Superintendents Association, Nebraska
Historical Society Foundation, Nebraska State
Kaplan Higher Education in Nebraska c/o MultiState Associates, Inc.
Lancaster County Board of Commissioners
March of Dimes
Nebraska Municipal Power Pool
Ralston Public School District
Regional Administrators, Nebraska Association of
Sarpy County, United Cities of
Surveyors Association of Nebraska, Professional
Telecare Corporation
Thompson Law Office, PC, LLO
TransCanada Corporation
West Corporation
Klingler, Timoree F.
Hospital Association, Nebraska
Kohout, Joseph D.
Kissel/E&S Associates, LLC
Kolterman, Jessica A.
Farm Bureau Federation, Nebraska
Koops, Berend J.
Merck Sharp and Dohme Corp.
Kopperud, Anna
National Rifle Association
Krannawitter, Brian
American Heart Association
Krumland, Gary G.
League of Nebraska Municipalities
Kubat, Richard A.
Metropolitan Utilities District
Kulesher Jarecke, Kate
Brain Injury Association of Nebraska
Eli Lilly and Company
Lundbeck, LLC
Kutilek, William R.

Cooperative Council, Nebraska
Kuzelka, Robert D.
ProRail Nebraska, Inc.
Landwehr, Susan M.
Eli Lilly and Company
Lange, Robert G.
Ameritas Life Insurance Corporation
Larsen, Mary
March of Dimes
LaSorte, Darren
National Rifle Association
Levy, David C.
Bluestem, LLC
Commerce Bank
Edison Mission Energy
Immanuel Retirement Communities
Midwest Wind Energy
Licht, Alice L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.
Auctioneer Association, Nebraska
Automotive Recycling Industry of Nebraska
Hotel & Motel Association, Inc., Nebraska
Pest Control Association, Nebraska State
Licht, Andrew W.
Anderson Management Services, Inc.
Likes, Steven C.
Investment Finance Authority, Nebraska
Lindsay, John C.
O'Hara Lindsay and Associates, Inc.
Loeffler, Michael T.
Northern Natural Gas
Logsdon, Robert R.
Cox Communications
Lombardi, Richard A.
American Communications Group, Inc.
Loontjer, Pat
Gambling with the Good Life
Lostroh, David L.
Christian Home Educators Association, Nebraska
Luebke, Lori
Nebraska Soybean Association
Luetkenhaus, Brandon
Credit Union League, Nebraska
Mach, Coby
Lincoln Independent Business Association (LIBA)
Mack, Michelle D.
Express Scripts Holding Co.
Mahlman, Dale

Medical Association, Nebraska
Mainwaring, Brenda
Union Pacific Railroad
Mallett, Rochelle A.
O'Hara Lindsay and Associates, Inc.
Mancuso, Aubrey
Voices for Children in Nebraska
Martinez, Larry M.
GlaxoSmithKline
Mass, Ken E.
AFL-CIO, Nebraska State
McBride, David S.
Insurance and Financial Advisors, National Association of
Nebraska Optometric Association
McClure, Jeanne L.
Alegent Creighton Health
McClure, John C.
Nebraska Public Power District
McClymont, Pete
Cattlemen, Inc., Nebraska
McCullough, Jacqueline K.
County Attorneys Association, Nebraska
Engineering Companies/Nebraska, American Council of
McGuire, Mark D.
Cameco Resources
McKenzie, Janis M.
Nebraska Insurance Federation
Meek, Randy D.
Locomotive Engineers and Trainmen, Nebraska State Legislative Board -
Brotherhood of
Menzel, Elaine
Nebraska Association of County Officials
Meurrens, Bradley
Disability Rights Nebraska (formerly Neb. Advocacy Services, Inc.)
Meyer, Les
American Life and Security
Meyer, Patricia
American Life and Security
Mikkelsen, Brian
Nebraska State Education Association
Miller, Amy A.
ACLU Nebraska
Mills, Jack D.
Risk Management Association, Nebraska Intergovernmental
Mines, Mick
3M
Cameco Resources
Cargill
Corn Growers Association, American
Diageo
Grocery Industry Association, Nebraska

Humane Society, Nebraska
Insurance and Financial Advisors, National Association of
Johnson & Johnson
League of Nebraska Municipalities
Mark Anthony Brands
Papio Valley Preservation Association
Syngenta
Mischo, Craig
Bayer HealthCare LLC
Morfeld, Adam
Nebraskans for Civic Reform
Moylan, James H.
Beverage Association, Nebraska Licensed
RAI Services Co. (Reynolds American Inc.)
Mueller Robak
American Express Travel Related Services, Inc.
Ash Grove Cement Company
AT&T, Inc.
Bankers Association, Heartland Community
Better Nebraska Association
Chief Industries, Inc.
Children and Family Coalition of Nebraska
Colleges and Universities of Nebraska (AICUN)
Copic Companies
Court Reporters Association, Nebraska
Dental Association, Nebraska
Ducks Unlimited, Inc.
Duncan Aviation
Eastern Nebraska Development Council
eBay, Inc.
Federal Home Loan Bank of Topeka
First Data Corporation
General Contractors of America, Nebraska Chapter, Associated
Lincoln Airport Authority
Lower Republican NRD
M+R Strategic Services Inc.
Madonna Rehabilitation Hospital
Millard Public Schools
Nebraska Academy of Eye Physicians and Surgeons
Nebraska Association of Airport Officials
Nebraska Association of Commercial Property Owners
Nebraska Dermatology Society
Nebraska District Court Judges Association
Nebraska Educational Finance Authority
Nebraska Interactive
Nebraska Land Title Association
Nebraska Machinery Company
Nebraska Methodist Health Systems
Nebraska Press Association

Nebraska Society of Independent Accountants
Nebraska State Bar Association
Nebraska Veterinary Medical Association
Pharmaceutical Research and Manufacturers of America
State Troopers Association of Nebraska, Inc.
Viaero Wireless
Mueller, William J.
 Mueller Robak, LLC
Murphy, Jeremy P.
 Catholic Conference, Nebraska
Nathan, Robbie
 AARP
Neal, John
 Lincoln Public Schools
Neiles Brasch, Megan
 School Boards, Nebraska Association of
Nelson, Stephen D.
 Farm Bureau Federation, Nebraska
Neville, Brennan S.
 National Indemnity Company
Nickerson, Jocelyn S.
 Humane Society of the United States, The
Nielsen, Coleen J.
 Criminal Defense Attorneys Association, Nebraska
 Express Scripts Holding Co.
 Insurance Information Service, Nebraska
 Merck Sharp & Dohme Corp. and its Affiliates
 State Farm Insurance Companies
Nolan, Michael J.
 League of Nebraska Municipalities
Nowka, Trent
 Cutshall and Nowka
O'Hara Lindsay and Associates, Inc.
 Alter Trading Corporation
 Ambulatory Centers, Nebraska Association of Independent
 Architects, American Institute of - AIA Nebraska
 Automobile Manufacturers, Alliance of
 Beverage Association, Nebraska
 Black Hills Energy
 Blue Cross & Blue Shield of Nebraska
 Broadband Coalition, Nebraska Rural
 City of Hastings
 City of Lincoln
 First National of Nebraska, Inc.
 Housing and Redevelopment Officials, Nebraska Chapter of
 Humanities Council, Nebraska
 Motorola Solutions, Inc.
 Nebraska Association of Trial Attorneys
 Nebraska County Judges Association
 Nebraskans Against the Death Penalty
 Nebraskans for Rate Equity

Northern Natural Gas
Nucor Corporation
Nurses Association, Nebraska
Omaha Public Power District
Omaha Public Schools
SourceGas Distribution, LLC
Teradata
Valmont Industries, Inc.
Vandelay Investments, LLC
Winnebago Tribe of Nebraska
O'Neill, Thomas, Jr.
Colleges and Universities of Nebraska (AICUN)
Olhausen, Vaun
Novartis Pharmaceuticals Corporation
Orton, Leroy W.
Irrigation Association, Nebraska State
Waste Water Association, Nebraska Onsite
Well Drillers Association, Nebraska
Othmer, Mark F.
Iowa-Nebraska Equipment Dealers Association
Otto, James A.
Restaurant Association, Nebraska
Retail Federation, Nebraska
Winery and Grape Growers Association, Nebraska
Otto, Richard J. dba Advocacy-Legislation-Leadership
Winery and Grape Growers Association, Nebraska
Pack, Mary M.
Radcliffe, Walter H. of Radcliffe and Associates
Paden, Nicholas K.
Broadband Coalition, Nebraska
Cambridge Telephone Company
Consolidated Telephone Company
Great Plains Communications
Hamilton Telecommunications
Hartelco
Hershey Coop Telephone Co.
HunTel, Inc. dba American Broadband Neb., Inc.
K & M Telephone Company
LifeSafer
Nebraska Central Telephone Company
Northeast Nebraska Telephone Co.
Stanton Telecom, Inc.
Three River Telco
Parker, David R.
Great West Casualty Company
Parr, Ann L.
Farmers Mutual of Nebraska
Partington, Jim
Restaurant Association, Nebraska

Passarelli, Angelo D.
Millard Public Schools

Pearce, Denise K.
City of Lincoln

Peetz & Company
Alegent Creighton Health
Apollo Group, Inc.
Behavioral Health, Advocates for
Children's Hospital & Medical Center
Coventry Health Care
Cox Communications
Cutshall and Nowka
First Five Nebraska (Neb. Children and Families Foundation)
Kiewit Corporation
Metropolitan Entertainment & Convention Authority
Nurse Practitioners, Nebraska
Tenaska
TradeWind Energy
Yahoo, Inc.

Peters, William E.
Burlington Northern Sante Fe (BNSF) Railway Company
Cigar Association of America, Inc.

Peterson, Alan E.
ACLU Nebraska

Peterson, Patricia Schuett
Investment Finance Authority, Nebraska

Petsch, Jean
General Contractors - Nebraska Building Chapter, Associated

Pierson, Darwin R.
Oil & Gas Association, Nebraska Independent

Pollock, Andy
Nebraska Energy Export Association
Nebraska Transportation Association
Nebraska Travel Association (NETA)
NorthWestern Energy
Progressive Swine Technologies
Rural Telecommunications Coalition, Nebraska
United HealthCare Services Inc.
Waste Connections of Nebraska, Inc.

Popken, Kent
CenturyLink

Prenda, Amy
Cable Communications Association, Nebraska
Cutshall and Nowka
Water Resources Association, Nebraska

Propes, Margaret
Sunovion Pharmaceuticals Inc.

Ptacek, Patrick J.
Schmit Industries, Inc.

Quick, Kim A.

Nebraska Change to Win Coalition % Teamsters Local 554

Radcliffe, Walter H. of Radcliffe and Associates

2013 U.S. Senior Open Local Organizing Committee

Accountants, Nebraska Society of Certified Public

Altria Client Services Inc. and its Affiliates

Bellevue Public Schools

Broadcasters Association, Nebraska

Cable Communications Association, Nebraska

Cemetery Association, Nebraska State

Community Financial Services of America (CFSA)

Cultural Endowment, Nebraska (formerly NE Arts Action Fund)

Enterprise Rent-A-Car

Fair Board, Nebraska State

Father Flanagan's Boys' Home (aka Boys Town)

Father Flanagan's Boys' Home dba Boys Town National Research
Hospital

Health Care Association, Inc., Nebraska

Health Underwriters (NAHU), Nebraska Association of

Insurance (NCCI), National Council on Compensation

League of Nebraska Municipalities

Lincoln Public Schools

Liquor Wholesalers, Nebraska

Media of Nebraska, Inc.

Medical Center, Nebraska

Metropolitan Community College

Motion Picture Association of America

Nebraska Expressways for Economic Development (NEED)

Nebraska Optometric Association

Nebraskans for Public Health Funding

Pinnacle Bank

Property Casualty Insurers Association of America

Pyrotechnics Association, Nebraska

Realtors Association, Nebraska

Sanofi Pasteur c/o MultiState Associates Inc.

Telecommunications Association, Nebraska

Tyson Foods, Inc.

University of Nebraska

Redoutey, Laura J.

Hospital Association, Nebraska

Reiman, Charlene

SourceGas Distribution, LLC

Rempe, Jay E.

Farm Bureau Federation, Nebraska

Renner, Shawn D.

Media of Nebraska, Inc.

Rex, L. Lynn

League of Nebraska Municipalities

Richards, Thomas

Omaha Public Power District
Rieker, Bruce R.
Hospital Association, Nebraska
Riley, Christopher T.
Archer Daniels Midland Company
Ring, Kenneth T.
AARP
Riskowski, Al
Family Council, Nebraska
Robak, Kim M.
Mueller Robak, LLC
Rogert, Kent
Jensen Rogert Associates, Inc.
Roque, Matthew
ProRail Nebraska, Inc.
Rubin, Barry
Nebraskans for Jobs & Energy Independence
Sahling-Zart, Shelley R.
Lincoln Electric System
Sanford, Robert A.
Domestic Violence Sexual Assault Coalition, Nebraska
Sanne, Richard D.
Grain and Feed Association, Nebraska
Schaefer, Matthew T.
Mueller Robak, LLC
Scherer, Larry
Nebraska State Education Association
Schimek, Herbert H.
Westside Community Schools
Schleich, Cathy
Children's Hospital & Medical Center
Schleppenbach, Greg
Catholic Conference, Nebraska
Schmit, Loran/Schmit Industries, Inc.
Ethanol Producers, Association of Nebraska
Schmit-Albin, Julie
Nebraska Right to Life
Schrader, Cora
Peetz and Company
Schuller, Lynne
Horsemen's Benevolent & Protective Association
Propane Gas Association, Nebraska
Sears, Jay
Nebraska State Education Association
Sedlacek, Ronald J.
Chamber of Commerce & Industry, Nebraska
Husch Blackwell, LLP
Siefken, Kathy
Grocery Industry Association, Nebraska

SHAZAM

- Sobotta, Russell
sanofi-aventis
- Sommerich, Christopher D.
Humanities Council, Nebraska
- Spatz, John
School Boards, Nebraska Association of
- Stevens, Bradley J.
Americans for Prosperity
- Stilmock, Gerald M.
Brandt, Horan, Hallstrom and Stilmock
- Sullivan, J. Scott
Credit Union League, Nebraska
- Teget (Shrewsbury), Ann
Time Warner Cable
- Todd, A. Loy, Jr.
Car & Truck Dealers Association, Nebraska New
- Uhe, Fred J.
Sarpy County Board of Commissioners
- Ullstrom, Galen F.
Mutual of Omaha
- Valentin, Michaela L.
Blue Cross & Blue Shield of Nebraska
- Vasina, Mark A.
Nebraskans for Peace, Inc.
- Veak, Becky
First Five Nebraska (Neb. Children and Families Foundation)
- Vodvarka, Dan
Accountants, Nebraska Society of Certified Public
- Weber, Rocky
Cooperative Council, Nebraska
- Werner, Terry
Social Workers, Nebraska Chapter, National Association of
- Wesely, Don
O'Hara Lindsay and Associates, Inc.
- White, Rosemary
AAA Nebraska and The Auto Club Group
- Wightman, Anna Castner
First National of Nebraska, Inc.
- Williams, David M.
Ameritas Life Insurance Corporation
- Wimmer, J. Kent
Western Sugar Cooperative (CO)
- Winger, Dwight R.
Pinpoint Holdings, Inc.
- Winston, Kenneth C.
Library Association, Nebraska
Sierra Club, Nebraska Chapter of the
- Withem, Ronald E.

University of Nebraska
 Wurster, Donald F.
 National Indemnity Company
 Yost, Kurt T.
 Bankers, Nebraska Independent Community
 Central Nebraska Public Power and Irrigation District
 Financial Services Association, Nebraska
 MM Finance, LLC
 Young, Joseph
 Omaha Chamber, Greater
 Young, Justin
 Occupational Therapy Association, Nebraska
 Zalenski, Susan D.
 Johnson & Johnson
 Zulkoski, Katie W.
 Mueller Robak, LLC

ANNOUNCEMENT

The Nebraska Retirement Systems Committee elected Senator Davis as Vice Chairperson.

The Education Committee elected Senator Scheer as Vice Chairperson.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Kolowski has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 156. Introduced by Watermeier, 1.

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.

LEGISLATIVE BILL 157. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to support of dental services.

LEGISLATIVE BILL 158. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,197.01, Reissue Revised Statutes of Nebraska, and section 60-6,197.03, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to ignition interlock devices; and to repeal the original sections.

LEGISLATIVE BILL 159. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2713, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.04, 77-2708, and 77-2709, Revised Statutes Cumulative Supplement, 2012; to provide a sales and use tax amnesty for gold, silver, and platinum commodities purchased for investment; to authorize a partial refund of state sales and use tax paid on purchases of gold, silver, and platinum commodities for investment; to change sales tax enforcement provisions relating to sales and purchases of gold, silver, and platinum commodities for investment; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 160. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to elections; to amend sections 32-1302 and 32-1403, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2012; to provide for electronic signatures on recall, initiative, and referendum petitions; to provide powers and duties; to provide fees; to create a fund; to provide penalties; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 161. Introduced by McGill, 26.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-415, Reissue Revised Statutes of Nebraska; to change a penalty for violation of building ordinances or regulations; and to repeal the original section.

LEGISLATIVE BILL 162. Introduced by McGill, 26.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1413, Revised Statutes Cumulative Supplement, 2012; to state findings; to define terms; to provide for a notification process relating to award of associate degrees as prescribed; to provide duties for the Coordinating Commission for Postsecondary Education, community college boards of governors, the Board of Trustees of the Nebraska State Colleges, and the Board of Regents of the University of Nebraska; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 163. Introduced by McGill, 26.

A BILL FOR AN ACT relating to education; to provide for a report on educational credentials and workforce needs as prescribed; and to provide duties for the Coordinating Commission for Postsecondary Education, the Department of Labor, and the State Department of Education.

LEGISLATIVE BILL 164. Introduced by Dubas, 34.

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.

LEGISLATIVE BILL 165. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1438, Revised Statutes Cumulative Supplement, 2012; to change a provision relating to warranty service; and to repeal the original section.

LEGISLATIVE BILL 166. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend section 81-2,147.02, Reissue Revised Statutes of Nebraska; to change labeling requirements of seed containers; and to repeal the original section.

LEGISLATIVE BILL 167. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-713 and 32-714, Reissue Revised Statutes of Nebraska; to require a pledge; to change balloting and vacancy provisions; and to repeal the original sections.

LEGISLATIVE BILL 168. Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Uniform Limited Liability Company Act; to amend section 21-101, Reissue Revised Statutes of Nebraska; to authorize series limited liability companies; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 169. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to juries; to amend section 25-1625, Revised Statutes Cumulative Supplement, 2012; to provide for the clerk of the district court to serve as jury commissioner in certain counties; and to repeal the original section.

LEGISLATIVE BILL 170. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to finance; to amend sections 85-1701, 85-1702, 85-1703, 85-1704, 85-1705, 85-1706, 85-1707, 85-1708, 85-1709, 85-1710, 85-1711, 85-1712, 85-1713, 85-1714, 85-1715, 85-1716, 85-1717, 85-1718, 85-1719, 85-1720, 85-1721, 85-1722, 85-1723, 85-1724, 85-1725, 85-1726, 85-1727, 85-1728, 85-1729, 85-1730, 85-1731, 85-1732, 85-1733, 85-1734, 85-1735, 85-1736, 85-1737, 85-1739, 85-1740, 85-1741, 85-1742, 85-1743, 85-1744, 85-1745, 85-1746, 85-1747, 85-1748, 85-1749, 85-1750, 85-1751, 85-1752, 85-1753, 85-1754, 85-1755, 85-1756, 85-1757, 85-1758, 85-1759, 85-1760, 85-1761, 85-1762, and 85-1763, Reissue Revised Statutes of Nebraska, and section 85-1738, Revised Statutes Cumulative Supplement, 2012; to rename the Nebraska Educational Finance Authority Act and the Nebraska Educational Finance Authority; to change the act to provide financing for projects of private health care institutions and private social services institutions; to define and redefine terms; to change provisions relating to the authority, bonds, and the effect of name changes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 171. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2430, Reissue Revised Statutes of Nebraska; to provide for an expedited permit process as prescribed for victims of domestic violence; and to repeal the original section.

LEGISLATIVE BILL 172. Introduced by Coash, 27; Wightman, 36.

A BILL FOR AN ACT relating to guardianships and conservatorships; to amend sections 30-2628 and 30-2647, Revised Statutes Cumulative Supplement, 2012; to change and provide for court filings as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 173. Introduced by Coash, 27; Karpisek, 32.

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; and to repeal the original section.

LEGISLATIVE BILL 174. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,304, Reissue Revised Statutes of Nebraska; to change provisions relating to load contents and spillage; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 175. Introduced by Smith, 14; Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2712.03, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to representing Nebraska under the streamlined sales and use tax agreement; and to repeal the original section.

LEGISLATIVE BILL 176. Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exclude military retirement benefits from income taxation; and to repeal the original section.

LEGISLATIVE BILL 177. Introduced by Smith, 14.

A BILL FOR AN ACT relating to labor; to amend section 48-1228, Reissue Revised Statutes of Nebraska; to provide enforcement and penalty provisions to the Nebraska Wage Payment and Collection Act; and to repeal the original section.

LEGISLATIVE BILL 178. Introduced by Kintner, 2; Murante, 49; Price, 3; Smith, 14.

A BILL FOR AN ACT relating to learning communities; to amend section 79-2114, Reissue Revised Statutes of Nebraska, and sections 79-611, 79-1007.11, 79-1007.22, 79-1013, 79-2110, 79-2115, and 79-2120, Revised Statutes Cumulative Supplement, 2012; to change and eliminate provisions relating to transportation reimbursement and state aid as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 179. Introduced by Kintner, 2; Murante, 49; Price, 3; Smith, 14.

A BILL FOR AN ACT relating to learning communities; to amend sections 11-119, 13-503, 13-508, 13-511, 13-903, 13-2202, 32-567, 77-1601.02, 77-1614, 77-1624, 77-1702, 77-1708, 77-1772, 77-2201, 77-2202, 79-102, 79-407, 79-415, 79-416, 79-433, 79-452, 79-458, 79-458.01, 79-467, 79-468, 79-473, 79-549, 79-760.02, 79-850, 79-979, 79-1074, 79-1075, 79-1083, 79-10,120, 79-10,126, and 79-1210, Reissue Revised Statutes of Nebraska, and sections 32-546.01, 32-604, 32-1203, 68-907, 70-651.04, 77-1704.01, 77-2704.15, 77-3442, 79-201, 79-215, 79-233, 79-237, 79-238, 79-408, 79-413, 79-527, 79-528, 79-611, 79-760.03, 79-760.05, 79-769, 79-777, 79-1003, 79-1007.05, 79-1007.11, 79-1007.18, 79-1007.22, 79-1008.02, 79-1013, 79-1014, 79-1022, 79-1024, 79-1033, 79-1036, 79-1041, 79-1073, 79-1073.01, 79-1084, 79-1086, 79-1241.03, 81-1203, and 84-1413, Revised Statutes Cumulative Supplement, 2012; to eliminate

learning communities; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-4,117, 79-4,118, 79-4,119, 79-4,120, 79-4,121, 79-4,122, 79-4,123, 79-4,124, 79-4,125, 79-4,126, 79-4,127, 79-4,128, 79-4,129, 79-10,126.01, 79-2101, 79-2102, 79-2102.01, 79-2103, 79-2104.01, 79-2107, 79-2114, and 79-2119, Reissue Revised Statutes of Nebraska, and sections 32-555.01, 79-2104, 79-2104.02, 79-2110, 79-2110.01, 79-2111, 79-2112, 79-2113, 79-2115, 79-2116, 79-2117, 79-2118, 79-2120, and 79-2121, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 180. Introduced by Adams, 24.

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.

LEGISLATIVE BILL 181. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,307, Reissue Revised Statutes of Nebraska; to prohibit certain passengers on motorcycles; and to repeal the original section.

LEGISLATIVE BILL 182. Introduced by Avery, 28.

A BILL FOR AN ACT relating to sexual assault; to amend sections 43-292.02 and 43-1411.01, Reissue Revised Statutes of Nebraska, and sections 43-254 and 43-283.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to paternity of a child conceived as a result of a sexual assault as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 183. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to election commissioners; to amend sections 32-207, 32-209, 32-213, and 32-214, Reissue Revised Statutes of Nebraska; to provide for appointment by the county board in certain counties; to eliminate powers and duties of the Governor regarding such appointments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 184. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds for the Nebraska Wind Applications Center.

LEGISLATIVE BILL 185. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.05, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Cumulative Supplement, 2012; to authorize state

assistance for streamflow enhancement projects; to provide funding; to provide for a fund transfer; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 186. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3228, Reissue Revised Statutes of Nebraska; to restrict rule and regulation authority; and to repeal the original section.

LEGISLATIVE BILL 187. Introduced by Nelson, 6; Crawford, 45; Gloor, 35; Howard, 9; Nordquist, 7; Wightman, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services to fund the Dental Health Director.

LEGISLATIVE BILL 188. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to election commissioners; to amend section 32-207, Reissue Revised Statutes of Nebraska; to require legislative approval of gubernatorial appointments; and to repeal the original section.

LEGISLATIVE BILL 189. Introduced by Harms, 48.

A BILL FOR AN ACT relating to occupant protection systems; to amend sections 60-6,265, 60-6,270, and 60-6,272, Reissue Revised Statutes of Nebraska, and sections 60-4,182, 60-6,267, and 60-6,268, Revised Statutes Cumulative Supplement, 2012; to provide for a loss of points under the point system; to update references to federal regulations; to change violation provisions and authorize enforcement of a violation as a primary offense; to increase a fine and eliminate an exemption for court costs; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 190. Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Early Childhood Education Endowment Cash Fund.

LEGISLATIVE BILL 191. Introduced by Nordquist, 7; Ashford, 20; Coash, 27; Dubas, 34; Howard, 9; Lathrop, 12; Mello, 5; Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-908, 77-2715.07, 77-2717, 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Job Creation and Mainstreet Revitalization Act; to provide tax credits as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 192. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-513, Reissue Revised Statutes of Nebraska; to change provisions relating to requests for information by the Auditor of Public Accounts; and to repeal the original section.

LEGISLATIVE BILL 193. Introduced by Nelson, 6; Davis, 43; Gloor, 35; Hansen, 42; Harms, 48; Kintner, 2; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Cultural Preservation Endowment Fund; to amend section 82-331, Revised Statutes Cumulative Supplement, 2012; to provide for transfers to the fund; and to repeal the original section.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR20 was referred to the Reference Committee.

ANNOUNCEMENTS

The Appropriations Committee elected Senator Harms as Vice Chairperson.

The Government, Military and Veterans Affairs Committee elected Senator Price as Vice Chairperson.

VISITOR

The Doctor of the Day was Dr. Theresa Hatcher from Bellevue.

ADJOURNMENT

At 11:00 a.m., on a motion by Senator McCoy, the Legislature adjourned until 9:45 a.m., Tuesday, January 15, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 15, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 15, 2013

PRAYER

The prayer was offered by Reverend Ryan Lewis, St. Thomas More Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB115	Judiciary
LB116	Education
LB117	Transportation and Telecommunications
LB118	Transportation and Telecommunications
LB119	Appropriations
LB120	Judiciary
LB121	Education
LB122	Appropriations
LB123	Judiciary
LB124	Judiciary
LB125	Government, Military and Veterans Affairs
LB126	Judiciary
LB127	Government, Military and Veterans Affairs
LB128	Judiciary
LB129	Education

LB130	Appropriations
LB131	Education
LB132	Health and Human Services
LB133	Banking, Commerce and Insurance
LB134	Judiciary
LB135	Education
LB136	Judiciary
LB137	Government, Military and Veterans Affairs
LB138	Nebraska Retirement Systems
LB139	Health and Human Services
LB140	Government, Military and Veterans Affairs
LB141	Business and Labor
LB142	Judiciary
LB143	Education
LB144	Government, Military and Veterans Affairs
LB145	Revenue
LB146	Banking, Commerce and Insurance
LB147	Banking, Commerce and Insurance
LB148	Judiciary
LB149	Executive Board
LB150	Revenue
LB151	Judiciary
LB152	Judiciary
LB153	Revenue
LB154	Transportation and Telecommunications
LB155	Banking, Commerce and Insurance
LR12CA	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

ANNOUNCEMENTS

The Agriculture Committee elected Senator Wallman as Vice Chairperson.

The Health and Human Services Committee elected Senator Krist as Vice Chairperson.

The Business and Labor Committee elected Senator B. Harr as Vice Chairperson.

The Banking, Commerce and Insurance Committee elected Senator Christensen as Vice Chairperson.

The Revenue Committee elected Senator Schumacher as Vice Chairperson.

The General Affairs Committee elected Senator Coash as Vice Chairperson.

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications

Room 1113

Tuesday, January 22, 2013 1:30 p.m.

LB30
LB31
LB35

(Signed) Annette Dubas, Chairperson

Banking, Commerce and Insurance

Room 1507

Tuesday, January 22, 2013 1:30 p.m.

LB72
LB100
LB146
LB155

(Signed) Mike Gloor, Chairperson

Judiciary

Room 1113

Wednesday, January 23, 2013 1:30 p.m.

LB128
LB148
LB50
LB142
LB99

Thursday, January 24, 2013 1:30 p.m.

LB3
LB12
LB37
LB45
LB51

(Signed) Brad Ashford, Chairperson

MESSAGE FROM THE GOVERNOR

January 11, 2013

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Motor Vehicles:

Rhonda Lahm, 20216 North Shore Drive, Eagle, NE 68347

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

MOTION - Escort Governor

Senator Nelson moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Harms, McGill, Nordquist, Schilz, and Sullivan to serve on said committee.

STATE OF THE STATE ADDRESS

"Today, we are operating in a technology-driven, global free market economy. Our current tax system needs to be modernized and transformed. It's been nearly 5 decades since Nebraska has had a serious debate about our overall tax system. Life has changed drastically since the 1960s, when we were operating in a completely different economic environment."

Mr. President, Mr. Speaker, Members of the Legislature, Tribal Chairmen, Distinguished Guests, Friends and Fellow Nebraskans:

I am excited to be here today at the beginning of the 2013 legislative session as we take this opportunity to continue moving Nebraska forward. Since

2005, the Nebraska Legislature and I have worked together to make a positive difference for Nebraskans. You and I have positioned Nebraska as a state that is making significant progress. This is a great state and it starts with our citizens. Nebraskans are hard-working, practical, responsible, and innovative.

As Nebraskans, we bring a sense of quiet pride to everything we do. We respect each other and we want our children to have an even better Nebraska in the future. Nebraska is a special place and our job is to ensure that Nebraska is prosperous today and in the future.

We are on the right path and that path starts with a quality education. Education is the great equalizer and education is one of our state's top priorities. We invest in education because we know how important it is. Your new Speaker, Senator Greg Adams, has been part of our P-16 Initiative to strengthen academic achievement for all students in Nebraska.

In 2008, I signed into law the Legislature's LB 1157 that provides for statewide assessments in reading, writing, math and science. Thanks to that legislation and our partnership with Commissioner Breed and the State Board of Education, more than ever before the focus of our school districts is now on academic achievement. We can be very proud that Nebraska's high school graduation rate is 86 percent - the 4th best in America. We have good schools, and they want to be even better in the future.

My proposed budget continues to make K-12 education a priority by increasing state aid to education from \$852 million to \$895 million in fiscal year 2014 and to \$939 million in fiscal year 2015. Additionally, I am proposing a 5 percent increase in special education funding in each of the next two years.

Our students of today are the leaders of tomorrow, and it is critical to our future that they have affordable access to a quality higher education. Last week, University of Nebraska President J.B. Milliken, Nebraska State College Chancellor Stan Carpenter and I announced that the University of Nebraska and Nebraska's State Colleges are prepared to implement a two-year tuition freeze for Nebraska students if you adopt my proposed budget. My recommendation provides the necessary state funding to achieve this two-year tuition freeze for UNL, UNK, UNO, UNMC, Chadron State, Wayne State and Peru State. This is very good news for Nebraska families who are working very hard to ensure that their sons and daughters can afford to go to college. Community colleges are an important component of our education system, as well. I am proposing a similar increase in community college funding for each of the next two years so that each of our six community colleges can also consider adopting a two year tuition freeze.

But, educating the students of today for the jobs of tomorrow is only half of our formula for continued success. In order for Nebraska to continue to grow, we must create jobs that will retain our best and brightest, and

welcome future Nebraskans to our state. Working together with the Legislature in my first year as Governor, we passed the Nebraska Advantage and it has been incredibly successful.

Agriculture is an important part of our economy and agriculture remains relatively strong in Nebraska. We're second in cattle on feed, third in corn production, sixth in soybean production and the second leading ethanol producer. However, our farmers and ranchers have also faced the challenge of the drought this past year, and they have managed their operations with efficiency and flexibility. Water resources will continue to be a challenge for agriculture, businesses and communities due to the continued drought.

Exports are important to Nebraska, and last summer I led a trade mission to China. We continue to expand and strengthen our relationship with China, just like we have done with Canada, Mexico, Japan and many other countries. During the past few years, Nebraska exports to China have grown rapidly and China is now Nebraska's fourth largest trading partner. The Nebraska-China relationship is just beginning and I am confident this will be a growing and improving relationship for many years to come.

As we continue to make state government more efficient and more accessible to our citizens, I want to recognize our technology professionals throughout state government for what they do. From online motor vehicle registration renewals to our 511 system that provides immediate and accurate information about current road conditions, our goal is to provide more and better technology in the future.

I am also very pleased to share with you our efforts to have state workers make wellness a part of their everyday lives. We offer an innovative wellness program and a health insurance package designed around wellness. In 2012, the State of Nebraska wellness program became the first and only state program to earn the coveted C. Everett Koop National Health Award. To receive this prestigious award, you have to demonstrate health improvements and cost savings. This award reflects how hard state employees have worked to improve their health.

After just three years, the State of Nebraska has seen a \$4.2 million reduction in claims, strong participation rates and high satisfaction among employees. Our focus on wellness is resulting in a healthier work force and our insurance premium increases are significantly lower than the national average.

At the federal level, health care policy is a different story. In the next two year budget cycle, the State of Nebraska and every state in America is required by law to implement President Obama's new federal health care law. The financial impact is enormous.

It will cost more than \$170 million in federal and state funds over the next eight years to implement just the technology and administration required by

the new federal health care law. And even more significant: it will cost the State of Nebraska \$72 million in new general funds in this budget for the growth of the current Medicaid program as a result of the new federal health care law. That's \$72 million in new general fund spending for President Obama's new federal health care law – money that should be going to state aid to education or higher education.

I am also very concerned about federal economic policy and its impact on Nebraska. Unlike the federal government, we don't spend money we don't have. We balance our budget in state government and our family budgets by controlling spending, not by raising taxes. Nebraskans are very careful and conservative in how they spend their money.

This conservative approach has led to positive national recognition. Lending Tree said Nebraskans have the lowest average monthly mortgage payment of any state in America. 24/7 Wall Street named Nebraska the third best run state in America. Gallup has recognized Nebraska as the fourth best state to live in.

Nebraska has good schools, affordable homes, a strong work ethic and a low unemployment rate, but taxes are too high in Nebraska. High taxes impede economic growth. High taxes aren't attractive for entrepreneurial growth and high paying jobs.

The Small Business and Entrepreneurship Council states in their 2012 U.S. Business Policy Index that "A high personal income tax rate raises the costs of working, saving, investing, and risk taking...the personal income tax influences businesses far more than generally assumed because more than 92 percent of businesses file taxes as individuals and therefore pay personal income taxes rather than corporate income taxes." This same report states that Nebraska's top personal income tax rate is the 35th highest in America and higher than every one of our neighboring states.

Additionally, 23 states exempt a portion of or all retired military pay, but Nebraska does not. Forty-three states exempt a portion of or all social security income from taxation, but Nebraska does not. Forty-two states don't have an inheritance tax, but Nebraska does. According to the Tax Foundation, Nebraska's Business Tax Climate is 31st out of fifty states. That's mediocre at best. We are not even in the top half of all states. Missouri is 16th. Colorado is 18th. Kansas is 26th. Wyoming and South Dakota are one and two. Only Iowa ranks lower at 42nd.

While rankings are important, this is really about the next generation of Nebraska's leaders – our sons and daughters, and our grandchildren. How many of you have sons and daughters, grandchildren, brothers and sisters and other family members who no longer live in Nebraska because they couldn't find a job here or they couldn't find the right career here in Nebraska? Every family in Nebraska knows exactly what I am talking about.

The question is – are we willing to do something about it? Are we going to be satisfied with a mediocre tax system that won't create the jobs of the future for our sons and daughters? Or, are we willing to consider reforming the tax code so that we have a modern, simpler and fairer tax code? Are we willing to consider a bold, innovative and strategic tax reform plan that would create a top ten business tax climate in Nebraska?

I am. I believe you are, too. And Nebraskans know we can do better than a mediocre tax system.

So, what can we do? The State of Nebraska's sales and income tax system generates approximately \$4 billion in revenue. The income tax system raises nearly \$2.4 billion. The remainder comes from sales tax revenue.

But, did you know that the State of Nebraska provides \$5 billion in sales tax exemptions? Nebraska exempts more than we collect. Is that fair to our small businesses and working Nebraskans?

Imagine if we eliminated just half of the current exemptions. What would that mean for our citizens?

Nebraska wouldn't need to have an individual income tax or a corporate income tax.

Without the individual income tax and the corporate income tax, there would be no income tax on working Nebraskans. Social security and military retirement income would no longer be taxed. There would be no tax on small businesses.

In recent months, I have asked business leaders if they would give up their sales tax exemptions if we could eliminate the individual income tax and the corporate income tax or at least lower the individual and corporate tax rates. You may be surprised, but many are willing to have that discussion. They want simplicity and fairness. They want a modern tax code that rewards productivity, profits and job creation rather than having their lawyers and accountants spending time mining the tax code for exemptions.

Our tax system shouldn't favor one industry over another. Change is not easy, especially when it involves taxes, but this is the discussion that our state needs to have.

The world has changed and our current tax system needs to be modernized and transformed. It's been nearly 5 decades since Nebraska had a serious debate about our overall tax system.

Life has changed drastically since the 1960s. We were operating in a completely different economic environment then. The average cost of a new home was \$24,000. A first-class stamp was 5 cents and gas was 33 cents a gallon. In the 1960s, Americans didn't even have personal computers in

their homes.

Today, we live in an electronic age. Today, we are educating our children for jobs that have not yet been created, using technologies that have not yet been invented. Today, we are operating in a technology-driven, global free market economy, and we need a modern tax system.

Our tax reform proposal is revenue neutral and budget neutral. I know there are organizations that want to tax more services with the overall goal of growing government. These organizations want to spend more tax dollars on more government programs. That is not what most Nebraskans want and that is not what our plan is about.

Our goal is a better business tax climate that will create more high-paying jobs and more rewarding careers for our sons and daughters. We need a tax climate that rewards middle class families for their hard work. In the next few days, I will have legislation introduced that provides alternative options for eliminating many business sales tax exemptions that could lead to the elimination of the individual income tax and the corporate income tax or at least lowering Nebraska's individual and corporate tax rates.

This will provide a starting point for our discussion. I want to emphasize one point – our proposal will not tax food. This tax debate will be challenging, but it is necessary.

Nebraskans have strong opinions, and we are able to disagree on policy in an agreeable and respectful manner. I welcome and look forward to your input. I am prepared to work with you and all Nebraskans, because together we can develop a better tax system for Nebraska.

By adopting a modern, simpler and fairer tax code, we have the opportunity to make Nebraska a top ten business tax climate state so that our sons and daughters, and new citizens, can find jobs and careers right here in Nebraska. Our young people will stay here because they will have good jobs and they will have good careers. Seniors and retirees will stay because Nebraska will no longer tax their Social Security and retirement income. Our entrepreneurs will grow their businesses in Nebraska, because they will no longer face the burden of Nebraska being the 35th highest taxed state on small businesses.

The choice is ours. This is about Nebraska's future. Nebraskans care about this special place we call home. We want Nebraska to be an even better place to live, to work and to raise a family in the future. Let's begin this statewide conversation, and together we will find a Nebraska common sense solution.

Thank you.

The committee escorted Governor Dave Heineman from the Chamber.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 194. Introduced by Speaker Adams, 24; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, sections 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41, 42, 43, 44, 48, 49, 50, 51, 52, 55, 56, 58, 59, 61, 62, 63, 64, 65, 67, 68, 70, 71, 73, 75, 76, 77, 78, 79, 80, 83, 84, 86, 87, 92, 113, 118, 119, 120, 121, 122, 123, 130, 131, 132, 133, 134, 136, 138, 139, 140, 141, 142, 144, 145, 146, 149, 151, 152, 153, 154, 155, 156, 157, 161, 162, 163, 164, 165, 171, 172, 173, 174, 175, 177, 180, 182, 184, 185, 186, 187, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 204, 205, 206, 209, 211, 212, 213, 216, 217, 219, 225, 226, 227, 229, 230, 232, 233, 234, 236, 237, 239, 241, 242, 244, 247, 250, 251, 253, 255, and 256; Laws 2011, LB376, sections 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17; Laws 2011, LB390, sections 32 and 34; Laws 2012, LB751A, section 1; Laws 2012, LB968, sections 37, 38, 39, 40, 43, 45, 47, 49, 50, 52, 54, 56, 59, 60, 67, and 70; Laws 2012, LB985A, section 4; Laws 2012, LB1053A, section 3; and section 90-536, Revised Statutes Cumulative Supplement, 2012; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce appropriations; to state intent; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 195. Introduced by Speaker Adams, 24; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2015; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 196. Introduced by Speaker Adams, 24; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2013-14 and FY2014-15; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 197. Introduced by Speaker Adams, 24; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2013-14 and FY2014-15; to define terms; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 198. Introduced by Speaker Adams, 24; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 199. Introduced by Speaker Adams, 24; at the request of the Governor.

A BILL FOR AN ACT relating to state government; to amend sections 32-1610, 53-117.03, 53-117.06, 81-2004.02, 81-2004.05, and 81-2004.08, Reissue Revised Statutes of Nebraska, and section 72-815, Revised Statutes Cumulative Supplement, 2012; to provide fund transfers; to create funds; to change and provide uses of funds; to authorize sale of land; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 200. Introduced by Speaker Adams, 24; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2012; to provide for fund transfers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 201. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to educational entities; to amend sections 79-526 and 79-1201, Reissue Revised Statutes of Nebraska; to authorize emergency expenditures as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 202. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 29-4106.01 and 81-2004.02, Reissue Revised Statutes of Nebraska, and section 29-4107, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to DNA collection; to create a fund; to provide duties for the Superintendent of Law Enforcement and Public Safety; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 203. Introduced by Scheer, 19; Brasch, 16; Kolowski, 31; Smith, 14.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1502, Reissue Revised Statutes of Nebraska; to define and redefine terms relating to solid waste; and to repeal the original section.

LEGISLATIVE BILL 204. Introduced by Larson, 40.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 54-908, Reissue Revised Statutes of Nebraska, and sections 28-101 and 28-1017, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the reporting of cruelty to animals; to change penalties; to create the offense of damaging or interfering with the operations of an animal facility; to define terms; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 205. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1123, Reissue Revised Statutes of Nebraska; to change provisions relating to application of the act; to provide for certain disclosures; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 206. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to elections; to amend sections 32-103, 32-202, 32-813, 32-916, 32-936, 32-949, 32-950, 32-953, 32-954, 32-957, 32-1006, 32-1027, and 32-1030, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-809, 32-816, 32-915, 32-947, and 32-1002, Revised Statutes Cumulative Supplement, 2012; to require secret-ballot envelopes for certain ballots; to change provisions relating to voting and counting votes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 207. Introduced by McCoy, 39.

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.

LEGISLATIVE BILL 208. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2109, 14-2110, and 14-2126, Reissue Revised Statutes of Nebraska; to change provisions relating to the board of directors, employees, and hydrants; and to repeal the original sections.

LEGISLATIVE BILL 209. Introduced by B. Harr, 8.

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.

SPEAKER ADAMS PRESIDING

LEGISLATIVE BILL 210. Introduced by B. Harr, 8.

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.

LEGISLATIVE BILL 211. Introduced by Adams, 24.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-1502 and 85-1539, Revised Statutes Cumulative Supplement, 2012; to change and eliminate provisions relating to statewide coordination of boards; to provide a duty relating to membership on a committee as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 212. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Parenting Act; to amend section 43-2929, Revised Statutes Cumulative Supplement, 2012; to provide a presumption for court-created parenting plans; and to repeal the original section.

LEGISLATIVE BILL 213. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-101.01, 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, bank publication requirements, and bank membership in a limited liability company; 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.

LEGISLATIVE BILL 214. Introduced by Gloor, 35.

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.

LEGISLATIVE BILL 215. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend section 81-3717, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to use of the County Visitors Promotion Fund; and to repeal the original section.

LEGISLATIVE BILL 216. Introduced by McGill, 26; Dubas, 34.

A BILL FOR AN ACT relating to state wards; to amend sections 43-285, 43-905, 43-1311.03, and 71-1902, Revised Statutes Cumulative Supplement, 2012; to adopt the Young Adult Voluntary Services and Support Act; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 217. Introduced by Avery, 28.

A BILL FOR AN ACT relating to constitutional officers; to amend sections 75-104, 84-101.01, 84-201.01, and 84-721, Reissue Revised Statutes of Nebraska; to increase salaries as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 218. Introduced by Avery, 28.

A BILL FOR AN ACT relating to insurance; to require coverage for amino acid-based formulas as prescribed.

LEGISLATIVE BILL 219. Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-616, Revised Statutes Cumulative Supplement, 2012; to change eligibility provisions for petitions for placement on the general election ballot; and to repeal the original section.

LEGISLATIVE BILL 220. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-901 and 68-915, Revised Statutes Cumulative Supplement, 2012; to state intent; to change provisions and provide duties for the Department of Health and Human Services relating to redeterminations of children's eligibility; to harmonize provisions; and to repeal the original

sections.

LEGISLATIVE BILL 221. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1130, Reissue Revised Statutes of Nebraska; to change functions authorized and authorization requirements for licensed dental hygienists; and to repeal the original section.

LEGISLATIVE BILL 222. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to state government; to amend sections 2-3962, 2-3965, 13-1205, 13-2114, 43-3342.05, 48-166, 77-709, 77-4601, and 89-186, Reissue Revised Statutes of Nebraska, and sections 37-1406, 43-296, 43-405, 43-517, 43-534, 43-1303, 43-4331, 43-4406, 43-4407, 43-4408, 50-405, 50-424, 50-1205, 66-1336, 68-1207.01, 68-1735.02, 68-2004, 71-825, 71-1904, 71-2518, 71-51,103, 71-5206.01, 79-318, 79-10,142, 79-1905, 81-1360, 81-1430, 81-1845, 81-2213, 81-3133, 83-924, 84-901.01, 84-907.06, 84-910, and 84-1219, Revised Statutes Cumulative Supplement, 2012; to require that reports and other information submitted to the Legislature, the Clerk of the Legislature, the Executive Board of the Legislative Council, and committees of the Legislature be submitted electronically; to change and eliminate certain reporting requirements; to change submission requirements for state agencies; to require the submission of certain information to the Legislative Performance Audit Committee by each state agency; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 223. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to utility-type vehicles; to amend sections 60-135.01, 60-358.01, and 60-6,355, Revised Statutes Cumulative Supplement, 2012; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 224. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to public contracts; to amend section 73-101.01, Reissue Revised Statutes of Nebraska; to provide for a preference for certain disabled veterans; and to repeal the original section.

LEGISLATIVE BILL 225. Introduced by Smith, 14.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Newborn Critical Congenital Heart Disease Screening Act.

LEGISLATIVE BILL 226. Introduced by Smith, 14; Krist, 10; Nordquist, 7.

A BILL FOR AN ACT relating to personal property; to regulate dealers in

the business of purchasing and reselling precious items; to provide a penalty; and to harmonize provisions.

LEGISLATIVE BILL 227. Introduced by Kintner, 2; Hansen, 42; Murante, 49; Price, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exclude certain retirement benefits from income taxation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 228. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to insurance; to provide requirements for insurers relating to copayments, coinsurance, and deductibles; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 229. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-703, Revised Statutes Cumulative Supplement, 2012; to change fee provisions; and to repeal the original section.

LEGISLATIVE BILL 230. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.15, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to shipping licenses; and to repeal the original section.

LEGISLATIVE BILL 231. Introduced by Nelson, 6; Coash, 27; Johnson, 23; Nordquist, 7; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to adult day services; to amend section 68-1206, Reissue Revised Statutes of Nebraska, and sections 68-908, 68-1204, and 81-2270, Revised Statutes Cumulative Supplement, 2012; to require a uniform rate for reimbursement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 232. Introduced by Lathrop, 12; Seiler, 33.

A BILL FOR AN ACT relating to courts; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2012; to change judges' salaries; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 233. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Nebraska Crime Victim's Reparations Act; to amend sections 81-1822 and 81-1833, Revised Statutes Cumulative

Supplement, 2012; to change provisions relating to awards and reports; to eliminate a duty of the commission; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-1834, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 234. Introduced by Howard, 9; Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to provide for appropriations for nurse visitation services as prescribed; and to declare an emergency.

LEGISLATIVE BILL 235. Introduced by Howard, 9; Karpisek, 32; Lathrop, 12; Mello, 5; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to elections; to amend sections 2-3214, 3-703, 13-2803, 14-201.03, 15-247, 16-104, 17-102, 17-303, 19-3052, 23-151, 23-204, 23-269, 31-409.03, 32-552, 32-553, 32-554, 32-555, 32-904, 70-612, 79-1217.01, and 85-1512, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-555.01, and 32-903, Revised Statutes Cumulative Supplement, 2012; to provide for the creation of advisory committees; to provide powers and duties; to provide for notice and a public hearing regarding creation and change of election district and subdistrict boundaries, precinct boundaries, and polling places as prescribed; to change requirements for the creation of precincts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 236. Introduced by Howard, 9; Nordquist, 7.

A BILL FOR AN ACT relating to individual development accounts; to appropriate funds for a pilot project.

LEGISLATIVE BILL 237. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to a property tax exemption; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 2102

Tuesday, January 22, 2013 1:30 p.m.

LB60
LB70
LB67

(Signed) Ken Schilz, Chairperson

Urban Affairs

Room 1510

Tuesday, January 22, 2013 1:30 p.m.

LB87
LB111
LB112
LB113
LB48
LB49

(Signed) Amanda McGill, Chairperson

ANNOUNCEMENT

The Urban Affairs Committee elected Senator Murante as Vice Chairperson.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 238. Introduced by Crawford, 45; Murante, 49; Price, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exempt social security and certain retirement benefits from state income taxation as prescribed; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducer

Senator Schilz asked unanimous consent to add his name as cointroducer to LB203. No objections. So ordered.

VISITORS

Visitors to the Chamber were 35 members of Nebraska Association of Home and Community Health Agencies from across the state.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

ADJOURNMENT

At 11:04 a.m., on a motion by Senator Cook, the Legislature adjourned until 11:00 a.m., Wednesday, January 16, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 16, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 16, 2013

PRAYER

The prayer was offered by Senator Brasch.

ROLL CALL

Pursuant to adjournment, the Legislature met at 11:00 a.m., Senator Gloor presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB31	Urban Affairs (rereferred)
LB156	Health and Human Services
LB157	Appropriations
LB158	Transportation and Telecommunications
LB159	Revenue
LB160	Government, Military and Veterans Affairs
LB161	Judiciary
LB162	Education
LB163	Business and Labor
LB164	Transportation and Telecommunications
LB165	Transportation and Telecommunications
LB166	Agriculture
LB167	Government, Military and Veterans Affairs
LB168	Banking, Commerce and Insurance
LB169	Judiciary
LB170	Banking, Commerce and Insurance
LB171	Judiciary
LB172	Judiciary

LB173	General Affairs
LB174	Transportation and Telecommunications
LB175	Revenue
LB176	Revenue
LB177	Business and Labor
LB178	Education
LB179	Education
LB180	Government, Military and Veterans Affairs
LB181	Transportation and Telecommunications
LB182	Judiciary
LB183	Government, Military and Veterans Affairs
LB184	Appropriations
LB185	Appropriations
LB186	Natural Resources
LB187	Appropriations
LB188	Government, Military and Veterans Affairs
LB189	Transportation and Telecommunications
LB190	Appropriations
LB191	Revenue
LB192	Government, Military and Veterans Affairs
LB193	Appropriations
LR20	Executive Board

Lahm, Rhonda - Director, Department of Motor Vehicles - Transportation and Telecommunications

(Signed) John Wightman, Chairperson
Executive Board

ANNOUNCEMENT

The Transportation and Telecommunications Committee elected Senator Smith as Vice Chairperson.

NOTICE OF COMMITTEE HEARINGS Health and Human Services

Room 1510

Wednesday, January 23, 2013 1:30 p.m.

LB7
LB13
LB139

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, January 23, 2013 1:30 p.m.

LB41
LB56
LB144
LR12CA

Thursday, January 24, 2013 2:00 p.m.

LB78
LB125

Friday, January 25, 2013 1:30 p.m.

LB140
LB40
LB79
LB137

(Signed) Bill Avery, Chairperson

Judiciary

Room 1113

Friday, January 25, 2013 1:30 p.m.

LB89
LB120
LB123
LB52
LB151

(Signed) Brad Ashford, Chairperson

Natural Resources

Room 1525

Wednesday, January 23, 2013 1:30 p.m.

LB102

LB16

(Signed) Tom Carlson, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 239. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to health care; to adopt the Nebraska All-Payer Patient-Centered Medical Home Act.

LEGISLATIVE BILL 240. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1735.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to self-sufficiency contracts and work activity requirements; and to repeal the original section.

LEGISLATIVE BILL 241. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to county officers; to amend sections 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-525, 32-526, 32-528, and 32-529, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-519, and 32-524, Revised Statutes Cumulative Supplement, 2012; to authorize voters to vote regarding partisan or nonpartisan ballots for nomination and election of county officers in certain counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 242. Introduced by Howard, 9; Mello, 5.

A BILL FOR AN ACT relating to administrative rules and regulations; to amend section 84-901.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to adoption and promulgation of rules and regulations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 243. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nurse Practitioner Practice Act; to amend section 38-2315, Revised Statutes Cumulative Supplement, 2012; to

redefine nurse practitioner practice; and to repeal the original section.

LEGISLATIVE BILL 244. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2113, 81-2117.01, and 81-2118, Reissue Revised Statutes of Nebraska, and section 81-2104, Revised Statutes Cumulative Supplement, 2012; to require apprentices to complete continuing education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 245. Introduced by Nordquist, 7; Campbell, 25.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-955, Reissue Revised Statutes of Nebraska; to change provisions relating to the preferred drug list; and to repeal the original section.

LEGISLATIVE BILL 246. Introduced by Larson, 40.

A BILL FOR AN ACT relating to correctional health care; to amend sections 47-701 and 47-704, Reissue Revised Statutes of Nebraska, and section 83-1,135, Revised Statutes Cumulative Supplement, 2012; to provide for a copayment; to provide exemptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 247. Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-290, Reissue Revised Statutes of Nebraska; to change provisions relating to costs of care and treatment and reimbursement by parents; and to repeal the original section.

LEGISLATIVE BILL 248. Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-601, 48-602, and 48-628, Reissue Revised Statutes of Nebraska, and section 48-604, Revised Statutes Cumulative Supplement, 2012; to provide for seasonal employers and when benefits are paid to seasonal employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 249. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-463 and 60-465, Reissue Revised Statutes of Nebraska, and sections 60-462, 75-362, 75-363, 75-364, and 75-366, Revised Statutes Cumulative Supplement, 2012; to define and redefine terms in the Motor Vehicle Operator's License Act and in motor carrier provisions; to change motor carrier provisions relating to covered farm vehicles and drivers transporting agricultural commodities or farm supplies; to update federal references; to harmonize provisions; to repeal the original sections; and to declare an

emergency.

LEGISLATIVE BILL 250. Introduced by Dubas, 34.

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.

LEGISLATIVE BILL 251. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4501, Reissue Revised Statutes of Nebraska; to change a fee relating to the rental of motor vehicles; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 252. Introduced by Adams, 24.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-161, 85-162.03, 85-304, and 85-931, Reissue Revised Statutes of Nebraska; to correct and change subdivision numbering and references to governmental entities; and to repeal the original sections.

LEGISLATIVE BILL 253. Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-401 and 79-862, Reissue Revised Statutes of Nebraska; to correct a reference to a governmental entity and a statutory reference; and to repeal the original sections.

LEGISLATIVE BILL 254. Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Nebraska Educational Telecommunications Commission; to amend section 81-1120.24, Reissue Revised Statutes of Nebraska; to correct a reference to the commission and change statutory references; and to repeal the original section.

LEGISLATIVE BILL 255. Introduced by McGill, 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 27-804, 28-801, 28-801.01, 28-804, 28-805, 28-830, and 28-831, Reissue Revised Statutes of Nebraska, and sections 28-707, 28-802, 28-1354, 43-248, and 43-250, Revised Statutes Cumulative Supplement, 2012; to provide for a hearsay exception; to change provisions relating to child abuse; to change provisions and penalties relating to prostitution, solicitation of prostitution, pandering, keeping a place of prostitution, and debauching a minor; to require publication of names and addresses of persons convicted of solicitation of prostitution as prescribed; to change and provide provisions and penalties relating to human trafficking offenses; to direct the

Nebraska Commission on Law Enforcement and Criminal Justice to collect and analyze information relating to such offenses; to eliminate obsolete material; to provide immunity from prosecution for prostitution for persons under eighteen years of age and further procedures as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-832, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 256. Introduced by McGill, 26; Pirsch, 4.

A BILL FOR AN ACT relating to property; to amend sections 28-439, 28-440, 28-441, 28-442, 28-445, 28-1439.02, 28-1439.03, 37-1299, 37-12,102, 60-1901, 60-1903.01, and 81-2004.05, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to criminal forfeiture; to provide for civil forfeiture as prescribed; to provide legislative intent; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal section 28-431, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 257. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to municipal counties; to amend sections 13-2801 and 13-2809, Reissue Revised Statutes of Nebraska; to change provisions relating to the creation of municipal counties; to change a restriction on annexation; and to repeal the original sections.

LEGISLATIVE BILL 258. Introduced by Sullivan, 41; Harms, 48.

A BILL FOR AN ACT relating to schools; to amend section 79-609, Reissue Revised Statutes of Nebraska; to prohibit use of interactive wireless communication devices by school bus drivers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 259. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-601 and 9-603, Reissue Revised Statutes of Nebraska; to define a term; to exempt keno writers from licensure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 260. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend section 71-810, Revised Statutes Cumulative Supplement, 2012; to change requirements for a data and information system as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 261. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to public health and welfare; to adopt the

Medicaid Insurance for Workers with Disabilities Act; and to create an advisory committee.

LEGISLATIVE BILL 262. Introduced by Cook, 13.

A BILL FOR AN ACT relating to education; to amend section 79-2,104, Revised Statutes Cumulative Supplement, 2012; to provide duties relating to sharing of student data, records, and information; to provide for rules and regulations; and to repeal the original section.

LEGISLATIVE BILL 263. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Conrad, 46; Davis, 43; Karpisek, 32; Kolowski, 31; Mello, 5.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 23-2306, 23-2307, 23-2310.04, 23-2315, 23-2317, 23-2319, 23-2319.01, 79-917, 79-921, 79-962, 79-984, 79-991, 79-992, 79-996, 79-9,102, 84-1308, and 84-1511.01, Reissue Revised Statutes of Nebraska, and sections 24-701, 24-703, 24-710.13, 79-902, 79-904.01, 79-947.06, 79-956, 79-958, 79-987, 79-990, 79-9,117, 81-2014, 81-2016, 81-2017, 81-2027.08, 81-2041, 84-1301, 84-1307, 84-1314, 84-1317, 84-1319, 84-1321, 84-1321.01, 84-1503, and 84-1511, Revised Statutes Cumulative Supplement, 2012; to define and redefine terms; to change membership provisions; to change provisions relating to interest and compliance with federal law; to change provisions relating to annual benefit adjustments, repayment of benefits, application deadlines, termination of employment, and contract requirements; to change requirements for actuarial and auditing services; to change provisions relating to administering retirement system plans and fees for planning programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 264. Introduced by Bolz, 29; Coash, 27; Cook, 13; Nordquist, 7; Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2012; to provide an income tax credit for qualified resident individuals caring for dependents as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 265. Introduced by Coash, 27; Campbell, 25.

A BILL FOR AN ACT relating to foster care; to amend sections 43-1502, 71-1901, 71-1903, and 81-505.01, Reissue Revised Statutes of Nebraska, and sections 43-1301, 71-1902, 71-1904, and 75-302, Revised Statutes Cumulative Supplement, 2012; to define terms; to change provisions relating to foster care licensure and kinship homes and relative homes; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 266. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to amend sections 77-27,142, 77-27,142.01, and 77-27,142.02, Revised Statutes Cumulative Supplement, 2012; to eliminate provisions relating to increases in sales and use taxes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 267. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to prohibit persons on parole, probation, or work release from acting as undercover agents or employees of law enforcement; and to prohibit the admissibility of evidence derived from such actions.

LEGISLATIVE BILL 268. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to state intent; and to require an upgrade of an electronic data collection system as prescribed.

LEGISLATIVE BILL 269. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to children and families; to amend sections 43-285, 43-4101, 43-4202, 43-4203, 43-4208, 68-1207, 68-1212, 71-1904, and 81-3133, Revised Statutes Cumulative Supplement, 2012; to provide duties for the Office of Probation Administration, the Nebraska Children's Commission, and the Department of Health and Human Services; to change membership and staffing provisions of the Nebraska Children's Commission; to provide duties relating to reimbursement of certain costs as prescribed; to change provisions relating to a placement plan; to provide requirements for case plans and case manager training; to change provisions relating to rules and regulations for foster case licensees; to provide duties and prohibit certain actions by departmental contractors as prescribed; to provide for a grievance procedure; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 270. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-911, Reissue Revised Statutes of Nebraska; to provide for a medicaid state plan amendment or waiver; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 271. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to elections; to amend section 32-933, Reissue Revised Statutes of Nebraska, and sections 32-808 and 32-942, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to voting early; and to repeal the original sections.

LEGISLATIVE BILL 272. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1101, 46-1103, 46-1119, and 46-1121, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to permit approval and fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 273. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-607, Reissue Revised Statutes of Nebraska; to change restrictions on keno; and to repeal the original section.

LEGISLATIVE BILL 274. Introduced by Nordquist, 7; Ashford, 20.

A BILL FOR AN ACT relating to education; to adopt the Education Compensation Transparency Act.

LEGISLATIVE BILL 275. Introduced by Nordquist, 7; Ashford, 20; Campbell, 25; Conrad, 46; Cook, 13; Gloor, 35; B. Harr, 8; Howard, 9; Kolowski, 31; Lathrop, 12; Mello, 5.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 9-812 and 9-836.01, Reissue Revised Statutes of Nebraska, and sections 68-907 and 68-968, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Coordinated School Health Act; to change allocation provisions relating to the Education Innovation Fund; to change provisions relating to School Health Center Advisory Councils; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 276. Introduced by Nordquist, 7; Campbell, 25.

A BILL FOR AN ACT relating to medicaid; to amend sections 43-2515 and 68-911, Reissue Revised Statutes of Nebraska, and section 79-1018.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to reimbursement pursuant to the Early Intervention Act; to provide duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 277. Introduced by B. Harr, 8; Nordquist, 7; Seiler, 33.

A BILL FOR AN ACT relating to the False Medicaid Claims Act; to amend sections 68-935, 68-936, and 68-945, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to presentation of a false medicaid claim; to change powers relating to the Attorney General; and to

repeal the original sections.

LEGISLATIVE BILL 278. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 33-101, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; and to repeal the original section.

LEGISLATIVE BILL 279. Introduced by Pirsch, 4.

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.

LEGISLATIVE BILL 280. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-323, Revised Statutes Cumulative Supplement, 2012; to change domestic assault provisions; to define a term; and to repeal the original section.

LEGISLATIVE BILL 281. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6306, Revised Statutes Cumulative Supplement, 2012; to change the amount of tax credits allowed under the Angel Investment Tax Credit Act; and to repeal the original section.

LEGISLATIVE BILL 282. Introduced by Pirsch, 4; B. Harr, 8; Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.14, Reissue Revised Statutes of Nebraska, and section 77-2701.16, Revised Statutes Cumulative Supplement, 2012; to exempt motor vehicle washing and waxing services from sales and use tax; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 283. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to limited liability companies; to amend section 9-614, Reissue Revised Statutes of Nebraska, and sections 67-248.02, 67-298, 70-1903, 77-2704.57, 77-2716, 77-2734.01, and 84-511, Revised Statutes Cumulative Supplement, 2012; to eliminate the Limited Liability Company Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 21-2601, 21-2601.01, 21-2602, 21-2603, 21-2604, 21-2604.01, 21-2605, 21-2606, 21-2607, 21-2608, 21-2609, 21-2610, 21-2611, 21-2612, 21-2613, 21-2614, 21-2615, 21-2616, 21-2617, 21-2617.01, 21-2618, 21-2619, 21-2620, 21-2621, 21-2622,

21-2623, 21-2624, 21-2625, 21-2626, 21-2627, 21-2628, 21-2629, 21-2630, 21-2631, 21-2631.01, 21-2631.02, 21-2631.03, 21-2632, 21-2632.01, 21-2633, 21-2634, 21-2635, 21-2636, 21-2637, 21-2638, 21-2639, 21-2640, 21-2641, 21-2642, 21-2643, 21-2644, 21-2645, 21-2646, 21-2647, 21-2648, 21-2649, 21-2650, 21-2651, 21-2652, 21-2653, and 21-2654, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 284. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919, 13-920, 13-922, and 13-926, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; to change amounts recoverable as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 285. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Revised Statutes Cumulative Supplement, 2012; to change provisions governing transfers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 286. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to fund transfers; to amend section 68-1604, Reissue Revised Statutes of Nebraska, and sections 58-703 and 84-612, Revised Statutes Cumulative Supplement, 2012; to provide for Cash Reserve Fund transfers for affordable housing, homeless shelter assistance, and legal aid; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 287. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend sections 71-4401, 71-4402, and 71-4403, Reissue Revised Statutes of Nebraska; to provide for vaccination against rabies by commercial dog breeders as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 288. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-626, 54-627, 54-630, and 54-641.01, Revised Statutes Cumulative Supplement, 2012; to change provisions of the Commercial Dog and Cat Operator Inspection Act; and to repeal the original sections.

LEGISLATIVE BILL 289. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to liens; to amend sections 52-130 and 52-140, Reissue Revised Statutes of Nebraska; to change provisions relating

to the duration of a real estate improvement contract lien; and to repeal the original sections.

LEGISLATIVE BILL 290. Introduced by Pirsch, 4.

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.

LEGISLATIVE BILL 291. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Revised Statutes Cumulative Supplement, 2012; to provide time limits and penalties for late payment of medical payments; and to repeal the original section.

LEGISLATIVE BILL 292. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to elections; to amend section 32-960, Revised Statutes Cumulative Supplement, 2012; to change population restrictions on conducting elections by mail; and to repeal the original section.

LEGISLATIVE BILL 293. Introduced by Kintner, 2; Bloomfield, 17; Johnson, 23; Karpisek, 32; Larson, 40; Watermeier, 1.

A BILL FOR AN ACT relating to firearms; to prohibit disclosure of any applicant or permitholder information regarding firearms registration, possession, sale, or use as prescribed.

LEGISLATIVE BILL 294. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-14,101.02, Reissue Revised Statutes of Nebraska; to change provisions relating to use of public resources by public officials and public employees; and to repeal the original section.

LEGISLATIVE BILL 295. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2705, Reissue Revised Statutes of Nebraska; to redefine a term; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 296. Introduced by Hadley, 37; Avery, 28; Bolz, 29; Brasch, 16; Conrad, 46; Cook, 13; Davis, 43; Hansen, 42; Harms, 48;

B. Harr, 8; Howard, 9; Kintner, 2; Lathrop, 12; Mello, 5; Nelson, 6; Nordquist, 7; Pirsch, 4; Schumacher, 22; Smith, 14.

A BILL FOR AN ACT relating to the Nebraska educational savings plan; to amend sections 77-2716, 85-1802, and 85-1809, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to income tax reductions for contributions; to redefine a term; to change provisions relating to participation agreements; to provide an operative date; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Revenue

Room 1524

Wednesday, January 23, 2013 1:30 p.m.

LB24
LB33
LB34

Thursday, January 24, 2013 1:30 p.m.

LB25
LB26

Friday, January 25, 2013 1:30 p.m.

LB28
LB29
LB36

(Signed) Galen Hadley, Chairperson

ANNOUNCEMENT

The Judiciary Committee elected Senator Lathrop as Vice Chairperson.

RESOLUTIONS

LEGISLATIVE RESOLUTION 21. Introduced by Scheer, 19.

WHEREAS, the Norfolk Catholic Knights won the 2012 Class C-1 State Football Championship; and

WHEREAS, the win gave the Knights their third straight state championship; and

WHEREAS, no other team has ever won three straight state championships in football in Class C-1; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Norfolk Catholic Knights on winning the 2012 Class C-1 State Football Championship.

2. That a copy of this resolution be sent to the Knights and their coach, Jeff Bellar.

Laid over.

LEGISLATIVE RESOLUTION 22. Introduced by Campbell, 25; Gloor, 35.

WHEREAS, spending on health care in the United States has grown faster than the gross domestic product (GDP), the rate of inflation, and the rate of population growth for most of the last four decades; and

WHEREAS, the share of GDP devoted to health care in the United States has risen from 5.2% in 1960 to 17.6% in 2009; and

WHEREAS, the total public and private health care expenditure in Nebraska in 2009 was \$12,649,000,000; and

WHEREAS, since 2000 real hourly wage growth, net of health benefits, has stagnated while inflation-adjusted family health insurance premiums have increased 58%; and

WHEREAS, the average employer-based health insurance annual premium cost in Nebraska in 2011 was \$13,776; and

WHEREAS, eleven of Nebraska's ninety-three counties have no primary care physicians, and observers believe the lack of primary care physicians will become more acute as more people enter the health care system as a result of the federal Affordable Care Act; and

WHEREAS, officials estimate that, under current demand, Nebraska will be short approximately three hundred primary care physicians by 2014. The number of physicians older than sixty-five years of age has jumped by 78% in the past five years; and

WHEREAS, it is anticipated by the University of Nebraska Medical Center that by 2014 the state will need at least 1,685 primary care physicians, 314 primary care nurse practitioners, and 350 primary care physician assistants to meet the increased demand from the newly insured resulting from health care reform; and

WHEREAS, Nebraska's uninsured rate for persons younger than sixty-five years of age is 14.9% (more than 232,000), which is an increase of 67.4% since 2000; and

WHEREAS, Nebraska counties with uninsured rates of 21% or greater exist only in rural areas; and

WHEREAS, Nebraska's future economic and fiscal success requires a healthy population, high quality health care at lower cost, and greater efficiency; and

WHEREAS, Nebraska's families and small businesses are faced with increasing and unsustainable health care costs; and

WHEREAS, successful transformation of Nebraska's health care system is essential to the state's economic well-being and the quality of care provided to Nebraskans; and

WHEREAS, health care reform is not only a matter of coverage or increasing access. True reform is total system transformation into a patient-centric, high-value enterprise; and

WHEREAS, understanding the challenge of health reform and solving Nebraska's health system crisis requires a new level of cooperation between all health care partner stakeholders and policymakers in Nebraska; and

WHEREAS, state government must provide clear leadership and accountability to health care system transformation efforts and must do so in a way that demands transparency, trust, and full participation from all partner stakeholders.

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

1. That the Health and Human Services Committee of the Legislature, in cooperation with the Banking, Commerce and Insurance Committee of the Legislature, be designated to convene a Partnership Towards Nebraska's Health Care System Transformation (Partnership).

2. The committees shall form the Partnership by bringing together policymakers and partner stakeholders at all levels, including state and local governments, public and private insurers, health care delivery organizations, employers, specialty societies, consumer groups, patients, consumers, and all other interested parties, to work together with the shared objectives of controlling health care costs and improving health care quality.

3. The goals of the Partnership are to:

a. Provide a comprehensive review of Nebraska's health care delivery, cost, and coverage demands;

b. Engage partners in dialogue, roundtable discussions, and public policy discourse;

c. Develop a framework for health care system transformation to meet public health, workforce, delivery, and budgetary responsibilities; and

d. Develop cooperative strategies and initiatives for the design, implementation, and accountability of services to improve care, quality, and value while advancing the overall health of Nebraskans.

4. The Health and Human Services Committee of the Legislature may conduct public hearings and, with the Banking, Commerce and Insurance Committee of the Legislature, shall guide the Partnership as it undertakes communication, outreach, and educational activities to convey lessons learned and to make recommendations relating to health care for Nebraskans. The Health and Human Services Committee of the Legislature and the Banking, Commerce and Insurance Committee of the Legislature shall hold a joint hearing by November 1, 2013, to be briefed on the information obtained by the Partnership as outlined in this resolution.

5. The committees and the Partnership shall rely on information, data, and subject matter expertise and consultation from a wide range of entities,

including the Division of Medicaid and Long-Term Care and the Division of Public Health of the Department of Health and Human Services, the Department of Insurance, and any other agencies the committees identify, to provide collaboration with the Partnership to attain the goals for health care system transformation.

6. The funding of the activities of the Health and Human Services Committee of the Legislature under this resolution will be provided first by any allowable funds not fully expended under the State Planning and Establishment Grants for the Affordable Care Act exchanges and then from existing appropriations for the committee from the Nebraska Health Care Cash Fund.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 297. Introduced by Bolz, 29; Hansen, 42; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-101.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to mental injuries and mental illness compensation; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducers

Senators Davis and Scheer asked unanimous consent to add their names as cointroducers to LB101. No objections. So ordered.

Senators Avery and Chambers asked unanimous consent to add their names as cointroducers to LB125. No objections. So ordered.

Senators Brasch, Davis, Hansen, Johnson, and Larson asked unanimous consent to add their names as cointroducers to LB62. No objections. So ordered.

Senator Dubas asked unanimous consent to add her name as cointroducer to LB62. No objections. So ordered.

VISITORS

Visitors to the Chamber were Roger and Mary Ann Thompson from Clay Center; and Shane Greckl from Bloomfield.

The Doctor of the Day was Dr. Marinda Wells from Bellevue.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Campbell, the Legislature adjourned until 9:45 a.m., Thursday, January 17, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 17, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 17, 2013

PRAYER

The prayer was offered by Senator Coash.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB38	Banking, Commerce and Insurance (rereferred)
LB194	Appropriations
LB195	Appropriations
LB196	Appropriations
LB197	Appropriations
LB198	Appropriations
LB199	Appropriations
LB200	Appropriations
LB201	Education
LB202	Judiciary
LB203	Natural Resources
LB204	Judiciary
LB205	Banking, Commerce and Insurance
LB206	Government, Military and Veterans Affairs
LB207	Transportation and Telecommunications
LB208	Urban Affairs

LB209	Banking, Commerce and Insurance
LB210	Banking, Commerce and Insurance
LB211	Education
LB212	Judiciary
LB213	Banking, Commerce and Insurance
LB214	Banking, Commerce and Insurance
LB215	Government, Military and Veterans Affairs
LB216	Health and Human Services
LB217	Government, Military and Veterans Affairs
LB218	Banking, Commerce and Insurance
LB219	Government, Military and Veterans Affairs
LB220	Health and Human Services
LB221	Health and Human Services
LB222	Government, Military and Veterans Affairs
LB223	Transportation and Telecommunications
LB224	Government, Military and Veterans Affairs
LB225	Health and Human Services
LB226	Judiciary
LB227	Revenue
LB228	Banking, Commerce and Insurance
LB229	Nebraska Retirement Systems
LB230	General Affairs
LB231	Health and Human Services
LB232	Judiciary
LB233	Judiciary
LB234	Appropriations
LB235	Government, Military and Veterans Affairs
LB236	Health and Human Services
LB237	Revenue
LB238	Revenue

(Signed) John Wightman, Chairperson
Executive Board

EXECUTIVE BOARD REPORT

Senator Wightman, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Building Maintenance

Senator Tom Hansen (Chairperson)

Senator Al Davis

Senator Jerry Johnson

Senator Heath Mello

Senator John Nelson

Senator Norm Wallman

Education Commission of the States

Senator Bill Avery
Senator John Harms
Senator Kate Sullivan

Midwestern Higher Education Compact Commission (Midwest Compact)

Senator Sue Crawford
Senator Rick Kolowski

Legislative Performance Audit

Senator Greg Adams
Senator Annette Dubas
Senator John Harms
Senator Bob Krist
Senator Heath Mello
Senator Dan Watermeier
Senator John Wightman

Legislature's Planning

Senator Greg Adams
Senator Kathy Campbell
Senator Tanya Cook
Senator Mike Gloor
Senator John Harms
Senator Heath Mello
Senator Paul Schumacher
Senator Kate Sullivan
Senator John Wightman

State-Tribal Relations

Senator Bill Avery
Senator Dave Bloomfield
Senator Lydia Brasch (Vice Chairperson)
Senator Colby Coash (Chairperson)
Senator Al Davis
Senator Annette Dubas
Senator Jeremy Nordquist

Homeland Security Policy Group

Senator Scott Price
Position to be filled – must be a member of the Appropriations Committee

The Interstate Compact for Adult Supervision

Senator Mark Christensen

State Council for Interstate Juvenile Supervision

Senator Amanda McGill

Nebraska Information Technology Commission

Senator Dan Watermeier

Streamlined Sales and Use Tax System

Senator Galen Hadley

Senator Burke Harr

(Signed) John Wightman, Chairperson
Legislative Council, Executive Board

ANNOUNCEMENT

The Natural Resources Committee elected Senator Brasch as Vice Chairperson.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Thursday, January 24, 2013 1:30 p.m.

LB225

LB23

LB156

Friday, January 25, 2013 1:30 p.m.

LB132

LB54

LB42

(Signed) Kathy Campbell, Chairperson

Judiciary

Room 1113

Wednesday, February 6, 2013 1:30 p.m.

LB22

LB212

LB124

LB107

LB126

(Signed) Brad Ashford, Chairperson

MOTION - Escort Chief Justice

Senator Wightman moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court and members of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Ashford, Conrad, Nelson, Seiler, and Wightman to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, and fellow Justices of the Nebraska Supreme Court. I would like to thank the members of this body, and specifically thank Speaker Greg Adams, for inviting me to address you again this year.

It is always a great honor for me to report on the Court's past year and to discuss the Court's future. But first I will introduce my fellow Justices of the Nebraska Supreme Court.

To my immediate right is Justice John Wright of Scottsbluff. Next to Justice Wright is Justice Kenneth Stephan of Lincoln. To the right of Justice Stephan is Justice Lindsay Miller-Lerman of Omaha.

To my immediate left is Justice Michael McCormack of Omaha. And to Justice McCormack's left is Justice William Cassel of O'Neill. Justice William Connolly of Hastings is unable to be with us this morning.

You have been provided with a copy of these remarks along with the Nebraska Supreme Court's Strategic Agenda. Because my time with you is limited, I will only be able to touch on a handful of our many important goals and initiatives.

The core mission of the Nebraska Judicial Branch is the delivery of justice in a fair and timely manner. Justice may be as mundane as paying a traffic fine or as significant as protecting the constitutional rights of an accused in a capital case. Our courts provide access to justice for all of our citizens.

Today I will speak to you about children's rights in Nebraska's courts, sentencing alternatives such as drug courts and community-based supervision, the rights of Nebraska's vulnerable adults, the challenge of providing language access in our courts, and Judicial Branch technology.

1. Children in the Courts

First I will speak to you about the need to have adequate rehabilitative services for delinquent children in our courts. In January 2012, Senator Bob Krist introduced legislative bill 985 to enhance the Nebraska Juvenile Service Delivery Project.

The project is designed to keep children who are involved in the juvenile justice system from becoming repeat offenders by providing individually

targeted services for youth while on probation. The project aims to keep children from being jailed while they receive services or treatment. Emphasis is placed on school attendance, and parents are involved in the rehabilitative process.

Significantly, children do not have to become wards of the State in order to receive services from the project. Thus, not only does this project provide individualized treatment for children, but it is designed to save money for the State and to assist our juvenile courts with case management. The program also builds communities by reducing recidivism in our juvenile population.

In the three pilot projects established Omaha, North Platte, and Scottsbluff, approximately 600 youth have been served since July 1, 2012. Eighty percent of these young people were able to remain in their family home rather than being institutionalized. In the first six months of this project, there has been an 80 percent successful probation completion rate -- which is higher than the statewide average.

In addition to Senator Krist, I would also like to thank Senator Brad Ashford, Senator John Harms, and Senator Tom Hansen for their considerable work toward the passage of this bill.

2. Through the Eyes of the Child

I have spoken to you in the past about our Through the Eyes of the Child Initiative and am pleased to give you this annual update. The Initiative is comprised of 25 judge-led, multidisciplinary teams located across the State. The Initiative continues to improve the way abused and neglected children are served in our courts, on both a local and statewide level.

In 2012, the Initiative hosted or co-hosted eight educational training sessions attended by over 700 people in the following locations: Kearney, Scottsbluff, South Sioux City, Hastings, Papillion, North Platte, Lincoln, and Omaha. One of these training sessions was our Nebraska Children's Summit held in Kearney. This event was attended by over 450 individuals, including all of our juvenile court judges, as well as attorneys, caseworkers, Department of Health and Human Services (DHHS) supervisors, service providers, and youth.

I would like to express my gratitude to Senator Kathy Campbell, Senator Mike Gloor, and Senator Annette Dubas for supporting and participating in the Summit.

Several of our local teams have excelled in providing increased services to abused children. The largest project is led by Judge Michael Burns of Hastings and his fellow judges in the 10th Judicial District. The Hastings team has been awarded over \$1 million in grants to create a transitional living center for foster youth who have reached the age of majority. This facility is currently being renovated and is set to open in the summer of 2013.

Also, our Sidney-area team, under the leadership of Judge Randin Roland, secured and renovated a housing unit where families can live independently while participating in substance-abuse and mental health treatment. They enrolled their first family in April 2012, using a blending of HUD funding and DHHS support.

I would like to thank Senator Harms and Senator Ken Schilz for being part of this endeavor. These teams are great examples of how collaboration among local, State, and national organizations can create positive, sustainable change.

On a broader scale, children are achieving stability more quickly because of court-based initiatives such as prehearing conferences. These prehearing conferences are led by specialized facilitators trained at our Office of Dispute Resolution's regional mediation centers. Due to the success of these hearings and coordination between the courts and DHHS, some termination of parental rights trials and appeals have been avoided, resulting in more timely permanency for children.

3. Sentencing Alternatives

A. Drug Courts

I now call your attention to important sentencing alternatives to incarceration for adults in Nebraska. In an effort to craft better, longer-lasting solutions to drug abuse, we have developed specialty drug courts which target the underlying problems that bring people into our criminal courts.

For too many Nebraska offenders, crime and drug addiction are intertwined. We now have 25 drug courts in operation across the State. This year, for the first time, we anticipate drug courts will be available in all 12 judicial districts when the 5th Judicial District in east-central Nebraska opens its first drug court.

Recently, a 3-year Statewide evaluation of Nebraska's drug courts was conducted by the University of Nebraska Public Policy Center. The evaluation confirmed several areas of success:

- Nebraska drug courts match or exceed national drug court participant graduation rates and boast lower rates of recidivism;
- Nebraska drug court programs are cost-efficient and comparable in cost to drug courts across the nation; and as noted,
- Nebraska drug courts are becoming more widely available.

Upon completion of the evaluation, the Supreme Court Committee on Drug Courts, under the leadership of Judge James Doyle of Lexington, created a 5-year Strategic Plan.

B. Specialized Substance Abuse Supervision

Another sentencing alternative provided by the Court's adult probation system is the Specialized Substance Abuse Supervision Program (known as SSAS). SSAS is designed for adult felony offenders with chronic drug problems. The program and has been in effect since 2006.

This sentencing alternative, available in Omaha, Lincoln, Papillion, Nebraska City, South Sioux City, Kearney, and Lexington, addresses the treatment and supervision needs of offenders who might otherwise have been incarcerated. The SSAS Program continues to show success. Nearly 90 percent of SSAS alumni were not re-arrested within the first year of program completion.

Reporting centers are an essential component of the SSAS Program.

Funded by both State and county dollars, these on-site, community-based facilities blend high levels of offender control with intensive delivery of services. The reporting centers offer 96 different rehabilitative services. This, in turn, reduces the reliance on prisons and jails. The program is currently filled to capacity.

4. Vulnerable Adults

I will now speak to you about the Court's efforts to better serve vulnerable adults. In April 2010, following well-publicized cases of theft, the Supreme Court organized a Review Task Force on the Status of Adult Guardianships and Conservatorships in the Nebraska Court System. The Task Force was chaired by Senator John Wightman.

In October 2010, the Task Force submitted its recommendations to the Nebraska Supreme Court, the Nebraska Legislature, and the Nebraska State Bar Association. The laws enacted by the Legislature, and the rules adopted by the Court, were in response to the recommendations of the Task Force.

We applaud the Legislature for its thoughtful and timely response to the needs of Nebraska's vulnerable adults.

There have been many issues and concerns with the implementation of these new laws and Court rules. We are working with the Nebraska State Bar Association to identify areas where the process can be simplified while maintaining an adequate level of protection for these vulnerable adults.

Nebraska's county courts monitor nearly 13,000 ongoing guardian and conservator cases each year. Nebraska court staff and administrative office staff field a multitude of calls, inquiries, and complaints about the new guardianship rules, forms, and procedures.

I want to thank our judges and court staff for their exemplary response to the additional work and responsibilities created by these changes.

Judges and Clerk Magistrates report these changes have provided additional protection to Nebraska's wards. They also note that the increased monitoring of annual reports has uncovered further instances of theft and misuse of funds by guardians and conservators.

The Supreme Court has announced the creation of a permanent Commission on Guardianships and Conservatorships to carry on the work begun by the original Task Force. The Commission will focus on further implementation of the protections provided by Nebraska's laws and Court rules. Emphasis will be placed on balancing those protections with the legitimate needs of guardians and conservators to have simple, understandable reporting requirements.

5. Language Access

I turn now to another of the ongoing challenges facing Nebraska courts: Providing justice to the increasing number of individuals who speak little or no English. These individuals come before our courts as victims, witnesses, defendants, and parents of juveniles. Not only is it important that these individuals be heard, but it is equally important that judges, attorneys, and jury members understand the testimony and arguments of non-English speakers so that justice can be served.

The number of Nebraskans with limited English skills increased

significantly between 1990 and 2010. Last year interpreter services were provided in 39 spoken languages and American Sign Language for over 20,000 court hearings and probation appointments.

For example, during the past six months, Czech interpreters were provided in Sidney; interpreters skilled in the African languages of Dinka and Somali were provided in Grand Island; Mandarin Chinese interpreters were provided in Valentine, Fremont, O'Neill, and Kearney; interpreters skilled in K'iche, a Guatemalan language, were provided in Fremont, Hartington, Schuyler, Columbus, Madison, and Grand Island; and American Sign interpreters were provided in Center, Scottsbluff, and Ord. Spanish language interpreters are regularly provided throughout the State.

In response to this challenge, Nebraska joined 48 other states, the District of Columbia, and two territories in a grant-funded National Summit on Language Access in the Courts. Attendees included Senator Harms, Justice Cassel, Judge Patrick McDermott, and staff of the Administrative Office of the Courts.

We thank Senator Harms in particular for taking his valuable time to explore with us the challenges of language access in Nebraska's courts.

The Supreme Court is addressing language access needs in a number of other ways as well. Work is progressing on a Language Access Plan to help the court system identify and meet the needs of all court users, including judges, attorneys, and jury members. This plan consists of research into Nebraska's immigrant and refugee language needs, appropriate signage and translation of documents, interpreter availability, and education for judges and court staff. The Language Access Plan is expected to be completed in 2013.

Nebraska courts and probation offices are also utilizing technology in providing interpreter services. Spanish-certified interpreters are available statewide, daily, via video conferencing and by telephone. This program has increased access to interpreters and has saved the State of Nebraska almost \$100,000 in travel time and mileage compensation since January 2010.

Interpreters for hard to find languages can also be accessed remotely. And in order to encourage and support the use of remote interpreters, equipment such as web cams, monitors, and laptops has been distributed to courts in 53 counties utilizing a federal grant.

6. Technology

Technology is increasingly important to the operation of the entire judicial branch. In June 2012, the Supreme Court adopted a new Strategic Plan submitted by the Court's Technology Committee. Among the objectives established under the plan, the Court will work toward electronic filing in appellate court cases, electronic publishing of appellate opinions, additional use of video conferencing in the trial courts, and increased use of technology in the courts to further promote judge and staff productivity.

In 2012, the trial courts collected over \$11 million by electronic payments using the Nebraska.gov website. Nearly 65 percent of civil case filings in the county courts were electronically filed in 2012. This is a 20 percent increase over 2011 filings, and represents a savings both for the State and all of Nebraska's counties. Over 2,700 attorneys are now registered to use

e-filing in Nebraska's courts.

This past year was a banner year for the use of video conferencing in our trial courts. Sixty county courts and 10 district courts used the technology in a variety of court proceedings to save travel time.

Probation is also using secure teleconferencing to expedite investigations for the trial courts and to improve supervision of probationers. We will continue to expand the use of video conferencing in 2013.

7. Conclusion

In conclusion, I note that citizens interact with the State courts through our employees and judges in all 93 Nebraska counties. We have over 1,100 court staff and probation employees providing services to you and your constituents in civil, criminal, probate, juvenile, and family court matters.

Over 400,000 new cases are filed annually in Nebraska's trial courts, and every day approximately 17,000 adults and children are being supervised by our probation officers. Over 1,000 cases are heard each year by the Nebraska Supreme Court and Nebraska Court of Appeals.

The judicial branch touches all Nebraskans, including the most vulnerable of our citizens – children, elderly, the poor, and the unfortunate victims of crime and abuse. We are proud of the accomplishments our programs have achieved in addressing the needs of all of these Nebraska citizens and appreciate the support the Legislature has given the judiciary. We look forward to working with you and continuing to serve all of Nebraska's citizens in the coming years.

Thank you again for the opportunity to speak with you today.

The committee escorted the Chief Justice from the Chamber.

ANNOUNCEMENT

The Chair announced today is Senator Schilz's birthday.

MOTION - Suspend Rules

Senator Dubas offered the following motion to LB31:

MO1

Suspend the rules, Rule 3, Sec. 14, to permit cancellation of the public hearing on LB31.

The Dubas motion to suspend the rules prevailed with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Tuesday, January 22, 2013 1:30 p.m.

LB31 (cancel)

(Signed) Annette Dubas, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 298. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-405 and 28-416, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to controlled substances schedules and penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 299. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to elections; to amend section 32-554, Reissue Revised Statutes of Nebraska; to change provisions regarding political subdivisions; and to repeal the original section.

LEGISLATIVE BILL 300. Introduced by Krist, 10.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-401, Revised Statutes Cumulative Supplement, 2012; to require the Department of Health and Human Services and health care facilities to provide information regarding abortion; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 301. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to transfers of property; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 302. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to

provide annual adjustments for total disability income benefits; and to repeal the original section.

LEGISLATIVE BILL 303. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to land surveying; to amend sections 81-8,114, 81-8,115, 81-8,117, and 81-8,120, Reissue Revised Statutes of Nebraska; to change provisions relating to application for registration and a required examination; and to repeal the original sections.

LEGISLATIVE BILL 304. Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Department of Roads; to amend sections 66-821, 66-822, 66-823, and 66-824, Reissue Revised Statutes of Nebraska; to change provisions relating to usage of gasohol; to require usage of E15 as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 305. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend sections 81-2014.01, 81-2017, 81-2026, 81-2027.08, and 81-2041, Revised Statutes Cumulative Supplement, 2012; to change benefit calculations and provisions related to retirement system funding; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 306. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend sections 24-703 and 24-710.13, Revised Statutes Cumulative Supplement, 2012; to change provisions related to retirement plans funding; to change judges' contribution as prescribed; to eliminate obsolete language; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 307. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-121, 48-141, and 48-162.01, Reissue Revised Statutes of Nebraska, and sections 48-120 and 48-1,110, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to medical treatment, temporary disability compensation, and periodic payment modification; to provide intent and purpose; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 308. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715, Reissue Revised Statutes of Nebraska, and section 77-2717,

Revised Statutes Cumulative Supplement, 2012; to change income tax calculations relating to the federal alternative minimum tax; and to repeal the original sections.

LEGISLATIVE BILL 309. Introduced by Bolz, 29; Cook, 13.

A BILL FOR AN ACT relating to social services; to adopt the Department of Health and Human Services Delivery Improvement and Efficiency Act.

LEGISLATIVE BILL 310. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to clarify compensation for shoulder injuries; and to repeal the original section.

LEGISLATIVE BILL 311. Introduced by Scheer, 19.

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.

LEGISLATIVE BILL 312. Introduced by Scheer, 19; Chambers, 11; Crawford, 45; Howard, 9; Kintner, 2.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Reissue Revised Statutes of Nebraska; to designate certain acts by insurers as unfair trade practices; and to repeal the original section.

LEGISLATIVE BILL 313. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to prisons; to amend sections 29-2262, 83-4,142, and 83-4,143, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to incarceration work camps; to harmonize provisions; to repeal the original sections; and to outright repeal sections 83-4,144, 83-4,145, and 83-4,146, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 314. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to escort agencies; to adopt the Escort Services Accountability and Permit Act; to provide penalties; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 315. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to massage therapy; to amend sections 38-1706 and 38-1709, Reissue Revised Statutes of Nebraska; to redefine massage therapy; to change licensure requirements; and to repeal the original sections.

LEGISLATIVE BILL 316. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-310, Reissue Revised Statutes of Nebraska; to redefine automobile liability policy; and to repeal the original section.

LEGISLATIVE BILL 317. Introduced by Price, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1311.03, Revised Statutes Cumulative Supplement, 2012; to change a duty of county assessors; and to repeal the original section.

LEGISLATIVE BILL 318. Introduced by McGill, 26.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-209, Reissue Revised Statutes of Nebraska; to change provisions relating to duties of law enforcement officers and agencies relating to the taking and distribution of fingerprints; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 319. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2443, Revised Statutes Cumulative Supplement, 2012; to change certain permitholder penalty provisions; and to repeal the original section.

LEGISLATIVE BILL 320. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-248, 43-250, 43-254, 43-256, and 43-272.01, Revised Statutes Cumulative Supplement, 2012; to change temporary custody of juvenile without warrant provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 321. Introduced by Crawford, 45; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to retirement; to amend section 16-1011, Reissue Revised Statutes of Nebraska; to change a provision concerning police officer disability payments; and to repeal the original section.

LEGISLATIVE BILL 322. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Department of Natural Resources; to require an environmental study relating to the Blue River; and to declare an emergency.

LEGISLATIVE BILL 323. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to schools; to create the School Finance Review Committee; and to provide powers and duties.

LEGISLATIVE BILL 324. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-144.01, Reissue Revised Statutes of Nebraska, and sections 48-125 and 48-1,110, Revised Statutes Cumulative Supplement, 2012; to change interest rate provisions on certain compensation court awards; to change provisions relating to first injury reports; to deny compensation in situations of false representation; to eliminate a sunset provision; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 48-1,111, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 325. Introduced by Brasch, 16; Bloomfield, 17; Johnson, 23; Schilz, 47.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3211, Reissue Revised Statutes of Nebraska; to change provisions relating to board approval of boundary changes, division, or merger; and to repeal the original section.

LEGISLATIVE BILL 326. Introduced by Howard, 9; Gloor, 35.

A BILL FOR AN ACT relating to pharmacists; to amend sections 38-2845, 38-2847, 71-2444, 71-2445, 71-2446, 71-2447, 71-2448, 71-2449, and 71-2452, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions of the Pharmacy Practice Act and the Automated Medication Systems Act; to provide for registration of long-term care automated pharmacies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 327. Introduced by Pirsch, 4; Brasch, 16; Lautenbaugh, 18; Nelson, 6; Price, 3; Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2012; to change income tax rates; and to repeal the original section.

LEGISLATIVE BILL 328. Introduced by Pirsch, 4; B. Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Revised Statutes Cumulative Supplement, 2012; to change corporate income tax rates; and to repeal the original section.

LEGISLATIVE BILL 329. Introduced by Howard, 9.

A BILL FOR AN ACT relating to offenses against animals; to amend sections 28-1005 and 28-1009, Reissue Revised Statutes of Nebraska, and sections 28-1005.01 and 28-1010, Revised Statutes Cumulative Supplement, 2012; to reference a statute restricting ownership, possession, or residence with any animal as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 330. Introduced by Howard, 9; Cook, 13; Nordquist, 7.

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Supplemental Nutrition Assistance Program; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 331. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Nebraska Opportunity Grant Act; to amend sections 85-1903 and 85-1907, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 332. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Access College Early Scholarship Program Act; to amend section 85-2105, Revised Statutes Cumulative Supplement, 2012; to change requirements relating to application submission; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 333. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Cumulative Supplement, 2012; to change the sales and use tax collection fees; and to repeal the original sections.

LEGISLATIVE BILL 334. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Nebraska Opportunity Grant Program.

LEGISLATIVE BILL 335. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to firearms; to authorize possession of firearms as prescribed.

LEGISLATIVE BILL 336. Introduced by Carlson, 38.

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.

LEGISLATIVE BILL 337. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4805, 44-4815, 44-4821, 44-4826, 44-4827, and 44-4828, Reissue Revised Statutes of Nebraska; to change provisions of the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act relating to security arrangements involving a Federal Home Loan Bank; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 338. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-178, 38-182, 68-901, and 71-448, Revised Statutes Cumulative Supplement, 2012; to prohibit certain practices by health care professionals and facilities; to provide for disciplinary action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 339. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to fences; to amend sections 2-4808, 34-112.02, and 34-112.03, Reissue Revised Statutes of Nebraska; to change fence dispute provisions; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1525

Thursday, January 24, 2013 1:30 p.m.

LB91
LB203

(Signed) Tom Carlson, Chairperson

ANNOUNCEMENT

The Building Maintenance Committee elected Senator Nelson as Vice Chairperson.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR22 was referred to the Reference Committee.

RESOLUTIONS**LEGISLATIVE RESOLUTION 23.** Introduced by Avery, 28.

WHEREAS, the United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings (real people); and

WHEREAS, corporations are not mentioned in the United States Constitution and "The People" have never granted constitutional rights to corporations, nor have "We" decreed that corporations have authority that exceeds the authority of "We the People"; and

WHEREAS, corporations can and do make important contributions to our society using powerful advantages that government has wisely granted them, but the Legislature does not consider them real people; and

WHEREAS, United States Supreme Court Justice Hugo Black in a 1938 dissenting opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and

WHEREAS, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas"; and

WHEREAS, the United States Supreme Court in *Citizens United v. Federal Election Commission* (2010) reversed the decision in *Austin v. Michigan Chamber of Commerce* and the portion of *McConnell v. Federal Election Commission* (2003) that upheld bans on corporate and labor treasury funds for electioneering and presents a serious threat to self-government by rolling back previous bans on corporate spending in the electoral process and allows unlimited corporate spending to influence elections, candidate selection, policy decisions, and public debate; and

WHEREAS, the opinion of the four dissenting justices in *Citizens United v. Federal Election Commission* noted that corporations have special privileges not enjoyed by real people, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend huge sums on campaign messages that have little or no correlation with the beliefs held by real people; and

WHEREAS, the law obligates corporations to put profits for shareholders ahead of concerns for the greatest good of society while individual shareholders as real people balance their narrow self interest and the broader public interest when making political decisions; and

WHEREAS, corporations have used the artificial rights bestowed upon them by the courts to overturn democratically enacted laws that municipal, state, and federal governments passed to curb corporate abuse, thereby impairing local governments' ability to protect their citizens against

corporate harms to the environment, to consumers, to workers, to independent businesses, and to local and regional economies; and

WHEREAS, the United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of corruption justified some limits on contributions to candidates, but it wrongly rejected other fundamental interests that the citizens of Nebraska find compelling such as creating a level playing field and ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and

WHEREAS, federal courts in *Buckley v. Valeo* and in *SpeechNow.org v. Federal Election Commission* (2010) overturned spending and contribution limits on independent campaigns that helped level the political playing field because they concluded that the threat of corruption was only applicable to direct contributions to candidates; and

WHEREAS, the United States Supreme Court in *First National Bank of Boston v. Bellotti* (1978) and *Citizens Against Rent Control v. City of Berkeley* (1986) rejected limits on contributions to ballot measure campaigns because they concluded they posed no threat of candidate corruption; and

WHEREAS, United States Supreme Court Justice Stevens observed in *Nixon v. Shrink Missouri Government PAC* (2000) that "money is property, it is not speech"; and

WHEREAS, a February 2010 Washington Post-ABC News poll found that eighty percent of Americans oppose the United States Supreme Court ruling in *Citizens United v. Federal Election Commission*; and

WHEREAS, as state legislators, we have sworn to uphold the United States Constitution in our oath of office; and

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and the republican form of self-government.

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

1. That the Legislature supports an amendment to the United States Constitution that would clarify several misinterpretations of the Constitution by divided actions of the United States Supreme Court that have culminated in the wrongly decided *Citizens United v. Federal Election Commission*. The amendment should make clear that corporations have only the privileges bestowed upon them by their charters and by state and federal law and the inalienable rights of the real people who are their shareholders or members. Further, the amendment shall clarify that: Money is property; it is not speech; and in order to ensure that all citizens, regardless of wealth, have an opportunity to express their views to their fellow citizens and to their government on a level playing field, the amount of speech that any one citizen may purchase should be limited to levels that do not overwhelm other citizens.

2. That a copy of this application be sent by the Clerk of the Legislature to the President of the United States Senate, to the Speaker of the United States

House of Representatives, to each member of Nebraska's delegation to the United States Congress, and to the presiding officers of each house of the several state legislatures.

LEGISLATIVE RESOLUTION 24. Introduced by Nordquist, 7; Crawford, 45; B. Harr, 8; Howard, 9; Lathrop, 12; Mello, 5; Pirsch, 4.

WHEREAS, the 2012 Creighton University men's soccer team reached the NCAA Men's College Cup for the fifth time in school history and in back-to-back seasons for the first time in program history; and

WHEREAS, Creighton's 2012 appearance in the NCAA Men's College Cup is the twentieth postseason appearance since 1992; and

WHEREAS, Head Coach Elmar Bolowich made his fifth consecutive College Cup appearance in 2012, which ranks third all-time in the NCAA; and

WHEREAS, two seniors, defender Andrew Ribeiro and forward Jose Gomez, were named National Soccer Coaches Association of America All-Americans; and

WHEREAS, Creighton captured the Missouri Valley Conference Tournament title in the same season as the conference regular-season championship for the eighth time in program history and for the second straight season; and

WHEREAS, the 2012 Bluejays were undefeated in Missouri Valley Conference play and went 9-2-1 on their home field at Morrison Stadium, which College Soccer News has called the most exciting college soccer stadium in the nation and where Creighton ranked in the top 12 in the NCAA in average attendance for the tenth straight season; and

WHEREAS, the achievements of the Creighton University men's soccer team in 2012 are a source of great pride to Creighton University students, faculty, and alumni, to Omahans, and to the people of the State of Nebraska.

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

1. That the Legislature congratulates the Creighton University men's soccer team for their achievements in the 2012 season and extends its best wishes for continued success.

2. That a copy of this resolution be sent to Creighton University Athletic Director Bruce Rasmussen and Head Coach Elmar Bolowich.

Laid over.

VISITORS

Visitors to the Chamber were members of the Nebraska State Bar Association; Marsha Fangmeyer, Amie Martinez, Bob Bartle, Jane Schoenike, and Sam Clinch.

The Doctor of the Day was Dr. Kevin Wycoff from Hastings.

ADJOURNMENT

At 11:31 a.m., on a motion by Senator Bloomfield, the Legislature adjourned until 10:00 a.m., Friday, January 18, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 18, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 18, 2013

PRAYER

The prayer was offered by Pastor Matt Rappley, Judson Baptist Church, La Vista.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Carlson presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB126	Appropriations (rereferred)
LB239	Banking, Commerce and Insurance
LB240	Health and Human Services
LB241	Government, Military and Veterans Affairs
LB242	Executive Board
LB243	Health and Human Services
LB244	General Affairs
LB245	Health and Human Services
LB246	Judiciary
LB247	Judiciary
LB248	Business and Labor
LB249	Transportation and Telecommunications
LB250	Transportation and Telecommunications
LB251	Revenue
LB252	Education

LB253	Education
LB254	Education
LB255	Judiciary
LB256	Judiciary
LB257	Government, Military and Veterans Affairs
LB258	Transportation and Telecommunications
LB259	General Affairs
LB260	Health and Human Services
LB261	Health and Human Services
LB262	Education
LB263	Nebraska Retirement Systems
LB264	Revenue
LB265	Health and Human Services
LB266	Revenue
LB267	Judiciary
LB268	Appropriations
LB269	Health and Human Services
LB270	Health and Human Services
LB271	Government, Military and Veterans Affairs
LB272	Natural Resources
LB273	General Affairs
LB274	Education
LB275	Education
LB276	Health and Human Services
LB277	Judiciary
LB278	Government, Military and Veterans Affairs
LB279	Banking, Commerce and Insurance
LB280	Judiciary
LB281	Revenue
LB282	Revenue
LB283	Banking, Commerce and Insurance
LB284	Judiciary
LB285	Appropriations
LB286	Appropriations
LB287	Agriculture
LB288	Agriculture
LB289	Judiciary
LB290	Banking, Commerce and Insurance
LB291	Business and Labor
LB292	Government, Military and Veterans Affairs
LB293	Judiciary
LB294	Government, Military and Veterans Affairs
LB295	Urban Affairs
LB296	Revenue
LB297	Business and Labor
LR22	Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

EXECUTIVE BOARD REPORT

Senator Wightman, Chairperson of the Executive Board, reported the appointment of the following member of the Legislature to the following special committee:

Homeland Security Policy Group

Senator Bill Kintner - member of Appropriations Committee

(Signed) John Wightman, Chairperson
Legislative Council, Executive Board

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Room 1507

Monday, January 28, 2013 1:30 p.m.

LB213
LB214
LB279
LB290

(Signed) Mike Gloor, Chairperson

General Affairs

Room 1510

Monday, January 28, 2013 1:30 p.m.

LB173
LB230
LB259
LB273

(Signed) Russ Karpisek, Chairperson

Agriculture

Room 2102

Tuesday, January 29, 2013 1:30 p.m.

LB15
LB68
LB69

(Signed) Ken Schilz, Chairperson

Transportation and Telecommunications

Room 1113

Monday, January 28, 2013 1:30 p.m.

Rhonda Lahm: Director, Department of Motor Vehicles
 LB32
 LB207
 LB249
 LB250

(Signed) Annette Dubas, Chairperson

Education

Room 1525

Monday, January 28, 2013 1:30 p.m.

LB121
 LB135
 LB211
 LB252

(Signed) Kate Sullivan, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 17, 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

Amack, Angela K.
 Public Advocacy, The Nebraska Commission on
 Barrett, John
 Cox Communications (Withdrawn 01/17/2013)
 Bedke, Eric J.
 ABATE of Nebraska, Inc.
 Brashear, Kermit A.
 Blue Cross and Blue Shield of Nebraska
 Freeman, Jessica
 Nebraska Friends of Midwives
 Goc, John J.
 Metropolitan Utilities District
 Mills Consulting, Inc.
 Habben, Jon
 Rural Community Schools Association, Nebraska

Hunter, Law Offices of Bruce D.
 Communities In Schools of Nebraska Inc.
 McKenzie, Janis M.
 Gifted, Nebraska Association for the
 Mines & Associates
 Peetz & Company
 North Platte Valley Water Association
 Radcliffe, Walter H. of Radcliffe and Associates
 Davis, W. Scott
 HBAL/MOBA Coalition
 Kissel/E&S Associates, LLC
 Lieben, Whitted, Houghton, Slowiaczek & Cavanaugh, P.C., L.L.O
 Ramaekers, Larry
 Grand Island Northwest Public Schools
 Sherman, Becky
 Nebraska Friends of Midwives
 Wright, Lee
 Farmers Group, Inc.

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 Legislative Performance Audit Committee elected Senator Harms as Chairperson and Senator Watermeier as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 340. Introduced by Natural Resources Committee: Carlson, 38, Chairperson; Brasch, 16; Johnson, 23; Kolowski, 31; Schilz, 47.

A BILL FOR AN ACT relating to public power; to amend section 70-1013, Revised Statutes Cumulative Supplement, 2012; to change a hearing requirement; and to repeal the original section.

LEGISLATIVE BILL 341. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1807, 77-1808, 77-1812, 77-1813, 77-1818, 77-1822, 77-1823, 77-1830, 77-1836, 77-1849, and 77-1936, Reissue Revised Statutes of Nebraska, and sections 77-1824, 77-1824.01, 77-1825, 77-1831, 77-1832, and 77-1833, Revised Statutes Cumulative Supplement, 2012; to change and eliminate provisions relating to tax sales for delinquent property taxes; to harmonize provisions; to provide an operative date; to repeal the original sections; and

to outright repeal sections 77-1820, 77-1926, and 77-1937, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 342. Introduced by Coash, 27.

A BILL FOR AN ACT relating to parental rights; to amend sections 43-247, 43-279.01, 43-284, 43-284.01, 43-1411.01, and 43-2930, Reissue Revised Statutes of Nebraska, and sections 42-364, 43-245, 43-253, and 43-272.01, Revised Statutes Cumulative Supplement, 2012; to define terms; to eliminate obsolete provisions; to change right to counsel and procedure provisions in abuse and neglect and termination of parental rights proceedings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 343. Introduced by Coash, 27.

A BILL FOR AN ACT relating to intellectual disability; to amend sections 21-610, 23-104.03, 28-105.01, 30-2624, 31-113, 38-2404, 42-374, 43-289, 44-710.01, 71-421, 71-1107, 71-1110, 71-2102, 71-6018.01, 77-1827, 79-712, 79-1118.01, 79-1128, 83-101.06, 83-112, 83-217, 83-218, 83-363, 83-381, 83-382, 83-383, 83-386, 83-387, 83-389, and 83-1205, Reissue Revised Statutes of Nebraska, and sections 68-1202 and 79-1124, Revised Statutes Cumulative Supplement, 2012; to change terminology related to mental retardation; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 344. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend section 71-5829.04, Reissue Revised Statutes of Nebraska; to change provisions relating to the moratorium on long-term care beds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 345. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to transfer on death deeds; to amend sections 76-2,126 and 76-3409, Revised Statutes Cumulative Supplement, 2012; to change requirements for transfer on death deeds and filings related to transfer on death deeds; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 346. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to schools; to amend sections 77-3442, 79-1003, and 79-1028.01, Revised Statutes Cumulative Supplement, 2012; to authorize school districts to levy for school security measures as prescribed; to redefine a term; to authorize school districts to exceed budget authority as prescribed; to authorize the creation of school funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 347. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-401, Revised Statutes Cumulative Supplement, 2012; to state intent; to provide for a moratorium on issuance of certain licenses as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 348. Introduced by B. Harr, 8; Conrad, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1333, Reissue Revised Statutes of Nebraska; to state findings; to change provisions relating to the assessment of certain rent-restricted housing projects; and to repeal the original section.

LEGISLATIVE BILL 349. Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 32-620, 32-1005, 32-1007, and 32-1008, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to ballot status for candidates for President and Vice President of the United States; to provide for a write-in campaign for the office of President; to change provisions regarding counting votes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 350. Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Nebraska Police Standards Advisory Council; to amend section 81-1407, Reissue Revised Statutes of Nebraska; to add members to the council as prescribed; and to repeal the original section.

LEGISLATIVE BILL 351. Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,118, Reissue Revised Statutes of Nebraska; to require a cognitive test for persons eighty years of age or older as prescribed; to provide an exception; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 352. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2429, Reissue Revised Statutes of Nebraska, and section 69-2427, Revised Statutes Cumulative Supplement, 2012; to define a term; to provide signage requirements and duties for the Nebraska State Patrol; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 353. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3228, Reissue Revised Statutes of Nebraska; to restrict rule and regulation authority; and to repeal the original section.

LEGISLATIVE BILL 354. Introduced by Larson, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 49-1499.02 and 66-1333, Reissue Revised Statutes of Nebraska, and section 66-1345.01, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Corn Promotion Act and repeal the Nebraska Corn Resources Act; to create a board; to create and eliminate funds; to provide a penalty; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 2-3601, 2-3602, 2-3603, 2-3604, 2-3605, 2-3606, 2-3607, 2-3608, 2-3609, 2-3610, 2-3611, 2-3612, 2-3614, 2-3615, 2-3616, 2-3617, 2-3618, 2-3619, 2-3620, 2-3621, 2-3622, 2-3623, 2-3627, 2-3628, 2-3629, 2-3630, 2-3631, 2-3632, 2-3633, 2-3634, and 2-3635, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 355. Introduced by Larson, 40.

A BILL FOR AN ACT relating to the age of majority; to amend sections 2-1207, 8-2602, 9-255.06, 9-255.09, 9-334, 9-633, 9-646, 9-810, 9-814, 9-823, 9-826, 13-317, 20-403, 21-1724, 21-1781, 23-1213.01, 23-1824, 25-1601, 28-319, 28-320.01, 28-457, 28-833, 29-2270, 30-2412, 30-2603, 30-3402, 30-3502, 38-165, 38-1710, 38-2421, 38-3122, 42-371.01, 43-104.09, 43-117.01, 43-284.02, 43-289, 43-290, 43-294, 43-504, 43-2721, 43-3703, 44-7.103, 44-4053, 44-5238, 48-122.01, 48-124, 49-801, 53-168.06, 53-181, 53-1.122, 60-4.120.01, 60-6.157, 60-6.340, 68-1724, 71-629, 71-808, 71-824, 71-20.120, 71-3405, 71-4808, 71-6039.01, 76-1494, 79-296, 80-403, 81-885.13, 81-1916, 81-1936, 81-2036, 83-383, and 83-388, Reissue Revised Statutes of Nebraska, and sections 25-1628, 25-21.271, 28-311.08, 28-319.01, 28-416, 28-728, 28-813.01, 28-1463.04, 28-1463.05, 29-401, 29-4016, 30-2209, 30-2604, 30-3902, 32-602, 37-413, 37-452, 38-129, 43-245, 43-412, 43-1311.03, 43-2404.02, 43-2922, 53-180.05, 64-101, 68-915, 68-2002, 68-2004, 68-2005, 71-9105, 76-2228.01, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 77-2704.63, 79-215, 79-267, 79-1003, 81-6.120, 81-1917, and 81-2026, Revised Statutes Cumulative Supplement, 2012; to change the age of majority from nineteen to eighteen years of age and certain age requirements as prescribed; to define and redefine terms; to change reporting provisions; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 44-706.01 and 71-826, Reissue Revised Statutes of Nebraska, and section 43-2101, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 356. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to schools; to prohibit participation in co-curricular or extracurricular activities as prescribed; and to provide exceptions.

LEGISLATIVE BILL 357. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003 and 79-1028.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to budget limitations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 358. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 76-2308, Reissue Revised Statutes of Nebraska; to redefine excavation; and to repeal the original section.

LEGISLATIVE BILL 359. Introduced by Cook, 13.

A BILL FOR AN ACT relating to social services; to amend section 68-1206, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility redetermination for a child care subsidy as prescribed; and to repeal the original section.

LEGISLATIVE BILL 360. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to fees; to amend sections 60-158, 69-2404, and 83-424, Reissue Revised Statutes of Nebraska, and sections 24-703 and 33-117, Revised Statutes Cumulative Supplement, 2012; to change court fees, sheriff's fees, identification inspection fees, and handgun certificate fees; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 361. Introduced by Howard, 9; Conrad, 46.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-3404, 71-3405, 71-3406, 71-3408, 71-3409, 71-3410, and 71-3411, Reissue Revised Statutes of Nebraska, and section 71-3407, Revised Statutes Cumulative Supplement, 2012; to name the Child and Maternal Death Review Act; to state intent; to define terms; to provide for review of maternal deaths; to change review procedures for child deaths; to rename and change membership of the review team; to change and provide powers and duties; to provide for a team coordinator; to change provisions relating to information and records; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 362. Introduced by Avery, 28; Harms, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-434, 37-436, 37-441, 37-442, 37-443, 37-446, and 60-1513, Reissue Revised Statutes of Nebraska, and sections 37-438 and 60-3,156, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to park entry permits; to provide fees for motor vehicle registration; to provide for distribution and use of the fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 363. Introduced by Avery, 28.

A BILL FOR AN ACT relating to public records; to amend section 84-712.03, Reissue Revised Statutes of Nebraska, and section 84-712, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to access; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 364. Introduced by Avery, 28.

A BILL FOR AN ACT relating to government contracts; to amend section 49-14,102, Reissue Revised Statutes of Nebraska; to permit certain government bodies to set limits on certain contracts; and to repeal the original section.

LEGISLATIVE BILL 365. Introduced by Avery, 28.

A BILL FOR AN ACT relating to schools; to require instruction in certain emergency procedures as a requirement for high school graduation as prescribed; and to provide for a waiver.

LEGISLATIVE BILL 366. Introduced by Cook, 13.

A BILL FOR AN ACT relating to education; to amend section 9-812, Reissue Revised Statutes of Nebraska; to adopt the Remedial Adult Education Innovation Act; to change provisions relating to the Education Innovation Fund; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 367. Introduced by Cook, 13.

A BILL FOR AN ACT relating to education; to adopt the Twenty-First Century Developmental Education Act.

LEGISLATIVE BILL 368. Introduced by Crawford, 45; Mello, 5.

A BILL FOR AN ACT relating to employment; to state findings; to create and provide for a subsidized employment pilot program; to provide duties for the Department of Health and Human Services and the Department of

Labor; to provide for termination of the program; to state intent relating to appropriations; and to provide an operative date.

LEGISLATIVE BILL 369. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to probation and parole; to amend sections 29-2257 and 29-2262.06, Reissue Revised Statutes of Nebraska, and sections 29-2252, 29-2255, 29-2262.07, and 83-1,102, Revised Statutes Cumulative Supplement, 2012; to provide duties for the probation administrator and the Parole Administrator; to harmonize provisions; to eliminate obsolete provisions; and to repeal the original sections.

LEGISLATIVE BILL 370. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-518, Reissue Revised Statutes of Nebraska; to create the County Property Tax Assistance Program and the Municipal Property Tax Assistance Program; to provide powers and duties; to create funds; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 371. Introduced by Mello, 5; Karpisek, 32; Krist, 10.

A BILL FOR AN ACT relating to state government; to adopt the Transparency in Government Procurement Act.

LEGISLATIVE BILL 372. Introduced by Mello, 5; Janssen, 15; Karpisek, 32; Seiler, 33.

A BILL FOR AN ACT relating to the Department of Administrative Services; to adopt the Buy Nebraska Act; to eliminate provisions relating to resident bidder preferences; and to outright repeal sections 73-101.01 and 73-101.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 373. Introduced by Mello, 5; Lathrop, 12.

A BILL FOR AN ACT relating to contractors; to amend sections 45-1201, 45-1202, 45-1203, and 45-1204, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Nebraska Construction Prompt Pay Act; to repeal the original sections; and to outright repeal section 45-1207, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 374. Introduced by Nelson, 6; Pirsch, 4.

A BILL FOR AN ACT relating to bail; to amend section 29-2206, Revised Statutes Cumulative Supplement, 2012; to provide for a delinquent child support payment lien on an appearance bond as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 375. Introduced by Lathrop, 12; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to designate funds to be used for services for persons with developmental disabilities.

LEGISLATIVE BILL 376. Introduced by Johnson, 23; Christensen, 44; Davis, 43; Hadley, 37; Schilz, 47; Seiler, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

LEGISLATIVE BILL 377. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to county roads; to amend section 39-1702, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation of a county road by a city or village; and to repeal the original section.

LEGISLATIVE BILL 378. Introduced by Smith, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,122, 60-3,123, 60-3,124, and 60-3,125, Reissue Revised Statutes of Nebraska; to eliminate the additional fee for the issuance of Pearl Harbor, prisoner of war, disabled veteran, and Purple Heart license plates; and to repeal the original sections.

LEGISLATIVE BILL 379. Introduced by Nelson, 6; Kolowski, 31; Krist, 10.

A BILL FOR AN ACT relating to committed persons; to amend section 83-173.01, Reissue Revised Statutes of Nebraska, and sections 83-184 and 83-1,107, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to certain notices of furlough; to change furlough and reduction of sentence provisions for certain offenses; and to repeal the original sections.

LEGISLATIVE BILL 380. Introduced by Howard, 9; Ashford, 20; Avery, 28; Conrad, 46; B. Harr, 8; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to adoption; to amend sections 43-101, 43-104.08, 43-104.13, 43-104.15, 43-104.18, 43-104.19, and 43-111, Reissue Revised Statutes of Nebraska; to provide for adoption by two adult persons jointly; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 381. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to elections; to amend sections 32-110.02, 32-311.01, 32-321, 32-902, 32-914, 32-938, 32-953, and 32-1027, Reissue Revised Statutes of Nebraska, and sections 32-915, 32-947, 32-1002,

60-4,115, and 60-4,181, Revised Statutes Cumulative Supplement, 2012; to require presentation of a government-issued photographic identification document to vote; to provide exceptions; to provide for provisional ballots; to change requirements for identification for certain first-time voters; to change provisions for issuance of state identification cards; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-318.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 382. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-714 and 32-1038, Reissue Revised Statutes of Nebraska, and section 32-710, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to ballots cast by presidential electors; and to repeal the original sections.

LEGISLATIVE BILL 383. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,130.04, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, and 60-3,104, Revised Statutes Cumulative Supplement, 2012; to provide for Nebraska Armed Forces Pride Plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 384. Introduced by Nordquist, 7; Campbell, 25.

A BILL FOR AN ACT relating to insurance; to adopt the Nebraska Exchange Transparency Act; and to declare an emergency.

LEGISLATIVE BILL 385. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to children; to amend sections 43-2,129, 43-1311.01, and 71-1902, Revised Statutes Cumulative Supplement, 2012; to prohibit certain bases for discrimination relating to placement; to provide placement standards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 386. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to counties; to amend section 39-1802, Reissue Revised Statutes of Nebraska; to require notice of certain maintenance actions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 387. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to public roads; to eliminate provisions relating to the power of a county board to construct drainage facilities on public roads and to perform other control measures; and to outright repeal section 39-1802, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 388. Introduced by Natural Resources Committee: Carlson, 38, Chairperson; Dubas, 34; Johnson, 23; Kolowski, 31; Schilz, 47.

A BILL FOR AN ACT relating to public power; to amend sections 16-901, 17-1001, 70-101, 70-301, 70-304, 70-305, 70-306, 70-307, 70-408, 70-409, 70-1002, 70-1002.01, 70-1002.02, 70-1004, 70-1005, 70-1007, 70-1008, 70-1009, 70-1010, 70-1011, 70-1012, 70-1012.01, 70-1017, and 70-1018, Reissue Revised Statutes of Nebraska, and sections 70-1001, 70-1001.01, 70-1003, 70-1013, 70-1014.01, 70-1014.02, and 70-1015, Revised Statutes Cumulative Supplement, 2012; to define and redefine terms; to provide for construction of electric transmission lines by an incumbent owner as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 389. Introduced by Bolz, 29; Campbell, 25; Coash, 27; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2715.07, Revised Statutes Cumulative Supplement, 2012; to provide an income tax credit for adoption and guardianship costs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 390. Introduced by Christensen, 44; Kintner, 2.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend section 81-829.40, Reissue Revised Statutes of Nebraska, and section 81-829.36, Revised Statutes Cumulative Supplement, 2012; to prohibit the suspension or limitation on the sale, dispensing, or transportation of firearms or ammunition by the Governor during a state of emergency; to proscribe prohibitions or restrictions on the possession, use, carrying, transfer, transportation, storage, or display of firearms or ammunition during a state of emergency; and to repeal the original sections.

LEGISLATIVE BILL 391. Introduced by Davis, 43; Bloomfield, 17; Carlson, 38; Christensen, 44; Hansen, 42; Larson, 40; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to water law; to amend section 46-241, Reissue Revised Statutes of Nebraska; to change provisions relating to storage reservoirs and underground water storage; and to repeal the original section.

LEGISLATIVE BILL 392. Introduced by Lathrop, 12; Coash, 27.

A BILL FOR AN ACT relating to crimes and offenses; to eliminate certain firearms provisions no longer authorized by federal law; and to outright repeal section 28-1211, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 393. Introduced by Bloomfield, 17; Brasch, 16; Christensen, 44; Davis, 43; Janssen, 15; Karpisek, 32; Kintner, 2; Krist, 10; Larson, 40; Murante, 49; Scheer, 19; Schilz, 47.

A BILL FOR AN ACT relating to motorcycles; to amend section 60-6,279, Reissue Revised Statutes of Nebraska; to change helmet provisions; to require eye protection; and to repeal the original section.

LEGISLATIVE BILL 394. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Affordable Housing Trust Fund; to amend section 58-706, Revised Statutes Cumulative Supplement, 2012; to authorize support for vocational training in the housing and construction trades industries; and to repeal the original section.

LEGISLATIVE BILL 395. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-907, Revised Statutes Cumulative Supplement, 2012; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 396. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Court; to amend section 48-152, Reissue Revised Statutes of Nebraska; to authorize contempt and other sanctions; and to repeal the original section.

LEGISLATIVE BILL 397. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to insurance; to require screening coverage for amino acid-based formulas.

LEGISLATIVE BILL 398. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,300, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to certain excessively loaded vehicles; and to repeal the original section.

LEGISLATIVE BILL 399. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,232, Revised Statutes Cumulative Supplement, 2012; to permit a rotating or flashing amber light on a motor vehicle operated on behalf of a public safety or crime prevention organization as prescribed; and to repeal the original section.

LEGISLATIVE BILL 400. Introduced by Lautenbaugh, 18; Lathrop, 12; Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to state intent relating to aid to community colleges.

LEGISLATIVE BILL 401. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to schools; to amend sections 13-916, 17-159, 48-1503, 66-1063, 79-405, 79-407, 79-409, 79-514, 79-516, 79-601, 79-610, 79-734, 79-746, and 79-10,105, Reissue Revised Statutes of Nebraska, and sections 79-408 and 79-2115, Revised Statutes Cumulative Supplement, 2012; to adopt the School Purchasing Act; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 25. Introduced by McCoy, 39.

WHEREAS, Elyse Mancuso, a student at Elkhorn South High School, won the Jeopardy! Teen Tournament; and

WHEREAS, Ms. Mancuso won \$79,600 over the two-night final, the most for any teen version of the show; and

WHEREAS, the Legislature recognizes the outstanding achievements of the youth of our state.

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

1. That the Legislature congratulates Elyse Mancuso on winning the Jeopardy! Teen Tournament.

2. That a copy of this resolution be sent to Elyse Mancuso.

Laid over.

LEGISLATIVE RESOLUTION 26. Introduced by McCoy, 39.

WHEREAS, the Elkhorn South High School girls' golf team won the 2012 Class B Girls' State Golf Championship; and

WHEREAS, the win gave Elkhorn South High School its second straight state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Elkhorn South High School girls' golf team on winning the 2012 Class B Girls' State Golf Championship.

2. That a copy of this resolution be sent to the Elkhorn South High School girls' golf team.

Laid over.

LEGISLATIVE RESOLUTION 27. Introduced by McCoy, 39.

WHEREAS, the Elkhorn South High School boys' tennis team won the 2012 Class B Boys' State Tennis Championship; and

WHEREAS, the win gave Elkhorn South High School its second straight state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Elkhorn South High School boys' tennis team on winning the 2012 Class B Boys' State Tennis Championship.

2. That a copy of this resolution be sent to the Elkhorn South High School boys' tennis team.

Laid over.

LEGISLATIVE RESOLUTION 28. Introduced by McCoy, 39.

WHEREAS, the Mount Michael Benedictine High School boys' cross country team won the 2012 Class B Boys' State Cross Country Championship; and

WHEREAS, team members showed incredible perseverance, determination, and teamwork in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Mount Michael Benedictine High School boys' cross country team on winning the 2012 Class B Boys' State Cross Country Championship.

2. That a copy of this resolution be sent to the Mount Michael Benedictine High School boys' cross country team.

Laid over.

LEGISLATIVE RESOLUTION 29CA. Introduced by Adams, 24.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping ~~substandard and blighted~~ property in need of rehabilitation or redevelopment in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise.

Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed ~~fifteen~~ twenty years, on the assessed valuation of the property in the project area portion of a designated ~~blighted and substandard~~ area in need of rehabilitation or redevelopment that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change standards for redevelopment projects and change the special tax treatment for property in need of rehabilitation or redevelopment from fifteen to twenty years.

For

Against.

LEGISLATIVE RESOLUTION 30. Introduced by Nelson, 6.

WHEREAS, Juan Chavez, a 2012 graduate of Burke High School in Omaha, has been awarded the prestigious Gates Millennium Scholarship through the Bill and Melinda Gates Foundation; and

WHEREAS, the Gates Millennium Scholars Program selects only 1,000 students nationwide for a full scholarship covering tuition, books, room and board, and additional fees through graduation at any college or university of the student's choice; and

WHEREAS, the scholarship requires that the student receive a nomination from a teacher or counselor and a recommendation from a member of the community, that the student achieve a minimum grade point average of 3.3 on a 4.0 scale, and that the student demonstrate leadership and perform community service hours; and

WHEREAS, Juan Chavez's teachers and counselors at Burke High School supported his nomination and fostered his academic success; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Juan Chavez for winning the prestigious Gates Millennium Scholarship.

2. That the Legislature congratulates the teachers and counselors at Burke High School for helping Juan Chavez achieve this honor.

3. That a copy of this resolution be sent to Juan Chavez and Burke High School.

Laid over.

LEGISLATIVE RESOLUTION 31. Introduced by Campbell, 25; Avery, 28; Coash, 27; Dubas, 34; McGill, 26; Pirsch, 4.

WHEREAS, in 2009, in response to Nebraska's lack of behavioral health services for children and families, the Legislature passed LB 603, which enacted the Children and Family Behavioral Health Support Act and the Behavioral Health Workforce Act. The legislation created several programs intended to help families who were faced with children's behavioral health problems, including the Children and Family Support Hotline, the Family Navigator Program, and the post-adoption and post-guardianship assistance program (known as Right Turn). In addition to these new programs, LB 603 expanded existing programs, including the Professional Partner Programs in the state's six behavioral health regions. LB 603 also created the Behavioral Health Education Center, administered by the University of Nebraska Medical Center, to increase the number of behavioral healthcare practitioners in Nebraska. To monitor the effect of implementation of this legislation, LB 603 created the Children's Behavioral Health Oversight Committee of the Legislature as a special committee of the Legislature. The committee was also charged with monitoring other child welfare and juvenile justice initiatives by the Department of Health and Human Services related to the provision of behavioral health services to children and their families; and

WHEREAS, LB 603 provided that the Children's Behavioral Health Oversight Committee of the Legislature, and the section of statute which created it (71-827), would terminate on December 31, 2012; and

WHEREAS, in 2012 the Legislature passed and Governor Heineman signed LB 821, which created the Nebraska Children's Commission, charged with creating a system-wide strategic plan for child welfare, reviewing Department of Health and Human Services' operations regarding child welfare, and providing a permanent forum for state, local, and community collaboration on child welfare; and

WHEREAS, though no longer provided for by statute, the Children's Behavioral Health Oversight Committee of the Legislature warrants a one-year extension to transition its oversight to the Nebraska Children's Commission.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint the Children's Behavioral Health Oversight Committee of the Legislature as a special committee of the Legislature. The committee shall consist of nine members of the Legislature appointed by the executive board as follows: (a) Two members of the Appropriations Committee of the Legislature; (b) two members of the Health and Human Services Committee of the Legislature; (c) two members of the Judiciary Committee of the Legislature; and (d) three members of the Legislature who are not members of such committees. The executive board shall give consideration to appointing members who previously served on the Children's Behavioral Health Oversight Committee of the Legislature. The committee shall elect a chairperson and vice-chairperson from among its members.

2. The Children's Behavior Health Oversight Committee of the Legislature is hereby authorized to monitor programs implemented by the Children and Family Behavioral Health Support Act and other child welfare and juvenile justice initiatives implemented by the Department of Health and Human Services related to the provision of behavioral health services to children and their families. The committee shall meet as necessary with representatives of the Division of Behavioral Health of the Department of Health and Human Services, the Division of Children and Family Services of the Department of Health and Human Services, and the Nebraska Children's Commission and with other interested parties. The committee also may hold public hearings. Staff support for the committee shall be provided by existing legislative staff as directed by the executive board. The committee may request the executive board to hire consultants that the committee deems necessary to carry out the purposes of the committee.

3. The Children's Behavioral Health Oversight Committee of the Legislature shall issue reports as the circumstances warrant.

4. The Children's Behavioral Health Oversight Committee of the Legislature is hereby authorized to continue its work until the beginning of the One Hundred Third Legislature, Second Session, to provide an orderly transition of its oversight to the Nebraska Children's Commission.

Laid over.

LEGISLATIVE RESOLUTION 32. Introduced by Janssen, 15.

WHEREAS, Douglas L. Nabb was born April 8, 1942, in Omaha, Nebraska; and

WHEREAS, Doug attended Omaha North High School, graduated from Midland Lutheran College, and later earned a master's degree in education from the University of Nebraska-Lincoln; and

WHEREAS, Doug taught in the Fremont Public School system for thirty-one years, impacting countless lives and inspiring thousands of students to reach their highest potential; and

WHEREAS, Doug spent his retirement years as a passionate lobbyist for the Fremont Public Schools at the Legislature; and

WHEREAS, Doug volunteered his time and talents to numerous philanthropic efforts; and

WHEREAS, Doug passed away on September 27, 2012.

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

1. That the Legislature extends its deep sympathy to the family of Doug Nabb.

2. That a copy of this resolution be sent to the family of Doug Nabb.

Laid over.

LEGISLATIVE RESOLUTION 33. Introduced by Bloomfield, 17; Adams, 24; Avery, 28; Brasch, 16; Campbell, 25; Christensen, 44; Coash, 27; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hansen, 42; Harms, 48; Howard, 9; Janssen, 15; Johnson, 23; Kolowski, 31; Lathrop, 12; Price, 3; Schilz, 47; Sullivan, 41; Wallman, 30; Watermeier, 1.

WHEREAS, "Freedom is Not Free," and our members of the armed forces of the United States of America lead the way in bringing peace, democracy, and the joy of freedom around the world; and

WHEREAS, our young men and women of the armed forces swear to defend the United States of America against all evil; and

WHEREAS, our young men and women of the armed forces leave home, family, and employment behind and embark upon a journey from which they may not return; and

WHEREAS, the bravery and dedication of our American military are above all measures a display of loyalty, perseverance, and commitment; and

WHEREAS, there are those who leave us way too early and return adorned with the flag of the United States of America, "Old Glory"; and

WHEREAS, even as our men and women of the armed forces are serving around the world in the hope of a lasting peace and freedom for all, we suffer losses not on the battlefield, but still losses that deserve honor. Such is the case for Captain Matthew Justin Meyer, United States Air Force, Instructor Pilot, Vance Air Force Base, Enid, Oklahoma. Captain Meyer succumbed to medical complications on May 11, 2012, and his passing is no less painful to his family, friends, and community; and

WHEREAS, Captain Meyer served his nation with honor, and this resolution honors his service and sacrifices; and

WHEREAS, Captain Meyer leaves behind his wife, Christina, parents Terry and Karen Meyer, brother Jonathan and wife Diane Meyer, sister Elizabeth and husband Abe Schoember, nephews Caleb and Ben Schoember, grandparents Edna Meyer, Lorn Barkshear, and June Barkshear, and in-laws Lynda and Mike Matthews.

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

1. That the Legislature recognizes and honors the service and sacrifice made by Captain Matthew Justin Meyer and his family for our freedom. There is no price that will ever repay this Airman and his family for what Matthew did out of love of God, country, family, and freedom for one and all.

2. That the Legislature extends its sympathy and gratitude to the loved ones of Captain Matthew Justin Meyer. Indeed, "Freedom is Not Free." May his soul rest in peace and may God bless America.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR31 was referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Business and Labor

Room 2102

Monday, January 28, 2013 1:30 p.m.

LB58
LB297
LB21
LB141
LB291

(Signed) Steve Lathrop, Chairperson

Executive Board

Room 2102

Monday, January 28, 2013 12:00 p.m.

LB39
LB149
LR20

(Signed) John Wightman, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Nordquist has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

UNANIMOUS CONSENT - Add Cointroducer

Senator Mello asked unanimous consent to add his name as cointroducer to LB224. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

ADJOURNMENT

At 11:20 a.m., on a motion by Senator Lautenbaugh, the Legislature adjourned until 10:00 a.m., Tuesday, January 22, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 22, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 22, 2013

PRAYER

The prayer was offered by Reverend Dr. Michael Friday, New Life Baptist Church, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senators Mello and Nordquist who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB298	Judiciary
LB299	Government, Military and Veterans Affairs
LB301	Education
LB302	Business and Labor
LB303	Government, Military and Veterans Affairs
LB304	Transportation and Telecommunications
LB305	Nebraska Retirement Systems
LB306	Nebraska Retirement Systems
LB307	Business and Labor
LB308	Revenue
LB309	Health and Human Services
LB310	Business and Labor
LB311	Government, Military and Veterans Affairs
LB312	Banking, Commerce and Insurance
LB313	Judiciary

LB314	Judiciary
LB315	Health and Human Services
LB316	Banking, Commerce and Insurance
LB317	Revenue
LB318	Judiciary
LB319	Judiciary
LB320	Judiciary
LB321	Nebraska Retirement Systems
LB322	Natural Resources
LB323	Education
LB324	Business and Labor
LB325	Natural Resources
LB326	Health and Human Services
LB327	Revenue
LB328	Revenue
LB329	Judiciary
LB330	Health and Human Services
LB331	Education
LB332	Education
LB333	Revenue
LB334	Appropriations
LB335	Judiciary
LB336	Banking, Commerce and Insurance
LB337	Banking, Commerce and Insurance
LB338	Health and Human Services
LB339	Agriculture
LR23	Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Room 1507

Tuesday, January 29, 2013 1:30 p.m.

LB209
LB210
LB147
LB336

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 29, 2013 1:30 p.m.

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
LB164
LB165

(Signed) Annette Dubas, Chairperson

Judiciary

Room 1113

Wednesday, February 6, 2013 1:30 p.m.

LB182

Wednesday, February 6, 2013 1:30 p.m.

LB126 (cancel)

(Signed) Brad Ashford, Chairperson

ANNOUNCEMENTS

The Legislature's Planning Committee elected Senator Harms as Chairperson and Senator Cook as Vice Chairperson.

The Rules Committee elected Senator Brasch as Vice Chairperson.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Johnson has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 402. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the rural community-based energy development; to amend section 70-1904, Reissue Revised Statutes of Nebraska, and sections 70-1903 and 77-2704.57, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change provisions relating to power purchase agreements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 403. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2012; to define a term; to prohibit retail sales of novelty lighters; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 404. Introduced by McGill, 26.

A BILL FOR AN ACT relating to the State Natural Gas Regulation Act; to amend sections 66-1866 and 66-1867, Reissue Revised Statutes of Nebraska; to change provisions relating to infrastructure system replacement cost recovery charges; and to repeal the original sections.

LEGISLATIVE BILL 405. Introduced by McCoy, 39; Ashford, 20; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-2701, 3-149, 77-2701.24, 77-2701.32, 77-2701.33, 77-2701.34, 77-2701.35, 77-2701.37, 77-2701.42, 77-2701.48, 77-2704.41, 77-2704.46, 77-2706, 77-2715, 77-2753, 77-2754, 77-2755, 77-2761, 77-2768, 77-2769, 77-2769.01, 77-2770.01, 77-2775, 77-27,188, 77-27,188.01, 77-3802, 77-4106, 77-5209.01, 77-5211, 77-5531, 77-5708, 77-5804, 77-5905, and 77-5906, Reissue Revised Statutes of Nebraska, and sections 77-382, 77-2701, 77-2701.01, 77-2701.16, 77-2704.12, 77-2708, 77-2715.03, 77-2715.07, 77-2717, 77-2727, 77-2734.01, 77-2734.02, 77-2734.03, 77-2756, 77-5723, 77-5725, 77-5726, 77-5727, and 77-5735, Revised Statutes Cumulative Supplement, 2012; to change and eliminate sales tax provisions; to eliminate individual and corporate income taxes and the franchise tax; to change provisions relating to withholding and income tax credits; to change the Nebraska Advantage Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 77-2701.46, 77-2701.47, 77-2704.03, 77-2704.04, 77-2704.08, 77-2704.09, 77-2704.11, 77-2704.13, 77-2704.22, 77-2704.23, 77-2704.26, 77-2704.27, 77-2704.40, 77-2704.43, 77-2704.45, 77-2704.47, 77-2704.60, and 77-2708.01, Reissue Revised Statutes of Nebraska, and sections

77-2701.54, 77-2704.36, 77-2704.50, 77-2704.61, and 77-2704.62, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 406. Introduced by McCoy, 39; Ashford, 20; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.34, 77-2701.47, 77-2701.48, 77-2704.09, 77-2704.13, 77-2704.41, 77-2704.46, 77-2761, 77-2775, 77-3802, 77-5708, and 77-5804, Reissue Revised Statutes of Nebraska, and sections 49-801.01, 77-382, 77-2715.07, 77-2716, 77-2734.02, 77-2734.03, 77-3806, 77-5723, 77-5725, 77-5726, 77-5727, and 77-5735, Revised Statutes Cumulative Supplement, 2012; to change and eliminate sales tax provisions; to change income tax provisions; to exempt retirement income from state income taxation as prescribed; to eliminate the corporate income tax and the franchise tax; to change to Nebraska Advantage Act and a research tax credit; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 77-2704.27, 77-2704.40, and 77-2704.47, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 407. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to state aid to schools; to amend section 79-1007.17, Reissue Revised Statutes of Nebraska, and sections 77-3446, 79-1003, 79-1003.01, 79-1007.07, 79-1007.09, 79-1007.11, 79-1007.18, 79-1007.23, 79-1007.25, 79-1015.01, and 79-1028.01, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change provisions relating to the base limitation, allowances, reports, calculation of formula need, adjustments, and local system formula resources; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 408. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2012; to change dates and provisions relating to certification and distribution of state aid; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 409. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1241.03, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to distribution of funds; and to repeal the original section.

LEGISLATIVE BILL 410. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 43-2507.02, 79-241, 79-605, 79-1104.02, 79-1118.01, 79-1336, 85-1603, 85-1644, and 85-1656, Reissue Revised Statutes of Nebraska, and sections 79-214, 79-234, 79-237, 79-527, 79-527.01, 79-611, 79-1003, 79-1007.20, 79-1028.01, 79-1204, 79-2104.02, 79-2118, 84-712.05, and 85-1604, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to rules and regulations, kindergarten admission, the enrollment option program, access to school files, reporting on attendance, transportation, the Tax Equity and Educational Opportunities Support Act, early childhood education, the Special Education Act, educational service units, distance education reimbursement, learning community reporting, disclosure of certain records, and private postsecondary career schools; to redefine terms; to harmonize provisions; to eliminate references to a fund; to repeal the original sections; to outright repeal section 79-756, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 411. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,235, Revised Statutes Cumulative Supplement, 2012; to change a renewable energy tax credit; and to repeal the original section.

LEGISLATIVE BILL 412. Introduced by Schumacher, 22; Bloomfield, 17.

A BILL FOR AN ACT relating to unreasonable searches and seizures; to adopt the Freedom from Unwarranted Surveillance Act; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 413. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to licensee violations; and to repeal the original section.

LEGISLATIVE BILL 414. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Municipal Equalization Fund; to amend section 13-2814, Reissue Revised Statutes of Nebraska, and sections 77-27,139.03 and 77-27,144, Revised Statutes Cumulative Supplement, 2012; to change funding; to eliminate collection fees; to provide an operative date; and to repeal the original sections.

MOTION - Adopt Permanent Rules

Senator Lautenbaugh moved to adopt the permanent rules for the One Hundred Third Legislature, First Session, and any special sessions held during the 2013 calendar year.

The Lautenbaugh motion to adopt permanent rules prevailed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 415. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to attachment and garnishment; to amend sections 25-1010 and 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to financial institutions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 416. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, and 79-1007.25, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the teacher education allowance; to state intent relating to incentives; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 417. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-101, Revised Statutes Cumulative Supplement, 2012; to require the Secretary of State to publish guidelines for election workers; and to repeal the original section.

LEGISLATIVE BILL 418. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to elections; to amend sections 32-214, 32-215, 32-228, and 32-904, Reissue Revised Statutes of Nebraska, and section 32-903, Revised Statutes Cumulative Supplement, 2012; to change powers and duties of certain election commissioners; to provide powers and duties for and change removal provisions regarding certain chief deputy election commissioners; to provide powers and duties for county boards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 419. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section

77-6203, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the nameplate capacity tax; and to repeal the original section.

LEGISLATIVE BILL 420. Introduced by McGill, 26.

A BILL FOR AN ACT relating to disposition of human remains; to amend section 38-1425, Reissue Revised Statutes of Nebraska; to provide an additional method of designation of authorization; and to repeal the original section.

LEGISLATIVE BILL 421. Introduced by McGill, 26; Crawford, 45.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-126 and 38-161, Reissue Revised Statutes of Nebraska; to provide powers and duties for professional boards relating to credentialing of veterans; and to repeal the original sections.

LEGISLATIVE BILL 422. Introduced by McGill, 26; Crawford, 45.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-126, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2012; to provide duties for professional boards; to provide for a temporary practice permit based on a credential in another jurisdiction as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 423. Introduced by Agriculture Committee: Schilz, 47, Chairperson; Bloomfield, 17; Hansen, 42; B. Harr, 8; Johnson, 23; Wallman, 30; Brasch, 16; Carlson, 38; Davis, 43.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-901, 54-902, 54-905, and 54-906, Reissue Revised Statutes of Nebraska; to change livestock animal seizure provisions; to provide certain authority for the Department of Agriculture under the Livestock Animal Welfare Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 424. Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate funds to the Nebraska State Patrol Internet Crimes Against Children Unit; and to declare an emergency.

LEGISLATIVE BILL 425. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to state intent relating to funding for intervention services for at-risk youth and their families as prescribed.

LEGISLATIVE BILL 426. Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1090, 44-6007.02, 44-6008, 44-6009, 44-6015, and 44-6016, Reissue Revised Statutes of Nebraska; to change provisions relating to fraternal benefit societies and risk-based capital; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 427. Introduced by Howard, 9.

A BILL FOR AN ACT relating to real estate; to adopt the Carbon Monoxide Safety Act.

LEGISLATIVE BILL 428. Introduced by K. Haar, 21; Wallman, 30.

A BILL FOR AN ACT relating to the Certified Nurse Midwifery Practice Act; to amend section 38-613, Reissue Revised Statutes of Nebraska; to change provisions relating to permitted practice; and to repeal the original section.

LEGISLATIVE BILL 429. Introduced by Crawford, 45; Avery, 28; Mello, 5.

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend sections 84-602 and 84-602.02, Revised Statutes Cumulative Supplement, 2012; to require disclosure of state contracts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 430. Introduced by Crawford, 45; Campbell, 25; Cook, 13; Dubas, 34; Gloor, 35; K. Haar, 21; Krist, 10; McGill, 26; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1726, Reissue Revised Statutes of Nebraska, and sections 43-512, 43-512.11, and 68-1202, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to asset limitations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 431. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,245.01, Reissue Revised Statutes of Nebraska; to change the definition of food establishment; and to repeal the original section.

LEGISLATIVE BILL 432. Introduced by Price, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Interstate Compact on Educational Opportunity for Military Children.

LEGISLATIVE BILL 433. Introduced by Price, 3.

A BILL FOR AN ACT relating to elections; to amend section 32-944, Reissue Revised Statutes of Nebraska; to change provisions and require reports regarding administration of ballots to residents of nursing homes or hospitals; and to repeal the original section.

LEGISLATIVE BILL 434. Introduced by Price, 3.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend section 81-829.41, Reissue Revised Statutes of Nebraska; to provide duties for the Nebraska Emergency Management Agency; to provide for certain information not to be considered a public record; and to repeal the original section.

LEGISLATIVE BILL 435. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-170 and 54-171, Reissue Revised Statutes of Nebraska; to define a term; to provide for out-of-state brand permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 436. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to business and labor; to amend section 87-402, Reissue Revised Statutes of Nebraska; to redefine franchisee under the Franchise Practices Act; and to repeal the original section.

LEGISLATIVE BILL 437. Introduced by Hansen, 42.

A BILL FOR AN ACT relating to mechanical safety inspection programs; to amend sections 11-201, 48-719, 48-720, 48-721, 48-722, 48-723, 48-724, 48-725, 48-726, 48-727, 48-728, 48-729, 48-730, 48-731, 48-732, 48-733, 48-735.01, 48-736, 48-737, 48-738, 48-739, 48-740, 48-741, 48-742, 48-743, 48-1801, 48-1802, 48-1803, 48-1804, 48-1804.01, 48-1805, 48-1806, 48-1807, 48-1808, 48-1809, 48-1811, 48-1813, 48-1814, 48-1815, 48-1816, 48-1817, 48-1818, 48-1819, 48-1820, 48-2501, 48-2502, 48-2506, 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2513, 48-2514, 48-2516, 48-2517, 48-2518, 48-2519, 48-2520, 48-2530, 48-2531, 48-2532, 48-2533, 81-401, 81-405, and 81-501.01, Reissue Revised Statutes of Nebraska; to transfer powers and duties from the Commissioner of Labor to the State Fire Marshal under the Boiler Inspection Act, the Conveyance Safety Act, and the Nebraska Amusement Ride Act; to change and eliminate provisions of such acts; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 48-1812, 48-2503, 48-2504, 48-2512, 48-2512.01, 48-2515, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528, and 48-2529, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 438. Introduced by Adams, 24.

A BILL FOR AN ACT relating to education; to amend sections 79-757 and 79-760.06, Revised Statutes Cumulative Supplement, 2012; to provide for priority schools, operating councils, and community schools; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 439. Introduced by Gloor, 35; Campbell, 25.

A BILL FOR AN ACT relating to taxation; to amend sections 77-4008 and 77-4025, Reissue Revised Statutes of Nebraska, and sections 71-5714, 71-7611, 77-2602, and 81-638, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to taxation of cigarettes and other tobacco products and distribution of proceeds; to state intent; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 440. Introduced by Gloor, 35; Campbell, 25; Dubas, 34.

A BILL FOR AN ACT relating to emergency responders; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2012; to adopt the Volunteer Emergency Responders Incentive Act; to provide for an income tax credit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 441. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to the Funeral Directing and Embalming Practice Act; to amend sections 12-1101, 38-1425, 38-1426, and 38-1427, Reissue Revised Statutes of Nebraska, and sections 30-2201 and 71-605, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Burial Pre-Need Sale Act and the control of dead human remains; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 442. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to real property; to amend sections 52-2001, 76-825, 76-842, 76-856, and 76-874, Reissue Revised Statutes of Nebraska; to change provisions relating to homeowners' associations and the Nebraska Condominium Act; and to repeal the original sections.

LEGISLATIVE BILL 443. Introduced by Cook, 13.

A BILL FOR AN ACT relating to children; to amend sections 28-710, 68-1006.01, 71-428, 71-1901, 71-1903, 71-1907, 81-502, and 83-108.04, Reissue Revised Statutes of Nebraska, and sections 29-2264, 43-2,108.05, 43-1301, 43-1302, 43-1304, 43-4308, 68-1207, 71-1902, 71-1904, 75-302, and 79-512, Revised Statutes Cumulative Supplement, 2012; to adopt the Children's Residential Facilities and Placing Licensure Act; to change

provisions relating to foster family homes; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 444. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-117.03 and 53-117.06, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Cumulative Supplement, 2012; to provide for issuance of certificates; to require employment of certified personnel; to require the presence of authorized personnel; to provide for a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 445. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-483, Reissue Revised Statutes of Nebraska, and section 60-3,161, Revised Statutes Cumulative Supplement, 2012; to change the amount and distribution of fees as prescribed; to create a fund; to authorize the Department of Motor Vehicles to purchase a vehicle titling and registration computer system; and to repeal the original sections.

LEGISLATIVE BILL 446. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-174, Reissue Revised Statutes of Nebraska, and sections 60-101 and 60-102, Revised Statutes Cumulative Supplement, 2012; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 447. Introduced by Avery, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.24, Reissue Revised Statutes of Nebraska, and section 77-27,132, Revised Statutes Cumulative Supplement, 2012; to provide for sales and use taxes on soft drinks; to change the distribution of sales tax proceeds; to create funds and a committee; to provide funding for various projects that assist children; to provide powers and duties; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 448. Introduced by Avery, 28.

A BILL FOR AN ACT relating to lobbyists; to amend section 49-1401, Reissue Revised Statutes of Nebraska; to prohibit contributions during legislative sessions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 449. Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-604,

Revised Statutes Cumulative Supplement, 2012; to redefine high elective office for restrictions on multiple office holding; and to repeal the original section.

LEGISLATIVE BILL 450. Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-709, Reissue Revised Statutes of Nebraska, and section 32-707, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to political party conventions and caucuses; and to repeal the original sections.

LEGISLATIVE BILL 451. Introduced by Janssen, 15; Price, 3.

A BILL FOR AN ACT relating to firearms; to prohibit federal restrictions on firearms, magazines, and firearm accessories as prescribed.

LEGISLATIVE BILL 452. Introduced by Conrad, 46; Howard, 9; McGill, 26.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Reissue Revised Statutes of Nebraska; to require a waiver relating to coverage for family planning services; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 453. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,219, Reissue Revised Statutes of Nebraska; to change provisions relating to motor vehicle headlights; and to repeal the original section.

LEGISLATIVE BILL 454. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to recycling; to amend section 13-2039, Reissue Revised Statutes of Nebraska, and sections 81-1504.01 and 81-15,160, Revised Statutes Cumulative Supplement, 2012; to adopt the Electronics Extended Producer Responsibility and Job Creation Act; to prohibit landfill disposal of certain electronic equipment as prescribed; to provide for reports and for grants from the Waste Reduction and Recycling Incentive Fund; to provide duties for the Director of Environmental Quality; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 455. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1431 and 76-1441, Reissue Revised Statutes of Nebraska; to provide procedures for termination based upon clear and present danger; and to repeal the original sections.

LEGISLATIVE BILL 456. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124, Reissue Revised Statutes of Nebraska, and section 53-123.04, Revised Statutes Cumulative Supplement, 2012; to provide for removal of containers of draft beer from licensed premises as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 457. Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.07, Reissue Revised Statutes of Nebraska; to change provisions relating to deductions for net operating losses and capital losses; and to repeal the original section.

LEGISLATIVE BILL 458. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-467, Revised Statutes Cumulative Supplement, 2012; to require general acute hospitals to offer tetanus-diphtheria-pertussis vaccinations as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 459. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Revised Statutes Cumulative Supplement, 2012; to provide for certain health care facilities to offer onsite vaccination services; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 460. Introduced by Krist, 10.

A BILL FOR AN ACT relating to immunizations; to amend section 79-217, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to booster immunizations; to harmonize provisions; and to repeal the original section.

SPEAKER ADAMS PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and 19 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and 19.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 461. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to civil procedure; to limit liability for bucking bull activities as prescribed; to define terms; and to require warning signs.

LEGISLATIVE BILL 462. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to political subdivisions; to amend section 29-215, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to contracts for joint law enforcement services; to require creation of a separate entity; and to repeal the original section.

LEGISLATIVE BILL 463. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to increase the number of separate juvenile court judges as prescribed; and to repeal the original section.

LEGISLATIVE BILL 464. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-247, 43-247.01, and 43-274, Reissue Revised Statutes of Nebraska, and sections 24-517, 29-1816, 43-276, 43-2,129, and 43-412, Revised Statutes Cumulative Supplement, 2012; to change the jurisdiction of courts over juveniles and the indictment procedure for juveniles; to transfer a section; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 465. Introduced by Lautenbaugh, 18; B. Harr, 8; Karpisek, 32.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-1412, Revised Statutes Cumulative Supplement, 2012; to adopt the College Choice Grant Program Act; to provide duties for the Coordinating Commission for Postsecondary Education; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 466. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Postsecondary Institution Act; to amend section 85-2403, Revised Statutes Cumulative Supplement, 2012; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 467. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Postsecondary Institution Act; to amend section 85-2405, Revised Statutes Cumulative Supplement, 2012; to provide for interstate reciprocity agreements regarding postsecondary distance education; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 468. Introduced by Scheer, 19; Davis, 43; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to allow a deduction for state income tax purposes for tuition payments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 469. Introduced by Scheer, 19; Davis, 43; Kolowski, 31; Watermeier, 1.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003 and 79-1028.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to budget limitations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 470. Introduced by Scheer, 19; Davis, 43; Watermeier, 1.

A BILL FOR AN ACT relating to schools; to amend section 13-504, Reissue Revised Statutes of Nebraska; to change provisions relating to proposed budget statements; to adopt the Superintendent Pay Transparency Act; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 471. Introduced by Coash, 27.

A BILL FOR AN ACT relating to juveniles; to amend section 43-413, Reissue Revised Statutes of Nebraska; to change provisions relating to commitment evaluations; and to repeal the original section.

LEGISLATIVE BILL 472. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2012; to prohibit flying lanterns; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 473. Introduced by Bloomfield, 17; Brasch, 16; Kintner, 2; Krist, 10; Larson, 40; Schumacher, 22; Wallman, 30.

A BILL FOR AN ACT relating to the Sexual Predator Residency Restriction Act; to amend section 29-4017, Reissue Revised Statutes of Nebraska, and section 29-4016, Revised Statutes Cumulative Supplement, 2012; to authorize certain residency restrictions near parks as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 474. Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-3226.01, 2-3226.05, 2-3226.08, 14-109, 15-202, 18-1208, 18-2142.02, 18-2142.04, 19-4018, 19-4024, 19-4031, 19-4034, and 35-106, Reissue Revised Statutes of Nebraska, and section 86-704, Revised Statutes Cumulative Supplement, 2012; to change and eliminate provisions relating to imposition of occupation taxes and provide procedures; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 15-203, 16-205, and 17-525, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 475. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to economic development; to amend sections 77-6302, 77-6304, 77-6305, 77-6306, 77-6307, 77-6309, 81-12,153, 81-12,154, 81-12,155, 81-12,157, 81-12,158, 81-12,159, 81-12,160, 81-12,161, 81-12,162, 81-12,163, 81-12,165, and 81-12,166, Revised Statutes Cumulative Supplement, 2012; to define and redefine terms; to change provisions relating to qualified funds, qualified investors, notification, holding periods, reporting, and confidentiality under the Angel Investment Tax Credit Act; to change provisions relating to qualified action plans, financial assistance programs, use of funds, contracting, and confidentiality under the Business Innovation Act; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 476. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1201.21, 81-1210.01, 81-1210.02, and 81-1210.03, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to grants for internships; to define and redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 477. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-967 and 2-968, Reissue Revised Statutes of Nebraska; to change provisions relating to the Riparian Vegetation Management Task Force; and to repeal the original sections.

LEGISLATIVE BILL 478. Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Access College Early Scholarship Program Act; to amend section 85-2102, Reissue Revised Statutes of Nebraska, and section 85-2105, Revised Statutes Cumulative Supplement, 2012; to define a term; to change provisions relating to awards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 479. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to insurance; to prohibit policy and contract terms relating to contractual rights relating to proceeds of various insurance.

LEGISLATIVE BILL 480. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to education; to amend section 85-1412, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Career Technical Education Grant Program Act; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 481. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to education; to create the Career Education Task Force; to provide duties; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 482. Introduced by Kintner, 2; Bloomfield, 17; Hansen, 42; Janssen, 15.

A BILL FOR AN ACT relating to government; to prohibit the state and political subdivisions from adopting policy recommendations that infringe on private property rights without due process as prescribed.

LEGISLATIVE BILL 483. Introduced by Bolz, 29; Campbell, 25; Krist, 10; Lathrop, 12.

A BILL FOR AN ACT relating to correctional services; to amend section 83-917, Revised Statutes Cumulative Supplement, 2012; to state intent; to provide for court costs as prescribed; to provide for a reentry planning program in adult correctional facilities; and to repeal the original section.

LEGISLATIVE BILL 484. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1130, Reissue Revised Statutes of Nebraska; to change functions authorized and authorization requirements for licensed dental hygienists; and to repeal the original section.

LEGISLATIVE BILL 485. Introduced by Conrad, 46; Chambers, 11; Howard, 9.

A BILL FOR AN ACT relating to discrimination; to amend sections 23-2525, 23-2531, 23-2541, 48-215, 48-1101, 48-1103, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1119, 48-1122, 48-1124, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and section 48-1117, Revised Statutes Cumulative Supplement, 2012; to prohibit discrimination based upon sexual orientation or marital status as prescribed; to eliminate obsolete provisions; to repeal the original sections; and to outright repeal section 48-1109, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 486. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Legislative Council to pay dues under the Midwest Interstate Passenger Rail Compact.

RESOLUTIONS

LEGISLATIVE RESOLUTION 34CA. Introduced by Schumacher, 22; Conrad, 46; Davis, 43; K. Haar, 21; Karpisek, 32; McGill, 26; Schilz, 47; Wallman, 30.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5)(a) The Legislature may authorize and regulate any other game of chance, lottery, or gift enterprise.

(b) The proceeds of taxation of the gross gaming revenue from the games of chance authorized under this subsection shall be used as directed by the Legislature with the balance of the proceeds used for the following purposes:

(i) One percent shall be appropriated to the Compulsive Gamblers Assistance Fund;

(ii) Fifty percent shall be appropriated for the education of children through high school as directed by the Legislature; and

(iii) Forty-nine percent shall be appropriated for health care programs as directed by the Legislature.

(c) Nothing in this subsection limits the authority of the Legislature under subsections (1) through (4) of this section.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit the Legislature to authorize and regulate any game of chance, lottery, or gift enterprise and to direct the use of the tax proceeds of gross gaming revenue from the games of chance.

For

Against.

LEGISLATIVE RESOLUTION 35. Introduced by Schumacher, 22.

WHEREAS, Jonathon Kurtis Adam Braasch, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jonathon has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Jonathon refurbished a wooden handicap ramp at his church; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jonathon, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jonathon Kurtis Adam Braasch on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jonathon Kurtis Adam Braasch.

Laid over.

LEGISLATIVE RESOLUTION 36. Introduced by Ashford, 20.

WHEREAS, the Omaha South High School boys' tennis team won the Phil Gradoville Sportsmanship Award. This award is given to the team that exhibits exceptional teamwork, attitude, and respect to their opponents throughout the season; and

WHEREAS, Omaha South High School boys' tennis team members Yusuf Abdirahman, Malik Ammons-Keyes, Abdirahman Abdirahman, and Ira Dale were named to the Academic All-Conference team for the Metro Conference; and

WHEREAS, Andrew Mullin, the coach of the Omaha South High School boys' tennis team, was named the Metro Conference Coach of the Year for boys' tennis.

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

1. That the Legislature congratulates the Omaha South High School boys' tennis team and their coach, Andrew Mullin, for their accomplishments.

2. That a copy of this resolution be sent to the Omaha South High School boys' tennis team and to Andrew Mullin.

Laid over.

LEGISLATIVE RESOLUTION 37. Introduced by Janssen, 15.

WHEREAS, James C. Ebers was born in Hastings, Nebraska, on August 14, 1944, to Milton Ebers and Lois Enyeart Ebers and moved to Fremont at the age of five; and

WHEREAS, James Ebers graduated from Fremont High School in 1962, attended the University of Nebraska-Lincoln for two years, and graduated from Midland Lutheran College (Midland University) in 1967 with a degree in business administration; and

WHEREAS, James Ebers served in the Fremont unit of the Nebraska National Guard from 1967 to 1973; and

WHEREAS, James Ebers married Sherie Stockfleth at First Lutheran Church in Fremont on December 27, 1969; and

WHEREAS, James Ebers was a successful businessman in the insurance industry for nearly half a century; and

WHEREAS, James Ebers was a fixture in the Fremont philanthropic community, devoting himself to the betterment of his community; and

WHEREAS, James Ebers was a devoted husband and loving father to his children, Tammy, Terry, and Tim, and their extended families; and

WHEREAS, James Ebers passed away on December 22, 2012.

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

1. That the Legislature extends its deepest sympathy to the family of James Ebers.

2. That a copy of this resolution be sent to the family of James Ebers.

Laid over.

LEGISLATIVE RESOLUTION 38. Introduced by Avery, 28.

WHEREAS, civil aviation plays a pivotal role in promoting cultural exchange, business, trade, and tourism; and

WHEREAS, the development of international civil aviation in a safe and orderly manner is the supreme cause of the International Civil Aviation Organization (ICAO); and

WHEREAS, with an excellent geographic location, Taiwan is a key aviation hub for regions in northeastern and southeastern Asia; and

WHEREAS, the Taipei Flight Information Region (FIR), bordering the FIR of Fukuoka, Manila, Hong Kong, and Shanghai, includes fourteen international airways and four domestic airways, providing services for more than one million flights per year; and

WHEREAS, each year, forty million travelers enter, leave, or pass through the Taipei FIR, making Taiwan a key part of air navigation in East Asia; and

WHEREAS, currently, more than fifty domestic and foreign airlines operate flights from Taiwan to one hundred ten cities in the world and the annual number of passengers on international flights is approximately thirty million; and

WHEREAS, in 2010, the number of international passengers at Taiwan's largest airport - Taoyuan International Airport - ranked sixteenth worldwide while international cargo ranked ninth, making Taiwan one of the busiest airspaces in the world; and

WHEREAS, without Taiwan's participation, the international flight plans, regulations, and procedures that the ICAO formulates will be incomplete and unsafe; and

WHEREAS, as an island in the Pacific Ocean, Taiwan is imperiled by rising sea levels and the ravages of extreme weather; and

WHEREAS, it is apparent that to overcome the challenges posed by climate change, there must be concerted effort and cooperation among the world citizenry; and

WHEREAS, Taiwan's exclusion from meaningful participation in the United Nations Framework Convention on Climate Change (UNFCCC) has been to the detriment of both the Taiwan people and the global community, as Taiwan not only has the means but also the incentive to make a meaningful contribution; and

WHEREAS, Taiwan's request to participate in the ICAO and the UNFCCC is fully in line with the United State Government's policy of supporting Taiwan's meaningful participation in United Nations specialized agencies.

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

1. That the Legislature endorses Taiwan's participation in the International Civil Aviation Organization as an observer.

2. That the Legislature is supportive of all efforts to grant Taiwan official observer status at the United Nations Framework Convention on Climate Change, and, as a collaborative partner of the United States on a wide range

of public issues, Taiwan should be afforded the opportunity to participate in global efforts aimed at reducing and preventing natural disasters.

3. That a copy of this resolution be sent to the United States Secretary of State, the United States Secretary of Transportation, the Administrator of the United States Environmental Protection Agency, each member of the Nebraska congressional delegation, and the Director General of the Taipei Economic and Cultural Office in Kansas City.

Laid over.

LEGISLATIVE RESOLUTION 39. Introduced by Bloomfield, 17; Adams, 24; Avery, 28; Brasch, 16; Campbell, 25; Christensen, 44; Gloor, 35; Hadley, 37; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lautenbaugh, 18; Nelson, 6; Price, 3; Schumacher, 22; Wallman, 30.

WHEREAS, "Freedom is Not Free," and our members of the armed forces of the United States of America lead the way in bringing peace, democracy, and the joy of freedom around the world; and

WHEREAS, our young men and women of the armed forces swear to defend the United States of America against all evil; and

WHEREAS, our young men and women of the armed forces leave home, family, and employment behind and embark upon a journey from which they may not return; and

WHEREAS, the bravery and dedication of our American military are above all measures a display of loyalty, perseverance, and commitment; and

WHEREAS, there are those who leave us way too early and return adorned with the flag of the United States of America, "Old Glory"; and

WHEREAS, even as our men and women of the armed forces are serving around the world in the hope of a lasting peace and freedom for all, we suffer losses not on the battlefield, but still losses that deserve honor. Such is the case for Commander Marsha Ann (Heineman) Hanly, United States Navy, Naval Medical Center Portsmouth, Portsmouth, Virginia. Commander Hanly succumbed to medical complications on Wednesday, May 16, 2012, and her passing is no less painful to her family, friends, and community; and

WHEREAS, during her sixteen years in the Navy, Commander Hanly served at Naval Medical Center Portsmouth, Portsmouth, Virginia; Naples, Italy; Kuwait during Operation Iraqi Freedom; and Sewells Point Branch Medical Clinic in Norfolk, Virginia. An avid and accomplished volleyball player, Commander Hanly was selected to play All Navy Volleyball for eight years and was selected twice to compete for the United States in the All World Military Championship games. Commander Hanly attended Duke University earning her master's degree in critical care nurse specialist and nurse practitioner in 2008. Commander Hanly served six months on the hospital ship USNS Comfort providing care for people in nine Central and South American countries; and

WHEREAS, Commander Hanly served her nation with honor, and this resolution honors her service and sacrifices; and

WHEREAS, Commander Hanly leaves behind her husband, Scott; children Avery, six, and Mason, three; parents Don and Sharon Heineman; brothers Matthew and wife Krista, and Mark and wife Donica; sister Melissa and husband Kevin; grandmother Helen Heineman; sister-in-law Erin and Jason Updegraff; and many nieces, nephews, aunts, uncles, and friends from coast to coast.

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

1. That the Legislature recognizes and honors the service and sacrifice made by Commander Marsha Ann (Heineman) Hanly and her family for our freedom. There is no price that will ever repay this Naval Commander and her family for what Marsha did out of love of God, country, family, and freedom for one and all.

2. That the Legislature extends its sympathy and gratitude to the loved ones of Commander Marsha Ann (Heineman) Hanly. Indeed, "Freedom is Not Free." May her soul rest in peace and may God bless America.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, January 30, 2013 1:30 p.m.

LB61
LB136
LB134
LB152
LB172

Thursday, January 31, 2013 1:30 p.m.

LB226
LB46
LB106
LB109
LB161

(Signed) Brad Ashford, Chairperson

Education

Room 1525

Tuesday, January 29, 2013 1:30 p.m.

LB47
LB116
LB162
LB254

(Signed) Kate Sullivan, Chairperson

Urban Affairs

Room 1510

Tuesday, January 29, 2013 1:30 p.m.

LB66
LB88
LB295
LB31

(Signed) Amanda McGill, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Lautenbaugh asked unanimous consent to add his name as cointroducer to LB60. No objections. So ordered.

Senator Campbell asked unanimous consent to add her name as cointroducer to LB447. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Doug Dunning from Omaha.

ADJOURNMENT

At 11:18 a.m., on a motion by Senator Krist, the Legislature adjourned until 10:00 a.m., Wednesday, January 23, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 23, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 23, 2013

PRAYER

The prayer was offered by Senator Wightman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Adams presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB300	Judiciary
LB340	Natural Resources
LB341	Revenue
LB342	Judiciary
LB343	Health and Human Services
LB344	Health and Human Services
LB345	Judiciary
LB346	Revenue
LB347	Health and Human Services
LB348	Revenue
LB349	Government, Military and Veterans Affairs
LB350	Judiciary
LB351	Transportation and Telecommunications
LB352	Judiciary
LB353	Natural Resources
LB354	Agriculture
LB355	Judiciary
LB356	Education

LB357	Education
LB358	Transportation and Telecommunications
LB359	Health and Human Services
LB360	Judiciary
LB361	Health and Human Services
LB362	Natural Resources
LB363	Government, Military and Veterans Affairs
LB364	Government, Military and Veterans Affairs
LB365	Education
LB366	Education
LB367	Education
LB368	Health and Human Services
LB369	Judiciary
LB370	Revenue
LB371	Government, Military and Veterans Affairs
LB372	Government, Military and Veterans Affairs
LB373	Business and Labor
LB374	Judiciary
LB375	Appropriations
LB376	Appropriations
LB377	Urban Affairs
LB378	Transportation and Telecommunications
LB379	Judiciary
LB380	Judiciary
LB381	Government, Military and Veterans Affairs
LB382	Government, Military and Veterans Affairs
LB383	Transportation and Telecommunications
LB384	Banking, Commerce and Insurance
LB385	Judiciary
LB386	Transportation and Telecommunications
LB387	Transportation and Telecommunications
LB388	Natural Resources
LB389	Revenue
LB390	Judiciary
LB391	Natural Resources
LB392	Judiciary
LB393	Transportation and Telecommunications
LB394	Appropriations
LB395	Health and Human Services
LB396	Business and Labor
LB397	Banking, Commerce and Insurance
LB398	Transportation and Telecommunications
LB399	Transportation and Telecommunications
LB400	Appropriations
LB401	Education
LR29CA	Urban Affairs
LR31	Executive Board

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 30. Placed on General File.

LEGISLATIVE BILL 35. Placed on General File.

(Signed) Annette Dubas, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 72. Placed on General File.

LEGISLATIVE BILL 100. Placed on General File.

LEGISLATIVE BILL 146. Placed on General File.

(Signed) Mike Gloor, Chairperson

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, January 30, 2013 1:30 p.m.

Public briefings by the Department of Health and Human Services directors, a briefing by the Foster Care Review Office, and a briefing by the Inspector General of Child Welfare. INVITED TESTIMONY ONLY.

Thursday, January 31, 2013 1:30 p.m.

LB216

LB269

LB265

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

Gary (Randy) Boldt - Board of Emergency Medical Services

Michael Miller - Board of Emergency Medical Services

Sheree Keely - Foster Care Advisory Committee

LB245

LB326

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, January 30, 2013 1:30 p.m.

Sean Conway - Nebraska Accountability and Disclosure Commission
LB65
LB108
LB257
LB311

Thursday, January 31, 2013 1:30 p.m.

LB160
LB167
LB183
LB188

Friday, February 1, 2013 2:00 p.m.

LB180
LB224

(Signed) Bill Avery, Chairperson

MOTION - Print in Journal

Senator Wallman filed the following motion to LB304:
MO2
Withdraw bill.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR38 was referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 487. Introduced by Wightman, 36; Krist, 10.

A BILL FOR AN ACT relating to health care; to amend section 71-5829.03, Reissue Revised Statutes of Nebraska; to change certificate of need provisions; and to repeal the original section.

LEGISLATIVE BILL 488. Introduced by Revenue Committee: Hadley, 37, Chairperson; Hansen, 42; B. Harr, 8; Schumacher, 22; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-109, 15-202, 15-203, 16-205, and 17-525, Reissue Revised Statutes of Nebraska; to change provisions relating to municipal occupation taxes; and to repeal the original sections.

LEGISLATIVE BILL 489. Introduced by Revenue Committee: Hadley, 37, Chairperson; Hansen, 42; B. Harr, 8; Schumacher, 22; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska; to change the sales tax rate; and to repeal the original section.

LEGISLATIVE BILL 490. Introduced by Revenue Committee: Hadley, 37, Chairperson; Hansen, 42; B. Harr, 8; Schumacher, 22; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2012; to change income tax rates; and to repeal the original section.

LEGISLATIVE BILL 491. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Nebraska Opportunity Grant Act; to amend sections 85-1903, 85-1909, and 85-1912, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change provisions relating to calculation of target level of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 492. Introduced by Cook, 13.

A BILL FOR AN ACT relating to relating to appropriations; to appropriate funds to carry out the Nebraska Youth Conservation Program; and to declare an emergency.

LEGISLATIVE BILL 493. Introduced by Davis, 43; Gloor, 35; Hansen, 42; Johnson, 23; Kintner, 2; Nelson, 6; Scheer, 19; Wallman, 30; Watermeier, 1.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize the transfer of portions of the Cowboy Trail as prescribed.

LEGISLATIVE BILL 494. Introduced by Davis, 43; Johnson, 23; Nelson, 6; Scheer, 19; Watermeier, 1.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-101, 37-102, and 37-104, Reissue Revised Statutes of Nebraska; to provide for a ninth district and a tenth member; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 495. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to early childhood education; to amend sections 9-812 and 79-1104.02, Reissue Revised Statutes of Nebraska, and section 79-1103, Revised Statutes Cumulative Supplement, 2012; to change provision and state intent relating to the Education Innovation Fund; to change reporting provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 79-1102.01, Revised Statutes Cumulative Supplement, 2012; and to declare an emergency.

LEGISLATIVE BILL 496. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to schools; to amend section 9-812, Reissue Revised Statutes of Nebraska, and sections 79-1011, 79-1012, and 79-1028.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to reorganization incentive payments; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 497. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Education Innovation Fund; to amend section 9-812, Reissue Revised Statutes of Nebraska, and sections 79-8,137 and 79-8,137.04, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to distribution of state lottery proceeds; to provide for a study; to change contract provisions relating to programs under the Excellence in Teaching Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 498. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to court actions; to provide for declaratory judgment and injunctive relief against foreign defamation judgments.

LEGISLATIVE BILL 499. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-304, 37-321, 37-422, 37-4,107, 37-543, 37-546, and 37-604, Reissue Revised Statutes of Nebraska, and sections 37-314, 37-447, 37-448, 37-455, 37-490, 37-492, 37-501, 37-503, and 37-614, Revised Statutes Cumulative Supplement, 2012; to provide and change powers and duties of the Game and Parks Commission regarding rules and regulations; to authorize

commission orders; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 500. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to school buses; to amend section 60-6,175, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to operation of school buses; and to repeal the original section.

LEGISLATIVE BILL 501. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5715, Revised Statutes Cumulative Supplement, 2012; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 502. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2012; to change a sales tax exemption for health clinics; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 503. Introduced by Coash, 27.

A BILL FOR AN ACT relating to child abuse or neglect; to amend sections 28-710, 28-713, 28-714, 28-715, 28-716, 28-717, 28-719, 28-723, 28-725, 28-727, 29-4304, and 43-2932, Reissue Revised Statutes of Nebraska, and sections 28-711, 28-713.01, 28-720, 28-726, 28-728, 43-4318, and 43-4331, Revised Statutes Cumulative Supplement, 2012; to rename the Child Protection Act; to provide for alternative response to a report of child abuse or neglect; to define terms; to state intent; to provide for demonstration projects and expansion; to provide duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 504. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Commission on Indian Affairs; to amend sections 81-2509, 81-2510, and 81-2513, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to applications for state assistance to political subdivisions; to eliminate a hearing requirement; to redefine a term; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-2512, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 505. Introduced by Coash, 27.

A BILL FOR AN ACT relating to insurance; to provide requirements for coverage of autism spectrum disorders; to define terms; and to provide

duties for the Director of Insurance.

LEGISLATIVE BILL 506. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-804, Reissue Revised Statutes of Nebraska, and section 79-1007.04, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the elementary class size allowance; to provide requirements for the fall personnel report; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 507. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to children; to amend section 68-1206, Reissue Revised Statutes of Nebraska, and section 43-536, Revised Statutes Cumulative Supplement, 2012; to adopt the Step Up to Quality Child Care Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 508. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to public assistance; to amend section 43-513, Reissue Revised Statutes of Nebraska, and section 43-512, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to aid to dependent children; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 509. Introduced by Murante, 49.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 32-546.01, 32-555.01, and 79-2117, Revised Statutes Cumulative Supplement, 2012; to change the election and membership of learning community coordinating councils; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 510. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1411, Revised Statutes Cumulative Supplement, 2012; to authorize the Educational Service Unit Coordinating Council to hold videoconference and telephone conference meetings; to change telephone conference call provisions; and to repeal the original section.

LEGISLATIVE BILL 511. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to education; to amend section 9-812, Reissue Revised Statutes of Nebraska; to provide for allocation of the Education Innovation Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 512. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Quality Education Accountability Act; to amend sections 79-760.01 and 79-760.02, Reissue Revised Statutes of Nebraska, and section 79-760.03, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to academic content standards and a statewide assessment and reporting system; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 513. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-708, Reissue Revised Statutes of Nebraska, and section 46-707, Revised Statutes Cumulative Supplement, 2012; to change notice provisions for cease and desist orders; and to repeal the original sections.

LEGISLATIVE BILL 514. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Wastewater Treatment Facilities Construction Assistance Act; to amend sections 81-15,148, 81-15,149, 81-15,151, and 81-15,152, Reissue Revised Statutes of Nebraska, and sections 81-15,147 and 81-15,153, Revised Statutes Cumulative Supplement, 2012; to provide for certain debt obligation refinancing and a linked deposit program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 515. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to irrigation districts; to amend sections 46-101, 46-102, 46-110, 46-111, 46-115, 46-116, 46-117, 46-151, 46-179, 46-185, 46-1,145, and 46-1,160, Reissue Revised Statutes of Nebraska; to name the Irrigation District Act; to redefine elector; to provide procedures for determining eligibility to vote and for conducting elections by mail; to change provisions relating to elections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 516. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to water resources; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Water Legacy Act; to change provisions relating to sales and use tax; and to repeal the original section.

LEGISLATIVE BILL 517. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to water management; to amend section 57-705, Reissue Revised Statutes of Nebraska; to state intent; to create and provide duties for the Water Sustainability Project Task Force; to create a

fund; to provide for transfers; to provide a termination date; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 518. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 4-110, Reissue Revised Statutes of Nebraska, and section 68-915, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to verification of lawful presence; to eliminate prenatal care for certain children; to harmonize provisions; to repeal the original sections; and to outright repeal section 68-972, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 519. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society for capital improvements; and to declare an emergency.

LEGISLATIVE BILL 520. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to land surveying; to amend sections 23-1901, 23-1908, 23-1911, 25-223, 39-1311.02, 81-8,108, 81-8,109, 81-8,110.01, 81-8,118, 81-8,119.01, 81-8,120, 81-8,122.01, 81-8,123, 81-8,126, and 81-8,127, Reissue Revised Statutes of Nebraska, and section 81-8,110.07, Revised Statutes Cumulative Supplement, 2012; to allow land surveyors to enter upon public or private lands or waters as prescribed; to provide for limitations on actions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 521. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to government; to amend section 18-131, Reissue Revised Statutes of Nebraska, and section 84-1411, Revised Statutes Cumulative Supplement, 2012; to require cities and villages to create and maintain web sites and publish ordinances on web sites as prescribed; to require public bodies to publish notices and agendas of meetings on web sites as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 522. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to water; to provide state financial assistance to irrigation districts to provide compensation to surface water appropriators.

LEGISLATIVE BILL 523. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to insurance; to provide requirements for insurers relating to copayments, coinsurance, and deductibles; and to

provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 524. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to pharmacies; to adopt the Pharmacy Audit Integrity Act.

LEGISLATIVE BILL 525. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to elections; to amend sections 2-1604, 2-3215, 10-702, 18-1208, 18-2713, 19-405, 32-404, 32-554, 32-559, 32-564, 32-565, 32-566, 32-619.01, 32-621, 32-622, 32-624, 32-625, 32-711, 32-712, 32-716, 32-801, 32-1409, 32-1410, 49-209, 49-219, 51-201.03, 51-201.04, 53-122, 70-611, and 79-549, Reissue Revised Statutes of Nebraska, and sections 32-519, 32-524, 32-570, 32-606, 32-617, 32-623, 32-627, 32-710, 77-27,142.02, 79-1217, and 86-704, Revised Statutes Cumulative Supplement, 2012, to change deadlines for filings, certifications, and other activities under the Election Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 526. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2601, 38-2604, 38-2610, and 38-2615, Reissue Revised Statutes of Nebraska, and section 38-2605, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change provisions relating to licensure and certification to perform minor surgery and use certain pharmaceutical agents; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 527. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2601, 38-2604, 38-2610, 38-2614, and 38-2615, Reissue Revised Statutes of Nebraska, and section 38-2605, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change provisions relating to licensure and certification to use certain pharmaceutical agents; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 528. Introduced by Howard, 9; Campbell, 25; Conrad, 46; McGill, 26.

A BILL FOR AN ACT relating to public health; to amend section 71-503.01, Reissue Revised Statutes of Nebraska; to provide for treatment relating to certain sexually transmitted diseases as prescribed; to provide for rules and regulations; to provide for confidentiality and exemptions as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 529. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2116, Reissue Revised Statutes of Nebraska; to change requirements for approval of redevelopment plans; and to repeal the original section.

LEGISLATIVE BILL 530. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to foster care; to amend sections 43-4202, 43-4203, and 43-4213, Revised Statutes Cumulative Supplement, 2012; to state intent; to provide duties for the Division of Children and Family Services of the Department of Health and Human Services and the Nebraska Children's Commission; to change a termination date; to eliminate a committee; to harmonize provisions; to repeal the original sections; to outright repeal section 43-4212, Revised Statutes Cumulative Supplement, 2012; and to declare an emergency.

LEGISLATIVE BILL 531. Introduced by Conrad, 46; Chambers, 11.

A BILL FOR AN ACT relating to roads; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2012; to repeal the Build Nebraska Act and eliminate a fund; to change distribution of sales and use tax revenue; to repeal the original section; to outright repeal sections 39-2701, 39-2702, 39-2703, 39-2704, and 39-2705, Revised Statutes Cumulative Supplement, 2012; and to declare an emergency.

LEGISLATIVE BILL 532. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2012; to change income tax rates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 533. Introduced by Avery, 28.

A BILL FOR AN ACT relating to eminent domain; to require oil or gas pipeline condemners to provide notice to property owners as prescribed.

LEGISLATIVE BILL 534. Introduced by Avery, 28.

A BILL FOR AN ACT relating to audits; to amend sections 50-1213 and 84-305, Reissue Revised Statutes of Nebraska, and sections 77-2711, 77-27,119, and 84-304, Revised Statutes Cumulative Supplement, 2012; to provide requirements relating to access to information by the Legislative Performance Audit Section and the Auditor of Public Accounts; to require contracts for certain audits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 535. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to prescription drugs; to amend section 38-178, Revised Statutes Cumulative Supplement, 2012; to adopt the Prescription Monitoring Program Act; to provide grounds for disciplinary action; to eliminate provisions relating to prescription drug monitoring; to provide an operative date; to repeal the original section; and to outright repeal sections 71-2454 and 71-2455, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 536. Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Ashford, 20; McGill, 26; Wallman, 30.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

LEGISLATIVE BILL 537. Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Ashford, 20; McGill, 26; Wallman, 30.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 538. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to law enforcement training; to amend sections 81-1401 and 81-1403, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to revocation and suspension of certificates or diplomas for physical, mental, or emotional incapacity; to define a term; to provide powers to and duties for the Nebraska Police Standards Advisory Council; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 539. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to schools; to amend section 79-801, Reissue Revised Statutes of Nebraska, and section 79-808, Revised Statutes Cumulative Supplement, 2012; to prohibit the requiring of teaching experience for superintendents; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 540. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to schools; to amend section 79-725, Reissue Revised Statutes of Nebraska, and sections 79-318 and 79-724, Revised Statutes Cumulative Supplement, 2012; to prohibit rules and regulations requiring teachers to lead students in the pledge of allegiance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 541. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Uniform Arbitration Act; to amend section 25-2602.01, Revised Statutes Cumulative Supplement, 2012; to prohibit arbitration of claims involving disciplinary actions against peace officers; and to repeal the original section.

LEGISLATIVE BILL 542. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2523, Reissue Revised Statutes of Nebraska; to eliminate an aggravating circumstance; and to repeal the original section.

LEGISLATIVE BILL 543. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 24-1106, 25-1140.09, 28-104, 28-303, 29-1602, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2282, 29-2407, 29-2519, 29-2521, 29-2523, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930, 55-480, and 83-1,110.02, Reissue Revised Statutes of Nebraska, and sections 28-105, 29-1603, 29-2204, 29-2522, 29-2524, 29-3922, and 83-4,143, Revised Statutes Cumulative Supplement, 2012; to state findings and intent; to change a penalty from death to life imprisonment without possibility of parole; to eliminate a homicide-case report, provisions on capital punishment, proportionality review provisions, and obsolete provisions; to provide for retroactive applicability of a penalty change; to change provisions relating to restitution; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 28-105.01, 29-2521.01, 29-2521.03, 29-2521.04, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska, and sections 29-2521.02, 29-2524, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, 29-2546, 83-1,105.01, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 544. Introduced by Hansen, 42; Davis, 43.

A BILL FOR AN ACT relating to animals; to amend sections 38-3330 and 54-742, Reissue Revised Statutes of Nebraska; to provide for waiver of privilege; to require notifications regarding bovine trichomoniasis; to provide for assessment of costs; and to repeal the original sections.

LEGISLATIVE BILL 545. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 71-1567, 71-4609, 75-134, 75-136, 75-156, 75-722, 86-123, 86-158, 86-209, 86-255, 86-269, and 86-578, Reissue Revised Statutes of Nebraska; to change appeal procedures as prescribed; to harmonize

provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 546. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to universities and colleges; to amend sections 85-404 and 85-408, Reissue Revised Statutes of Nebraska, and sections 85-1413, 85-1416, and 85-1418, Revised Statutes Cumulative Supplement, 2012; to eliminate review of certain capital construction projects as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 85-1415, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 547. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2701, and 77-2715.07, Revised Statutes Cumulative Supplement, 2012; to provide an income tax credit for payments to school districts for the support of extracurricular activities and character education programs; to authorize school districts to offer character education programs; to harmonize provisions; and to repeal the original sections.

SENATOR GLOOR PRESIDING

LEGISLATIVE BILL 548. Introduced by Schilz, 47; Davis, 43; Larson, 40.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,290, Revised Statutes Cumulative Supplement, 2012; to change a length exception for semitrailers transporting baled livestock forage; and to repeal the original section.

LEGISLATIVE BILL 549. Introduced by Schilz, 47; Davis, 43.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-15,160 and 81-15,162, Revised Statutes Cumulative Supplement, 2012; to change the scrap tire program sunset provision; to change the tire disposal fee; and to repeal the original sections.

LEGISLATIVE BILL 550. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-2801 and 77-27,188, Reissue Revised Statutes of Nebraska, and section 77-27,187.02, Revised Statutes Cumulative Supplement, 2012; to adopt the Livestock Growth Act; to change dollar limits for applications and credits under the Nebraska Advantage Rural Development Act; to change application procedure; and to repeal the original sections.

LEGISLATIVE BILL 551. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to recreation liability; to amend sections 37-729, 37-730, 37-733, 37-734, 37-735, and 37-736, Reissue Revised Statutes of Nebraska; to name the sections as the Recreation and Tourism Promotion Act; to change and eliminate provisions relating to liability of owners of premises used by participants for recreation and tourism activities; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 37-731 and 37-732, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 552. Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to retirement; to amend sections 4-108 and 16-1020, Reissue Revised Statutes of Nebraska, and sections 84-1501, 84-1503, and 84-1511, Revised Statutes Cumulative Supplement, 2012; to adopt the Cities of the First Class Firefighters Cash Balance Retirement Act; to create funds; to change provisions relating to the Public Employees Retirement Board; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 553. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-966.01, Reissue Revised Statutes of Nebraska, and sections 79-901, 79-902, 79-916, 79-947.06, 79-958, 79-966, 79-1003, and 79-1028.01, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change provisions relating to retirement allowances; to change the amount of state deposits and employee deposits; to change provisions related to retirement plan funding; to eliminate obsolete language; to redefine terms and change provisions relating to school aid calculations; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 554. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the school employees retirement; to amend sections 79-9,100 and 79-9,103, Reissue Revised Statutes of Nebraska, and sections 79-966, 79-9,113, 79-1003, and 79-1028.01, Revised Statutes Cumulative Supplement, 2012; to change the amount of state deposits and employee deposits; to change retirement allowance calculations; to change provisions related to cost-of-living adjustments; to eliminate obsolete language; to redefine terms and change provisions relating to school aid calculations; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 555. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to education; to adopt the Preparing

Students for Educational Success Act; and to declare an emergency.

LEGISLATIVE BILL 556. Introduced by McGill, 26; Ashford, 20; Dubas, 34.

A BILL FOR AN ACT relating to children's health care; to amend sections 68-911 and 71-8506, Reissue Revised Statutes of Nebraska, and section 79-214, Revised Statutes Cumulative Supplement, 2012; to state findings and intent; to provide for telehealth services for children through public schools; to provide for implementation and development teams; to provide for behavioral health screenings as prescribed; to change provisions relating to the medical assistance program, telehealth transmission services, and school physical examinations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 557. Introduced by McGill, 26; Dubas, 34; K. Haar, 21; Mello, 5.

A BILL FOR AN ACT relating to net metering; to amend sections 70-2002 and 70-2003, Reissue Revised Statutes of Nebraska; to provide for community solar gardens; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 558. Introduced by Kintner, 2; Bloomfield, 17; Howard, 9; Murante, 49; Scheer, 19; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 25-21,149 and 77-1735, Reissue Revised Statutes of Nebraska; to change provisions relating to certain declaratory judgments and illegal taxes paid; and to repeal the original sections.

LEGISLATIVE BILL 559. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-601, Reissue Revised Statutes of Nebraska; to adopt the short-time compensation program; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 560. Introduced by Mello, 5.

A BILL FOR AN ACT relating to labor; to amend sections 48-1209, 48-1228, 48-1230, and 48-2901, Reissue Revised Statutes of Nebraska, and section 48-1117, Revised Statutes Cumulative Supplement, 2012; to change provisions of the Nebraska Fair Employment Practice Act, the Wage and Hour Act, the Nebraska Wage Payment and Collection Act, and the Employee Classification Act; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 561. Introduced by Ashford, 20; Campbell, 25; Krist, 10; McGill, 26.

A BILL FOR AN ACT relating to the juvenile justice system; to amend sections 58-210.02 and 58-239.04, Reissue Revised Statutes of Nebraska, and section 77-1108, Revised Statutes Cumulative Supplement, 2012; to state findings and intent for changes to the system and for an appropriation; to provide a financing mechanism for juvenile programs, services, and assistance as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 562. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the juvenile justice system; to amend sections 29-209, 43-252, 83-4,130, and 83-905, Reissue Revised Statutes of Nebraska, and sections 28-726, 43-248.02, 43-2,108.03, 43-2,108.04, 43-2,108.05, 43-2,129, 43-405, and 71-1904, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to probation officers, fingerprinting, juvenile court jurisdiction, a civil citation program, sealing of juvenile records, and seclusion of juveniles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 563. Introduced by Krist, 10.

A BILL FOR AN ACT relating to state government; to amend section 73-510, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to contracts for services; and to repeal the original section.

LEGISLATIVE BILL 564. Introduced by Nelson, 6; Bloomfield, 17; Brasch, 16; Carlson, 38; Johnson, 23; Kintner, 2; Scheer, 19.

A BILL FOR AN ACT relating to health care; to amend sections 38-126 and 38-179, Reissue Revised Statutes of Nebraska; to adopt the Health Care Freedom of Conscience Act; to subject rules and regulations to the act; to provide for grounds for disciplining health care credentials; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 565. Introduced by Nelson, 6; Lautenbaugh, 18; Price, 3.

A BILL FOR AN ACT relating to elections; to amend section 32-938, Reissue Revised Statutes of Nebraska, and sections 32-941 and 32-947, Revised Statutes Cumulative Supplement, 2012; to prohibit a person from registering to vote and requesting a ballot for early voting on the same day; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 566. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the educational technology; to amend

section 9-812, Reissue Revised Statutes of Nebraska; to create the Educational Technology Infrastructure Grant Program; to provide duties for the State Department of Education; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 567. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to public power; to amend section 70-1014, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to approval of facilities and lines as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 568. Introduced by B. Harr, 8; Carlson, 38.

A BILL FOR AN ACT relating to insurance; to provide for licensure of insurance navigators.

LEGISLATIVE BILL 569. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court for salary increases for county court employees; and to declare an emergency.

LEGISLATIVE BILL 570. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to labor and employment; to adopt the Employers Certainty in Records Act.

LEGISLATIVE BILL 571. Introduced by B. Harr, 8; Ashford, 20.

A BILL FOR AN ACT relating to community enhancement; to amend sections 13-3108 and 13-2706, Reissue Revised Statutes of Nebraska, and section 85-1402, Revised Statutes Cumulative Supplement, 2012; to adopt the Community Enhancement Financing Assistance Act; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 572. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.08, 77-2715.09, 77-5710, 77-5714, 77-5722.01, and 77-5728, Reissue Revised Statutes of Nebraska, and sections 49-801.01, 77-5707, 77-5715, 77-5723, 77-5725, 77-5726, and 77-5735, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to extraordinary dividends and capital gains on certain capital stock; to redefine terms under the Nebraska Advantage Act; to change provisions relating to tax incentives, applications, and protests under the act; to provide for qualification audits and applicability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 573. Introduced by B. Harr, 8; Ashford, 20; Hansen, 42; McCoy, 39; Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.08, Reissue Revised Statutes of Nebraska; to change provisions relating to an adjustment to income for certain capital gains and extraordinary dividends; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 574. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to special assessments; to amend sections 2-3254, 13-2020, 14-105, 14-363, 14-364, 14-365.03, 14-392, 14-398, 14-3,102, 14-3,103, 14-3,106, 14-3,107, 14-537, 14-1733, 15-211, 15-268, 15-709, 15-713, 15-718, 16-207, 16-230, 16-250, 16-615, 16-630, 16-631, 16-652, 16-664, 16-669, 16-672, 16-708, 17-149.01, 17-510, 17-511, 17-512, 17-539, 17-555, 17-557.01, 17-563, 17-913, 17-921, 17-971, 17-972, 18-406, 18-1719, 18-1751, 19-2404, 19-2407, 19-2418, 19-2427, 23-316, 23-317, 23-3618, 31-202.03, 31-230, 31-509, 31-740, 31-749, 39-1622, 39-1623, 39-1636.01, and 46-544, Reissue Revised Statutes of Nebraska; to clarify that certain assessments levied by a natural resources district, sanitary drainage district, sanitary and improvement district, special improvement district, county, city, or village are levied and collected as special assessments; and to repeal the original sections.

LEGISLATIVE BILL 575. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to school governing bodies; to require professional development training for public school board and learning community coordinating council members as prescribed; to define terms; to provide powers and duties for the State Department of Education, associations of school boards, school boards, and learning community coordinating councils; and to provide for sanctions as prescribed.

LEGISLATIVE BILL 576. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to electioneering; to amend section 32-1524, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2012; to require marking of area near polling places for purposes of electioneering restrictions as prescribed; to change restrictions on electioneering; to prohibit removal of or refusal to display electioneering materials as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 577. Introduced by Campbell, 25; Ashford, 20; Chambers, 11; Conrad, 46; Cook, 13; Crawford, 45; Howard, 9; Kolowski, 31; Krist, 10; McGill, 26; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend

sections 68-906 and 68-915, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the medical assistance program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 578. Introduced by Nordquist, 7; Campbell, 25; Krist, 10.

A BILL FOR AN ACT relating to medicaid funding; to amend sections 68-901 and 77-912, Revised Statutes Cumulative Supplement, 2012; to create the Health Care Access and Support Fund; to change distribution of certain premium tax revenue; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 579. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-117, Reissue Revised Statutes of Nebraska; to provide a duty for the Nebraska Liquor Control Commission regarding administration and enforcement of the act; and to repeal the original section.

LEGISLATIVE BILL 580. Introduced by Johnson, 23; Karpisek, 32; Scheer, 19; Schumacher, 22.

A BILL FOR AN ACT relating to eminent domain; to amend sections 57-601, 76-701, 76-705, 76-706, 76-707, 76-711, 76-715, 76-716, 76-717, 76-718, 76-719, 76-719.01, 76-720, 76-723, and 76-726, Reissue Revised Statutes of Nebraska; to change certain condemnation procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 581. Introduced by Crawford, 45; Avery, 28; Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Cumulative Supplement, 2012; to change the sales and use tax collection fees; and to repeal the original sections.

LEGISLATIVE BILL 582. Introduced by Carlson, 38; Ashford, 20; B. Harr, 8; Lathrop, 12; Mello, 5; Nordquist, 7; Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Tourism Commission; and to declare an emergency.

LEGISLATIVE BILL 583. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4901 and 2-4902, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the Climate Assessment Response Committee; to provide additional duties for the committee; and to repeal the original sections.

LEGISLATIVE BILL 584. Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-134.01, Reissue Revised Statutes of Nebraska, and section 48-1,110, Revised Statutes Cumulative Supplement, 2012; to provide for medical utilization and treatment guidelines; to change provisions relating to independent medical examiners; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 585. Introduced by Smith, 14.

A BILL FOR AN ACT relating to learning communities; to amend sections 79-2102.01 and 79-2104.01, Reissue Revised Statutes of Nebraska, and sections 32-546.01, 32-555.01, 32-604, 77-3442, 79-611, 79-769, 79-1013, 79-1014, 79-2104, 79-2111, 79-2113, 79-2115, and 79-2118, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to coordinating councils, transportation, an advisory committee, focus schools, focus programs, magnet schools, pathway programs, and early childhood education; to eliminate achievement subcouncils and elementary learning centers; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-2114, Reissue Revised Statutes of Nebraska, and sections 79-2112, 79-2116, and 79-2117, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 586. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend section 71-1908, Reissue Revised Statutes of Nebraska; to provide content for rules and regulations for family child care homes, child care centers, and preschools as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 587. Introduced by Schilz, 47; Hansen, 42.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-189, Reissue Revised Statutes of Nebraska; to change satisfactory evidence of ownership; and to repeal the original section.

LEGISLATIVE BILL 588. Introduced by Watermeier, 1; Bloomfield, 17; Price, 3.

A BILL FOR AN ACT relating to veterans; to amend sections 23-2529, 48-225, 48-226, 48-227, 48-229, 48-230, and 48-231, Reissue Revised Statutes of Nebraska; to name the Veterans Preference Act; to change veterans employment preference provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 589. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend sections 76-2301, 76-2303, and 76-2329, Reissue Revised Statutes of Nebraska; to define a term; to provide exceptions for emergency conditions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 590. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.01 and 2-1222, Reissue Revised Statutes of Nebraska; to authorize the State Racing Commission to license and regulate wagering on historic horseraces as prescribed; to provide for a tax on wagers; to create a fund; to change provisions relating to the source and use of the Racing Commission's Cash Fund; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 591. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to cities; to amend section 19-1827, Reissue Revised Statutes of Nebraska; to change membership provisions for the civil service commission as prescribed; and to repeal the original section.

LEGISLATIVE BILL 592. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to handguns; to amend section 69-2445, Reissue Revised Statutes of Nebraska, and section 28-1202, Revised Statutes Cumulative Supplement, 2012; to authorize the carrying of concealed handguns by qualified law enforcement officers and qualified retired law enforcement officers as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 593. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to schools; to amend section 13-903, Reissue Revised Statutes of Nebraska, and sections 48-801 and 79-978, Revised Statutes Cumulative Supplement, 2012; to adopt the Charter Schools Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 594. Introduced by Price, 3.

A BILL FOR AN ACT relating to veterans aid; to amend section 80-401, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Veterans' Aid Fund; and to repeal the original section.

LEGISLATIVE BILL 595. Introduced by Price, 3.

A BILL FOR AN ACT relating to the Enhanced Wireless 911 Services Act; to amend sections 86-442, 86-443, and 86-465, Reissue Revised Statutes of

Nebraska; to state intent; to define a term; to provide for a study of next-generation 911; to provide for use of the Enhanced Wireless 911 Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 596. Introduced by Price, 3.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,104.02 and 60-3,125, Reissue Revised Statutes of Nebraska, and section 60-3,104.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to specialty license plates and Purple Heart license plates; and to repeal the original sections.

LEGISLATIVE BILL 597. Introduced by Larson, 40; Davis, 43; Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-259 and 2-264, Reissue Revised Statutes of Nebraska; to change provisions relating to county agricultural societies; and to repeal the original sections.

LEGISLATIVE BILL 598. Introduced by Larson, 40.

A BILL FOR AN ACT relating to electricity; to amend sections 70-2002 and 70-2003, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to net metering; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 599. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003 and 79-1028.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to general fund operating expenditures and budget authority; to repeal the original sections; to outright repeal sections 79-1011 and 79-1012, Revised Statutes Cumulative Supplement, 2012; and to declare an emergency.

LEGISLATIVE BILL 600. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2005, 77-2006, and 77-2040, Reissue Revised Statutes of Nebraska; to change inheritance tax rates; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 601. Introduced by Bloomfield, 17; Brasch, 16; Kintner, 2.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3219, Reissue Revised Statutes of Nebraska; to require notice for subcommittee meetings; and to repeal the original section.

LEGISLATIVE BILL 602. Introduced by Bloomfield, 17; Hansen, 42; Kintner, 2; Larson, 40; Murante, 49; Schilz, 47; Watermeier, 1.

A BILL FOR AN ACT relating to firearms; to adopt the Nebraska Firearms Freedom Act.

LEGISLATIVE BILL 603. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to oaths and affirmations; to amend sections 7-104, 11-101, 11-101.01, 11-101.02, 13-1403, 23-1804, 23-1807, 23-1809, 29-2009, 32-330, 32-918, 32-927, 32-931, 32-934, 32-946, 32-1013, and 77-3204, Reissue Revised Statutes of Nebraska, and sections 32-305, 32-546.01, and 32-607, Revised Statutes Cumulative Supplement, 2012; to include affirmation or affirm as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 604. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007.10, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to computation of the cost growth factor; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 605. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to behavioral health; to provide for creation of the Telehealth Behavioral Health Services Program; to define terms; to provide duties; to require reporting; and to state intent related to funding.

LEGISLATIVE BILL 606. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Nebraska Technology Entrepreneur Act; to provide sales and use tax refunds to certain businesses as prescribed; and to provide an operative date.

LEGISLATIVE BILL 607. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to domestic violence; to amend section 42-929, Reissue Revised Statutes of Nebraska; to change provisions relating to protection order violations and conditions of release violations; and to repeal the original section.

LEGISLATIVE BILL 608. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-311.03 and 28-311.04, Reissue Revised Statutes of Nebraska; to change provisions relating to stalking; and to repeal the original sections.

LEGISLATIVE BILL 609. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Legislature; to create the Nebraska's Emerging Future Subcommittee of the Legislature's Planning Committee; and to provide powers and duties.

LEGISLATIVE BILL 610. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311.01, Reissue Revised Statutes of Nebraska; to change provisions relating to terroristic threats; and to repeal the original section.

LEGISLATIVE BILL 611. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-323, Revised Statutes Cumulative Supplement, 2012; to redefine serious bodily injury for purposes of domestic assault; and to repeal the original section.

LEGISLATIVE BILL 612. Introduced by Schumacher, 22; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,195, 77-5807, and 77-5907, Reissue Revised Statutes of Nebraska, and sections 77-385, 77-4110, 77-4933, 77-5542, and 77-5731, Revised Statutes Cumulative Supplement, 2012; to require the Department of Revenue to present certain reports to legislative committees; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 613. Introduced by Schumacher, 22; Campbell, 25; Harms, 48; B. Harr, 8; Lathrop, 12; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to create the Tax Modernization Commission; and to provide powers and duties.

LEGISLATIVE BILL 614. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to insurance; to provide for the withholding of insurance proceeds for the demolition of real property as prescribed.

LEGISLATIVE BILL 615. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2201 and 30-2601, Revised Statutes Cumulative Supplement, 2012; to provide for summary guardianships; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 616. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to finance; to amend section 8-602, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Money Transmitters Act; to provide penalties; to eliminate the Nebraska Sale of Checks and Funds Transmission Act; to harmonize provisions; to provide an operative date; to repeal the original section; and to outright repeal sections 8-1001, 8-1001.01, 8-1002, 8-1003, 8-1004, 8-1005, 8-1006, 8-1007, 8-1008, 8-1009, 8-1010, 8-1011, 8-1012, 8-1012.01, 8-1013, 8-1014, 8-1016, 8-1017, 8-1018, and 8-1019, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 617. Introduced by Schumacher, 22; Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Universal Service Fund Act; to amend sections 86-316, 86-317, 86-318, 86-320.01, 86-323, 86-324, 86-326, 86-328, and 86-329, Reissue Revised Statutes of Nebraska; to change collection and distribution of the universal service charge; to define and redefine terms; to provide for acquisition of abandoned property, termination of provisions, and provision of broadband service by public entities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 618. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to create the Agricultural Land Valuation Task Force; to provide powers and duties; to provide for termination; to state intent; and to declare an emergency.

LEGISLATIVE BILL 619. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to schools; to define terms; to require instruction in sexual health education; to provide curriculum requirements; and to provide for rules and regulations.

LEGISLATIVE BILL 620. Introduced by Legislative Performance Audit Committee: Harms, 48, Chairperson; Adams, 24; Dubas, 34; Krist, 10; Mello, 5; Watermeier, 1; Wightman, 36.

A BILL FOR AN ACT relating to government health insurance; to require presentations of plans to the Legislature.

LEGISLATIVE BILL 621. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend section 44-4318, Reissue Revised Statutes of Nebraska; to exempt certain information from disclosure as prescribed; and to repeal the original section.

LEGISLATIVE BILL 622. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1026, Reissue Revised Statutes of Nebraska; to change provisions relating to a research and conservation report; and to repeal the original section.

LEGISLATIVE BILL 623. Introduced by Price, 3.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-810, Reissue Revised Statutes of Nebraska; to change provisions relating to bridge construction and road improvements; and to repeal the original section.

LEGISLATIVE BILL 624. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-699, Reissue Revised Statutes of Nebraska; to provide for fees for copies of accident reports; and to repeal the original section.

LEGISLATIVE BILL 625. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to social services; to amend section 68-1206, Reissue Revised Statutes of Nebraska; to change provisions relating to child care subsidies; and to repeal the original section.

LEGISLATIVE BILL 626. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to revenue and taxation; to eliminate an income reduction for extraordinary dividends and certain capital gains; to provide an operative date; and to outright repeal sections 77-2715.08 and 77-2715.09, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 627. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,187, Reissue Revised Statutes of Nebraska, and section 77-5701, Revised Statutes Cumulative Supplement, 2012; to provide for termination of certain tax incentive laws on a five-year recurring basis; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 628. Introduced by Conrad, 46; Hadley, 37.

A BILL FOR AN ACT relating to the Small Business Innovation Act; to amend sections 81-12,138, 81-12,142, and 81-12,143, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change the termination date for the act and a report date; and to repeal the original sections.

LEGISLATIVE BILL 629. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the state budget; to amend section 81-125, Reissue Revised Statutes of Nebraska; to provide an additional requirement for budget submission; and to repeal the original section.

LEGISLATIVE BILL 630. Introduced by Kolowski, 31; Campbell, 25; Gloor, 35; Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend section 71-5724, Reissue Revised Statutes of Nebraska; to redefine place of employment; and to repeal the original section.

LEGISLATIVE BILL 631. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1010, 25-1027, 25-1028, 25-1030.02, and 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment; and to repeal the original sections.

LEGISLATIVE BILL 632. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to public assistance; to amend section 68-130, Revised Statutes Cumulative Supplement, 2012; to change funding for county offices; to repeal the original section; and to outright repeal section 81-1139.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 633. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Civil Service Act; to amend sections 19-1829 and 19-1833, Reissue Revised Statutes of Nebraska; to include contract violations under disciplinary provisions of the act; and to repeal the original sections.

LEGISLATIVE BILL 634. Introduced by Davis, 43; Brasch, 16; Carlson, 38; Christensen, 44; Hansen, 42; Larson, 40; Mello, 5; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Forest Service; to adopt the Wildfire Control Act of 2013; and to provide powers and duties for the service relating to the control and fighting of wildfires.

LEGISLATIVE BILL 635. Introduced by Wallman, 30; Davis, 43; K. Haar, 21; Harms, 48; Kolowski, 31; Scheer, 19.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend sections 57-903, 57-905, 57-914, 57-916.01, and 81-1531.01, Reissue Revised Statutes of Nebraska; to provide powers and duties relating to hydraulic fracturing; to harmonize provisions; to provide a

duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 636. Introduced by Wallman, 30; Davis, 43.

A BILL FOR AN ACT relating to agriculture; to provide restrictions for the application of certain herbicides.

LEGISLATIVE BILL 637. Introduced by Wallman, 30; Bloomfield, 17; Brasch, 16; Christensen, 44; Davis, 43; Hadley, 37; Johnson, 23; Karpisek, 32; Kolowski, 31; Mello, 5; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Sullivan, 41.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-906.02, Reissue Revised Statutes of Nebraska, and section 84-920, Revised Statutes Cumulative Supplement, 2012; to provide for economic analysis of proposed rules and regulations from the Department of Environmental Quality; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 638. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to retirement; to amend sections 79-921, 79-922, and 79-972.01, Reissue Revised Statutes of Nebraska, and sections 79-901, 79-902, 79-910.01, 79-920, 79-926, 79-947.06, and 84-1501, Revised Statutes Cumulative Supplement, 2012; to provide a cash balance retirement system for new school employees; to change membership of the Public Employees Retirement Board; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 639. Introduced by Nelson, 6.

A BILL FOR AN ACT relating to retirement; to amend sections 24-721, 24-732, 48-155.01, 84-1320, 84-1325, and 84-1333, Reissue Revised Statutes of Nebraska, and sections 24-701, 81-2014, 84-1301, 84-1302, 84-1317, 84-1331, and 84-1501, Revised Statutes Cumulative Supplement, 2012; to provide for new judges and officers of the Nebraska State Patrol to become members of the State Employees Retirement System of the State of Nebraska; to define and redefine terms; to provide for retirement age options and requirements for members of the Nebraska State Patrol and the filling of judicial vacancies; to provide a supplemental retirement plan; to change membership of the Public Employees Retirement Board; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 640. Introduced by Hadley, 37; Ashford, 20; Campbell, 25; Coash, 27; Cook, 13; Crawford, 45; Dubas, 34; Gloor, 35; K. Haar, 21; B. Harr, 8; Howard, 9; Karpisek, 32; Kolowski, 31; Krist, 10; Lathrop, 12; Lautenbaugh, 18; McGill, 26; Mello, 5; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1005.01, 79-1007.11, 79-1007.16, 79-1008.01, and 79-1009, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change provisions relating to allocated income tax, calculation of formula need, equalization aid, and net option funding; to harmonize provisions; to repeal the original sections; to outright repeal section 79-1007.18, Revised Statutes Cumulative Supplement, 2012; and to declare an emergency.

LEGISLATIVE BILL 641. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

LEGISLATIVE BILL 642. Introduced by Mello, 5.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1215, Reissue Revised Statutes of Nebraska; to prohibit receiving certain types of wagers as prescribed; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 643. Introduced by Davis, 43; Avery, 28; Johnson, 23; Scheer, 19.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-230 and 17-563, Reissue Revised Statutes of Nebraska; to change certain provisions regarding nuisances as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 644. Introduced by Davis, 43; Conrad, 46; Crawford, 45; Howard, 9; Kolowski, 31.

A BILL FOR AN ACT relating to contract carriers; to adopt the Contract Carrier Safety Act; and to provide civil penalties.

LEGISLATIVE BILL 645. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to teachers; to amend section 79-804, Reissue Revised Statutes of Nebraska, and section 79-1007.25, Revised Statutes Cumulative Supplement, 2012; to provide requirements for the fall personnel report; to change provisions relating to an allowance under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 646. Introduced by Murante, 49; Ashford, 20; Avery, 28; Crawford, 45.

A BILL FOR AN ACT relating to public power districts; to amend sections 70-612 and 70-619, Reissue Revised Statutes of Nebraska; to change provisions relating to election of directors as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 647. Introduced by Davis, 43; Carlson, 38; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend section 54-784.01, Reissue Revised Statutes of Nebraska; to change Animal Importation Act provisions relating to cattle identification; and to repeal the original section.

LEGISLATIVE BILL 648. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-806, Reissue Revised Statutes of Nebraska; to change the penalty for public indecency; and to repeal the original section.

LEGISLATIVE BILL 649. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,197.06, Reissue Revised Statutes of Nebraska, and section 60-6,211.11, Revised Statutes Cumulative Supplement, 2012; to change certain penalties relating to operating a motor vehicle during a revocation period and tampering with an ignition interlock device; and to repeal the original sections.

LEGISLATIVE BILL 650. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-354, Reissue Revised Statutes of Nebraska; to include asphalt crack filler trailers in the definition of trailer; and to repeal the original section.

LEGISLATIVE BILL 651. Introduced by Davis, 43; Wallman, 30.

A BILL FOR AN ACT relating to community colleges; to amend sections 13-503, 13-518, 18-2115, 72-2302, 72-2303, 72-2304, 72-2306, 77-1601.02, 77-3443, and 85-1516, Reissue Revised Statutes of Nebraska, and sections 77-3442, 77-3445, 85-1402, 85-1412, 85-1418, 85-1501.01, 85-1503, 85-1511, 85-1517, and 85-1540, Revised Statutes Cumulative Supplement, 2012; to eliminate property tax levying authority as prescribed; to provide for state funding of community colleges; to eliminate the Community College Aid Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 85-2231, 85-2232, 85-2233, 85-2234, 85-2235, 85-2236, and 85-2237, Revised

Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 652. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to counties; to amend section 23-2510, Reissue Revised Statutes of Nebraska; to provide procedures relating to grievances by corrections officers in certain counties; and to repeal the original section.

LEGISLATIVE BILL 653. Introduced by Davis, 43; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-160 and 53-164.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the gallonage tax on beer and provide for distribution of the increased revenue; to provide for a supplemental report by beer wholesalers as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 654. Introduced by Davis, 43.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-175 and 54-1183, Reissue Revised Statutes of Nebraska; to change the brand inspection area to include the entire state; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 54-1,109, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 655. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to insurance consultants; to amend section 44-2629, Reissue Revised Statutes of Nebraska; to permit collection of fees as prescribed; to repeal the original section; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 40. Introduced by Davis, 43; Campbell, 25; Gloor, 35; Hansen, 42; Johnson, 23; Kintner, 2; Larson, 40; Nelson, 6; Scheer, 19; Wallman, 30; Watermeier, 1.

WHEREAS, the federal government does not have funds available to be used for cost sharing to replace fences destroyed by wildfires between private and public lands in Dawes County, Sioux County, and Sheridan County in Nebraska; and

WHEREAS, it is traditional for owners of adjacent lands to share the replacement costs of common fences; and

WHEREAS, the affected private landowners will bear a huge expense to replace over two thousand miles of fencing, including one hundred twenty-two miles of federal fencing, in the affected area of Dawes County, Sioux County, and Sheridan county; and

WHEREAS, the private landowners have already been devastated by drought and forced to liquidate approximately forty percent of their livestock; and

WHEREAS, the private landowners do not have adequate funds to pay the extensive cost of replacement fences; and

WHEREAS, good fences make good neighbors.

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

1. That the Legislature requests the United States Forest Service to reconsider its original decision not to pay a proportionate share of the replacement costs of fences destroyed by wildfires between private and public lands in Dawes County, Sioux County, and Sheridan County in Nebraska.

2. That the Legislature is supportive of all efforts to maintain a collaborative partnership with the United States on a wide range of public issues, including good stewardship of federal lands located within the State of Nebraska.

3. That a copy of this resolution be sent to President Barack Obama, the United States Forest Service in Chadron, and each member of the Nebraska congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 41CA. Introduced by Lautenbaugh, 18.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of live, replayed, and delayed horseraces, ~~wherever run,~~ either within or outside of the state, ~~by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure when such wagering occurs at licensed racetracks where live racing occurs, by a parimutuel method~~ or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide for enactment of laws relating to wagering on live, replayed, and delayed horseraces at licensed racetracks.

For

Against.

LEGISLATIVE RESOLUTION 42. Introduced by Brasch, 16; Ashford, 20; Bloomfield, 17; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Davis, 43; Dubas, 34; Gloor, 35; Hadley, 37; Hansen, 42; Harms, 48; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Krist, 10; Larson, 40; Lautenbaugh, 18; Murante, 49; Nelson, 6; Pirsch, 4; Price, 3; Scheer, 19; Schilz, 47; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, the right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitution of the United States; and

WHEREAS, our nation has historically relied first and foremost on parents to meet the real and constant needs of children; and

WHEREAS, the interests of children are best served when parents are free to make child-rearing decisions about education, religion, and other areas of a child's life without state interference; and

WHEREAS, the United States Supreme Court, in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), held that "(t)his primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"; and

WHEREAS, in *Troxel v. Granville*, 530 U.S. 57 (2000), Supreme Court justices issued five concurring and dissenting opinions on the nature and enforceability of parental rights under the Constitution of the United States; and

WHEREAS, the decision in *Troxel v. Granville* has created confusion and ambiguity about the fundamental nature of parental rights in the laws and societies of the several states; and

WHEREAS, the United Nations Convention on the Rights of the Child would drastically alter the fundamental right of parents to direct the upbringing of their children; and

WHEREAS, this convention has already been acceded to by 192 nations worldwide and has already been cited by United States courts as an example of "customary international law"; and

WHEREAS, international influence is being exerted on the United States Supreme Court, as demonstrated in *Roper v. Simmons*, 543 U.S. 551 (2005), in which it was expressed that "the Court has referred to the laws of other countries and to international authorities as instructive for its interpretation" of the Constitution of the United States; and

WHEREAS, H.J. Res. 110 was introduced in the United States House of Representatives during the second session of the 112th Congress to provide for an amendment to the Constitution of the United States to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights, and the legislation states:

"SECTION 1. The liberty of parents to direct the upbringing, education, and care of their children is a fundamental right.

"SECTION 2. Neither the United States nor any State shall infringe this right without demonstrating that its governmental interest, as applied to the person, is of the highest order and not otherwise served.

"SECTION 3. This article shall not be construed to apply to a parental action or decision that would end life.

"SECTION 4. No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article."; and

WHEREAS, this amendment will add explicit text to the Constitution of the United States to forever protect the rights of parents as they are now enjoyed, without substantive change to current federal or state laws respecting these rights.

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

1. That the Nebraska Unicameral Legislature urges the Congress of the United States to pass the Parental Rights Amendment to the Constitution of the United States and submit it to the states for ratification.

2. That the Nebraska Unicameral Legislature affirms the Parental Rights Amendment to the Constitution of the United States.

3. That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, to the President of the United States Senate, and to each member of Congress from Nebraska.

LEGISLATIVE RESOLUTION 43. Introduced by Seiler, 33.

WHEREAS, David L. Wacker, Jr., has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, David has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, David, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates David L. Wacker, Jr., on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to David L. Wacker, Jr.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Wednesday, January 30, 2013 1:30 p.m.

Frank Reida - Nebraska Power Review Board
LB186
LB353

Thursday, January 31, 2013 1:30 p.m.

LB322

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

LB388

(Signed) Tom Carlson, Chairperson

Revenue

Room 1524

Wednesday, January 30, 2013 1:30 p.m.

LB17
LB74
LB238

Thursday, January 31, 2013 1:30 p.m.

LB5
LB75
LB176
LB227

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

LB264
LB296
LB389

(Signed) Galen Hadley, Chairperson

MOTION - Print in Journal

Senator Karpisek filed the following motion to LB221:

MO3

Withdraw bill.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR40 was referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Watermeier asked unanimous consent to add his name as cointroducer to LB96 and LB482. No objections. So ordered.

Senator Lautenbaugh asked unanimous consent to add his name as cointroducer to LB379. No objections. So ordered.

Senator Davis asked unanimous consent to add his name as cointroducer to LB435. No objections. So ordered.

Senator Ashford asked unanimous consent to add his name as cointroducer to LB266. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB543. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Kipton Anderson from Columbus.

ADJOURNMENT

At 12:14 p.m., on a motion by Senator Karpisek, the Legislature adjourned until 11:30 a.m., Thursday, January 24, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 24, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 24, 2013

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

Pursuant to adjournment, the Legislature met at 11:30 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Adams and McGill who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB402	Natural Resources
LB403	Judiciary
LB404	Urban Affairs
LB405	Revenue
LB406	Revenue
LB407	Education
LB408	Education
LB409	Education
LB410	Education
LB411	Revenue
LB412	Judiciary
LB413	General Affairs
LB414	Revenue
LB415	Judiciary
LB416	Education
LB417	Government, Military and Veterans Affairs

LB418	Government, Military and Veterans Affairs
LB419	Revenue
LB420	Health and Human Services
LB421	Health and Human Services
LB422	Health and Human Services
LB423	Agriculture
LB424	Appropriations
LB425	Appropriations
LB426	Banking, Commerce and Insurance
LB427	Health and Human Services
LB428	Health and Human Services
LB429	Government, Military and Veterans Affairs
LB430	Health and Human Services
LB431	Agriculture
LB432	Appropriations
LB433	Government, Military and Veterans Affairs
LB434	Government, Military and Veterans Affairs
LB435	Agriculture
LB436	Business and Labor
LB437	Business and Labor
LB438	Education
LB439	Revenue
LB440	Revenue
LB441	Judiciary
LB442	Banking, Commerce and Insurance
LB443	Health and Human Services
LB444	General Affairs
LB445	Transportation and Telecommunications
LB446	Transportation and Telecommunications
LB447	Revenue
LB448	Government, Military and Veterans Affairs
LB449	Government, Military and Veterans Affairs
LB450	Government, Military and Veterans Affairs
LB451	Judiciary
LB452	Health and Human Services
LB453	Transportation and Telecommunications
LB454	Natural Resources
LB455	Judiciary
LB456	General Affairs
LB457	Revenue
LB458	Health and Human Services
LB459	Health and Human Services
LB460	Education
LB461	Judiciary
LB462	Judiciary
LB463	Judiciary
LB464	Judiciary
LB465	Education
LB466	Education

LB467	Education
LB468	Revenue
LB469	Education
LB470	Education
LB471	Judiciary
LB472	Judiciary
LB473	Judiciary
LB474	Revenue
LB475	Revenue
LB476	Business and Labor
LB477	Natural Resources
LB478	Education
LB479	Banking, Commerce and Insurance
LB480	Education
LB481	Education
LB482	Judiciary
LB483	Judiciary
LB484	Health and Human Services
LB485	Judiciary
LB486	Appropriations
LR34CA	General Affairs
LR38	Government, Military and Veterans Affairs
LB487	Health and Human Services
LB488	Revenue
LB489	Revenue
LB490	Revenue
LB491	Education
LB492	Appropriations
LB493	Natural Resources
LB494	Natural Resources
LB495	Education
LB496	Education
LB497	Education
LB498	Judiciary
LB499	Natural Resources
LB500	Transportation and Telecommunications
LB501	Revenue
LB502	Revenue
LB503	Judiciary
LB504	Government, Military and Veterans Affairs
LB505	Banking, Commerce and Insurance
LB506	Education
LB507	Health and Human Services
LB508	Health and Human Services
LB509	Government, Military and Veterans Affairs
LB510	Government, Military and Veterans Affairs
LB511	Education
LB512	Education
LB513	Natural Resources

LB514	Natural Resources
LB515	Government, Military and Veterans Affairs
LB516	Revenue
LB517	Natural Resources
LB518	Health and Human Services
LB519	Appropriations
LB520	Judiciary
LB521	Government, Military and Veterans Affairs
LB522	Natural Resources
LB523	Banking, Commerce and Insurance
LB524	Health and Human Services
LB525	Government, Military and Veterans Affairs
LB526	Health and Human Services
LB527	Health and Human Services
LB528	Health and Human Services
LB529	Urban Affairs
LB530	Health and Human Services
LB531	Revenue
LB532	Revenue
LB533	Judiciary
LB534	Government, Military and Veterans Affairs
LB535	Health and Human Services
LB536	Business and Labor
LB537	Business and Labor
LB538	Judiciary
LB539	Education
LB540	Education
LB541	Judiciary
LB542	Judiciary
LB543	Judiciary
LB544	Agriculture
LB545	Transportation and Telecommunications
LB546	Education
LB547	Revenue
LB548	Transportation and Telecommunications
LB549	Natural Resources
LB550	Agriculture
LB551	Judiciary
LB552	Nebraska Retirement Systems
LB553	Nebraska Retirement Systems
LB554	Nebraska Retirement Systems
LB555	Health and Human Services
LB556	Health and Human Services
LB557	Natural Resources
LB558	Revenue
LB559	Business and Labor
LB560	Business and Labor
LB561	Judiciary
LB562	Judiciary

LB563	Government, Military and Veterans Affairs
LB564	Judiciary
LB565	Government, Military and Veterans Affairs
LB566	Education
LB567	Natural Resources
LB568	Banking, Commerce and Insurance
LB569	Appropriations
LB570	Business and Labor
LB571	Revenue
LB572	Revenue
LB573	Revenue
LB574	Revenue
LB575	Education
LB576	Government, Military and Veterans Affairs
LB577	Health and Human Services
LB578	Health and Human Services
LB579	General Affairs
LB580	Judiciary
LB581	Revenue
LB582	Appropriations
LB583	Agriculture
LB584	Business and Labor
LB585	Education
LB586	Health and Human Services
LB587	Agriculture
LB588	Government, Military and Veterans Affairs
LB589	Transportation and Telecommunications
LB590	General Affairs
LB591	Urban Affairs
LB592	Judiciary
LB593	Education
LB594	Nebraska Retirement Systems
LB595	Transportation and Telecommunications
LB596	Transportation and Telecommunications
LB597	Agriculture
LB598	Natural Resources
LB599	Education
LB600	Revenue
LB601	Natural Resources
LB602	Judiciary
LB603	Government, Military and Veterans Affairs
LB604	Education
LB605	Health and Human Services
LB606	Revenue
LB607	Judiciary
LB608	Judiciary
LB609	Executive Board
LB610	Judiciary
LB611	Judiciary

LB612	Executive Board
LB613	Executive Board
LB614	Banking, Commerce and Insurance
LB615	Judiciary
LB616	Banking, Commerce and Insurance
LB617	Transportation and Telecommunications
LB618	Revenue
LB619	Education
LB620	Executive Board
LB621	Banking, Commerce and Insurance
LB622	Natural Resources
LB623	Transportation and Telecommunications
LB624	Transportation and Telecommunications
LB625	Health and Human Services
LB626	Revenue
LB627	Revenue
LB628	Banking, Commerce and Insurance
LB629	Appropriations
LB630	Health and Human Services
LB631	Judiciary
LB632	Government, Military and Veterans Affairs
LB633	Urban Affairs
LB634	Natural Resources
LB635	Natural Resources
LB636	Agriculture
LB637	Government, Military and Veterans Affairs
LB638	Nebraska Retirement Systems
LB639	Nebraska Retirement Systems
LB640	Education
LB641	Appropriations
LB642	General Affairs
LB643	Urban Affairs
LB644	Transportation and Telecommunications
LB645	Education
LB646	Government, Military and Veterans Affairs
LB647	Agriculture
LB648	Judiciary
LB649	Transportation and Telecommunications
LB650	Transportation and Telecommunications
LB651	Education
LB652	Business and Labor
LB653	General Affairs
LB654	Agriculture
LB655	Banking, Commerce and Insurance
LR40	Natural Resources
LR41CA	General Affairs
LR42	Judiciary

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 16. Placed on General File.

LEGISLATIVE BILL 102. Placed on General File.

(Signed) Tom Carlson, Chairperson

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

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

Craig Timm - Foster Care Advisory Committee
LB484

(Signed) Kathy Campbell, Chairperson

Appropriations

Room 1003

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

LB185

(Signed) Heath Mello, Chairperson

MOTION - Withdraw LB304

Senator Wallman offered his motion, MO2, found on page 250, to withdraw LB304.

The Wallman motion to withdraw the bill prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

MOTION - Withdraw LB221

Senator Karpisek offered his motion, MO3, found on page 285, to withdraw LB221.

The Karpisek motion to withdraw the bill prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Room 1525

Thursday, January 31, 2013 12:00 p.m.

LB638
LB639

(Signed) Jeremy Nordquist, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senators Ashford and McGill asked unanimous consent to add their names as cointroducers to LB543. No objections. So ordered.

Senator Chambers asked unanimous consent to add his name as cointroducer to LB561. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 11:44 a.m., on a motion by Senator Sullivan, the Legislature adjourned until 11:30 a.m., Friday, January 25, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 25, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 25, 2013

PRAYER

The prayer was offered by Pastor Jim Runnels, Grace Bible Fellowship Church, Stella.

ROLL CALL

Pursuant to adjournment, the Legislature met at 11:30 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Adams, Coash, Conrad, B. Harr, Price, and Scheer who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 91. Placed on General File.

(Signed) Tom Carlson, Chairperson

NOTICE OF COMMITTEE HEARING

Judiciary

Room 1113

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

LB277
LB345
LB289
LB103
LB232

(Signed) Brad Ashford, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 24, 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

American Communications Group, Inc.
CoOpportunity Health
Empyrean Brewing Company
Physician Assistants, Nebraska Academy of
Respiratory Care, Nebraska Society for
Donovan, Steve
Ducks Unlimited, Inc.
Kulesher Jarecke, Kate/Advocacy and Issue Management Inc.
Otsuka America Pharmaceutical Inc.
Root, David
Prime Therapeutics, LLC
Van Deun, Bryan J.
Firearms Owners Association (NFOA), 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>

UNANIMOUS CONSENT - Add Cointroducer

Senator Schilz asked unanimous consent to add his name as cointroducer to LB451. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Hollopetter from Omaha.

ADJOURNMENT

At 11:42 a.m., on a motion by Senator Crawford, the Legislature adjourned until 10:00 a.m., Monday, January 28, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 28, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 28, 2013

PRAYER

The prayer was offered by Senator Johnson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 87. Placed on General File.

LEGISLATIVE BILL 111. Placed on General File.

LEGISLATIVE BILL 112. Placed on General File.

LEGISLATIVE BILL 113. Placed on General File.

LEGISLATIVE BILL 49. Placed on General File with amendment.
AM31

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 71-1581, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-1581 Any two or more cities, two or more counties,
- 6 or any combination of cities and counties may, by resolution
- 7 or ordinance of their separate governing bodies, establish
- 8 a regional housing agency by adopting a joint resolution or
- 9 ordinance declaring that there is a need for a regional housing
- 10 agency to provide decent, safe, and sanitary housing that is
- 11 affordable to persons of low and moderate income residing in

12 a multijurisdictional area and that this need would be more
 13 efficiently served by the establishment of a regional housing
 14 agency. A local housing authority or agency established by a county
 15 which contains a city of the metropolitan class and a local housing
 16 authority or agency established by a city of the metropolitan
 17 class within such county, which authorities or agencies were
 18 established prior to the effective date of this act, shall create
 19 a joint committee to develop a plan for the creation of a single
 20 housing agency within such county. The committee shall consist of
 21 two members from the board of each existing authority or agency
 22 and three independent members selected by the four authority or
 23 agency board members. The committee shall report its findings and
 1 recommendations to the Urban Affairs Committee of the Legislature
 2 by January 1, 2014.

3 Sec. 2. Original section 71-1581, Reissue Revised
 4 Statutes of Nebraska, is repealed.

5 Sec. 3. Since an emergency exists, this act takes effect
 6 when passed and approved according to law.

(Signed) Amanda McGill, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 125. Placed on General File with amendment.
 AM47

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

3 Section 1. Section 32-545, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 32-545 (1) A member of the board of education of a Class
 6 V school district shall be elected from each district provided for
 7 in section 32-552. Such election shall be held on the date provided
 8 in section 14-201 for the election of elective officers of a city
 9 of the metropolitan class. The members of such board of education
 10 shall meet the qualifications found in ~~section~~ sections 79-543 and
 11 79-552. ~~At each statewide general election, six~~

12 (2) The term of office of each member serving on the
 13 effective date of this act expires on the fourth Monday after such
 14 election in 2013.

15 (3) At the election on the date provided in subsection
 16 (1) of this section for 2013, members of the board shall be
 17 elected to serve for four years from and including the first fourth
 18 Monday of the January following after their election or until their
 19 successors are elected and qualified.

20 (4) Beginning in 2013, candidates ~~Candidates~~ shall be
 21 nominated at the ~~statewide~~ primary election held for nomination of
 22 candidates for city council pursuant to section 14-204. Candidates
 23 for election to such board of education shall be nominated upon
 1 a nonpartisan ballot. ~~At the statewide general election in 1976~~

2 ~~and each four years thereafter, one member shall be elected from~~
3 ~~each even numbered district. At the statewide general election~~
4 ~~in 1978 and each four years thereafter, one member shall be~~
5 ~~elected from each odd numbered district. The members shall meet the~~
6 ~~qualifications found in section 79-543.~~

7 Sec. 2. Section 32-552, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 32-552 (1) At least five months prior to an election,
10 the governing board of any political subdivision requesting the
11 adjustment of the boundaries of election districts shall provide
12 written notification to the election commissioner or county clerk
13 of the need and necessity of his or her office to perform such
14 adjustments.

15 (2) After the next federal decennial census, the election
16 commissioner of the county in which the greater part of a Class IV
17 school district is situated shall, subject to review by the school
18 board, divide the school district into seven numbered districts,
19 substantially equal in population as determined by the most recent
20 federal decennial census. The election commissioner shall consider
21 the location of schools within the district and their boundaries.
22 The election commissioner shall adjust the boundaries of the
23 election districts, subject to final review and adjustment by the
24 school board, to conform to changes in the territory and population
25 of the school district and also following each federal decennial
26 census. Except when specific procedures are otherwise provided,
27 section 32-553 shall apply to all Class IV school districts.

1 (3) For purposes of election of members to the board of
2 education of a Class V school district:

3 (a)(i) The Legislature hereby divides such school
4 district into nine numbered election districts of compact and
5 contiguous territory and of as nearly equal population as may
6 be practical. Each election district shall be entitled to one
7 member on the board of education of such Class V school district.
8 The Legislature adopts the official population figures and maps
9 from the 2010 Census Redistricting (Public Law 94-171) TIGER/Line
10 Shapefiles published by the United States Department of Commerce,
11 Bureau of the Census. The numbers and boundaries of the election
12 districts are designated and established by maps identified and
13 labeled as OPS 13-001, filed with the election commissioner of
14 the county in which such school district is located and with
15 the Secretary of State, and incorporated by reference as part
16 of this legislative bill; (ii) when questions of interpretation
17 of such election district boundaries arise, the maps referred
18 to in subdivision (a)(i) of this subsection in possession of
19 such election commissioner shall serve as the indication of the
20 legislative intent in drawing the election district boundaries;
21 (iii) the Secretary of State and such election commissioner shall
22 also have available for viewing on his or her web site the maps
23 referred to in subdivision (a)(i) of this subsection identifying

24 the boundaries for such election districts; and (iv) the twelve
 25 numbered districts in existence on January 1, 2013, shall remain
 26 unchanged until the terms of members elected at the election in
 27 May 2013 begin; and

1 ~~(3) The~~ (b) After the next federal decennial census after
 2 the effective date of this act, the election commissioner of the
 3 county in which the greater part of a Class V school district is
 4 situated shall divide the school district into ~~twelve~~ nine numbered
 5 districts of compact and contiguous territory and of as nearly
 6 equal population as may be practical. The election commissioner
 7 shall adjust the boundaries of such districts, subject to final
 8 review and adjustment by the school board, to conform to changes
 9 in the territory of the school district and also following each
 10 federal decennial census.

11 Sec. 3. Section 32-570, Revised Statutes Cumulative
 12 Supplement, 2012, is amended to read:

13 32-570 (1) A vacancy in the membership of a school board
 14 shall occur as set forth in section 32-560 or in the case of
 15 absences, unless excused by a majority of the remaining members
 16 of the board, when a member is absent from the district for a
 17 continuous period of sixty days at one time or from more than two
 18 consecutive regular meetings of the board. The resignation of a
 19 member or any other reason for a vacancy shall be made a part
 20 of the minutes of the school board. The school board shall give
 21 notice of the date the vacancy occurred, the office vacated, and
 22 the length of the unexpired term (a) in writing to the election
 23 commissioner or county clerk and (b) by a notice published in a
 24 newspaper of general circulation in the school district.

25 (2) A person appointed to fill a vacancy on the school
 26 board of a Class I school district by the remaining members of
 27 the board shall hold office until the beginning of the next school
 1 year. A board member of a Class I school district elected to fill a
 2 vacancy at a regular or special school district meeting shall serve
 3 for the remainder of the unexpired term or until a successor is
 4 elected and qualified.

5 (3) Except as provided in subsection (4) of this section,
 6 a vacancy in the membership of a school board of a Class II,
 7 III, IV, ~~V~~, or VI school district resulting from any cause other
 8 than the expiration of a term shall be filled by appointment of a
 9 qualified registered voter by the remaining members of the board.
 10 If the vacancy occurs in a Class II school district prior to July
 11 1 preceding the general election in the middle of the vacated term,
 12 the appointee shall serve until a registered voter is elected at
 13 such general election for the remainder of the unexpired term. If
 14 the vacancy occurs in a Class III, IV, ~~V~~, or VI school district
 15 prior to February 1 preceding the general election in the middle
 16 of the vacated term, the appointee shall serve until a registered
 17 voter is nominated at the next primary election and elected at
 18 the following general election for the remainder of the unexpired

19 term. If the vacancy occurs on or after the applicable deadline,
20 the appointment shall be for the remainder of the unexpired term.
21 A registered voter appointed or elected pursuant to this subsection
22 shall meet the same requirements as the member whose office is
23 vacant.

24 (4) Any vacancy in the membership of a school board
25 of a school district described in section 79-549 which does not
26 nominate candidates at a primary election and elect members at
27 the following general election shall be filled by appointment of a
1 qualified registered voter by the remaining members of the board.
2 If the vacancy occurs at least twenty days prior to the first
3 regular caucus to be held during the term that was vacated, the
4 appointee shall serve until a registered voter is nominated and
5 elected to fill the vacancy for the remainder of the term in the
6 manner provided for nomination and election of board members in
7 the district. If the vacancy occurred less than twenty days prior
8 to the first regular caucus and at least twenty days prior to the
9 second regular caucus to be held during the term that was vacated,
10 the appointee shall serve until a registered voter is nominated and
11 elected to fill the vacancy for the remainder of the term in the
12 manner provided for nomination and election of board members in the
13 district. If the vacancy occurred less than twenty days prior to
14 the second regular caucus held during the term that was vacated or
15 after such caucus, the appointment shall be for the remainder of
16 the unexpired term.

17 (5) A vacancy in the membership of a school board of a
18 Class V school district resulting from any cause other than the
19 expiration of a term shall be filled by appointment of a qualified
20 registered voter by the remaining members of the board for the
21 remainder of the unexpired term. A registered voter appointed
22 pursuant to this subsection shall meet the same requirements as the
23 member whose office is vacant.

24 ~~(5)~~(6) If any school board fails to fill a vacancy on
25 the board, the vacancy may be filled by election at a special
26 election or school district meeting called for that purpose.
27 Such election or meeting shall be called in the same manner and
1 subject to the same procedures as other special elections or school
2 district meetings.

3 ~~(6)~~(7) If there are vacancies in the offices of one-half
4 or more of the members of a school board, the Secretary of State
5 shall conduct a special school district election to fill such
6 vacancies.

7 Sec. 4. Section 79-4,129, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-4,129 (1) Within thirty days after the classification
10 of the reorganized school districts by the county clerk under
11 section 79-4,128, the state committee shall appoint from among the
12 legal voters of each new school district created the number of
13 members necessary to constitute a school board of the class in

14 which the new school district has been classified. A reorganized
15 school district shall be formed and organized and shall have a
16 school board not later than April 1 following the last legal
17 action, as prescribed in section 79-4,128, necessary to effect the
18 changes in boundaries as set forth in the plan of reorganization,
19 although the physical reorganization of such reorganized school
20 district shall take effect July 1 following the classification of
21 the reorganized school districts under section 79-4,128. The first
22 board shall be appointed on an at-large basis, and all boards
23 shall be elected at large until such time as election districts are
24 established as provided in section 32-554.

25 (2) In appointing the first school board of a Class
26 II school district, the members shall be appointed so that the
27 terms of three members expire on the date of the first regular
1 meeting of the board in January after the first even-numbered year
2 following their appointment and the terms of the three remaining
3 members expire on the date of the first regular meeting of the
4 board in January after the second even-numbered year following
5 their appointment. At the statewide general election in the first
6 even-numbered year after the reorganization, three board members
7 in each Class II school district shall be elected to terms of
8 four years. Thereafter all candidates shall be elected to terms
9 of four years. Each member's term shall begin on the date of the
10 first regular meeting of the board in January following his or her
11 election.

12 (3) In appointing the first school board of a Class
13 III school district with a six-member board serving terms of
14 four years, the terms of three members shall expire on the first
15 Thursday after the first Tuesday in January after the first
16 even-numbered year following their appointment and the terms of
17 the three remaining members shall expire on the first Thursday
18 after the first Tuesday in January after the second even-numbered
19 year following their appointment. Thereafter all Class III district
20 school boards with six-member boards shall be elected to terms of
21 four years.

22 (4) In appointing the first school board of a Class
23 III school district with a nine-member board serving terms of
24 four years, the terms of four members shall expire on the first
25 Thursday after the first Tuesday in January after the first
26 even-numbered year following their appointment and the terms of
27 five members shall expire on the first Thursday after the first
1 Tuesday in January after the second even-numbered year following
2 their appointment. Thereafter all Class III district school boards
3 with nine-member boards shall be elected to terms of four years.

4 (5) In appointing the first school board of a Class IV
5 school district, the members shall be appointed so that the terms
6 of three members shall expire on the third Monday in May of the
7 first odd-numbered year following their appointment and the terms
8 of four members shall expire on the third Monday in May of the

9 second odd-numbered year following their appointment. Thereafter
 10 all Class IV district school boards shall be elected to terms of
 11 four years.

12 (6) In appointing the first school board of a Class V
 13 school district after a reorganization under this section with a
 14 ~~twelve member~~ nine-member board serving terms of four years, the
 15 terms of ~~six the~~ members shall expire on the ~~first Monday in~~
 16 ~~January after the first even numbered fourth Monday after the date~~
 17 ~~of the election held pursuant to section 14-201 year following~~
 18 ~~their appointment and the terms of six members shall expire on~~
 19 ~~the first Monday in January after the second even numbered year~~
 20 ~~following their appointment. Thereafter all~~ All Class V district
 21 school boards shall be elected to terms of four years.

22 (7) The school boards appointed under this section shall
 23 proceed at once to organize in the manner prescribed by law.

24 Sec. 5. Section 79-552, Reissue Revised Statutes of
 25 Nebraska, is amended to read:

26 79-552 (1) The board of education of a Class V school
 27 district shall consist of twelve members, ~~one~~ until the fourth
 1 Monday after the date in 2013 of the election held pursuant to
 2 section 14-201 and shall consist of nine members thereafter. One
 3 member shall be elected from each district pursuant to section
 4 32-545, and also may include a nonvoting student member or
 5 members selected pursuant to section 79-559. Each elected member
 6 shall be a resident of the district for at least six months prior
 7 to the election. Each candidate for election to and each member of
 8 the board of education shall be a taxpayer in and a resident of the
 9 district of such school district as designated pursuant to section
 10 32-552.

11 (2) All persons elected as members of the board of
 12 education shall take and subscribe to the usual oath of office
 13 before the ~~first fourth Monday in January~~ following their election,
 14 ~~and the student member shall take and subscribe to the usual oath~~
 15 ~~of office before the first Monday in January following his or her~~
 16 ~~designation.~~ In case any person so elected fails so to do, his or
 17 her election shall be void and the vacancy shall be filled by the
 18 board as provided in section 32-570.

19 Sec. 6. Section 79-559, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 79-559 (1) The school board or board of education of
 22 any Class II, III, IV, ~~V,~~ or VI school district may include at
 23 least one nonvoting member who is a public high school student
 24 from the district. If the board elects to include such a nonvoting
 25 student member, the student member shall serve for a term of one
 26 year, beginning on September 1, and shall be the student body or
 27 student council president, the senior class representative, or a
 1 representative elected from and by the entire student body, as
 2 designated by the voting members of the board.

3 (2) Any nonvoting student member of the board has the

4 privilege of attending all open meetings of the board but shall be
 5 excluded from executive sessions.
 6 Sec. 7. Original sections 32-545, 32-552, 79-4,129,
 7 79-552, and 79-559, Reissue Revised Statutes of Nebraska, and
 8 section 32-570, Revised Statutes Cumulative Supplement, 2012, are
 9 repealed.
 10 Sec. 8. Since an emergency exists, this act takes effect
 11 when passed and approved according to law.

(Signed) Bill Avery, Chairperson

NOTICE OF COMMITTEE HEARINGS
 Banking, Commerce and Insurance

Room 1507

Monday, February 4, 2013 1:30 p.m.

LB27
 LB337
 LB426
 LB628

Tuesday, February 5, 2013 1:30 p.m.

LB170
 LB616
 LB38
 LB283

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 4, 2013 1:30 p.m.

LB117
 LB174
 LB398
 LB548

(Signed) Annette Dubas, Chairperson

Education

Room 1525

Monday, February 4, 2013 1:30 p.m.

LB480
LB481
LB366
LB367
LB408

(Signed) Kate Sullivan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 30. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 35. Title read. Considered.

Senator Dubas offered the following amendment:

AM46

- 1 1. Insert the following new section:
- 2 Sec. 11. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The Dubas amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 72. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 100. Title read. Considered.

SPEAKER ADAMS PRESIDING

PRESIDENT SHEEHY PRESIDING

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 146. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 44. Introduced by Mello, 5.

WHEREAS, the Omaha Jaycees recently named the 2012 recipients of the 80th Annual Ten Outstanding Young Omahans Award; and

WHEREAS, this award is annually presented to ten people between the ages of twenty-one and forty who exemplify excellence in both the professional and personal arenas while also taking an active role in the community; and

WHEREAS, the 2012 recipients of the 80th Annual Ten Outstanding Young Omahans Award are Oscar Duran, Adrienne Fay, Dan Gilbert, Christian D. Gray, Sarah Helvey, David Patterson, Angie Schendt, Meagon Schnoor, Angel Starks, and Erin E. Swanson; and

WHEREAS, these ten individuals will be recognized at an award dinner to be held on January 30, 2013; and

WHEREAS, the Legislature recognizes outstanding individual achievements like receiving the 80th Annual Ten Outstanding Young Omahans Award.

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

1. That the Legislature congratulates Oscar Duran, Adrienne Fay, Dan Gilbert, Christian D. Gray, Sarah Helvey, David Patterson, Angie Schendt, Meagon Schnoor, Angel Starks, and Erin E. Swanson on receiving the 80th Annual Ten Outstanding Young Omahans Award.

2. That a copy of this resolution be sent to Oscar Duran, Adrienne Fay, Dan Gilbert, Christian D. Gray, Sarah Helvey, David Patterson, Angie Schendt, Meagon Schnoor, Angel Starks, and Erin E. Swanson.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

Room 2102

Monday, February 4, 2013 1:30 p.m.

LB177
LB560
LB559
LB248

(Signed) Steve Lathrop, Chairperson

Urban Affairs

Room 1510

Tuesday, February 5, 2013 1:30 p.m.

LB377
LB591
LB633
LB643

(Signed) Amanda McGill, Chairperson

General Affairs

Room 1510

Monday, February 4, 2013 1:30 p.m.

LB6
LB413
LB579

(Signed) Russ Karpisek, Chairperson

MOTION - Print in Journal

Senator Larson filed the following motion to LB654:

MO4

Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator Schumacher filed the following amendment to LB84:
AM25

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 60-6,356, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-6,356 (1) An all-terrain vehicle or a utility-type
- 6 vehicle shall not be operated on any controlled-access highway with
- 7 more than two marked traffic lanes. ~~The, and the~~ crossing of
- 8 any controlled-access highway with more than two marked traffic
- 9 lanes shall not be permitted except as provided in subsection (9)
- 10 of this section. Subsections (2), (3), and (5) through (8) of
- 11 this section authorize and apply to operation of an all-terrain
- 12 vehicle or a utility-type vehicle only on a highway other than a
- 13 controlled-access highway with more than two marked traffic lanes.
- 14 (2) An all-terrain vehicle or a utility-type vehicle
- 15 may be operated in accordance with the operating requirements of
- 16 subsection (3) of this section:
- 17 (a) Outside the corporate limits of a city, village,
- 18 or unincorporated village if incidental to the vehicle's use for
- 19 agricultural purposes;
- 20 (b) Within the corporate limits of a city or village
- 21 if authorized by the city or village by ordinance adopted in
- 22 accordance with this section; or
- 23 (c) Within an unincorporated village if authorized by the
- 1 county board of the county in which the unincorporated village is
- 2 located by resolution in accordance with this section.
- 3 (3) An all-terrain vehicle or a utility-type vehicle may
- 4 be operated as authorized in subsection (2) of this section when
- 5 such operation occurs only between the hours of sunrise and sunset.
- 6 Any person operating an all-terrain vehicle or a utility-type
- 7 vehicle as authorized in subsection (2) of this section shall have
- 8 a valid Class O operator's license or a farm permit as provided
- 9 in section 60-4,126, shall have liability insurance coverage for
- 10 the all-terrain vehicle or a utility-type vehicle while operating
- 11 the all-terrain vehicle or a utility-type vehicle on a highway,
- 12 and shall not operate such vehicle at a speed in excess of thirty
- 13 miles per hour. The person operating the all-terrain vehicle or a
- 14 utility-type vehicle shall provide proof of such insurance coverage
- 15 to any peace officer requesting such proof within five days of such
- 16 a request. When operating an all-terrain vehicle or a utility-type
- 17 vehicle as authorized in subsection (2) of this section, the
- 18 headlight and taillight of the vehicle shall be on and the vehicle
- 19 shall be equipped with a bicycle safety flag which extends not less
- 20 than five feet above ground attached to the rear of such vehicle.
- 21 The bicycle safety flag shall be triangular in shape with an area
- 22 of not less than thirty square inches and shall be day-glow in

23 color.

24 (4) All-terrain vehicles and utility-type vehicles may
25 be operated without complying with subsection (3) of this section
26 on highways in parades which have been authorized by the State
27 of Nebraska or any department, board, commission, or political
1 subdivision of the state.

2 (5) ~~Subject to subsection (1) of this section, the~~ The
3 crossing of a highway other than a controlled-access highway with
4 more than two marked traffic lanes shall be permitted by an
5 all-terrain vehicle or a utility-type vehicle without complying
6 with subsection (3) of this section only if:

7 (a) The crossing is made at an angle of approximately
8 ninety degrees to the direction of the highway and at a place where
9 no obstruction prevents a quick and safe crossing;

10 (b) The vehicle is brought to a complete stop before
11 crossing the shoulder or roadway of the highway;

12 (c) The operator yields the right-of-way to all oncoming
13 traffic that constitutes an immediate potential hazard;

14 (d) In crossing a divided highway, the crossing is made
15 only at an intersection of such highway with another highway; and

16 (e) Both the headlight and taillight of the vehicle are
17 on when the crossing is made.

18 (6) All-terrain vehicles and utility-type vehicles may
19 be operated outside the corporate limits of any municipality by
20 electric utility personnel within the course of their employment
21 in accordance with the operation requirements of subsection (3) of
22 this section, except that the operation of the vehicle pursuant to
23 this subsection need not be limited to the hours between sunrise
24 and sunset.

25 (7) A city or village may adopt an ordinance authorizing
26 the operation of all-terrain vehicles and utility-type vehicles
27 within the corporate limits of the city or village if the operation
1 is in accordance with subsection (3) of this section. The city
2 or village may place other restrictions on the operation of
3 all-terrain vehicles and utility-type vehicles within its corporate
4 limits.

5 (8) A county board may adopt a resolution authorizing the
6 operation of all-terrain vehicles and utility-type vehicles within
7 any unincorporated village within the county if the operation is
8 in accordance with subsection (3) of this section. The county may
9 place other restrictions on the operation of all-terrain vehicles
10 and utility-type vehicles within the unincorporated village.

11 (9) The crossing of a controlled-access highway with more
12 than two marked traffic lanes shall be permitted by a utility-type
13 vehicle if the operation is in accordance with the operation
14 requirements of subsection (3) of this section and if the following
15 requirements are met:

16 (a) The crossing is made at an intersection that is
17 controlled by a traffic control signal and is made in compliance

- 18 with such traffic control signal; and
 19 (b) The crossing at such intersection is specifically
 20 authorized as follows:
 21 (i) If such intersection is located within the corporate
 22 limits of a city or village, by ordinance of such city or village;
 23 (ii) If such intersection is located within an
 24 unincorporated village, by resolution of the county board of the
 25 county in which such unincorporated village is located; or
 26 (iii) If such intersection is located outside the
 27 corporate limits of a city or village and outside any
 1 unincorporated village, by resolution of the county board of the
 2 county in which such intersection is located.
 3 Sec. 2. Original section 60-6,356, Reissue Revised
 4 Statutes of Nebraska, is repealed.

Senator Schumacher filed the following amendment to LB85:
 AM37

- 1 1. On page 4, line 17, strike "and (ii)" and insert
 2 ", (ii) there is no other vehicular traffic stopped at the
 3 intersection, and (iii)".

UNANIMOUS CONSENT - Add Cointroducers

Senators Ashford and Murante asked unanimous consent to add their names as cointroducers to LB125. No objections. So ordered.

Senators Lautenbaugh and Schilz asked unanimous consent to add their names as cointroducers to LB204. No objections. So ordered.

Senator Davis unanimous consent to add his name as cointroducer to LB613. No objections. So ordered.

VISITORS

Visitors to the Chamber were members representing ABATE of Nebraska.

ADJOURNMENT

At 11:45 a.m., on a motion by Senator Carlson, the Legislature adjourned until 10:00 a.m., Tuesday, January 29, 2013.

Patrick J. O'Donnell
 Clerk of the Legislature

FOURTEENTH DAY - JANUARY 29, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 29, 2013

PRAYER

The prayer was offered by Reverend Valjean Warman, Tri-Valley Faith Alliance Churches and the United Methodist Churches, Cedar Rapids, Belgrade, Fullerton, Pierce, Chapel, and Clarks.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senators Ashford, Conrad, B. Harr, Lautenbaugh, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 155. Placed on General File.

LEGISLATIVE BILL 279. Placed on General File.

LEGISLATIVE BILL 290. Placed on General File.

(Signed) Mike Gloor, Chairperson

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senator Mello has filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 21, 24, 25, 26, 27, 28, 30, 32, 33, 35, 36, 37, and 39 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 21, 24, 25, 26, 27, 28, 30, 32, 33, 35, 36, 37, and 39.

GENERAL FILE

LEGISLATIVE BILL 16. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 102. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 91. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 2 nays, 4 present and not voting, and 2 excused and not voting.

EASE

The Legislature was at ease from 10:28 a.m. until 10:31 a.m.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 173. Placed on General File.

(Signed) Russ Karpisek, Chairperson

Executive Board

LEGISLATIVE BILL 39. Placed on General File with amendment.
AM40

- 1 1. On page 23, line 8; page 36, lines 19 and 25; page 37,
- 2 line 3; and page 39, line 17, strike "office" and insert "office of
- 3 Legislative Audit".
- 4 2. On page 37, line 16, strike the new matter and after
- 5 "employee" insert "of the office of Legislative Audit".

LEGISLATIVE BILL 149. Indefinitely postponed.

LEGISLATIVE RESOLUTION 20. Reported to the Legislature for further consideration.

(Signed) John Wightman, Chairperson
Business and Labor

LEGISLATIVE BILL 21. Placed on General File.

(Signed) Steve Lathrop, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education

Room 1525

Tuesday, February 5, 2013 1:30 p.m.

LB539
LB274
LB470
LB262
LB129

(Signed) Kate Sullivan, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, February 5, 2013 1:30 p.m.

LB445
LB446
LB624
LB351

(Signed) Annette Dubas, Chairperson

Agriculture

Room 1524

Tuesday, February 5, 2013 1:30 p.m.

LB354

LB431

LB166

(Signed) Ken Schilz, Chairperson

Judiciary

Room 1113

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

LB403

LB313

LB350

LB267

LB115

LB246

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

LB360

LB202

LB318

LB369

LB44

(Signed) Brad Ashford, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Avery asked unanimous consent to add his name as cointroducer to LB373. No objections. So ordered.

Senator Hansen asked unanimous consent to add his name as cointroducer to LB644. No objections. So ordered.

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LB451. No objections. So ordered.

VISITORS

Visitor to the Chamber was Mike McCabe, Director of the Council of State Governments Midwest.

The Doctor of the Day was Dr. Mike Gravett from Bellevue.

ADJOURNMENT

At 10:32 a.m., on a motion by Senator Wallman, the Legislature adjourned until 9:00 a.m., Wednesday, January 30, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 30, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 30, 2013

PRAYER

The prayer was offered by Senator Dubas.

ROLL CALL

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

The roll was called and all members were present except Senators Ashford, Christensen, Cook, Pirsch, Price, and Smith who were excused; and Senator Chambers who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File.

LEGISLATIVE BILL 2. Placed on Select File.

LEGISLATIVE BILL 30. Placed on Select File.

LEGISLATIVE BILL 35. Placed on Select File with amendment.

ER1

- 1 1. On page 1, line 8, strike the semicolon and insert a
- 2 comma; in line 10 strike "and"; and in line 11 after "sections"
- 3 insert "; and to declare an emergency".

LEGISLATIVE BILL 72. Placed on Select File.

LEGISLATIVE BILL 100. Placed on Select File.

LEGISLATIVE BILL 146. Placed on Select File.

LEGISLATIVE BILL 16. Placed on Select File.

LEGISLATIVE BILL 102. Placed on Select File.

LEGISLATIVE BILL 91. Placed on Select File.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, February 6, 2013 1:30 p.m.

Licensing briefing by DHHS Division of Public Health (Invited Testimony Only)

LB315
LB524
LB243

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

LB105
LB555
LB507

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

John Bonta - Board of Emergency Medical Services
Karen Bowlin - Board of Emergency Medical Services
Michelle Hynes - Foster Care Advisory Committee
Sandra Kruback - Foster Care Advisory Committee
LB420
LB421
LB422

Wednesday, February 13, 2013 1:30 p.m.

LB530
LB443
LB359

Thursday, February 14, 2013 1:30 p.m.

Eileen Dakan - Commission for the Deaf and Hard of Hearing
LB556
LB605
LB260

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

LB343
LB220
LB8
LB270

Thursday, February 21, 2013 1:30 p.m.

Elizabeth Neeley - Foster Care Advisory Committee
Jeromy Warner - State Board of Health
LB508
LB487
LB430
LB368

Friday, February 22, 2013 1:30 p.m.

LB76
LB458
LB459

Wednesday, February 27, 2013 1:30 p.m.

LB344
LB625
LB347

Thursday, February 28, 2013 1:30 p.m.

LB577
LB578

Friday, March 1, 2013 1:30 p.m.

LB428
LB361
LB528

Wednesday, March 6, 2013 1:30 p.m.

LB231
LB261
LB338

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

LB630

LB395

LB452

Wednesday, March 13, 2013 1:30 p.m.

Ann Fiala - Board of Emergency Medical Services

Thursday, March 14, 2013 1:30 p.m.

LB240

LB276

LB309

LB330

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

Mark Goodman - Nebraska Rural Health Advisory Commission

Mary Kent - Nebraska Rural Health Advisory Commission

Rebecca Schroeder - Nebraska Rural Health Advisory Commission

Avery Sides - Nebraska Rural Health Advisory Commission

Michael Sitorius - Nebraska Rural Health Advisory Commission

Roger Wells - Nebraska Rural Health Advisory Commission

LB535

LB236

LB427

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

LB586

LR22

Thursday, March 21, 2013 1:30 p.m.

LB518

LB526

LB527

(Signed) Kathy Campbell, Chairperson

Natural Resources

Room 1525

Wednesday, February 6, 2013 1:30 p.m.

LB340
LB622

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

LB94
LB362

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

LB499

Wednesday, February 13, 2013 1:30 p.m.

LB517

Thursday, February 14, 2013 1:30 p.m.

LB57
LB325

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

S. Michael "Mick" Jensen - Nebraska Game and Parks Commission
LB272
LB493

Thursday, February 21, 2013 1:30 p.m.

Kent Forney - Nebraska Game and Parks Commission
LB557
LB598

Friday, February 22, 2013 1:30 p.m.

LB391
LB634
LR40

Wednesday, February 27, 2013 1:30 p.m.

LB514
LB549

Thursday, February 28, 2013 1:30 p.m.

LB454

LB635

Friday, March 1, 2013 1:30 p.m.

LB402

LB567

Wednesday, March 6, 2013 1:30 p.m.

LB477

LB494

LB513

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

LB522

LB601

(Signed) Tom Carlson, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 6, 2013 1:30 p.m.

LB363

LB434

LB510

LB521

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

LB127

LB206

LB219

LB241

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

Tony Moody - Nebraska Tourism Commission

LB98

LB371

LB372

LB429

(Signed) Bill Avery, Chairperson

Nebraska Retirement Systems

Room 1525

Wednesday, February 6, 2013 12:00 p.m.

LB553

LB554

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT - Print in JournalSenator Hadley filed the following amendment to LB35:

AM65

- 1 1. On page 3, line 10, strike "July" and insert
- 2 "January".

RESOLUTION**LEGISLATIVE RESOLUTION 45.** Introduced by Crawford, 45; Price, 3.

WHEREAS, Sergeant Saral Shrestha, a Bellevue University graduate, has been named the 2012 United States Army Soldier of the Year; and

WHEREAS, to become the United States Army Soldier of the Year, twelve select soldiers from across the nation compete in the Army Best Warrior Competition; and

WHEREAS, the Army Best Warrior Competition is a multi-day, multi-subject exam involving physical fitness tests, war simulations, military trivia, written essay exams, and board interviews by six sergeant majors; and

WHEREAS, the Legislature recognizes the service of Sergeant Saral Shrestha and the service of all of our armed forces to the State of Nebraska and the United States of America; and

WHEREAS, Sergeant Saral Shrestha's wife, Elisha, supported his participation and aided in his success.

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

1. That the Legislature congratulates Sergeant Saral Shrestha for being named the 2012 United States Army Soldier of the Year and extends its best wishes to Sergeant Saral Shrestha and Elisha Shrestha for continued success.

2. That a copy of this resolution be sent to Sergeant Saral Shrestha and Elisha Shrestha.

Laid over.

MESSAGE FROM THE GOVERNOR

January 24, 2013

Mr. President, Speaker Adams and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Ethanol Board:

Mark A. Ondracek, 3476 Golden Eagle Cr., Blair, NE 68008-6704

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

MOTION - Print in Journal

Senator Sullivan filed the following motion to LB641:

MO5

Withdraw bill.

GENERAL FILE

LEGISLATIVE BILL 87. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 111. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 112. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 113. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

EASE

The Legislature was at ease from 9:32 a.m. until 9:36 a.m.

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1524

Tuesday, February 12, 2013 1:30 p.m.

LB423

LB550

(Signed) Ken Schilz, Chairperson

Revenue

Room 1524

Wednesday, February 6, 2013 1:30 p.m.

LB405

(Signed) Galen Hadley, Chairperson

AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB125:
AM75

(Amendments to Standing Committee amendments, AM47)

- 1 1. On page 3, strike beginning with "filed" in line 13
- 2 through "(ii)" in line 16 and insert "filed with the Clerk of
- 3 the Legislature, and incorporated by reference as part of this
- 4 legislative bill; (ii) the Clerk of the Legislature shall transfer
- 5 possession of the map referred to in subdivision (a)(i) of this
- 6 subsection to the Secretary of State and the election commissioner
- 7 of the county in which the greater part of the school district is
- 8 situated on the effective date of this act; (iii)"; in line 21
- 9 strike "(iii)" and insert "(iv)"; and in line 24 strike "(iv)" and
- 10 insert "(v)".

ADJOURNMENT

At 9:39 a.m., on a motion by Senator Harms, the Legislature adjourned until 9:00 a.m., Thursday, January 31, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

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

SEVENTEENTH DAY - FEBRUARY 1, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SEVENTEENTH DAY**

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

PRAYER

The prayer was offered by Jeffrey Hamilton, La Vista Church of Christ, La Vista.

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 Scheer and Seiler who were excused; and Senators Ashford, Christensen, Conrad, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

COMMITTEE REPORT

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.

Frank Reida - Nebraska Power Review Board

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 31, 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

Allen, Andreas J.

Firearms Owners Association (NFOA), Nebraska

Barrett, John R.

Great Plains Communications, Inc.

Harris, Nance

Trucking Association, Nebraska

Kissel/E&S Associates, LLC

R.L. Polk & Co.

O'Hara Lindsay and Associates, Inc.

Scrap Recycling Industries, Inc., Institute of Northwest Chapter

Plucker, Julia

Bennington Public Schools

Collectors Association, Nebraska

Community Alliance, Inc.

Credit Union League, Nebraska

Fraternal Order of Police, Nebraska State Lodge of the

Lamar Advertising Company

School Activities Association, Nebraska

Ramaekers, Larry

Adams Central Public Schools

Segura, April

Nebraska Friends of Midwives

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>

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senator Sullivan has filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

Monday, February 11, 2013 1:30 p.m.

Robert Engles - Board of Trustees of the Nebraska State Colleges

John Chaney - Board of Trustees of the Nebraska State Colleges

LB640

LB407

LB645

LB416

Tuesday, February 12, 2013 1:30 p.m.

Clay Smith - Nebraska Educational Telecommunications Commission

Curt Frye - Nebraska Educational Telecommunications Commission

LB506

LB604

LB357

LB469

LB599

(Signed) Kate Sullivan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 279. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 290. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 173. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 39. Title read. Considered.

Committee AM40, found on page 312, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present

and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 21. Title read. Considered.

SENATOR COASH PRESIDING

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 46. Introduced by Kolowski, 31.

WHEREAS, George Anderson, born December 23, 1942, in Baton Rouge, Louisiana, was destined to live an exceptional life as a loving and devoted son, sibling, husband, and father; a stellar athlete and coach; and a dedicated friend and colleague. He enriched the lives of all those he touched on his life's journey; and

WHEREAS, George Anderson, otherwise known as "rabbit" because of his record-breaking speed, was an outstanding collegiate athlete, excelling in track and field. He was a ten-time NAIA All-American and ranked No. 1 in the world as a college junior in the 100-yard dash. In addition, George Anderson competed internationally for the United States in 1965, winning two of three 100-yard dashes in duals against the Soviet Union, Poland, and West Germany; and

WHEREAS, after a successful college and international sports career, George Anderson returned home to marry his college sweetheart, Ola Anderson, and to begin his football career. Alongside Senator Rick Kolowski, George Anderson was invited to the Kansas City Chiefs training camp in 1967 and later played with the Omaha Mustangs for a seven-year career; and

WHEREAS, George Anderson brought his love for sports to North Omaha as a beloved track and field assistant coach and freshman basketball coach at Omaha North High School and as the founder of the North Omaha Boys and Girls Club track and field program. He served as mentor and coach to hundreds of students, for which he received numerous awards and recognitions; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of people like George Anderson, who use their considerable talents and resources to serve others; and

WHEREAS, George Anderson passed away on January 15, 2013. He is survived by his wife, Ola; sons, Marcus, Eric, and George III; grandchildren, Kendall, Joshua, Michael, Camille, McKenzie, and Caeleb; and siblings, Beverly, Donald, Leon, Lee, and William.

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

1. That the Legislature honors and remembers George Anderson as an outstanding athlete, coach, mentor, father, husband, and friend and extends condolences to his family, friends, and community for their loss.

2. That a copy of this resolution be sent to Ola Anderson.

Laid over.

NOTICE OF COMMITTEE HEARING

Business and Labor

Room 2102

Monday, February 11, 2013 1:30 p.m.

LB19
LB437
LB95
LB163
LB373

(Signed) Steve Lathrop, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Price has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 49. Placed on Select File with amendment.
ER2

- 1 1. On page 1, strike beginning with "sections" in line
- 2 1 through line 6 and insert "section 71-1581, Reissue Revised
- 3 Statutes of Nebraska; to require certain local housing authorities
- 4 or agencies to create a joint committee as prescribed; to provide
- 5 powers and duties; to repeal the original section; and to declare
- 6 an emergency."

LEGISLATIVE BILL 125. Placed on Select File with amendment.
ER3 is available in the Bill Room.

LEGISLATIVE BILL 155. Placed on Select File.

(Signed) John Murante, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Bolz asked unanimous consent to add her name as cointroducer to LB216. No objections. So ordered.

VISITORS

Visitor to the Chamber was Tamara Montegut from Omaha.

The Doctor of the Day was Dr. Anthony Montegut from Omaha.

ADJOURNMENT

At 10:57 a.m., on a motion by Senator Kolowski, the Legislature adjourned until 10:00 a.m., Monday, February 4, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 4, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 4, 2013

PRAYER

The prayer was offered by Father Ernesto Medina, St. Martha's Episcopal Church, Papillion.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senators B. Harr and Scheer who were excused; and Senators Lautenbaugh and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 279. Placed on Select File with amendment.
ER4

- 1 1. On page 5, line 6, after the second "Islands" insert
- 2 an underscored comma.

LEGISLATIVE BILL 290. Placed on Select File.

LEGISLATIVE BILL 173. Placed on Select File.

LEGISLATIVE BILL 39. Placed on Select File.

LEGISLATIVE BILL 21. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 210. Placed on General File with amendment. AM100

- 1 1. On page 3, line 7, strike "(A)" and insert "(1)";
 2 in line 9 strike "(B)" and insert "(2)"; in lines 10 and 15,
 3 after the second occurrence of "institution" insert "or by an
 4 agricultural input supplier or a representative of an agricultural
 5 input supplier"; in line 11 strike "(C)" and insert "(3)"; after
 6 line 12 insert the following new subsection:
 7 "(b) An affidavit filed under subsection (a) shall
 8 include any pertinent information that the office of the Secretary
 9 of State may reasonably require."; in line 13 strike "(b)" and
 10 insert "(c)"; in lines 16 and 24 strike "(c)" and insert "(d)"; in
 11 line 20 strike "(f) and (g)" and insert "(g) and (h)"; and in line
 12 23 strike "(d)" and insert "(e)".
 13 2. On page 4, in lines 5 and 16, strike "(e)" and insert
 14 "(f)"; in line 7 strike "(c)" and insert "(d)"; strike beginning
 15 with the first comma in line 7 through the comma in line 8; and in
 16 line 8 after "action" insert "within twenty business days after the
 17 termination statement is filed"; and in line 16 strike "(f)" and
 18 insert "(g)".
 19 3. On page 5, line 9, strike "(g)" and insert "(h)"; in
 20 line 10 strike "(e)" and insert "(f)"; in line 16, strike "(f)" and
 21 insert "(g)"; in line 21 strike "(h)" and insert "(i)" and strike
 22 "(i)" and insert "(j)"; and in line 23 strike "(g)" and insert
 23 "(h)".
 1 4. On page 6, line 1, strike "(i)" and insert "(j)"; in
 2 line 2 strike "(c)" and insert "(d)"; in line 3 strike "(g)" and
 3 insert "(h)"; in line 8 strike "(j)" and insert "(k)"; in line 13
 4 strike "(k)" and insert "(l)"; in line 17 strike "(l)" and insert
 5 "(m)"; and in line 19 strike "(m)" and insert "(n)" and strike ",
 6 financial" and insert "
 7 (1) Agricultural input supplier means a person regularly
 8 in the business of extending credit to agricultural producers; and
 9 (2) Financial".

(Signed) Mike Gloor, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 40. Placed on General File.

LEGISLATIVE BILL 137. Placed on General File.

LEGISLATIVE BILL 78. Placed on General File with amendment. AM104 is available in the Bill Room.

(Signed) Bill Avery, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

Room 1507

Monday, February 11, 2013 1:30 p.m.

LB80
LB316
LB133

Tuesday, February 12, 2013 1:30 p.m.

LB239
LB479
LB655

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

LB384
LB568
LB59

Monday, February 25, 2013 1:30 p.m.

LB92
LB312
LB614

Tuesday, February 26, 2013 1:30 p.m.

LB218
LB397
LB505
LB71

Monday, March 4, 2013 1:30 p.m.

LB168
LB442
LB621

Tuesday, March 5, 2013 1:30 p.m.

LB205
LB228
LB523

(Signed) Mike Gloor, Chairperson

General Affairs

Room 1510

Monday, February 11, 2013 1:30 p.m.

LB73
 LB590
 LR41CA
 LB642

(Signed) Russ Karpisek, Chairperson

Judiciary

Room 1113

Wednesday, February 13, 2013 1:30 p.m.

LB284
 LB461
 LB551
 LB169
 LB482

Thursday, February 14, 2013 1:30 p.m.

LB412
 LB280
 LB233
 LB607
 LB611

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator McCoy filed the following amendment to LB72:
 AM108

- 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 earnest 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 federal
26 income taxes. A broker may use an interest-bearing account for
27 a transaction only if the use of such account for purposes of
1 promoting housing in Nebraska has been approved by all parties
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.

COMMITTEE REPORT

Government, Military and Veterans Affairs

The Government, Military and Veterans 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.

Sean Conway - Nebraska Accountability and Disclosure Commission

Aye: 8 Avery, Bloomfield, Karpisek, Lautenbaugh, Murante, Price, Scheer, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

MOTIONS - Approve Appointments

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 328:

Motor Vehicle Industry Licensing Board

Paul Gerber
Ricky Pearson
Angela Quinn
Jeff Scherer

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 5:

Ashford	Chambers	Hadley	Larson	Murante
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Excused and not voting, 5:

Harr, B.	Janssen	Lautenbaugh	Price	Scheer
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The appointments were confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 329:

Department of Motor Vehicles
Rhonda Lahm, Director

Voting in the affirmative, 38:

Adams	Coash	Hansen	Lathrop	Seiler
Avery	Conrad	Harms	McCoy	Smith
Bloomfield	Cook	Howard	McGill	Sullivan
Bolz	Crawford	Johnson	Mello	Wallman
Brasch	Davis	Karpisek	Murante	Watermeier
Campbell	Dubas	Kintner	Nordquist	Wightman
Carlson	Gloor	Kolowski	Pirsch	
Chambers	Haar, K.	Krist	Schilz	

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Hadley	Nelson
Christensen	Larson	Schumacher

Excused and not voting, 5:

Harr, B.	Janssen	Lautenbaugh	Price	Scheer
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The appointment was confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 20. Read. Considered.

LR20 was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR20.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR43 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR43.

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

Room 1525

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

LB229

LB305

LB306

Monday, February 25, 2013 9:00 a.m.

Elaine Stuhr - Public Employees Retirement Board

John Conley - Nebraska Investment Council

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT - Print in Journal

Senator K. Haar filed the following amendment to LB91:
AM105

- 1 1. Strike section 3 and insert the following new
- 2 sections:
- 3 Sec. 3. Section 81-3528, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-3528 (1) The practice or offer to practice for others
- 6 of geology by individuals licensed under the Geologists Regulation
- 7 Act through an organization is permitted if the criteria for
- 8 organizational practice established by the board are met and the
- 9 organization has been issued a certificate of authorization by the
- 10 board. All technical submissions by an organization involving the
- 11 practice of geology when issued or filed for public record shall be
- 12 dated and bear the ~~signature and seal~~ of the licensed geologist who
- 13 prepared the submission or under whose immediate direction it was
- 14 prepared.
- 15 (2) An organization desiring a certificate of
- 16 authorization shall file with the board an application, using the
- 17 form provided by the board, which also contains a list of the names
- 18 and addresses of all officers of the organization, duly licensed to

19 practice geology in the state through the organization. Any change
20 in the list of officers during the certificate period shall be
21 designated on the same form and filed with the board within thirty
22 days after the effective date of the change. If the requirements
23 of this section are met, the board shall issue a certificate of

1 authorization to the organization and the organization may contract
2 for and collect fees for furnishing professional services.

3 (3) The Geologists Regulation Act shall not prevent an
4 organization from performing professional services for itself.

5 (4) An organization is not relieved of its responsibility
6 for the conduct or acts of its agents, employees, officers,
7 or partners by reason of its compliance with this section. An
8 individual practicing geology is not relieved of his or her
9 responsibility for services performed by reason of employment or
10 any other relationship with an organization holding a certificate
11 of authorization.

12 (5) Commencing one year after January 1, 1999, the
13 Secretary of State shall not issue a certificate of authority
14 to an applicant or a registration of name to a foreign firm
15 to an organization which includes among the objectives for which
16 it is established geology or any modification or derivation of
17 geology, unless the board has issued the applicant a certificate
18 of authorization or a letter indicating the eligibility of
19 the applicant to receive a certificate of authorization. The
20 organization shall supply the certificate or letter with its
21 application for incorporation or licensure.

22 (6) Commencing one year after January 1, 1999, the
23 Secretary of State shall not register any trade name or service
24 mark which includes the words professional geologist, or any
25 modification or derivative of such word, in its firm name or
26 logotype except to those organizations holding a certificate of
27 authorization issued by the board.

1 (7) The certificate of authorization shall be renewed
2 periodically as required by the board.

3 (8) A geologist who renders occasional, part-time, or
4 consulting services to or for an organization may not for purposes
5 of this section be designated as being responsible for the
6 professional activities of the organization.

7 Sec. 4. Section 81-3529, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 81-3529 (1) The board shall issue to any applicant
10 who, on the basis of education, experience, and examination, if
11 required pursuant to section 81-3539, has met the requirements
12 of the Geologists Regulation Act a certificate of licensure
13 giving the licensed geologist proper authority to carry out the
14 prerogatives of the act. The certificate of licensure shall carry
15 the designation Licensed Professional Geologist. The certificate of
16 licensure shall give the full name of the licensee and the license
17 number and shall be signed by the chairperson of the board and the

18 secretary of the board.

19 (2) The certificate shall be prima facie evidence
20 that the person is entitled to all rights, privileges, and
21 responsibilities of a professional geologist while the certificate
22 of licensure remains unrevoked and unexpired.

23 (3)(a) Each licensee authorized to practice geology must
24 obtain a seal. ~~It shall be unlawful for a licensee to affix
25 his or her seal and signature or to permit his or her seal and
26 signature to be affixed to any document after the expiration of the
27 certificate of licensure or for the purpose of aiding or abetting~~
1 ~~any other person to evade or attempt to evade any provisions of~~
2 ~~the act. The design of the seal shall be determined by the board.~~
3 The following information shall be on the seal: State of Nebraska;
4 licensee's name; licensee's license number; and the words Licensed
5 Professional Geologist.

6 (b) ~~The seal may be a rubber stamp or may be generated
7 electronically. Whenever the seal is applied, the licensee's
8 written signature and the date shall be across the seal. No further
9 words or wording are required. Electronic signatures applied to
10 electronic seals shall be protected with an electronic revision
11 approval system. Documents without electronic revision approval
12 system protection that are transmitted electronically to a client
13 or a governmental agency shall have the seal removed from the file.
14 The electronic media shall have the following inserted in lieu of
15 the seal, signature, and date: The board may adopt and promulgate
16 rules and regulations for application of the seal.~~

17 ~~This document was originally issued and sealed by (name
18 of sealer), (license number), on (date of sealing). This media
19 should not be considered a certified document.~~

20 (c) ~~The seal, signature, and the date of its placement
21 shall be placed on all technical submissions and calculations
22 whenever presented to a client or any public or governmental
23 agency. It shall be unlawful for a licensee to affix his or her
24 seal or to permit his or her seal to be affixed to any document
25 after the expiration of the certificate or for the purpose of
26 aiding or abetting any other person to evade or attempt to evade
27 the act.~~

1 (d) ~~The seal, signature, and date shall be placed on
2 all originals, copies, tracings, or other reproducible documents
3 in such a manner that the seal, signature, and date will be
4 reproduced. The application of the licensee's seal and signature
5 shall constitute certification that the work was done by the
6 licensee or under the licensee's control. In the case of multiple
7 sealings, the first or title page shall be sealed, signed, and
8 dated by all involved. In addition, each sheet shall be sealed,
9 signed, and dated by the licensee responsible for each sheet. In
10 the case of an organization, each sheet shall be sealed, signed,
11 and dated by the licensee involved. The geologist in responsible
12 charge shall sign, seal, and date the title or first sheet.~~

13 (e) In the case of a temporary permit issued to a
 14 licensee of another state, the licensee shall use his or her
 15 state of licensure seal and shall affix his or her signature and
 16 temporary permit to all his or her work.

17 ~~(f) The design of the seal shall be determined by the~~
 18 ~~board. The following information shall be on the seal: State of~~
 19 ~~Nebraska; licensee's name; licensee's license number; and the words~~
 20 ~~Professional Geologist.~~

21 ~~(g)-(4)~~ The board shall issue to any applicant who, in
 22 the opinion of the board, has met the requirements of the act,
 23 an enrollment card as geologist-intern which indicates that his
 24 or her name has been recorded as such in the board office. The
 25 geologist-intern enrollment card does not authorize the holder to
 26 practice as a professional geologist.

27 Sec. 5. Section 81-3530, Reissue Revised Statutes of
 1 Nebraska, is amended to read:

2 81-3530 (1) A professional geologist shall only use affix
 3 his or her seal and signature when he or she was in responsible
 4 charge of the work, ~~being stamped.~~

5 (2) A professional geologist shall use affix his or her
 6 seal and signature on geologic reports, documents, maps, plans,
 7 logs, and sections, or other public records offered to the public
 8 and prepared or issued by or under the direct supervision of the
 9 professional geologist.

10 2. On page 13, line 17, strike "81-3529" and insert
 11 "81-3528, 81-3529, 81-3530".

12 3. Renumber the remaining sections accordingly.

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 147. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 213. Title read. Considered.

Senator Schumacher offered the following amendment:

FA2

On page 5, line 18 after "banking" strike "or incidental to such business".

Senator Schumacher withdrew his amendment.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 24. Placed on General File.

LEGISLATIVE BILL 28. Placed on General File.

LEGISLATIVE BILL 29. Placed on General File.

LEGISLATIVE BILL 36. Placed on General File with amendment.
AM42

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

(Signed) Galen Hadley, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

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

LB360 (cancel)

(Signed) Brad Ashford, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 11, 2013 1:30 p.m.

LB10
LB189
LB118

(Signed) Annette Dubas, Chairperson

Urban Affairs

Room 1510

Tuesday, February 12, 2013 1:30 p.m.

LB208
LB404
LB529
LR29CA

(Signed) Amanda McGill, Chairperson

MOTION - Print in Journal

Senator Karpisek filed the following motion to LB360:

MO6

Withdraw bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB5. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB484. No objections. So ordered.

VISITORS

Visitors to the Chamber were 30 FCCLA (Family Career Community Leaders of America) members from across the state; and 12 Home Instead Senior Care franchise owners from across the state.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator McCoy, the Legislature adjourned until 9:00 a.m., Tuesday, February 5, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 5, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 5, 2013

PRAYER

The prayer was offered by Pastor James Miller, Christ United Methodist Church, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad, B. Harr, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 47. Introduced by Watermeier, 1; Bolz, 29; Campbell, 25; Christensen, 44; Cook, 13; Kintner, 2; Seiler, 33.

WHEREAS, the Nebraska Library Association has named the following individuals as the 2012 Library Volunteers of the Year: Pat Apel of the Syracuse Public Library, Carol Barnes of the Springfield Memorial Library, Kathy Throne of the Omaha Public Library - Florence Branch, JoAnn Thomas of the Lincoln City Libraries - Charles H. Gere Branch, Marche Cepure of Lincoln Southeast High School, Karen Baisinger of the Hastings Regional Center, and Judith Thompson of the Arapahoe Public Library; and

WHEREAS, this award is given to outstanding individuals who have shown a strong desire to give back to their communities and who have given generously of their time through many years of volunteer service.

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

1. That the Legislature congratulates Pat Apel, Carol Barnes, Kathy Throne, JoAnn Thomas, Marche Cepure, Karen Baisinger, and Judith Thompson on being named the 2012 Library Volunteers of the Year.

2. That a copy of this resolution be sent to Pat Apel, Carol Barnes, Kathy Throne, JoAnn Thomas, Marche Cepure, Karen Baisinger, and Judith Thompson and to the Nebraska Library Association.

Laid over.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Tuesday, February 12, 2013 1:30 p.m.

LB83
LB85
LB399
LB453

(Signed) Annette Dubas, Chairperson

MOTION - Approve Appointment

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 337:

Nebraska Power Review Board
Frank Reida

Voting in the affirmative, 35:

Adams	Crawford	Howard	McCoy	Schumacher
Bloomfield	Davis	Johnson	Murante	Seiler
Bolz	Dubas	Karpisek	Nelson	Smith
Brasch	Gloor	Kintner	Nordquist	Sullivan
Campbell	Haar, K.	Krist	Pirsch	Wallman
Carlson	Hadley	Lathrop	Price	Watermeier
Cook	Hansen	Lautenbaugh	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 11:

Ashford	Christensen	Kolowski	Mello
Avery	Coash	Larson	Schilz
Chambers	Janssen	McGill	

Excused and not voting, 3:

Conrad Harms Harr, B.

The appointment was confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

MOTION - Withdraw LB360

Senator Karpisek offered his motion, MO6, found on page 355, to withdraw LB360.

The Karpisek motion to withdraw the bill prevailed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 2. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 30. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 35. ER1, found on page 317, was adopted.

Senator Hadley renewed his amendment, AM65, found on page 323.

The Hadley amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 72. Senator McCoy withdrew his amendment, AM73, found on page 331.

Senator McCoy offered his amendment, AM108, found on page 346.

The McCoy amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 100. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 146. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 16. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 102. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 91. Senator K. Haar offered his amendment, AM105, found on page 350.

The K. Haar amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

ANNOUNCEMENT

The Chair announced today is Senator Dubas' birthday.

GENERAL FILE

LEGISLATIVE BILL 209. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 214. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 336. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 32. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 207. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 207A. Introduced by McCoy, 39.

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.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 254. Placed on General File.

LEGISLATIVE BILL 408. Placed on General File.

LEGISLATIVE BILL 135. Placed on General File with amendment.

AM64

- 1 1. Strike original section 1 and insert the following new
 2 section:
 3 Section 1. Section 85-1512, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 85-1512 Each board shall divide the community college
 6 area into five election districts as nearly equal in population as
 7 may be practicable and shall transmit the appropriate information
 8 pertaining to such election districts to the Secretary of State
 9 and to the appropriate election officials within the area. Board
 10 members shall be nominated and elected as provided in section
 11 32-514. To be eligible for membership on the board, a person shall
 12 be a registered voter and shall have been a resident of the area
 13 for six months and, for members representing a district, a resident
 14 of the district for six months. No person shall be eligible ~~to~~
 15 for membership on a community college board of governors who is
 16 an elected or appointed member of any other board relating to
 17 education. No member of a community college board of governors
 18 shall be employed by the community college area for which he or
 19 she serves as a board member. Each member elected to represent a
 20 district shall be a resident of the district.
 21 2. On page 2, line 10, strike "85-1506" and insert
 22 "85-1512".

LEGISLATIVE BILL 252. Placed on General File with amendment.

AM62

- 1 1. On page 3, strike beginning with "including" in line 7
 2 through the underscored comma in line 11 and show the old matter as
 3 stricken; strike beginning with "including" in line 12 through the
 4 comma in line 16 and show as stricken; and strike beginning with
 5 the first comma in line 18 through the period in line 19, show the
 6 old matter as stricken, and insert an underscored period.

(Signed) Kate Sullivan, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Kintner asked unanimous consent to add his name as cointroducer to LB14. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of the George W. Norris Institute: former Senator Tom Vickers, from Farnam, and Gene O. Morris and Dennis Berry from McCook; and 18 fourth-grade students, teacher, and sponsors from Immanuel Lutheran School, Columbus.

ADJOURNMENT

At 9:57 a.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Wednesday, February 6, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 6, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 6, 2013

PRAYER

The prayer was offered by Senator Bolz.

ROLL CALL

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

The roll was called and all members were present except Senators Christensen, Davis, Karpisek, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 7. Placed on General File.

LEGISLATIVE BILL 156. Placed on General File.

LEGISLATIVE BILL 225. Placed on General File with amendment.
AM90

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 5 of this act shall be known
- 4 and may be cited as the Newborn Critical Congenital Heart Disease
- 5 Screening Act.
- 6 Sec. 2. The Legislature finds that:
- 7 (1) Critical congenital heart disease is among the most
- 8 common birth defects;
- 9 (2) Critical congenital heart disease is the leading
- 10 cause of death for infants born with a birth defect;
- 11 (3) A major cause of infant mortality as a result of
- 12 critical congenital heart disease is that a significant number
- 13 of newborns affected are not diagnosed in the newborn nursery as

14 having critical congenital heart disease; and

15 (4) An effective mechanism for critical congenital heart
 16 disease screening of newborns can reduce infant mortality.

17 Sec. 3. For purposes of the Newborn Critical Congenital
 18 Heart Disease Screening Act:

19 (1) Birthing facility means a hospital or other health
 20 care facility in this state which provides birthing and newborn
 21 care services;

22 (2) Critical congenital heart disease screening means
 23 a testing procedure or procedures intended to detect hypoplastic
 1 left heart syndrome, pulmonary atresia, tetralogy of Fallot, total
 2 anomalous pulmonary venous return, transposition of the great
 3 arteries, tricuspid atresia, and truncus arteriosus;

4 (3) Department means the Department of Health and Human
 5 Services;

6 (4) Newborn means a child from birth through twenty-nine
 7 days old; and

8 (5) Parent means a natural parent, a stepparent, an
 9 adoptive parent, a legal guardian, or any other legal custodian of
 10 a child.

11 Sec. 4. (1) All newborns in this state shall undergo
 12 critical congenital heart disease screening in accordance with
 13 standards determined in rules and regulations adopted and
 14 promulgated by the department.

15 (2) In a birthing facility, the attending physician of
 16 the newborn shall screen or cause the screening of the newborn
 17 required under subsection (1) of this section.

18 (3) For deliveries that are planned outside of a birthing
 19 facility, the prenatal care provider shall inform the parent of the
 20 importance of critical congenital heart disease screening and the
 21 requirement for all newborns to be screened. The parent shall be
 22 responsible for causing the screening to be performed within the
 23 period and in the manner prescribed by the department.

24 (4) For a birth that does not take place in a birthing
 25 facility, whether or not there is a prenatal care provider, and
 26 the newborn is not admitted to a birthing facility, the person
 27 registering such birth shall be responsible for obtaining critical
 1 congenital heart disease screening for the newborn within the
 2 period and in the manner prescribed by the department.

3 Sec. 5. The department shall:

4 (1) In consultation with a panel of persons having
 5 expertise in the field of critical congenital heart disease
 6 screening, develop approved methods of critical congenital heart
 7 disease screening;

8 (2) Develop educational materials explaining critical
 9 congenital heart disease screening and the requirement for all
 10 newborns to be screened. The materials shall be provided to
 11 birthing facilities and health care providers and to parents of
 12 newborns not born in a birthing facility;

- 13 (3) Apply for all available federal funding to carry out
 14 the Newborn Critical Congenital Heart Disease Screening Act; and
 15 (4) Adopt and promulgate rules and regulations necessary
 16 to implement the act.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 180. Placed on General File.

LEGISLATIVE BILL 311. Placed on General File.

(Signed) Bill Avery, Chairperson

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 13, 2013 1:30 p.m.

LB215
 LB222
 LB217
 LB192

Thursday, February 14, 2013 1:30 p.m.

Wayne Boyd - State Personnel Board
 LB235
 LB525
 LB271

(Signed) Bill Avery, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 48. Introduced by Janssen, 15.

WHEREAS, Don Dolejs was born on May 3, 1930, in Omaha, Nebraska; and

WHEREAS, Don Dolejs attended Our Lady of Lourdes Grade School and Creighton Preparatory School, graduating in 1948; and

WHEREAS, Don Dolejs joined the United States Coast Guard and served during the Korean Conflict; and

WHEREAS, Don Dolejs graduated from the University of Nebraska in 1956, earning a bachelor of arts in business administration; and

WHEREAS, Don Dolejs married his beloved Mary Kay King in 1956; and

WHEREAS, Don Dolejs ran a successful Anheuser-Busch distributorship in Fremont, Nebraska, for forty-one years; and

WHEREAS, Don Dolejs was a lifelong promoter of Fremont, Nebraska. He was generous with his time and talents, serving key roles with the Fremont Area Community Foundation, as well as being an active member of his church, the Boy Scouts of America, and several service clubs; and

WHEREAS, Don Dolejs was a devoted husband and loving father to his children, Debra, Christopher, Bradley, and Douglas, as well as their extended families; and

WHEREAS, Don Dolejs died January 25, 2013, in Palm Desert, California.

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

1. That the Legislature honors Don Dolejs for his service to his community, state, and country.
2. That the Legislature extends its deep sympathy to the family of Don Dolejs.
3. That a copy of this resolution be sent to the family of Don Dolejs.

Laid over.

LEGISLATIVE RESOLUTION 49. Introduced by Janssen, 15.

WHEREAS, on August 11, 2012, the United States women's volleyball team won the silver medal in the 2012 Summer Olympics in London, United Kingdom; and

WHEREAS, Jordan Larson, a native of Hooper, Nebraska, and her teammates Danielle Scott-Arruda, Tayyiba Haneef-Park, Lindsey Berg, Tamari Miyashiro, Nicole Davis, Megan Hodge, Christa Harmotto, Logan Tom, Foluke Akinradewo, Courtney Thompson, and Destinee Hooker displayed admirable courage, determination, and sportsmanship throughout the Olympic Games; and

WHEREAS, Jordan Larson and her teammates brought home the fourth Olympic medal in volleyball since the sport joined the Olympics in 1964; and

WHEREAS, Jordan Larson has inspired countless Nebraska youth to pursue their educational studies, athletic goals, and Olympic dreams.

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

1. That the Legislature congratulates Nebraska native Jordan Larson and her teammates on winning a silver medal in the women's volleyball competition at the 2012 Summer Olympics.
2. That a copy of this resolution be sent to Jordan Larson.

Laid over.

SELECT FILE

LEGISLATIVE BILL 87. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 111. Senator McGill offered the following amendment:

AM98

- 1 1. Insert the following new section:
- 2 Sec. 8. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The McGill amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 112. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 113. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 49. ER2, found on page 341, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 125. ER3, found on page 341, was adopted.

Senator B. Harr offered the following amendment:

AM139

- 1 1. On page 1, strike beginning with "in" in line 8
- 2 through "class" in line 9 and insert "in subsection (3) or (4) of
- 3 this section"; in lines 15 and 16 strike "subsection (1) of this
- 4 section" and insert "section 14-201 for the election of elective
- 5 officers of a city of the metropolitan class"; in line 17 strike
- 6 "four years", show as stricken, and insert "terms as provided in
- 7 subsection (4) of this section."; and in line 20 strike the new
- 8 matter and insert "(4)(a) In 2013, candidates from all districts
- 9 for election to such board of education".
- 10 2. On page 2, line 1, after the period insert the
- 11 following new subdivision:
- 12 "(b) In 2014, candidates for election to such board of
- 13 education from even-numbered districts shall be nominated at the
- 14 statewide primary election and elected at the statewide general
- 15 election and shall take office on the first Monday in January 2015.
- 16 Terms of the members elected from such even-numbered districts
- 17 in 2013 shall expire on such date. In 2016, candidates for
- 18 election to such board of education from odd-numbered districts

19 shall be nominated at the statewide primary election and elected
 20 at the statewide general election and shall take office on the
 21 first Monday in January 2017. Terms of the members elected
 22 from odd-numbered districts in 2013 shall expire on such date.
 1 Thereafter, all members shall be nominated at the statewide primary
 2 election and elected at the statewide general election, shall take
 3 office on the first Monday in January following their election,
 4 and shall serve terms of four years or until their successors are
 5 elected and qualified. Candidates for election to such board of
 6 education shall be nominated upon the nonpartisan ballot."
 7 3. On page 3, line 13, strike "XX" and insert
 8 "OPS13-002".
 9 4. On page 11, strike lines 14 through 19, show the old
 10 matter as stricken, and insert "terms of the members shall expire
 11 as provided in section 32-545. All Class V district".

Senator Lautenbaugh offered the following amendment to the B. Harr amendment:

FA3

Amend AM139

Insert on page 2 at line 8 after OPS13-002: "; and in line 14 after "bill" insert ". Such districts are drawn using the boundaries of the Class V school district as they existed on the effective date of this act."

The Lautenbaugh amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

The B. Harr amendment, as amended, was adopted with 26 ayes, 10 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 155. Advanced to Enrollment and Review for Engrossment.

ANNOUNCEMENT

The Chair announced today is Senator Murante's and Senator Wallman's birthdays.

GENERAL FILE

LEGISLATIVE BILL 250. Title read. Considered.

Committee AM7, found on page 328, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 67. Title read. Considered.

Committee AM23, found on page 328, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 164. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 211. Placed on General File with amendment. AM67 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

Agriculture

LEGISLATIVE BILL 70. Placed on General File with amendment. AM44

- 1 1. Insert the following section:
- 2 Sec. 7. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 3, strike lines 10 through 12, show as
- 5 stricken, and insert "shall be an ex officio member of the board
- 6 but shall have no vote in board matters.".
- 7 3. On page 4, strike lines 19 through 25 and insert
- 8 "(2) Whenever the number of members of the board as
- 9 determined by subsection (1) of this section results in less than
- 10 seven members, the Governor shall appoint a member or members from
- 11 the state at large to maintain membership of the board at seven
- 12 members. Whenever such appointment is required, the board shall
- 13 call for and submit a list of two or more nominees for each
- 14 additional member needed to the Governor, and the Governor shall
- 15 appoint a member or members from the nominees submitted pursuant to
- 16 this subsection.
- 17 (3) Nominations in the case of term expiration or new or
- 18 at-large membership and for all other vacancies shall be provided
- 19 according to the process prescribed in section 2-3951.04. The
- 20 Governor may choose the members of the board from the nominees
- 21 submitted or may reject all nominees. If the Governor rejects all
- 22 nominees, names of nominees shall again be provided to the Governor
- 23 until the appointment is filled.".

- 1 4. On page 7, strike lines 4 through 8 and show as
2 stricken.

(Signed) Ken Schilz, Chairperson

Urban Affairs

LEGISLATIVE BILL 31. Placed on General File.

LEGISLATIVE BILL 295. Placed on General File.

LEGISLATIVE BILL 88. Placed on General File with amendment.

AM137

- 1 1. Strike the original sections and insert the following
2 sections:
3 Section 1. Section 15-905, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 15-905 Every city of the primary class ~~shall have power~~
6 ~~to may~~ regulate in the area which is within the corporate limits
7 of the city or within three miles of the corporate limits
8 of the city and outside of any organized city or village,
9 and except as to construction on farmsteads outside of the
10 corporate limits (1) the minimum standards of construction of
11 buildings, dwellings, and other structures, in order to provide
12 safe and sound condition thereof for the preservation of health,
13 safety, security, and general welfare, which standards may include
14 regulations as to electric wiring, heating, plumbing, pipefitting,
15 sewer connections, ventilation, size of habitable rooms, and the
16 method of constructing buildings, dwellings, and other structures,
17 and to provide for inspection thereof, and building permits and
18 fees therefor, (2) the removal and tearing down of buildings,
19 dwellings, and other structures in such areas which constitute
20 nuisances because of the dilapidated, unsafe, or rundown condition
21 or conditions, and (3) except as to the United States of America,
22 the State of Nebraska, a county, or a village, in the area
23 outside of the corporate limits of the city of the primary
1 class, the nature, kind, and manner of constructing streets,
2 alleys, sidewalks, curbing or abridging curbs, driveway approaches
3 constructed on or to public right-of-way, and sewage disposal
4 facilities. For farmsteads located within three miles of the
5 corporate limits of the city and outside of any organized city or
6 village, the city council may decide whether buildings, dwellings,
7 and other structures located on such farmsteads and used as
8 residences shall be subject to the city's permit requirements. A
9 farmstead is defined as property of twenty acres or more which
10 produces one thousand dollars or more of farm products each year.
11 Sec. 2. Original section 15-905, Reissue Revised Statutes
12 of Nebraska, is repealed.

(Signed) Amanda McGill, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

Room 1525

Thursday, February 21, 2013 1:30 p.m.

Lynn Berggren - Nebraska Game and Parks Commission
Charles "Tod" Brodersen - Nebraska Ethanol Board
Mark A. Ondracek - Nebraska Ethanol Board

Friday, February 22, 2013 1:30 p.m.

Stephen Lichter - Nebraska Power Review Board
Tim Wistrom - Nebraska Oil and Gas Conservation Commission

(Signed) Tom Carlson, Chairperson

Revenue

Room 1524

Wednesday, February 13, 2013 1:30 p.m.

LB97
LB341
LB571
LB191
LB153

Thursday, February 14, 2013 1:30 p.m.

LB572
LB501
LB104
LB627

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

LB457
LB81
LB328
LB281

Thursday, February 21, 2013 1:30 p.m.

LB14
LB308
LB475
LB82

Friday, February 22, 2013 1:30 p.m.

LB547
LB468
LB53

Wednesday, February 27, 2013 1:30 p.m.

LB266
LB531
LB370
LB600

Thursday, February 28, 2013 1:30 p.m.

LB101
LB145
LB55
LB574

Friday, March 1, 2013 1:30 p.m.

LB237
LB348
LB43
LB110

Wednesday, March 6, 2013 1:30 p.m.

LB411
LB419
LB489
LB490

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

LB346
LB502
LB96
LB90
LB606

Wednesday, March 13, 2013 1:30 p.m.

LB439
LB440
LB474
LB488
LB150

Thursday, March 14, 2013 1:30 p.m.

LB63
LB64
LB159
LB251

Friday, March 15, 2013 1:30 p.m.

LB282
LB175
LB447
LB516

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

LB581
LB333
LB618
LB414
LB558

Thursday, March 21, 2013 1:30 p.m.

LR2CA
LB317
LB62

(Signed) Galen Hadley, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 50. Introduced by Bloomfield, 17; Bolz, 29; Johnson, 23; Kintner, 2; Scheer, 19; Schumacher, 22; Wallman, 30.

WHEREAS, Sergeant Floyd, a member of the Lewis and Clark Expedition who was buried on a bluff in 1804, was probably one of the first white men in what is now South Sioux City, Nebraska. The story of South Sioux City is entwined in the tale of several towns and activities on both sides of the Missouri River; and

WHEREAS, Gustave Pecaout, a French-speaking native of Switzerland, emigrated to America and engaged in fur trading, building a cabin near the river in 1854. During the winter of 1855-56, a group of men cut wood and hauled it across the frozen river to the people living there; and

WHEREAS, a town site was registered in August 1856 and named "Harney City" for the general in charge of the troops stationed in the vicinity as protection against Indian raids. Existing only on paper, this town failed to develop; and

WHEREAS, another town site was surveyed near the Burlington Railroad in 1856. Named "Pacific City," it was granted incorporation papers in 1858. The ravages of flood waters quickly discouraged the inhabitants, and a later flood, when the river changed its course, left what became known as "Silver Lake" at this site; and

WHEREAS, the Harney City location, taken over by a new town site company, changed its name to "Newport." Before filing the official papers in 1857, however, it was given the name "Covington." Later that year another plat was incorporated as "South Covington." These towns merged in 1870; and

WHEREAS, in 1856, between Covington and the bend on the Missouri River, a Mr. Stanton laid out a town which he named for himself. At its peak, "Stanton" boasted 30 buildings, 13 of which were saloons; and

WHEREAS, still another town was platted and incorporated in 1887. This settlement called itself "South Sioux City"; and

WHEREAS, recognizing the need to "organize or dissolve," South Sioux City leaders brought forth the matter of the consolidation of these rival villages into one town. In a special election in 1893, the merger was approved. Both Stanton and Covington became part of the present city, parts of which had been washed away by the ever-changing Missouri River. In an attempt to bring law and order to the community, Dakota County authorities ordered all gambling houses closed, and a new image of law and order was initiated. In 1895 the "Combination Bridge" was built across the Missouri River. It was large enough to accommodate trains, street cars, pedestrians, and horse-drawn vehicles; and

WHEREAS, the population has risen steadily since the early 1900s. In its Jubilee Year the count was 4,000. In its centennial year, the population topped 9,000; and

WHEREAS, the Sergeant Floyd Memorial Bridge across the Missouri River was built in 1976. The four-lane Siouxland Veterans Memorial Bridge was completed in 1981; and

WHEREAS, South Sioux City offers almost every type of business, civic organization, and activity. Camping and recreational facilities on the 22-acre Scenic Park, located at the east end of the bridge, have been renovated and repaired. The town's centennial, celebrated in 1987, provided an opportunity to take stock of the events that shaped the town's history and to chart a course for the future of South Sioux City, the 15th largest city in Nebraska; and

WHEREAS, South Sioux City, Nebraska, population of 13,353, celebrated its well-deserved 125th anniversary on August 3 and 4, 2012, during the Cardinal Days Festival.

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

1. That the Legislature congratulates South Sioux City, Nebraska, on its 125th anniversary.

2. That a copy of this resolution be sent to the city council of South Sioux City, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 51. Introduced by Bloomfield, 17; Bolz, 29; Johnson, 23; Kintner, 2; Scheer, 19; Schumacher, 22; Wallman, 30.

WHEREAS, nestled in the rolling hills of northeast Nebraska, the village of Emerson has the distinction of being located in three counties. The largest western section (Emerson Township 46%) is in Dixon County, the northeast part (Emerson Precinct 28%) is in Dakota County, and the southeast part (Perry Township 26%) is in Thurston County; and

WHEREAS, the village of Emerson was established as a junction on the Chicago, St. Paul, Minneapolis and Omaha Railway in 1881; and

WHEREAS, the village of Emerson was first known as "Kenesaw Junction," but there was another town in Nebraska by that name, so a new name of "Emerson," for the author Ralph Waldo Emerson, was chosen; and

WHEREAS, Emerson had what is referred to as the "Winnebago Invasion." In 1882 the Indian reservation extended to the edge of Emerson's initial plat. Many settlers, however, built on the land beyond the town where they had no rights. On a morning in May, a delegation of Indian warriors in full attire delivered a decree of the Winnebago Council meeting, which stated that "these people are to be off the reservation within an hour." There was a wild scramble, but by nightfall the collection of temporary shanties had been moved across the line into the village proper. Later the reservation line was established at the Thurston County line; and

WHEREAS, Emerson was incorporated in July 1888 when the population was between 200 and 300. By 1893 the village had grown to 600 residents; and

WHEREAS, Emerson, born as a railroad junction, had 67 trains daily until well into the 1930s and was the home for many railroad workers. There were three section houses, an extensive waterworks, car scales, and a good stockyard. Every four hours a passenger train left for Omaha, Nebraska, Sioux City, Iowa, or Norfolk, Nebraska. Four hotels flourished, and at one time the town had a cigar factory and a roller mill. As rail traffic declined, truck lines took over. The depot and roundhouse still stand but now house other business establishments, and the tracks have been removed; and

WHEREAS, Emerson is the headquarters of the National Farm Crisis Organization; and

WHEREAS, the village of Emerson, population of 840, is preparing to celebrate its 125th anniversary with full fanfare from Thursday, May 30, through Sunday, June 2, 2013.

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

1. That the Legislature congratulates the village of Emerson, Nebraska, on its 125th anniversary.

2. That a copy of this resolution be sent to the Emerson Village Board.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 210. Title read. Considered.

Committee AM100, found on page 344, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 40. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 137. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 78. Title read. Considered.

Committee AM104, found on page 344, was offered.

Senator Harms offered the following amendment to the committee amendment:

AM123

(Amendments to Standing Committee amendments, AM104)

- 1 1. On page 16, line 8, strike beginning with "3-801,"
- 2 through "3-805,".

Senator Harms moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Harms requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Adams	Campbell	Davis	Howard	Nordquist
Ashford	Carlson	Dubas	Kolowski	Pirsch
Avery	Christensen	Haar, K.	Krist	Seiler
Bolz	Conrad	Hadley	Lathrop	Watermeier
Brasch	Crawford	Harms	McGill	Wightman

Voting in the negative, 12:

Bloomfield	Hansen	Kintner	Price
Coash	Johnson	Lautenbaugh	Scheer
Cook	Karpisek	Murante	Wallman

Present and not voting, 8:

Chambers	McCoy	Schilz	Smith
Gloor	Nelson	Schumacher	Sullivan

Absent and not voting, 1:

Harr, B.

Excused and not voting, 3:

Janssen	Larson	Mello
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The Harms amendment was adopted with 25 ayes, 12 nays, 8 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO7

Reconsider the vote on AM123.

Senator Chambers moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

The Chambers motion to reconsider prevailed with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Harms amendment, AM123, found in this day's Journal, to the committee amendment, was reconsidered.

Pending.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 27. Placed on General File.

LEGISLATIVE BILL 38. Placed on General File.

LEGISLATIVE BILL 283. Placed on General File.

LEGISLATIVE BILL 616. Placed on General File.

LEGISLATIVE BILL 628. Placed on General File.

LEGISLATIVE BILL 337. Placed on General File with amendment.
AM107

1 1. On page 3, lines 10 through 15, strike the new matter
2 and insert

3 "(3) A Federal Home Loan Bank shall not be stayed,
4 enjoined, or prohibited from exercising or enforcing any right or
5 cause of action regarding collateral pledged under any security
6 agreement, or any pledge, security, collateral or guarantee
7 agreement or any other similar arrangement or credit enhancement
8 relating to such Federal Home Loan Bank security agreement.".

9 2. On page 4, strike line 25.

10 3. On page 5, lines 1 through 5, strike the new matter
11 and insert

12 "(4) A Federal Home Loan Bank shall not be stayed,
13 enjoined, or prohibited from exercising or enforcing any right or
14 cause of action regarding collateral pledged under any security
15 agreement, or any pledge, security, collateral or guarantee
16 agreement or any other similar arrangement or credit enhancement
17 relating to such Federal Home Loan Bank security agreement.".

18 4. On page 8, lines 3 through 8, strike the new
19 matter and insert ", except that a liquidator shall not have
20 power to disavow, reject, or repudiate any Federal Home Loan
21 Bank security agreement, or any pledge, security, collateral or
22 guarantee agreement or any other similar arrangement or credit
23 enhancement relating to such Federal Home Loan Bank security
1 agreement".

2 5. On page 9, lines 22 through 25, strike the new
3 matter and insert ", except that a liquidator shall not have
4 power to disavow, reject, or repudiate any Federal Home Loan
5 Bank security agreement, or any pledge, security, collateral or
6 guarantee agreement or any other similar arrangement or credit
7 enhancement relating to such Federal Home Loan Bank security
8 agreement".

9 6. On page 10, line 1, strike the new matter.

10 7. On page 13, strike line 25.

11 8. On page 14, lines 1 through 10, strike the new matter
12 and insert

13 "(5) A receiver may not avoid any transfer of, or
14 any obligation to transfer, money or any other property arising
15 under or in connection with any Federal Home Loan Bank security

16 agreement, or any pledge, security, collateral or guarantee
 17 agreement or any other similar arrangement or credit enhancement
 18 relating to such Federal Home Loan Bank security agreement.
 19 However, a transfer may be avoided under this subsection if it
 20 was made with actual intent to hinder, delay, or defraud either
 21 existing or future creditors."

22 9. On page 16, lines 10 through 20, strike the new matter
 23 and insert

24 "(5) A receiver may not avoid any transfer of, or
 25 any obligation to transfer, money or any other property arising
 26 under or in connection with any Federal Home Loan Bank security
 27 agreement, or any pledge, security, collateral or guarantee
 1 agreement or any other similar arrangement or credit enhancement
 2 relating to such Federal Home Loan Bank security agreement.
 3 However, a transfer may be avoided under this subsection if it
 4 was made with actual intent to hinder, delay, or defraud either
 5 existing or future creditors."

6 10. On page 18, lines 14 through 18, strike the new
 7 matter and insert

8 "(d) A liquidator or receiver shall not avoid any
 9 preference arising under or in connection with any Federal Home
 10 Loan Bank security agreement, or any pledge, security, collateral
 11 or guarantee agreement or any other similar arrangement or credit
 12 enhancement relating to such Federal Home Loan Bank security
 13 agreement."

LEGISLATIVE BILL 426. Placed on General File with amendment.
 AM26

- 1 1. On page 6, line 4, strike "fraternal benefit
- 2 societies," and show as stricken.

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 117. Placed on General File.

LEGISLATIVE BILL 165. Placed on General File.

(Signed) Annette Dubas, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 147. Placed on Select File.

LEGISLATIVE BILL 213. Placed on Select File.

LEGISLATIVE BILL 209. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1. Placed on Final Reading.

LEGISLATIVE BILL 2. Placed on Final Reading.

LEGISLATIVE BILL 16. Placed on Final Reading.

LEGISLATIVE BILL 30. Placed on Final Reading.

LEGISLATIVE BILL 35. Placed on Final Reading.

LEGISLATIVE BILL 72. Placed on Final Reading.

ST2

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "and procedures" has been inserted after "date"; and in line 4 "to restrict the use of interest on such accounts;" has been inserted after the semicolon.

LEGISLATIVE BILL 91. Placed on Final Reading.

ST3

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "81-3529" has been struck and "81-3528, 81-3529, 81-3530" inserted; and in line 7 "to change and eliminate provisions relating to signatures and seals;" has been inserted after the first semicolon.

LEGISLATIVE BILL 100. Placed on Final Reading.

LEGISLATIVE BILL 102. Placed on Final Reading.

LEGISLATIVE BILL 146. Placed on Final Reading.

(Signed) John Murante, Chairperson

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB213:
AM143

- 1 1. Strike original sections 1 and 4.
- 2 2. On page 19, line 1, strike "8-101.01,".
- 3 3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Chambers asked unanimous consent to add his name as cointroducer to LB44. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Leadership Scottsbluff, Scottsbluff and Gering, Leadership Cheyenne County, Sidney, and Dawes County Entrepreneurial Leadership Training Academy, Chadron.

The Doctor of the Day was Dr. Mike Schooff from Papillion.

ADJOURNMENT

At 12:13 p.m., on a motion by Senator Gloor, the Legislature adjourned until 9:00 a.m., Thursday, February 7, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 7, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 7, 2013

PRAYER

The prayer was offered by Senator Christensen.

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 Senator Davis who was excused; and Senators Bloomfield, Gloor, Lautenbaugh, Pirsch, and Seiler who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 214. Placed on Select File.

LEGISLATIVE BILL 336. Placed on Select File.

LEGISLATIVE BILL 32. Placed on Select File.

LEGISLATIVE BILL 207. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 49. Placed on Final Reading.

LEGISLATIVE BILL 87. Placed on Final Reading.

LEGISLATIVE BILL 111. Placed on Final Reading.

LEGISLATIVE BILL 112. Placed on Final Reading.

LEGISLATIVE BILL 113. Placed on Final Reading.

LEGISLATIVE BILL 125. Placed on Final Reading.

LEGISLATIVE BILL 155. Placed on Final Reading.

(Signed) John Murante, Chairperson

COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 484. Placed on General File.

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORTS
Health and Human Services

The Health and Human Services 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.

Gary (Randy) Boldt - Board of Emergency Medical Services

Michael Miller - Board of Emergency Medical Services

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

Sheree Keely - Foster Care Advisory Committee

Craig Timm - Foster Care Advisory Committee

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 44 and 45 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 44 and 45.

MOTION - Approve Appointment

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 348:

Nebraska Accountability and Disclosure Commission
Sean Conway

Voting in the affirmative, 32:

Adams	Christensen	Harr, B.	Mello	Smith
Avery	Coash	Howard	Murante	Sullivan
Bolz	Cook	Johnson	Nordquist	Wallman
Brasch	Crawford	Karpisek	Price	Wightman
Campbell	Dubas	Kolowski	Scheer	
Carlson	Hansen	Lathrop	Schilz	
Chambers	Harms	McGill	Schumacher	

Voting in the negative, 0.

Present and not voting, 11:

Ashford	Hadley	Krist	Nelson
Conrad	Janssen	Larson	Watermeier
Haar, K.	Kintner	McCoy	

Excused and not voting, 6:

Bloomfield	Gloor	Pirsch
Davis	Lautenbaugh	Seiler

The appointment was confirmed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 207A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 78. Senator Harms withdrew his amendment, AM123, found on page 376, to the committee amendment.

Committee AM104, found on page 344 and considered on page 376, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SENATOR GLOOR PRESIDING

LEGISLATIVE BILL 24. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 28. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 29. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 36. Title read. Considered.

Committee AM42, found on page 354, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 254. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 408. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Avery's birthday.

GENERAL FILE**LEGISLATIVE BILL 135.** Title read. Considered.

Committee AM64, found on page 361, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 252. Title read. Considered.

Committee AM62, found on page 361, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

AMENDMENTS - Print in Journal

Senator K. Haar filed the following amendment to LB211:
AM124

- 1 1. On page 3, lines 6 through 9, strike the new matter
- 2 and reinstate the stricken matter; and in line 6 after the
- 3 reinstated "by" insert "any".

Senator Gloor filed the following amendment to LB147:
AM161

- 1 1. Insert the following new sections:
- 2 Sec. 19. Section 44-7306, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 44-7306 (1) A health carrier shall maintain in a
- 5 grievance register written records to document all grievances
- 6 received during a calendar year. A request for a ~~first-level~~
- 7 review of an adverse determination shall be processed in compliance
- 8 with section 44-7308 but not considered a grievance for purposes
- 9 of the grievance register unless such request includes a written
- 10 grievance. ~~A request for a second-level review of an adverse~~
- 11 ~~determination shall be considered a grievance for purposes of the~~
- 12 ~~grievance register.~~ For each grievance required to be recorded in
- 13 the grievance register, the grievance register shall contain, at a
- 14 minimum, the following information:
- 15 (a) A general description of the reason for the
- 16 grievance;
- 17 (b) Date received;
- 18 (c) Date of each review or hearing;
- 19 (d) Resolution ~~at each level~~ of the grievance;
- 20 (e) Date of resolution; ~~at each level~~; and
- 21 (f) Name of the covered person for whom the grievance was
- 22 filed.
- 23 (2) The grievance register shall be maintained in a
- 1 manner that is reasonably clear and accessible to the director. A
- 2 grievance register maintained by a health maintenance organization
- 3 shall also be accessible to the Department of Health and Human
- 4 Services.
- 5 (3) A health carrier shall retain the grievance register
- 6 compiled for a calendar year for the longer of three years or until
- 7 the director has adopted a final report of an examination that
- 8 contains a review of the grievance register for that calendar year.
- 9 Sec. 20. Section 44-7308, Reissue Revised Statutes of
- 10 Nebraska, is amended to read:
- 11 44-7308 (1) If a covered person makes a request to
- 12 a health carrier for a health care service and the request
- 13 is denied, the health carrier shall provide the covered person
- 14 with an explanation of the reasons for the denial, a written
- 15 notice of how to submit a grievance, and the telephone number
- 16 to call for information and assistance. The health carrier, at

17 the time of a determination not to certify an admission, a
18 continued stay, or other health care service, shall inform the
19 attending or ordering provider of the right to submit a grievance
20 or a request for an expedited review and, upon request, shall
21 explain the procedures established by the health carrier for
22 initiating a review. A grievance involving an adverse determination
23 may be submitted by the covered person, the covered person's
24 representative, or a provider acting on behalf of a covered
25 person, except that a provider may not submit a grievance involving
26 an adverse determination on behalf of a covered person in a
27 situation in which federal or other state law prohibits a provider
1 from taking that action. A health carrier shall ensure that a
2 majority of the persons reviewing a grievance involving an adverse
3 determination have appropriate expertise. A health carrier shall
4 issue a copy of the written decision to a provider who submits a
5 grievance on behalf of a covered person. A health carrier shall
6 conduct a ~~first level~~ review of a grievance involving an adverse
7 determination in accordance with subsection (3) of this section
8 and section 44-7310, but such a grievance is not subject to the
9 grievance register reporting requirements of section 44-7306 unless
10 it is a written grievance.

11 (2)(a) A grievance concerning any matter except an
12 adverse determination may be submitted by a covered person or
13 a covered person's representative. A health carrier shall issue a
14 written decision to the covered person or the covered person's
15 representative within fifteen working days after receiving a
16 grievance. The person or persons reviewing the grievance shall not
17 be the same person or persons who made the initial determination
18 denying a claim or handling the matter that is the subject of
19 the grievance. If the health carrier cannot make a decision
20 within fifteen working days due to circumstances beyond the health
21 carrier's control, the health carrier may take up to an additional
22 fifteen working days to issue a written decision, if the health
23 carrier provides written notice to the covered person of the
24 extension and the reasons for the delay on or before the fifteenth
25 working day after receiving a grievance.

26 (b) A covered person does not have the right to attend,
27 or to have a representative in attendance, at the ~~first level~~
1 grievance review. A covered person is entitled to submit written
2 material. The health carrier shall provide the covered person the
3 name, address, and telephone number of a person designated to
4 coordinate the grievance review on behalf of the health carrier.
5 The health carrier shall make these rights known to the covered
6 person within three working days after receiving a grievance.

7 (3) The written decision issued pursuant to the
8 procedures described in subsections (1) and (2) of this section and
9 section 44-7310 shall contain:

10 (a) The names, titles, and qualifying credentials of the
11 person or persons acting as the reviewer or reviewers participating

- 12 in the ~~first level~~ grievance review process;
- 13 (b) A statement of the reviewers' understanding of the
14 covered person's grievance;
- 15 (c) The reviewers' decision in clear terms and the
16 contract basis or medical rationale in sufficient detail for the
17 covered person to respond further to the health carrier's position;
- 18 (d) A reference to the evidence or documentation used as
19 the basis for the decision;
- 20 (e) In cases involving an adverse determination, the
21 instructions for requesting a written statement of the clinical
22 rationale, including the clinical review criteria used to make the
23 determination; ~~and~~
- 24 ~~(f) If applicable, a statement indicating:~~
- 25 ~~(i) A description of the process to obtain a second level~~
26 ~~grievance review of a decision; and~~
- 27 ~~(ii) The written procedures governing a second level~~
1 ~~review, including any required timeframe for review; and~~
- 2 (g) Notice of the covered person's right to contact the
3 director's office. The notice shall contain the telephone number
4 and address of the director's office.

5 Sec. 21. Section 44-7310, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 44-7310 (1) A health carrier shall establish written
8 procedures for a standard review of an adverse determination.
9 Review procedures shall be available to a covered person and to the
10 provider acting on behalf of a covered person. For purposes of this
11 section, covered person includes the representative of a covered
12 person.

13 (2) When reasonably necessary or when requested by the
14 provider acting on behalf of a covered person, standard reviews
15 shall be evaluated by an appropriate clinical peer or peers in the
16 same or similar specialty as would typically manage the case being
17 reviewed. The clinical peer shall not have been involved in the
18 initial adverse determination.

19 (3) For standard reviews the health carrier shall notify
20 in writing both the covered person and the attending or ordering
21 provider of the decision within fifteen working days after the
22 request for a review. The written decision shall contain the
23 provisions required in subsection (3) of section 44-7308.

24 (4) In any case in which the standard review process does
25 not resolve a difference of opinion between the health carrier and
26 the covered person or the provider acting on behalf of the covered
27 person, the covered person or the provider acting on behalf of the
1 covered person may submit a written grievance, unless the provider
2 is prohibited from filing a grievance by federal or other state
3 law. ~~A health carrier that offers managed care plans shall review~~
4 ~~it as a second level grievance.~~

5 Sec. 22. Section 44-7311, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 44-7311 (1) A health carrier shall establish written
8 procedures for the expedited review of a grievance involving
9 a situation in which the timeframe of the standard grievance
10 procedures set forth in sections 44-7308 to 44-7310 would seriously
11 jeopardize the life or health of a covered person or would
12 jeopardize the covered person's ability to regain maximum function.
13 A request for an expedited review may be submitted orally or
14 in writing. A request for an expedited review of an adverse
15 determination may be submitted orally or in writing and shall
16 be subject to the review procedures of this section, if it
17 meets the criteria of this section. However, for purposes of
18 the grievance register requirements of section 44-7306, a request
19 for an expedited review shall not be included in the grievance
20 register unless the request is submitted in writing. Expedited
21 review procedures shall be available to a covered person and to the
22 provider acting on behalf of a covered person. For purposes of this
23 section, covered person includes the representative of a covered
24 person.

25 (2) Expedited reviews which result in an adverse
26 determination shall be evaluated by an appropriate clinical peer or
27 peers in the same or similar specialty as would typically manage
1 the case being reviewed. The clinical peer or peers shall not have
2 been involved in the initial adverse determination.

3 (3) A health carrier shall provide expedited review
4 to all requests concerning an admission, availability of care,
5 continued stay, or health care service for a covered person who
6 has received emergency services but has not been discharged from a
7 facility.

8 (4) An expedited review may be initiated by a covered
9 person or a provider acting on behalf of a covered person.

10 (5) In an expedited review, all necessary information,
11 including the health carrier's decision, shall be transmitted
12 between the health carrier and the covered person or the provider
13 acting on behalf of a covered person by telephone, facsimile, or
14 the most expeditious method available.

15 (6) In an expedited review, a health carrier shall make
16 a decision and notify the covered person or the provider acting
17 on behalf of the covered person as expeditiously as the covered
18 person's medical condition requires, but in no event more than
19 seventy-two hours after the review is commenced. If the expedited
20 review is a concurrent review determination, the health care
21 service shall be continued without liability to the covered person
22 until the covered person has been notified of the determination.

23 (7) A health carrier shall provide written confirmation
24 of its decision concerning an expedited review within two working
25 days after providing notification of that decision, if the initial
26 notification was not in writing. The written decision shall contain
27 the provisions required in subsection (3) of section 44-7308.

1 (8) A health carrier shall provide reasonable access,

2 not to exceed one business day after receiving a request for an
 3 expedited review, to a clinical peer who can perform the expedited
 4 review.

5 (9) In any case in which the expedited review process
 6 does not resolve a difference of opinion between the health carrier
 7 and the covered person or the provider acting on behalf of the
 8 covered person, the covered person or the provider acting on behalf
 9 of the covered person may submit a written grievance, unless the
 10 provider is prohibited from filing a grievance by federal or other
 11 state law. ~~A health carrier that offers managed care plans shall~~
 12 ~~review it as a second level grievance.~~ Except as expressly provided
 13 in this section, in conducting the review, the health carrier shall
 14 adhere to timeframes that are reasonable under the circumstances.

15 (10) A health carrier shall not be required to provide an
 16 expedited review for retrospective adverse determinations.

17 Sec. 23. Original sections 44-7306, 44-7308, 44-7310, and
 18 44-7311, Reissue Revised Statutes of Nebraska, are repealed.

19 2. On page 5, line 3, strike "and" and insert "if"; and
 20 in line 5, strike the commas and after "functions" insert "or".

21 3. On page 7, line 18, strike "its" and insert "their".

22 4. On page 9, line 18, after "after" insert "health
 23 care".

24 5. On page 10, line 22; and page 22, line 16, strike the
 25 comma.

26 6. On page 46, line 22, strike "evidenced" and insert
 27 "evidence".

1 7. On page 47, line 25, strike "(10)(a)" and insert
 2 "(10)(c)".

3 8. On page 48, line 1, strike "(iii)".

4 9. On page 52, line 19, strike "this" and insert "the".

5 10. On page 55, line 10, after "independent" insert
 6 "review".

7 11. On page 57, line 23, strike the first "an".

8 12. On page 60, line 6, strike "(3)" and insert "(d)".

9 13. Renumber the remaining section accordingly.

NOTICE OF COMMITTEE HEARING

Agriculture

Room 2102

Tuesday, February 26, 2013 1:30 p.m.

LB544

LB583

LB597

(Signed) Ken Schilz, Chairperson

VISITORS

Visitors to the Chamber were 95 members of UNL Extension Leadership Classes from Seward, Burt, Merrick, Wayne, and Hamilton counties.

The Doctor of the Day was Dr. Sue Keasling from Omaha.

ADJOURNMENT

At 10:05 a.m., on a motion by Senator Seiler, the Legislature adjourned until 9:00 a.m., Friday, February 8, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 8, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 8, 2013

PRAYER

The prayer was offered by Reverend Dr. E. Scott Jones, First Central Congregational Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Davis and Kintner who were excused; and Senators Conrad, Karpisek, Lautenbaugh, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 398. Placed on General File.

(Signed) Annette Dubas, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 1CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 31. Reported to the Legislature for further consideration.

(Signed) John Wightman, Chairperson

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 2102

Tuesday, March 5, 2013 1:30 p.m.

LB287

LB288

LB636

Tuesday, March 12, 2013 1:30 p.m.

LB339

(Signed) Ken Schilz, Chairperson

Nebraska Retirement Systems

Room 1525

Wednesday, February 20, 2013 12:00 p.m.

LB321

LB263

Thursday, February 28, 2013 12:00 p.m.

LB138

LB77

Tuesday, March 5, 2013 12:00 p.m.

LB552

LB594

Wednesday, March 27, 2013 12:00 p.m.

Presentation of Annual Reports: Nebraska Public Employees Retirement
Systems and Nebraska Investment Council

(Signed) Jeremy Nordquist, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Sullivan has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

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>

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 7, 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

Bromm, Curt of Bromm & Associates, LLC
 Omaha Steel
 Bruning, Deonne
 Windstream Communications
 Courtney, Robert M. (deceased)
 AARP (Withdrawn 02/01/2013)
 Evans, Ian
 Home Depot, The
 O'Hara Lindsay & Associates, Inc.
 Experian Information Solutions, Inc.
 Peetz & Company
 GeneSeek, a Neogen Corporation Company
 Lozier Corporation
 Phillips Manufacturing Co.
 Peters, William E.
 Railway Supply Institute
 Reiser, Richard S.
 Werner Enterprises, Inc. and Subsidiaries
 Whitaker, George
 CNH Case New Holland, Inc.

MOTIONS - Approve Appointments

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 384:

Board of Emergency Medical Services
 Gary (Randy) Boldt
 Michael Miller

Voting in the affirmative, 31:

Adams	Cook	Johnson	Nelson	Wallman
Avery	Crawford	Kolowski	Pirsch	Watermeier
Bloomfield	Gloor	Krist	Scheer	Wightman
Bolz	Hadley	Larson	Schumacher	
Brasch	Hansen	Lathrop	Seiler	
Campbell	Harms	McGill	Smith	
Carlson	Howard	Murante	Sullivan	

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Coash	Harr, B.	Mello
Chambers	Dubas	Janssen	Nordquist
Christensen	Haar, K.	McCoy	Price

Excused and not voting, 6:

Conrad	Karpisek	Lautenbaugh
Davis	Kintner	Schilz

The appointments were confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 384:

Foster Care Advisory Committee
 Sheree Keely
 Craig Timm

Voting in the affirmative, 30:

Adams	Carlson	Haar, K.	Kolowski	Schumacher
Avery	Christensen	Hadley	Krist	Seiler
Bloomfield	Conrad	Hansen	Lathrop	Smith
Bolz	Cook	Harms	McGill	Sullivan
Brasch	Crawford	Howard	Pirsch	Wallman
Campbell	Gloor	Johnson	Scheer	Watermeier

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Harr, B.	McCoy	Nordquist
Chambers	Janssen	Mello	Price
Coash	Larson	Nelson	Wightman

Excused and not voting, 7:

Davis	Karpisek	Lautenbaugh	Schilz
Dubas	Kintner	Murante	

The appointments were confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 7. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 156. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 225. Title read. Considered.

Committee AM90, found on page 363, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

ANNOUNCEMENT

The Chair announced February 9 is Senator Smith's birthday.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 250. Placed on Select File with amendment.
ER5

- 1 1. On page 11, line 9, strike "subsection" and insert
- 2 "subsections".

LEGISLATIVE BILL 67. Placed on Select File with amendment.
ER8 is available in the Bill Room.

LEGISLATIVE BILL 164. Placed on Select File.

LEGISLATIVE BILL 210. Placed on Select File with amendment.
ER7

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 1-101, Uniform Commercial Code,

4 Revised Statutes Cumulative Supplement, 2012, is amended to read:

5 1-101 Short titles.

6 (a) Sections 1-101 to 10-103 and section 4 of this act

7 may be cited as the Uniform Commercial Code.

8 (b) This article may be cited as Uniform Commercial

9 Code-General Provisions.

10 Sec. 2. Section 9-101, Uniform Commercial Code, Reissue

11 Revised Statutes of Nebraska, is amended to read:

12 9-101 Short title.

13 This article and section 4 of this act may be cited as

14 Uniform Commercial Code - Secured Transactions.

15 Sec. 3. Section 9-510, Uniform Commercial Code, Reissue

16 Revised Statutes of Nebraska, is amended to read:

17 9-510 Effectiveness of filed record.

18 (a) A filed record is effective only to the extent that
19 it was filed by a person that may file it under section 9-509 or by
20 the filing office under section 9-513A.

21 (b) A record authorized by one secured party of record
22 does not affect the financing statement with respect to another
23 secured party of record.

1 (c) A continuation statement that is not filed within the
2 six-month period prescribed by section 9-515(d) is ineffective.

3 Sec. 4. The Uniform Commercial Code is amended by adding
4 new section:

5 9-513A Unauthorized financing statement filings;
6 procedures; remedies.

7 (a) An individual personally, or as a representative
8 of an organization, may file in the filing office a notarized
9 affidavit, signed under penalty of perjury, that identifies a filed
10 financing statement and states that:

11 (1) the individual or organization is identified as a
12 debtor in the financing statement;

13 (2) the financing statement was not filed by a financial
14 institution or a representative of a financial institution or by an
15 agricultural input supplier or a representative of an agricultural
16 input supplier; and

17 (3) the financing statement was filed by a person not
18 entitled to do so under section 9-509, 9-708, or 9-808.

19 (b) An affidavit filed under subsection (a) shall include
20 any pertinent information that the office of the Secretary of State
21 may reasonably require.

22 (c) An affidavit may not be filed under subsection

23 (a) with respect to a financing statement filed by a financial
24 institution or a representative of a financial institution or by an
25 agricultural input supplier or a representative of an agricultural
26 input supplier.

27 (d) If an affidavit is filed under subsection (a), the
1 filing office may file a termination statement with respect to the
2 financing statement identified in the affidavit. The termination

3 statement must indicate that it was filed pursuant to this section.
4 Except as provided in subsections (g) and (h), a termination
5 statement filed under this subsection shall take effect thirty days
6 after it is filed.

7 (e) On the same day that the filing office files a
8 termination statement under subsection (d), it shall send to each
9 secured party of record identified in the financing statement a
10 notice advising the secured party of record that the termination
11 statement has been filed. The notice shall be sent by certified
12 mail, return receipt requested, to the mailing address provided for
13 the secured party of record.

14 (f) A secured party of record identified in a financing
15 statement as to which a termination statement has been filed under
16 subsection (d) may bring an action within twenty business days
17 after the termination statement is filed against the individual who
18 filed the affidavit under subsection (a) seeking a determination as
19 to whether the financing statement was filed by a person entitled
20 to do so under section 9-509, 9-708, or 9-808. An action under this
21 subsection shall have priority on the court's calendar and shall
22 proceed by expedited hearing. The action shall be brought in the
23 district court of the county where the filing office in which the
24 financing statement was filed is located.

25 (g) In an action brought pursuant to subsection (f), a
26 court may, in appropriate circumstances, order preliminary relief,
27 including, but not limited to, an order precluding the termination
1 statement from taking effect or directing a party to take action
2 to prevent the termination statement from taking effect. If the
3 court issues such an order and the filing office receives a
4 certified copy of the order before the termination statement
5 takes effect, the termination statement shall not take effect
6 and the filing office shall promptly file an amendment to the
7 financing statement that indicates that an order has prevented the
8 termination statement from taking effect. If such an order ceases
9 to be effective by reason of a subsequent order or a final judgment
10 of the court or by an order issued by another court and the filing
11 office receives a certified copy of the subsequent judgment or
12 order, the termination statement shall become immediately effective
13 upon receipt of the certified copy and the filing office shall
14 promptly file an amendment to the financing statement indicating
15 that the termination statement is effective.

16 (h) If a court determines in an action brought pursuant
17 to subsection (f) that the financing statement was filed by a
18 person entitled to do so under section 9-509, 9-708, or 9-808 and
19 the filing office receives a certified copy of the court's final
20 judgment or order before the termination statement takes effect,
21 the termination statement shall not take effect and the filing
22 office shall remove the termination statement and any amendments
23 filed under subsection (g) from the files. If the filing office
24 receives the certified copy after the termination statement takes

25 effect and within thirty days after the final judgment or order was
26 entered, the filing office shall promptly file an amendment to the
27 financing statement that indicates that the financing statement has
1 been reinstated.

2 (i) Except as provided in subsection (j), upon the filing
3 of an amendment reinstating a financing statement under subsection
4 (h) the effectiveness of the financing statement is retroactively
5 reinstated and the financing statement shall be considered never to
6 have been ineffective against all persons and for all purposes.

7 (j) A financing statement whose effectiveness was
8 terminated under subsection (d) and has been reinstated under
9 subsection (h) shall not be effective as against a person that
10 purchased the collateral in good faith between the time the
11 termination statement was filed and the time of the filing of the
12 amendment reinstating the financing statement, to the extent that
13 the person gave new value in reliance on the termination statement.

14 (k) The filing office shall not charge a fee for the
15 filing of an affidavit or a termination statement under this
16 section. The filing office shall not return any fee paid for filing
17 the financing statement identified in the affidavit, whether or not
18 the financing statement is subsequently reinstated.

19 (l) Neither the filing office nor any of its employees
20 shall be subject to liability for the termination or amendment of a
21 financing statement in the lawful performance of the duties of the
22 filing office under this section.

23 (m) The Secretary of State shall adopt and make available
24 a form of affidavit for use under this section.

25 (n) For purposes of this section:

26 (1) Agricultural input supplier means a person regularly
27 in the business of extending credit to agricultural producers; and

1 (2) Financial institution means a person that is in
2 the business of extending credit or servicing loans, including
3 acquiring, purchasing, selling, brokering, or other extensions
4 of credit and where applicable, holds whatever license, charter,
5 or registration that is required to engage in such business.
6 The term includes banks, savings associations, building and loan
7 associations, consumer and commercial finance companies, industrial
8 banks, industrial loan companies, insurance companies, investment
9 companies, installment sellers, mortgage servicers, sales finance
10 companies, and leasing companies.

11 Sec. 5. Original sections 9-101 and 9-510, Uniform
12 Commercial Code, Reissue Revised Statutes of Nebraska, and section
13 1-101, Uniform Commercial Code, Revised Statutes Cumulative
14 Supplement, 2012, are repealed.

LEGISLATIVE BILL 40. Placed on Select File.

LEGISLATIVE BILL 137. Placed on Select File with amendment.
ER6

- 1 1. On page 3, line 22, strike "purpose" and insert
- 2 "purposes".

LEGISLATIVE BILL 207A. Placed on Select File.

LEGISLATIVE BILL 78. Placed on Select File with amendment.
ER12

- 1 1. In the Standing Committee amendments, AM104, on page
- 2 16, line 10, after "Nebraska" insert a comma.
- 3 2. On page 1, strike beginning with "2-945.01" in
- 4 line 1 through line 17 and insert "54-1158, 54-1161, 54-1162,
- 5 54-1163, 54-1165, 54-1168, 54-1169, 54-1170, 54-1172, 81-1201.01,
- 6 81-1201.02, 81-1201.03, 81-1361, 81-1368, 81-3607, and 81-3609,
- 7 Reissue Revised Statutes of Nebraska, and sections 81-1201.18,
- 8 81-12,149, 81-12,150, 81-12,155, and 81-12,164, Revised Statutes
- 9 Cumulative Supplement, 2012; to eliminate Nebraska State Airline
- 10 Authority, the Livestock Auction Market Board, the Athletic
- 11 Advisory Committee, the Affirmative Action Committee, the Rural
- 12 Development Commission, and the Economic Development Commission;
- 13 to change and provide powers and duties; to harmonize provisions;
- 14 to repeal the original sections; and to outright repeal sections
- 15 3-801, 3-802, 3-803, 3-804, 3-805, 54-1160, 81-1201.05, 81-1201.06,
- 16 81-1363, 81-1364, 81-1365, 81-1366, 81-3601, 81-3603, and 81-3604,
- 17 Reissue Revised Statutes of Nebraska, and sections 81-8,139.01,
- 18 81-1201.04, 81-3602, and 81-3605, Revised Statutes Cumulative
- 19 Supplement, 2012".
- 20 3. On page 2, strike lines 1 and 2.

LEGISLATIVE BILL 24. Placed on Select File.

LEGISLATIVE BILL 28. Placed on Select File.

LEGISLATIVE BILL 29. Placed on Select File with amendment.
ER9

- 1 1. On page 1, strike beginning with "provide" in line
- 2 3 through the second semicolon in line 6 and insert "change
- 3 provisions relating to tax lists; to provide a duty for county
- 4 treasurers relating to recording tax assessments and collections;
- 5 to eliminate provisions relating to tax lists and a controlling
- 6 account;".

LEGISLATIVE BILL 36. Placed on Select File with amendment.
ER10

- 1 1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 254. Placed on Select File.

LEGISLATIVE BILL 408. Placed on Select File with amendment.
ER13

- 1 1. On page 1, line 5, after the semicolon insert "to
- 2 delete obsolete provisions;".

LEGISLATIVE BILL 135. Placed on Select File with amendment.
ER11

- 1 1. On page 1, line 1, strike "85-1506" and insert
- 2 "85-1512"; and strike beginning with "change" in line 2 through the
- 3 semicolon in line 4 and insert "prohibit employment of a member
- 4 of the board of governors by the community college area he or she
- 5 serves;".

LEGISLATIVE BILL 252. Placed on Select File.

(Signed) John Murante, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 52. Introduced by Price, 3; K. Haar, 21; Krist, 10; Smith, 14.

WHEREAS, engineers plan, design, and implement engineering works that propel the nation's economy, enhance our quality of life, and safeguard America's infrastructure; and

WHEREAS, engineers face the major technological challenges of our time - from rebuilding towns devastated by natural disasters to designing an information superhighway that will speed our country into the twenty-first century. Engineers have used their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, Nebraska will look more than ever to engineers and their knowledge and skills to bridge the gap between science, theory, and practical application to meet the challenges of the future; and

WHEREAS, National Engineers Week was founded in 1951 and is celebrated at the time of George Washington's birthday, who himself was a military engineer and surveyor.

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

1. That the Legislature recognizes the contributions and achievements of Nebraska's engineers and that the week of February 17th through the 23rd, 2013, be recognized as Engineers Week in Nebraska.

2. That a copy of this resolution be sent to the American Council of Engineering Companies of Nebraska.

Laid over.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 52. Placed on General File with amendment.
AM157

- 1 1. On page 3, strike line 1 and insert "department,
- 2 except that the department shall only use voluntary participation
- 3 by committed persons for any labor services arranged with a
- 4 charitable, fraternal, or nonprofit corporation.".

(Signed) Brad Ashford, Chairperson

MESSAGES FROM THE GOVERNOR

February 7, 2013

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being
reappointed to the Boiler Safety Code Advisory Board:

Charles Cole, 3651 F Street, Otoe, NE 68417
Kurt Eberspacher, 4332 W. McKelvie Rd., Lincoln, NE 68524
Martin Kasl, 6700 Ridge Point Rd., Lincoln, NE 68512
Kenneth Stewart, 16039 Orchard Circle, Omaha, NE 68135

The aforementioned appointees are respectfully submitted for your
consideration. Copies of the certificates and background information are
included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

February 7, 2013

Mr. President, Speaker Adams and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Please withdraw the appointment of Rhonda Lahm to the Public Employees Retirement Board. Her recent appointment as the Director of the Nebraska Department of Motor Vehicles makes her ineligible to serve at this time.

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Darrell E. Fisher, 510 W. Chancellor Drive, Lincoln, NE 68521

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

GENERAL FILE

LEGISLATIVE BILL 180. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 311. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 211. Title read. Considered.

Committee AM67, found on page 369, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator K. Haar offered his amendment, AM124, found on page 387.

SENATOR COASH PRESIDING

Senator K. Haar withdrew his amendment.

Advanced to Enrollment and Review Initial with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 70. Title read. Considered.

Committee AM44, found on page 369, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 31. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 295. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

RESOLUTION**LEGISLATIVE RESOLUTION 53.** Introduced by B. Harr, 8.

WHEREAS, Saint Bernard Catholic School will be celebrating its one hundredth anniversary on February 9, 2013; and

WHEREAS, Saint Bernard Catholic School will become the fourth Catholic elementary school in Omaha to celebrate its centennial anniversary; and

WHEREAS, Saint Bernard Catholic School initiated programs such as Individually Guided Education, the use of educational television, and an individually paced science program in the junior high school. Saint Bernard Catholic School was also an early leader in all-day kindergarten and the popular Discipline With Purpose program; and

WHEREAS, Saint Bernard Catholic School has had a legacy of Teacher of the Year award winners, including Arlene Winkler, Ann Adkins, Marcia Regan, Helen Peyton, and Margie Galles; and

WHEREAS, Saint Bernard Catholic School currently is a Rule 10 school accredited with the State Department of Education.

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

1. That the Legislature congratulates Saint Bernard Catholic School on its one hundredth anniversary.

2. That a copy of this resolution be sent to Saint Bernard Catholic School and its principal, James Daro, Jr.

Laid over.

UNANIMOUS CONSENT - Room Change

Senator Schilz asked unanimous consent that the Agriculture Committee conduct its hearing on Tuesday, February 19, 2013, in Room 1524 instead of Room 2102. No objections. So ordered.

UNANIMOUS CONSENT - Add Cointroducers

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB78, LB180, LB225, and LB80. No objections. So ordered.

Senator Johnson asked unanimous consent to add his name as cointroducer to LR29CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were Tiffany Mytty-Klein from Papillion; members of CADRE Project from UNO and Metro-Omaha districts: Bennington PS, Elkhorn PS, Council Bluffs Community Schools, Millard PS, Papillion La Vista PS, and Springfield Platteview PS; and 25 members of Nebraska State Bar Association Leadership Academy from across the state.

The Doctor of the Day was Dr. Denae Torpey from Bellevue.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Conrad, the Legislature adjourned until 10:00 a.m., Monday, February 11, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 11, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 11, 2013

PRAYER

The prayer was offered by Pastor Brad Hoefs, Community of Grace Church, Elkhorn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Adams presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

SELECT FILE

LEGISLATIVE BILL 7. Placed on Select File.

LEGISLATIVE BILL 156. Placed on Select File.

LEGISLATIVE BILL 225. Placed on Select File.

LEGISLATIVE BILL 180. Placed on Select File.

LEGISLATIVE BILL 311. Placed on Select File with amendment.
ER16

- 1 1. On page 2, line 11, after the semicolon insert "and".

LEGISLATIVE BILL 211. Placed on Select File with amendment.
ER14

- 1 1. In the Standing Committee amendments, AM67, on page 6,
- 2 lines 3 and 6, before "(e)" insert "(1)".
- 3 2. On page 1, strike beginning with "85-1502" in
- 4 line 1 through line 6 and insert "85-1412, 85-1418, 85-1502,
- 5 85-1539, 85-1540, 85-2233, and 85-2234, Revised Statutes Cumulative
- 6 Supplement, 2012; to change and provide duties for the Coordinating
- 7 Commission for Postsecondary Education; to change and eliminate
- 8 provisions relating to statewide coordination of community college

9 boards; to provide a duty relating to membership on a committee
 10 as prescribed; to change provisions relating to distribution of
 11 state aid and grants; to provide an operative date; to repeal the
 12 original sections; and to declare an emergency.".

LEGISLATIVE BILL 70. Placed on Select File with amendment.
 ER15

- 1 1. On page 1, line 5, strike "and" and after "sections"
- 2 insert "; and to declare an emergency".

LEGISLATIVE BILL 31. Placed on Select File.

LEGISLATIVE BILL 295. Placed on Select File.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

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

Kim Dinsdale - Nebraska Educational Telecommunications Commission

James Vokal Jr. - Board of Educational Lands and Funds

Deborah Frison - Coordinating Commission for Postsecondary Education

Frank Harwood - Technical Advisory Committee for Statewide Assessment

LB301

LB401

LB409

LB201

LB323

Monday, February 25, 2013 1:30 p.m.

LB512

LB593

LB438

LB253

LB410

(Signed) Kate Sullivan, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Bloomfield has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to human trafficking; to amend section 28-830, Reissue Revised Statutes of Nebraska; to repeal reporting requirements that are no longer needed; to harmonize provisions; to repeal the original section; and to outright repeal section 28-832, 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 2.

A BILL FOR AN ACT relating to appropriations; to repeal provisions that are obsolete; and to outright repeal sections 90-526, 90-531, 90-532, 90-533, and 90-534, Reissue Revised Statutes of Nebraska, and sections 90-501, 90-502, 90-503, 90-504, 90-506, 90-507, 90-508, 90-509, 90-510, 90-511, 90-512, 90-513, 90-514, 90-515, 90-516, 90-518, 90-519, and 90-520, 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 16.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 90-278, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to transfer of certain property 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 30. With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-155 and 60-156, Reissue Revised Statutes of Nebraska; to change the distribution of fees; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB35 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 35. With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 75-363, 75-364, 75-366, and 75-393, Revised Statutes Cumulative Supplement, 2012; to adopt and update references to certain federal provisions relating to handicapped or disabled parking permits, persons handling source documents, the International Registration Plan, operators' licenses, hazardous materials, motor carrier regulations and their enforcement, and the unified carrier registration plan; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB49 to Select File

Senator Chambers moved to return LB49 to Select File for the following specific amendment:

FA5

Strike the enacting clause.

The Chambers motion to return prevailed with 43 ayes, 0 nays, and 6 present and not voting.

SELECT FILE

LEGISLATIVE BILL 49. The Chambers specific amendment, FA5, found in this day's Journal, was adopted with 39 ayes, 0 nays, and 10 present and not voting.

LB49 stands indefinitely postponed.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 72.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to

amend section 81-885.21, Revised Statutes Cumulative Supplement, 2012; to change the sunset date and procedures for allowing interest-bearing trust accounts; to restrict the use of interest on such accounts; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 87.

A BILL FOR AN ACT relating to the Cities Airport Authorities Act; to amend section 3-502, Reissue Revised Statutes of Nebraska; to change provisions for filling vacancies on the board; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB91 with 43 ayes, 1 nay, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 91.

A BILL FOR AN ACT relating to geologists; to amend sections 81-3520, 81-3527, 81-3528, 81-3529, 81-3530, 81-3531, 81-3537, 81-3539, and 81-3540, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the Board of Geologists, requirements for seals, distribution of civil penalties, eligibility for geology examinations, and licensure; to change and eliminate provisions relating to signatures and seals; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB100 with 42 ayes, 2 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 100. With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157.01, Reissue Revised Statutes of Nebraska; to eliminate a notice requirement with respect to automatic teller machines; 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	Cook	Howard	McCoy	Schumacher
Avery	Crawford	Janssen	McGill	Seiler
Bolz	Davis	Johnson	Mello	Smith
Brasch	Dubas	Karpisek	Murante	Sullivan
Campbell	Gloor	Kintner	Nelson	Wallman
Carlson	Haar, K.	Kolowski	Nordquist	Watermeier
Chambers	Hadley	Krist	Pirsch	Wightman
Christensen	Hansen	Larson	Price	
Coash	Harms	Lathrop	Scheer	
Conrad	Harr, B.	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 2:

Ashford Bloomfield

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 102.

A BILL FOR AN ACT relating to water law; to amend sections 46-297 and 46-637, Reissue Revised Statutes of Nebraska; to remove the social security number requirement from certain water applications; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB111 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 111. With Emergency Clause.

A BILL FOR AN ACT relating to budgets; to amend sections 13-503, 13-504, 13-505, 13-506, 13-508, and 13-509.01, Reissue Revised Statutes of Nebraska; to authorize a city of the first class, a city of the second class, or a village to adopt a biennial budget as prescribed; to redefine terms; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 112.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-317, 16-318, 17-605, 17-606, and 19-1101, Reissue Revised Statutes of Nebraska; to change powers and duties of the clerk and treasurer as prescribed; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 113.

A BILL FOR AN ACT relating to cities of the second class; to amend sections 17-110 and 17-614, Reissue Revised Statutes of Nebraska; to provide and change powers of the mayor; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB125 with 40 ayes, 3 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 125. With Emergency Clause.

A BILL FOR AN ACT relating to school boards; to amend sections 32-545, 32-552, 79-4,129, 79-552, and 79-559, Reissue Revised Statutes of Nebraska, and sections 32-570 and 32-606, Revised Statutes Cumulative Supplement, 2012; to change the number and procedures for nominating, electing, and filling vacancies of members of school boards for Class V school districts; to eliminate requirements relating to taking the oath of office and provisions for student members for such boards; 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, 44:

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

Voting in the negative, 4:

Cook	Davis	Karpisek	Wallman
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Present and not voting, 1:

Bolz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 146. With Emergency Clause.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend section 4A-108, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to funds transfers; 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

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 155.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2387 and 77-2398, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change provisions relating to deposits in excess of insured or guaranteed amounts; 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

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 1, 2, 16, 30, 35, 72, 87, 91, 100, 102, 111, 112, 113, 125, 146, and 155.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR46 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR46.

GENERAL FILE

LEGISLATIVE BILL 88. Title read. Considered.

Committee AM137, found on page 370, was offered.

Pending.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 434. Placed on General File.

LEGISLATIVE BILL 510. Placed on General File.

LEGISLATIVE BILL 363. Placed on General File with amendment.
AM166

- 1 1. On page 4, line 10, after the last comma insert
- 2 "physically redacting."; in line 13 strike "come" and insert
- 3 "some"; and strike beginning with the period in line 14 through
- 4 line 21 and insert ", except that the fee for records shall not
- 5 include any charge for the services of an attorney to review the
- 6 requested public records seeking a legal basis to withhold the
- 7 public records from the public.".

(Signed) Bill Avery, Chairperson

COMMITTEE REPORT

Government, Military and Veterans Affairs

The Government, Military and Veterans 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.

Tony Moody - Nebraska Tourism Commission

Aye: 5 Avery, Bloomfield, Karpisek, Murante, Wallman. Nay: 0. Absent: 3
Lautenbaugh, Price, Scheer. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

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

LB329
LB314
LB255
LB256

Thursday, February 21, 2013 1:30 p.m.

LB631
LB415
LB520
LB533

Friday, February 22, 2013 1:30 p.m.

LB483
LB538
LB541
LB542

(Signed) Brad Ashford, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Crawford asked unanimous consent to add her name as cointroducer to LB180. No objections. So ordered.

Senators Conrad and Dubas asked unanimous consent to add their names as cointroducers to LB613. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Tuesday, February 12, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 12, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 12, 2013

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

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

The roll was called and all members were present except Senator Christensen who was excused; and Senators Adams, Ashford, Lautenbaugh, Murante, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 11, 2013, at 12:10 p.m. were the following: LBs 1, 2, 16, 30e, 35e, 72, 87, 91, 100e, 102, 111e, 112, 113, 125e, 146e, and 155.

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

MESSAGE FROM THE GOVERNOR

February 11, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 125e was received, signed, and delivered to the Secretary of State earlier today.

Sincerely,
 (Signed) Dave Heineman
 Governor

AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LB21:
 AM191

1 1. Strike original section 1 and insert the following
 2 sections:
 3 Section 1. Section 48-125, Revised Statutes Cumulative
 4 Supplement, 2012, is amended to read:
 5 48-125 (1)(a) Except as hereinafter provided, all amounts
 6 of compensation payable under the Nebraska Workers' Compensation
 7 Act shall be payable periodically in accordance with the methods
 8 of payment of wages of the employee at the time of the injury or
 9 death. Such payments shall be sent directly to the person entitled
 10 to compensation or his or her designated representative except as
 11 otherwise provided in section 48-149.

12 (b) Fifty percent shall be added for waiting time for all
 13 delinquent payments after thirty days' notice has been given of
 14 disability or after thirty days from the entry of a final order,
 15 award, or judgment of the Nebraska Workers' Compensation Court,
 16 except that for any award or judgment against the state in excess
 17 of one hundred thousand dollars which must be reviewed by the
 18 Legislature as provided in section 48-1,102, fifty percent shall be
 19 added for waiting time for delinquent payments thirty days after
 20 the effective date of the legislative bill appropriating any funds
 21 necessary to pay the portion of the award or judgment in excess of
 22 one hundred thousand dollars.

23 (2)(a) Whenever the employer refuses payment of
 1 compensation or medical payments subject to section 48-120, or when
 2 the employer neglects to pay compensation for thirty days after
 3 injury or neglects to pay medical payments subject to such section
 4 after thirty days' notice has been given of the obligation for
 5 medical payments, and proceedings are held before the compensation
 6 court, a reasonable attorney's fee shall be allowed the employee
 7 by the compensation court in all cases when the employee receives
 8 an award. Attorney's fees allowed shall not be deducted from
 9 the amounts ordered to be paid for medical services nor shall
 10 attorney's fees be charged to the medical providers.

11 (b) If the employer files an appeal from an award of a
 12 judge of the compensation court and fails to obtain any reduction
 13 in the amount of such award, the Court of Appeals or Supreme Court
 14 shall allow the employee a reasonable attorney's fee to be taxed as
 15 costs against the employer for such appeal.

16 (c) If the employee files an appeal from an order of
17 a judge of the compensation court denying an award and obtains
18 an award or if the employee files an appeal from an award of a
19 judge of the compensation court when the amount of compensation due
20 is disputed and obtains an increase in the amount of such award,
21 the Court of Appeals or Supreme Court may allow the employee a
22 reasonable attorney's fee to be taxed as costs against the employer
23 for such appeal.

24 (d) A reasonable attorney's fee allowed pursuant to this
25 subsection shall not affect or diminish the amount of the award.

26 (3) When an attorney's fee is allowed pursuant to this
27 section, there shall further be assessed against the employer an
1 amount of interest on the final award obtained, computed from the
2 date compensation was payable, as provided in section 48-119, until
3 the date payment is made by the employer, at a rate equal to the
4 rate of interest ~~allowed per annum under section 45-104.01, as~~
5 provided in section 45-103, as such rate may from time to time be
6 adjusted by the Legislature. Interest shall apply only to those
7 weekly compensation benefits awarded which have accrued as of the
8 date payment is made by the employer. If the employer pays or
9 tenders payment of compensation, the amount of compensation due is
10 disputed, and the award obtained is greater than the amount paid
11 or tendered by the employer, the assessment of interest shall be
12 determined solely upon the difference between the amount awarded
13 and the amount tendered or paid.

14 Sec. 2. Section 4 of this act becomes operative on June
15 30, 2014. The other sections of this act become operative on their
16 effective date.

17 Sec. 3. Original section 48-125, Revised Statutes
18 Cumulative Supplement, 2012, is repealed.

19 2. Renumber the remaining section accordingly.

Senator Lautenbaugh filed the following amendment to LB21:
AM192

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

3 Section 1. Section 48-144.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 48-144.01 (1) In every case of reportable injury arising
6 out of and in the course of employment, the employer or workers'
7 compensation insurer shall file a report thereof with the Nebraska
8 Workers' Compensation Court. Such report shall be filed within ten
9 days after the employer or insurer has been given notice of or has
10 knowledge of the injury.

11 (2) For purposes of this section:

12 (a) Reportable injury means an injury or diagnosed
13 occupational disease which results in: (i) Death, regardless of
14 the time between the death and the injury or onset of disease;
15 (ii) time away from work; (iii) restricted work or termination of

16 employment; (iv) loss of consciousness; or (v) medical treatment
17 other than first aid;

18 (b) Restricted work means the inability of the employee
19 to perform one or more of the duties of his or her normal
20 job assignment. Restricted work does not occur if the employee
21 is able to perform all of the duties of his or her normal
22 job assignment, but a work restriction is assigned because the
23 employee is experiencing minor musculoskeletal discomfort and for
1 the purpose of preventing a more serious condition from developing;

2 (c) Medical treatment means treatment administered by a
3 physician or other licensed health care professional; and

4 (d) First aid means:

5 (i) Using a nonprescription medication at nonprescription
6 strength. For medications available in both prescription and
7 nonprescription form, a recommendation by a physician or other
8 licensed health care professional to use a nonprescription
9 medication at prescription strength is not first aid;

10 (ii) Administering tetanus immunizations. Administering
11 other immunizations, such as hepatitis B vaccine and rabies
12 vaccine, is not first aid;

13 (iii) Cleaning, flushing, or soaking wounds on the
14 surface of the skin;

15 (iv) Using wound coverings, such as bandages and gauze
16 pads, and superficial wound closing devices, such as butterfly
17 bandages and steri-strips. Using other wound closing devices, such
18 as sutures and staples, is not first aid;

19 (v) Using hot or cold therapy;

20 (vi) Using any nonrigid means of support, such as elastic
21 bandages, wraps, and nonrigid back belts. Using devices with rigid
22 stays or other systems designed to immobilize parts of the body is
23 not first aid;

24 (vii) Using temporary immobilization devices, such as
25 splints, slings, neck collars, and back boards, while transporting
26 accident victims;

27 (viii) Drilling of a fingernail or toenail to relieve
1 pressure or draining fluid from a blister;

2 (ix) Using eye patches;

3 (x) Removing foreign bodies from the eye using only
4 irrigation or a cotton swab;

5 (xi) Removing splinters or foreign material from areas
6 other than the eye by irrigation, tweezers, cotton swabs, or other
7 simple means;

8 (xii) Using finger guards;

9 (xiii) Using massages. Using physical therapy or
10 chiropractic treatment is not first aid; and

11 (xiv) Drinking fluids for relief of heat stress.

12 (3) An employee has the right, prior to an injury, to
13 elect that the report filed with the Nebraska Workers' Compensation
14 Court under this section be kept confidential and not open to

15 public inspection or copying, except as otherwise provided in this
16 section and as necessary for the compensation court to administer
17 and enforce other provisions of the Nebraska Workers' Compensation
18 Act. An election, once made, shall remain in effect notwithstanding
19 any change in employment by such employee, until and unless the
20 election is revoked by the employee. An election or revocation
21 shall be made in a form and manner established by the compensation
22 court. The compensation court shall deny any request to inspect
23 or copy the report for which an election has been made under
24 this section unless: (a) The requester is the employee who is
25 the subject of the report or an attorney or authorized agent of
26 that employee. An attorney or authorized agent of the employee
27 shall provide a written authorization for inspection or copying
1 from the employee if requested by the compensation court; (b)
2 the requester is the employer, workers' compensation insurer, risk
3 management pool, or third-party administrator that is a party to
4 the report or an attorney or authorized agent of such party. An
5 attorney or authorized agent of a party shall provide a written
6 authorization for inspection or copying from the party if requested
7 by the compensation court; (c) the requester is (i) an attorney or
8 an authorized agent of an insurer or a third-party administrator
9 who is involved in administering any claim for insurance benefits
10 related to any injury of the employee whose report is filed
11 with the compensation court or (ii) an attorney representing a
12 party to a lawsuit filed by or on behalf of the employee whose
13 report is filed with the compensation court. An attorney or
14 authorized agent of such insurer or third-party administrator or
15 an attorney representing a party to such a lawsuit shall provide a
16 written authorization for inspection or copying from the insurer,
17 third-party administrator, or party, as applicable, if requested by
18 the compensation court; (d) the report will be used for the purpose
19 of state or federal investigation or examinations or for the state
20 or federal government to compile statistical information; (e) the
21 report requested is sought for the purpose of identifying the
22 number and nature of any injuries to any employees of an employer
23 identified in the request and the compensation court is able to and
24 does redact any information revealing the identity of the employee
25 prior to releasing the report; (f) the report requested is a
26 pleading filed with the compensation court or an exhibit submitted
27 with a pleading filed with the compensation court; (g) release of
1 the report is ordered by a court of competent jurisdiction; or
2 (h) a revocation of such election has been made by the employee
3 in a form and a manner established by the compensation court. Any
4 request to inspect or copy a report pursuant to this section shall
5 be submitted to the compensation court on a form prescribed by the
6 compensation court.

7 Sec. 2. Section 4 of this act becomes operative on June
8 30, 2014. The other sections of this act become operative on their
9 effective date.

- 10 Sec. 3. Original section 48-144.01, Reissue Revised
 11 Statutes of Nebraska, is repealed.
 12 2. Renumber the remaining section accordingly.

Senator Lautenbaugh filed the following amendment to LB21:
 AM193

- 1 1. Strike original section 1 and insert the following
 2 sections:
 3 Section. 1. No compensation shall be allowed if, at the
 4 time of or in the course of entering into employment or at the time
 5 of receiving notice of the removal of conditions from a conditional
 6 offer of employment: (1) The employee knowingly and willfully
 7 made a false representation as to his or her physical or medical
 8 condition; (2) the employer relied upon the false representation
 9 and the reliance was a substantial factor in the hiring; and (3) a
 10 causal connection existed between the false representation and the
 11 injury.
 12 Sec. 2. Section 48-1,110, Revised Statutes Cumulative
 13 Supplement, 2012, is amended to read:
 14 48-1,110 Sections 48-101 to 48-1,117 and section 1 of
 15 this act shall be known and may be cited as the Nebraska Workers'
 16 Compensation Act.
 17 Sec. 3. Section 5 of this act becomes operative on June
 18 30, 2014. The other sections of this act become operative on their
 19 effective date.
 20 Sec. 4. Original section 48-1,110, Revised Statutes
 21 Cumulative Supplement, 2012, is repealed.
 22 2. Renumber the remaining section accordingly.

COMMUNICATION ON LB125

February 12, 2013

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

Dear Mr. Secretary:

Inasmuch as the Governor signed LB125e into law on February 11, 2013, with the effective date of February 12, 2013, I am forwarding you a copy of the map which changes provisions relating to boards of education of Class V school districts. Affixed to the map is a declaration indicating certification that the map is true and accurate as enacted by LB125 which was passed by the 2013 Nebraska Legislature.

Please do not hesitate to contact my office if you should have any questions or need additional information.

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

cc: Dave Phipps
Douglas County Election Commissioner

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

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

Randall Peters - Department of Roads
John (Jack) Hynes - Board of Public Roads Classifications and Standards
Mick Syslo - Board of Public Roads Classifications and Standards
LB158
LB386
LB387
LB623

(Signed) Annette Dubas, Chairperson

MOTION - Approve Appointment

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 422:

Nebraska Tourism Commission
Tony Moody

Voting in the affirmative, 33:

Avery	Dubas	Johnson	McCoy	Schumacher
Bloomfield	Gloor	Karpisek	Mello	Seiler
Campbell	Haar, K.	Kintner	Nelson	Smith
Carlson	Hansen	Kolowski	Nordquist	Wallman
Cook	Harms	Krist	Pirsch	Wightman
Crawford	Harr, B.	Larson	Price	
Davis	Howard	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 10:

Bolz	Chambers	Conrad	Janssen	Schilz
Brasch	Coash	Hadley	McGill	Watermeier

Excused and not voting, 6:

Adams	Christensen	Murante
Ashford	Lautenbaugh	Sullivan

The appointment was confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 31. Read. Considered.

SENATOR GLOOR PRESIDING

LR31 was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 94. Placed on General File.

LEGISLATIVE BILL 340. Placed on General File.

LEGISLATIVE BILL 499. Placed on General File.

LEGISLATIVE BILL 322. Indefinitely postponed.

(Signed) Tom Carlson, Chairperson

Education

LEGISLATIVE BILL 262. Placed on General File with amendment.

AM138

- 1 1. On page 3, line 17, strike "January 1, 2009", show as
- 2 stricken, and insert "February 1, 2013".

(Signed) Kate Sullivan, Chairperson

NOTICE OF COMMITTEE HEARING
Appropriations

Room 1524

Monday, February 25, 2013 1:30 p.m.

LB194
LB195
LB196
LB197
LB198
LB199
LB200
LB130
LB286
LB629

(Signed) Heath Mello, Chairperson

AMENDMENT - Print in Journal

Senator Dubas filed the following amendment to LB250:
AM194

- 1 1. On page 11, line 7; and page 12, line 18, strike "the"
- 2 and insert "an".
- 3 2. On page 11, line 8; and page 12, line 19, after the
- 4 period insert "The director shall designate an implementation date
- 5 which is on or before January 1, 2015.".

GENERAL FILE

LEGISLATIVE BILL 88. Committee AM137, found on page 370 and considered on page 421, was renewed.

Senator McGill offered the following amendment to the committee amendment:

AM216

(Amendments to Standing Committee amendments, AM137)

- 1 1. On page 1, strike beginning with "and" in line 9
- 2 through "limits" in line 10, show as stricken, and insert "except
- 3 as to construction on farms for farm purposes".
- 4 2. On page 2, lines 4 through 8, strike the new matter;
- 5 and strike beginning with "A" in line 8 through line 10 and show as
- 6 stricken.

The McGill amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SENATOR CARLSON PRESIDING

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 38. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 283. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 616. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 628. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 337. Title read. Considered.

Committee AM107, found on page 378, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 426. Title read. Considered.

Committee AM26, found on page 379, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 117. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 165. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 484. Title read. Considered.

SENATOR COASH PRESIDING

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 398. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 259. Placed on General File.

LEGISLATIVE BILL 273. Placed on General File.

(Signed) Russ Karpisek, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Cole, Charles - Boiler Safety Code Advisory Board - Business and Labor
Eberspacher, Kurt - Boiler Safety Code Advisory Board - Business and Labor

Fisher, Darrell E. - Public Employees Retirement Board - Nebraska Retirement Systems

Kasl, Martin - Boiler Safety Code Advisory Board - Business and Labor

Stewart, Kenneth - Boiler Safety Code Advisory Board - Business and Labor

(Signed) John Wightman, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducer

Senator Ashford asked unanimous consent to add his name as cointroducer to LB613. No objections. So ordered.

VISITORS

Visitors to the Chamber were Don Young and Ralph Allen from Lincoln.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:03 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Wednesday, February 13, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 13, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 13, 2013

PRAYER

The prayer was offered by Reverend Jon J. Sollberger, Immanuel Lutheran Church, Louisville.

ROLL CALL

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

The roll was called and all members were present except Senator Wallman who was excused; and Senators Ashford, Coash, Conrad, Lathrop, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

NOTICE OF COMMITTEE HEARING
Health and Human Services

Room 1510

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

Goodman, Mark (cancel)

Friday, February 22, 2013 1:30 p.m.

Goodman, Mark

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORTS
Executive Board**LEGISLATIVE BILL 620.** Placed on General File.

(Signed) John Wightman, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 133. Placed on General File.**LEGISLATIVE BILL 316.** Placed on General File.

(Signed) Mike Gloor, Chairperson

GENERAL FILE**LEGISLATIVE BILL 27.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 52. Title read. Considered.

Committee AM157, found on page 403, was offered.

Senator Christensen offered the following amendment to the committee amendment:

FA6

Amend AM157

Strike Committee amendment and insert: "On page 3, line 1 except that the department shall only use voluntary participation by committed persons for any labor services arranged with a charitable, fraternal, or nonprofit corporation.".

Pending.

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1003

Tuesday, February 26, 2013 1:30 p.m.

Agency 59 - Board of Geologists
Agency 45 - Barber Examiners, Board of
Agency 30 - Electrical Board, State
Agency 74 - Power Review Board, Nebraska
Agency 41 - State Real Estate Commission
Agency 53 - Real Property Appraiser Board

Agency 63 - Public Accountancy, Nebraska Board of
Agency 62 - Land Surveyors, State Board of Examiners for
Agency 36 - Racing Commission, Nebraska State
Agency 58 - Board of Engineers and Architects
Agency 66 - Abstracters Board of Examiners
Agency 73 - Landscape Architects, State Board of

(Signed) Heath Mello, Chairperson

Government, Military and Veterans Affairs

Room 1507

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

LB278
LB504
LB303
LB637

(Signed) Bill Avery, Chairperson

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 6. Placed on General File.

LEGISLATIVE BILL 413. Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

EXECUTIVE BOARD REPORT

The Executive Board met and appointed the following senators to the LR20 Developmental Disabilities Special Investigative Committee:

Senator Bolz
Senator Coash
Senator Harms (Vice Chairperson)
Senator Karpisek
Senator Krist
Senator Lathrop (Chairperson)
Senator Wallman

(Signed) John Wightman, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB102. No objections. So ordered.

VISITOR

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

ADJOURNMENT

At 9:59 a.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Thursday, February 14, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 14, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 14, 2013

PRAYER

The prayer was offered by Senator Krist.

ROLL CALL

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

The roll was called and all members were present except Senators Hansen, Murante, and Wallman who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 479. Placed on General File.

LEGISLATIVE BILL 170. Placed on General File with amendment.
AM213

- 1 1. On page 9, line 2, after the last comma insert
- 2 "housing,"; and in line 24 after the second comma insert "assisted
- 3 living facility,".
- 4 2. On page 10, line 4, after "nursing" insert "or
- 5 skilled nursing"; in line 7 after the first comma insert "senior,
- 6 retirement, or home care services facility,"; in line 15 after
- 7 "projects" insert ", and including the financing of eligible
- 8 swap termination payments,"; in line 19 after the last comma
- 9 insert "housing,"; and in line 21 after the second comma insert
- 10 "residents,".
- 11 3. On page 20, line 8, after the second comma insert
- 12 "residents,".
- 13 4. On page 22, line 21, after "authority" insert "has
- 14 received a written letter of intent to underwrite, place, or

15 purchase the bonds from a financial institution having the powers
16 of an investment bank, commercial bank, or trust company and".

(Signed) Mike Gloor, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Room 1507

Thursday, February 21, 2013 1:30 p.m.

LB417
LB292
LB299
LB349

Friday, February 22, 2013 1:30 p.m.

LB294
LB364
LB448

(Signed) Bill Avery, Chairperson

Nebraska Retirement Systems

Room 1525

Monday, February 25, 2013 9:00 a.m.

Darrell E. Fisher - Public Employees Retirement Board

(Signed) Jeremy Nordquist, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 25, 2013 1:30 p.m.

LB11
LB595
LB545

(Signed) Annette Dubas, Chairperson

Appropriations

Room 1003

Wednesday, February 27, 2013 1:30 p.m.

Agency 57 - Oil and Gas Conservation Commission, Nebraska
Agency 60 - Ethanol Board, Nebraska
Agency 18 - Agriculture, Department of
Agency 39 - Brand Committee, Nebraska
Agency 56 - Wheat Board, Nebraska
Agency 61 - Dairy Industry Development Board, Nebraska
Agency 86 - Dry Bean Commission
Agency 88 - Corn Development, Utilization and Marketing Board
Agency 92 - Grain Sorghum Board, Nebraska

(Signed) Heath Mello, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 13, 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

Chaffee, Meghan
Nebraska Hospital Association
Husch Blackwell, LLP
Invenergy LLC
NextEra Energy Resources, LLC
Overcash, James A.
Associated General Contractors - Nebraska Building Chapter
Post, Ann
Lincoln Independent Business Association (LIBA)
Swanson, Heather
NE Affiliate of the American College of Nurse-Midwives
Wickman-Byrd, Barbara J.
Nebraska State Home Builders Association

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>

SELECT FILE

LEGISLATIVE BILL 408. ER13, found on page 402, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 279. ER4, found on page 343, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 290. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 173. Senator Coash offered the following amendment:

AM228

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The Coash amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 39. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 21. Senator Lautenbaugh offered the following motion:

MO8

Bracket until April 15, 2013.

Pending.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 590. Placed on General File.

LEGISLATIVE RESOLUTION 41CA. Placed on General File.

(Signed) Russ Karpisek, Chairperson

NOTICE OF COMMITTEE HEARINGS
Business and Labor

Room 2102

Monday, February 25, 2013 1:30 p.m.

LB396
LB302
LB310

(Signed) Steve Lathrop, Chairperson

Agriculture

Room 2102

Tuesday, February 26, 2013 1:30 p.m.

Chris Kircher - Nebraska State Fair Board
Lowell Minert - Nebraska State Fair Board

(Signed) Ken Schilz, Chairperson

Education

Room 1525

Tuesday, February 26, 2013 1:30 p.m.

LB585
LB179
LB178
LB9

(Signed) Kate Sullivan, Chairperson

General Affairs

Room 1510

Monday, February 25, 2013 1:30 p.m.

Helen Abbott Feller - State Racing Commission
John Hiller - State Electrical Board
Kathryn LeBaron - Nebraska Arts Council
Patrick Drickey - Nebraska Arts Council
Sherry McClymont - Nebraska Arts Council
Stephanie Metz O'Keefe - Nebraska Arts Council

AM249 to LB230
 LB244
 LR34CA

(Signed) Russ Karpisek, Chairperson

Appropriations

Room 1003

Thursday, February 28, 2013 1:30 p.m.

Agency 28 - Veterans' Affairs, Department of
 Agency 37 - Workers' Compensation Court
 Agency 75 - Investment Council, Nebraska
 Agency 77 - Industrial Relations, Commission of
 Agency 85 - Public Employees Retirement Board, Nebraska

(Signed) Heath Mello, Chairperson

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB225:
 AM259

(Amendments to Standing Committee amendments, AM90)

- 1 1. On page 2, strike lines 15 through 17 and insert the
- 2 following new subsection:
- 3 "(2) For deliveries in a birthing facility, the birthing
- 4 facility shall develop and implement policies to cause the
- 5 screening of the newborn and the reporting of the results to
- 6 the newborn's health care provider in accordance with standards
- 7 adopted pursuant to subsection (1) of this section."

Senator K. Haar filed the following amendment to LB211:
 AM237

- 1 1. On page 3, line 6, reinstate the stricken matter and
- 2 after the reinstated "by" insert "any association of community
- 3 colleges funded primarily through dues paid by the community
- 4 colleges"; in lines 7 through 9 reinstate "shall" through "(4)";
- 5 and in line 9 strike the new matter.

RESOLUTIONS

LEGISLATIVE RESOLUTION 54. Introduced by Bloomfield, 17; Adams, 24; Ashford, 20; Avery, 28; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Chambers, 11; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Murante, 49; Nelson, 6; Nordquist, 7; Pirsch, 4; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, South Sioux City's unified floor hockey team, representing the United States of America, won the gold medal at the 2013 Special Olympics World Winter Games in South Korea; and

WHEREAS, South Sioux City's unified floor hockey team defeated the team from Sweden to win the gold medal; and

WHEREAS, all of the team members displayed remarkable teamwork, sportsmanship, and determination in winning the gold medal.

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

1. That the Legislature congratulates South Sioux City's unified floor hockey team on winning the gold medal at the 2013 Special Olympics World Winter Games.

2. That a copy of this resolution be sent to South Sioux City's unified floor hockey team.

Laid over.

LEGISLATIVE RESOLUTION 55. Introduced by Krist, 10; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Lathrop, 12; McCoy, 39; McGill, 26; Mello, 5; Murante, 49; Nelson, 6; Nordquist, 7; Pirsch, 4; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, Tom Osborne was born February 23, 1937, in Hastings, Nebraska. He was a star athlete at Hastings High School, excelling in football, basketball, and track and field. For all of his success, he was named the Nebraska High School Athlete of the Year in 1955; and

WHEREAS, Tom Osborne then attended Hastings College where he played both football and basketball. He was named the Nebraska College Athlete of the Year in 1959; and

WHEREAS, Tom Osborne graduated from Hastings College in 1959 with a bachelor of arts in history. He later attended the University of Nebraska and earned a master of arts in educational psychology in 1963 and a doctor of philosophy in educational psychology in 1965; and

WHEREAS, Tom Osborne joined the football coaching staff at the University of Nebraska in 1964 and served as an offensive assistant coach and as the offensive coordinator before taking over as head coach in 1973. He served as head coach for twenty-five years, winning the national championship three times. For his incredible success, Tom Osborne was inducted into the College Football Hall of Fame in 1999; and

WHEREAS, Tom Osborne continued to serve the State of Nebraska after leaving the coaching profession. He was elected to the United States House of Representatives in 2000 and served for six years, representing Nebraska's third district; and

WHEREAS, Tom Osborne was named the athletic director of the University of Nebraska in 2007. During his tenure as athletic director, he provided inspired and steady leadership, including securing the University of Nebraska's membership in the Big Ten Conference. He retired from his position as athletic director effective January 1, 2013; and

WHEREAS, Tom Osborne, in addition to his professional success and public service, has also given back to his community through his TeamMates Mentoring Program, which he and his wife, Nancy, founded in 1991. The goal of the TeamMates Mentoring Program is to see youth graduate from high school and pursue a postsecondary education. The program currently provides a mentor for over five thousand youth across Nebraska and Iowa.

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

1. That the Legislature congratulates Tom Osborne on his many accomplishments over his outstanding career.

2. That the Legislature thanks Tom Osborne for his lifelong contributions to the State of Nebraska.

3. That a copy of this resolution be sent to Tom Osborne.

Laid over.

COMMITTEE REPORTS

Education

The Education 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 Chaney - Board of Trustees of the Nebraska State Colleges

Robert Engles - Board of Trustees of the Nebraska State Colleges

Aye: 8 Avery, Cook, Davis, K. Haar, Kolowski, Scheer, Seiler, Sullivan.

Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

Curt Frye - Nebraska Educational Telecommunications Commission
Clay Smith - Nebraska Educational Telecommunications Commission

Aye: 8 Avery, Cook, Davis, K. Haar, Kolowski, Scheer, Seiler, Sullivan.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kate Sullivan, Chairperson

RESIGNATION

February 2, 2013

Dear Governor Heineman,

I hereby resign the Office of Lieutenant Governor of the State of Nebraska effective immediately. It has been a privilege to serve you and the great people of our State as Lieutenant Governor.

Sincerely,
(Signed) Rick Sheehy

MESSAGE FROM THE GOVERNOR

February 2, 2013

Dear Lt. Governor Sheehy,

I hereby accept your letter of resignation effective immediately.

Sincerely,
(Signed) Dave Heineman
Governor

RESIGNATION

February 13, 2013

Lavon Heidemann
62058 -719th Road
Elk Creek, NE 68348

Dear Governor Heineman,

I hereby resign my position as a member of the University of Nebraska

Board of Regents, effective immediately.

Sincerely,
(Signed) Lavon L. Heidemann

MESSAGE FROM THE GOVERNOR

February 13, 2013

Dear Mr. Heidemann,

I hereby accept your resignation as a member of the University of Nebraska Board of Regents, effective immediately.

Sincerely,
(Signed) Dave Heineman
Governor

MESSAGE FROM THE GOVERNOR

February 13, 2013

Dear Mr. Heidemann,

I am pleased to appoint you to the position of Lieutenant Governor of the Great State of Nebraska, effective immediately.

Sincerely,
(Signed) Dave Heineman
Governor

SELECT FILE

LEGISLATIVE BILL 21. The Lautenbaugh motion, MO8, found in this day's Journal, to bracket until April 15, 2013, was renewed.

SENATOR COASH PRESIDING

Senator Schumacher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Lautenbaugh motion to bracket failed with 7 ayes, 31 nays, 7 present and not voting, and 4 excused and not voting.

Senator Lautenbaugh offered the following motion:

MO9

Recommit to Business and Labor Committee.

SPEAKER ADAMS PRESIDING

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR31.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 47, 48, 49, 50, and 51 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 47, 48, 49, 50, and 51.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 105. Placed on General File.

LEGISLATIVE BILL 243. Placed on General File.

(Signed) Kathy Campbell, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 174. Placed on General File.

LEGISLATIVE BILL 446. Placed on General File with amendment.
AM196

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 60-171, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-171 For purposes of sections 60-171 to 60-177:
- 6 (1) Cost of repairs means the estimated or actual retail
- 7 cost of parts needed to repair a vehicle plus the cost of labor
- 8 computed by using the hourly labor rate and time allocations for
- 9 repair that are customary and reasonable. Retail cost of parts
- 10 and labor rates may be based upon collision estimating manuals
- 11 or electronic computer estimating systems customarily used in the
- 12 insurance industry;
- 13 (2) Late model vehicle means a vehicle which has (a) a
- 14 manufacturer's model year designation of, or later than, the year
- 15 in which the vehicle was wrecked, damaged, or destroyed, or any of
- 16 the six preceding years or (b)(i) in the case of vehicles other
- 17 than all-terrain vehicles, utility-type vehicles, and minibikes, a

18 retail value of more than ten thousand five hundred dollars until
 19 January 1, 2010, and a retail value of more than ten thousand
 20 five hundred dollars increased by five hundred dollars every five
 21 years thereafter or (ii) in the case of all-terrain vehicles,
 22 utility-type vehicles, or minibikes, a retail value of more than
 23 one thousand seven hundred fifty dollars until January 1, 2010,
 1 and a retail value of more than one thousand seven hundred fifty
 2 dollars increased by two hundred fifty dollars every five years
 3 thereafter;

4 (3) Manufacturer buyback means the designation of a
 5 vehicle with an alleged nonconformity when the vehicle (a) has
 6 been replaced by a manufacturer or (b) has been repurchased by a
 7 manufacturer as the result of court judgment, arbitration, or any
 8 voluntary agreement entered into between the manufacturer or its
 9 agent and a consumer;

10 (4) Previously salvaged means the designation of a
 11 rebuilt or reconstructed vehicle which was previously required
 12 to be issued a salvage branded certificate of title and which has
 13 been inspected as provided in section 60-146;

14 (5) Retail value means the actual cash value, fair market
 15 value, or retail value of a vehicle as (a) set forth in a
 16 current edition of any nationally recognized compilation, including
 17 automated data bases, of retail values or (b) determined pursuant
 18 to a market survey of comparable vehicles with respect to condition
 19 and equipment; and

20 (6) Salvage means the designation of a vehicle which is:

21 (a) A late model vehicle which has been wrecked, damaged,
 22 or destroyed to the extent that the estimated total cost of repair
 23 to rebuild or reconstruct the vehicle to its condition immediately
 24 before it was wrecked, damaged, or destroyed and to restore the
 25 vehicle to a condition for legal operation, meets or exceeds
 26 seventy-five percent of the retail value of the vehicle at the time
 27 it was wrecked, damaged, or destroyed; ~~or~~

1 (b) Voluntarily designated by the owner of the vehicle
 2 as a salvage vehicle by obtaining a salvage branded certificate of
 3 title, without respect to the damage to, age of, or value of the
 4 vehicle; ~~or~~

5 (c) Flood damaged resulting from being submerged in water
 6 to the point that rising water has reached over the floorboard,
 7 has entered the passenger compartment, and has caused damage to any
 8 electrical, computerized, or mechanical components. Flood damaged
 9 specifically does not apply to a vehicle that an inspection,
 10 conducted by an insurance claim representative or a vehicle
 11 repairer, indicates:

12 (i) Has no electrical, computerized, or mechanical
 13 components damaged by water; or

14 (ii) Had one or more electrical, computerized, or
 15 mechanical components damaged by water and all such damaged
 16 components were repaired or replaced.

17 Sec. 2. Original section 60-171, Reissue Revised Statutes
18 of Nebraska, is repealed.

(Signed) Annette Dubas, Chairperson

COMMITTEE REPORTS
Health and Human Services

The Health and Human Services 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.

Michelle Hynes - Foster Care Advisory Committee
Sandra Kruback - Foster Care Advisory Committee

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier. Nay:
0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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 Bonta - Board of Emergency Medical Services
Karen Bowlin - Board of Emergency Medical Services

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier. Nay:
0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARING
Education

Room 1525

Monday, March 4, 2013 1:30 p.m.

LB465
LB491
LB331
LB332
LB478

(Signed) Kate Sullivan, Chairperson

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB137:
AM270

- 1 1. Strike original section 2.
- 2 2. On page 4, after line 5, insert the following new
- 3 subsection:
- 4 "(7) All rebates received by the state from the fleet
- 5 card program entered into by the State of Nebraska pursuant to
- 6 section 1 of this act from purchases by any state official, agency,
- 7 board, or commission shall be credited to the General Fund.".
- 8 3. Renumber the remaining section accordingly.

Senator Karpisek filed the following amendment to LB230:
AM249 is available in the Bill Room.

VISITORS

Visitors to the Chamber were Alex Coe from Omaha; Marie de Martinez from Grand Island; Will Castner from Sidney; and 53 members of Hall County Leadership Unlimited from Grand Island.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Nelson, the Legislature adjourned until 10:00 a.m., Tuesday, February 19, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 19, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 19, 2013

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senator Conrad who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

MESSAGE FROM THE GOVERNOR

February 15, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 16, 30e, 35e, 72, 87, 91, 100e, 102, 111e, 112, 113, 146e, and 155 were received in my office on February 11, 2013.

These bills were signed and delivered to the Secretary of State on February 15, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

MESSAGE FROM THE GOVERNOR

February 11, 2013

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Environmental Trust Board:

Sherry Vinton, 80687 Haney Lane, Whitman, NE 69387

Contingent upon your approval, the following individuals are being appointed to the Nebraska Environmental Trust Board:

Henry Rick Brandt, 17851 South 12 Street, Roca, NE 68430
Gerry Lauritzen, 608 Fairacres Road, Omaha, NE 68132

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 39. Placed on Final Reading.
LEGISLATIVE BILL 173. Placed on Final Reading.
LEGISLATIVE BILL 279. Placed on Final Reading.
LEGISLATIVE BILL 290. Placed on Final Reading.
LEGISLATIVE BILL 408. Placed on Final Reading.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications

Room 1113

Tuesday, February 26, 2013 1:30 p.m.

LB258
LB500
LB154
LB649

(Signed) Annette Dubas, Chairperson

Appropriations

Room 1003

Friday, March 1, 2013 1:30 p.m.

Agency 16 - Revenue, Department of
Agency 93 - Tax Equalization and Review Commission
Agency 84 - Environmental Quality, Department of

Monday, March 4, 2013 1:30 p.m.

LB190
LB432
LB193
Agency 13 - Education, Department of
Agency 32 - Educational Lands and Funds, Board of
Agency 34 - Library Commission, Nebraska
Agency 69 - Arts Council, Nebraska

(Signed) Heath Mello, Chairperson

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 88. Placed on Select File with amendment.
ER17

- 1 1. In the McGill amendment, AM216, on page 1, line 3,
- 2 after "purposes" insert an underscored comma.
- 3 2. On page 1, line 2, strike "remove" and insert
- 4 "change".

LEGISLATIVE BILL 38. Placed on Select File.
LEGISLATIVE BILL 283. Placed on Select File.

LEGISLATIVE BILL 616. Placed on Select File with amendment.
ER21

- 1 1. On page 2, line 9, strike "act" and insert "Nebraska
- 2 Money Transmitters Act"; in line 20 strike "(a)" and insert "(1)";
- 3 in line 22 strike "(b)" and insert "(2)"; and in line 25 strike
- 4 "(c)" and insert "(3)".
- 5 2. On page 3, line 1, strike "(d)" and insert "(4)".
- 6 3. On page 8, line 9, before "1005" insert "part".
- 7 4. On page 12, line 9, strike the comma.
- 8 5. On page 15, lines 8 and 13, strike "address" and
- 9 insert "addresses"; and in line 12 strike "hereunder" and insert
- 10 "under the act".
- 11 6. On page 16, lines 17 and 20, strike "address" and
- 12 insert "addresses"; and in line 18 after "statement" insert an
- 13 underscored comma.
- 14 7. On page 17, line 11, strike "such"; and in line 18
- 15 strike "not be" and insert "are not".
- 16 8. On page 36, line 1, strike "act" and insert "Nebraska
- 17 Money Transmitters Act".

LEGISLATIVE BILL 628. Placed on Select File.

LEGISLATIVE BILL 337. Placed on Select File with amendment.
ER18 is available in the Bill Room.

LEGISLATIVE BILL 426. Placed on Select File.

LEGISLATIVE BILL 117. Placed on Select File.

LEGISLATIVE BILL 165. Placed on Select File.

LEGISLATIVE BILL 484. Placed on Select File.

LEGISLATIVE BILL 398. Placed on Select File with amendment.
ER20

- 1 1. On page 2, line 12, strike the last comma.

LEGISLATIVE BILL 27. Placed on Select File with amendment.
ER19

- 1 1. On page 3, line 24, strike "(a)" and insert "(1)(a)"
- 2 and strike "subsection (1) of".

(Signed) John Murante, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 56. Introduced by Carlson, 38.

WHEREAS, Justine Bauer, an esteemed resident of Elm Creek, Nebraska, and a student at Elm Creek High School, has achieved national recognition

for exemplary volunteer service by receiving a 2013 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend in great measure upon the dedication of young people like Ms. Bauer who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Justine Bauer as a recipient of a 2013 Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Justine Bauer.

Laid over.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 52 and 53 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 52 and 53.

SELECT FILE

LEGISLATIVE BILL 21. Senator Lautenbaugh renewed his motion, MO9, found on page 450, to recommit to Business and Labor Committee.

SENATOR GLOOR PRESIDING

Senator Lautenbaugh withdrew his motion to recommit to committee.

Senator Lautenbaugh offered his amendment, AM191, found on page 426.

Senator Lathrop requested a ruling of the Chair on whether the adoption of AM191 will require 25 votes or 30 votes.

The Chair ruled, pursuant to Rule 3, Sec. 20(c), that AM191 is substantially the same as LB324 and therefore would require 30 votes.

Senator Lautenbaugh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

SPEAKER ADAMS PRESIDING

Senator Lathrop offered the following motion:

MO10

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Senator Lathrop requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 36:

Adams	Conrad	Hansen	Lathrop	Sullivan
Ashford	Cook	Harms	McGill	Wallman
Avery	Crawford	Harr, B.	Mello	Watermeier
Bolz	Davis	Howard	Nordquist	Wightman
Brasch	Dubas	Johnson	Scheer	
Campbell	Gloor	Karpisek	Schumacher	
Christensen	Haar, K.	Kolowski	Seiler	
Coash	Hadley	Krist	Smith	

Voting in the negative, 10:

Bloomfield	Janssen	Larson	McCoy	Nelson
Chambers	Kintner	Lautenbaugh	Murante	Schilz

Present and not voting, 3:

Carlson	Pirsch	Price
---------	--------	-------

The Lathrop motion to invoke cloture prevailed with 36 ayes, 10 nays, and 3 present and not voting.

Senator Chambers requested a record vote on the Lautenbaugh motion to overrule the Chair.

Voting in the affirmative, 9:

Bloomfield	Janssen	Larson	Murante	Schilz
Carlson	Kintner	Lautenbaugh	Nelson	

Voting in the negative, 36:

Adams	Cook	Harms	McGill	Sullivan
Ashford	Crawford	Harr, B.	Mello	Wallman
Avery	Davis	Howard	Nordquist	Watermeier
Brasch	Dubas	Johnson	Pirsch	Wightman
Campbell	Gloor	Karpisek	Scheer	
Chambers	Haar, K.	Kolowski	Schumacher	
Coash	Hadley	Krist	Seiler	
Conrad	Hansen	Lathrop	Smith	

Present and not voting, 4:

Bolz	Christensen	McCoy	Price
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The Lautenbaugh motion to overrule the Chair failed with 9 ayes, 36 nays, and 4 present and not voting.

The Chair was sustained.

The Lautenbaugh amendment, AM191, lost with 13 ayes, 33 nays, and 3 present and not voting.

Advanced to Enrollment and Review for Engrossment with 47 ayes, 1 nay, and 1 present and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, February 27, 2013 1:30 p.m.

LB379
 LB374
 LB615
 LB455
 LB441

Thursday, February 28, 2013 1:30 p.m.

LB472
 LB608
 LB610
 LB298
 LB390

(Signed) Brad Ashford, Chairperson

COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 208. Placed on General File.

LEGISLATIVE BILL 377. Placed on General File.

LEGISLATIVE RESOLUTION 29CA. Placed on General File with amendment.

AM273

- 1 1. On page 2, line 1, reinstate the stricken matter and
- 2 strike the new matter; and strike beginning with "and" in line 15
- 3 through "years" in line 17.

(Signed) Amanda McGill, Chairperson

Revenue

LEGISLATIVE BILL 33. Placed on General File with amendment.

AM271

- 1 1. On page 2, line 3, strike "real and"; and in line 6
- 2 after the period insert "The Tax Commissioner shall issue a report
- 3 to the Revenue Committee of the Legislature, the Clerk of the
- 4 Legislature, and the Governor by November 1, 2015, containing the
- 5 Tax Commissioner's preliminary findings regarding implementation of
- 6 this section and recommendations for any needed changes. The report
- 7 submitted to the committee and to the Clerk of the Legislature
- 8 shall be submitted electronically."
- 9 2. On page 3, lines 9 and 25, strike "to extend the time
- 10 period"; and in line 10 strike "may be" and insert "is".
- 11 3. On page 4, line 1, strike "may be" and insert "is".

(Signed) Galen Hadley, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 211A. Introduced by Adams, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 211, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB137:

AM293

- 1 1. On page 4, line 6, strike "Distributive"; and strike
- 2 beginning with "shall" in line 12 through line 22 and insert

3 "received on behalf of state officers, agencies, boards, and
4 commissions shall be transferred by the State Treasurer from the
5 fund to the General Fund. Fleet card rebates received on behalf of
6 political subdivisions shall be disbursed to political subdivisions
7 consistent with the volume spent and contract terms."

VISITORS

Visitors to the Chamber were Open World Delegates from Moscow, Central Russia, and Siberia; 40 members of League of Women Voters of Nebraska and the Association of University Women of Nebraska from across the state; and 14 members of Leadership Lincoln County from North Platte and Lincoln County.

The Doctor of the Day was Dr. Neuharth from Bellevue.

ADJOURNMENT

At 12:08 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Wednesday, February 20, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 20, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 20, 2013

PRAYER

The prayer was offered by Pastor Roger Criser, Harrison Street Baptist Church, La Vista.

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 Conrad, Kolowski, Lautenbaugh, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

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

Derek Vaughn - Crime Victim's Reparations Committee
Jeff Davis - Crime Victim's Reparations Committee
Joe Kelly - Crime Victim's Reparations Committee
Michelle Schindler - Crime Victim's Reparations Committee
Rex Richard - Board of Parole

Friday, March 1, 2013 1:30 p.m.

LB564
LB300

(Signed) Brad Ashford, Chairperson

Appropriations

Room 1524

Tuesday, March 5, 2013 1:30 p.m.

LB122

LB376

LB394

LB519

LB582

Agency 72 - Economic Development, Department of

Agency 23 - Labor, Department of

Agency 91 - Nebraska Tourism Commission

Agency 54 - Historical Society, Nebraska State

Room 1003

Wednesday, March 6, 2013 1:30 p.m.

LB424

Agency 21 - State Fire Marshal

Agency 64 - State Patrol, Nebraska

Agency 78 - Nebraska Commission on Law Enforcement and Criminal
Justice

Agency 15 - Parole, Nebraska Board of

Agency 46 - Correctional Services, Department of

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

Agency 81 - Commission for the Blind and Visually Impaired

Agency 67 - Equal Opportunity Commission

Agency 68 - Latino-American Commission

Agency 70 - Foster Care Review Board, State

Agency 76 - Indian Commission, Nebraska

Agency 82 - Commission for the Deaf and Hard of Hearing

(Signed) Heath Mello, Chairperson

RESOLUTIONS**LEGISLATIVE RESOLUTION 57.** Introduced by Johnson, 23.

WHEREAS, Nathan Bazata of Howells-Dodge High School won the 2013 Class D State Wrestling Championship in the 285-pound division; and

WHEREAS, Nathan displayed outstanding determination and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Nathan Bazata on winning the 2013 Class D State Wrestling Championship in the 285-pound division.
2. That a copy of this resolution be sent to Nathan Bazata.

Laid over.

LEGISLATIVE RESOLUTION 58. Introduced by Johnson, 23.

WHEREAS, Austin Svoboda of Aquinas High School won the 2013 Class C State Wrestling Championship in the 195-pound division; and

WHEREAS, Austin displayed outstanding determination and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Austin Svoboda on winning the 2013 Class C State Wrestling Championship in the 195-pound division.
2. That a copy of this resolution be sent to Austin Svoboda.

Laid over.

MOTION - Suspend Rules

Senator Adams offered the following motion:

To suspend the rules, Rule 3, Sec. 14, to permit cancellation of hearings on the following bills and Governor appointments: LBs 417, 292, 299, 349, 508, 487, 430, 368, 631, 415, 520, 533, 557, 598, 14, 308, 475, 82, and Elizabeth Neeley, Jeromy Warner, Lynn Berggren, Kent Forney, Charles "Tod" Brodersen, and Mark A. Ondracek as scheduled for Thursday, February 21, 2013.

The Adams motion to suspend the rules prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 52. Committee AM157, found on page 403 and considered on page 438, was renewed.

Senator Christensen renewed his amendment, FA6, found on page 438, to the committee amendment.

The Christensen amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:

FA7

Page 2, line 24 strike "fraternal"

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Avery	Conrad	Haar, K.	Schumacher	Wallman
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Voting in the negative, 25:

Adams	Carlson	Gloor	Karpisek	Nelson
Ashford	Christensen	Hansen	Kintner	Scheer
Bloomfield	Coash	Harms	Larson	Seiler
Brasch	Crawford	Janssen	McCoy	Smith
Campbell	Davis	Johnson	Murante	Wightman

Present and not voting, 16:

Bolz	Harr, B.	Lathrop	Pirsch
Chambers	Howard	McGill	Price
Cook	Kolowski	Mello	Sullivan
Dubas	Krist	Nordquist	Watermeier

Excused and not voting, 3:

Hadley	Lautenbaugh	Schilz
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The Chambers amendment lost with 5 ayes, 25 nays, 16 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO11

Reconsider the vote taken on FA7.

Pending.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Room 1507

Wednesday, February 27, 2013 1:30 p.m.

LB418
LB433
LB449
LB450

Thursday, February 28, 2013 1:30 p.m.

LB515
LB565
LB576
LB646

Friday, March 1, 2013 1:30 p.m.

Don Eisenhower - State Emergency Response Commission
Steven Danon - State Emergency Response Commission
LB563
LB603

Thursday, February 21, 2013 1:30 p.m.

LB417 (cancel)
LB292 (cancel)
LB299 (cancel)
LB349 (cancel)

(Signed) Bill Avery, Chairperson

Health and Human Services

Room 1510

Thursday, February 21, 2013 1:30 p.m.

Jeromy Warner - State Board of Health (cancel)
Elizabeth Neeley - Foster Care Advisory Committee (cancel)
LB508 (cancel)
LB487 (cancel)
LB430 (cancel)
LB368 (cancel)

(Signed) Kathy Campbell, Chairperson

Judiciary

Room 1113

Thursday, February 21, 2013 1:30 p.m.

LB631 (cancel)

LB415 (cancel)

LB520 (cancel)

LB533 (cancel)

(Signed) Brad Ashford, Chairperson

Natural Resources

Room 1525

Thursday, February 21, 2013 1:30 p.m.

Lynn Berggren - Nebraska Game and Parks Commission (cancel)

Kent Forney - Nebraska Game and Parks Commission (cancel)

Charles "Tod" Brodersen - Nebraska Ethanol Board (cancel)

Mark A. Ondracek - Nebraska Ethanol Board (cancel)

LB557 (cancel)

LB598 (cancel)

(Signed) Tom Carlson, Chairperson

Revenue

Room 1524

Thursday, February 21, 2013 1:30 p.m.

LB14 (cancel)

LB308 (cancel)

LB475 (cancel)

LB82 (cancel)

(Signed) Galen Hadley, Chairperson

GENERAL FILE

LEGISLATIVE BILL 52. Senator Chambers renewed his motion, MO11, found in this day's Journal, to reconsider the vote taken on FA7.

SENATOR COASH PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 7:

Avery	Chambers	Haar, K.	Wallman
Bolz	Conrad	Pirsch	

Voting in the negative, 37:

Adams	Cook	Johnson	McGill	Seiler
Ashford	Crawford	Karpisek	Mello	Smith
Bloomfield	Davis	Kintner	Murante	Sullivan
Brasch	Dubas	Kolowski	Nelson	Watermeier
Campbell	Gloor	Krist	Nordquist	Wightman
Carlson	Hansen	Larson	Price	
Christensen	Harms	Lathrop	Scheer	
Coash	Howard	McCoy	Schumacher	

Absent and not voting, 1:

Harr, B.

Excused and not voting, 4:

Hadley	Janssen	Lautenbaugh	Schilz
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The Chambers motion to reconsider failed with 7 ayes, 37 nays, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA8

Page 2, line 24, strike "nonprofit corporation"

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 3:

Conrad	Schumacher	Wallman
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Voting in the negative, 35:

Adams	Christensen	Harr, B.	Lathrop	Scheer
Ashford	Coash	Howard	McCoy	Schilz
Avery	Cook	Johnson	McGill	Seiler
Bloomfield	Dubas	Karpisek	Murante	Smith
Brasch	Gloor	Kintner	Nelson	Sullivan
Campbell	Hansen	Kolowski	Nordquist	Watermeier
Carlson	Harms	Krist	Price	Wightman

Present and not voting, 7:

Bolz	Crawford	Haar, K.	Pirsch
Chambers	Davis	Mello	

Excused and not voting, 4:

Hadley	Janssen	Larson	Lautenbaugh
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The Chambers amendment lost with 3 ayes, 35 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO12

Reconsider the vote taken on FA8.

Pending.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 21. Placed on Final Reading.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 56. Placed on General File with amendment.

AM226

- 1 1. On page 2, lines 7 and 8, strike the new matter;
- 2 and in line 14 after the period insert "If the number of
- 3 candidates properly filed for the nomination of a political party
- 4 at the primary election for any county officer elected pursuant to
- 5 sections 32-517 to 32-529 does not exceed the number of candidates
- 6 to be nominated by that party for that office, any such properly
- 7 filed candidates shall be declared nominated and their names shall
- 8 not appear on any primary election ballots.".

(Signed) Bill Avery, Chairperson

Health and Human Services

LEGISLATIVE BILL 42. Placed on General File with amendment.
AM268

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 38-2402, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 38-2402 For purposes of the Nursing Home Administrator
- 5 Practice Act and elsewhere in the Uniform Credentialing Act, unless
- 6 the context otherwise requires, the definitions found in sections
- 7 38-2403 to 38-2416 and section 3 of this act apply.
- 8 Sec. 3. Facility operated primarily for caring for
- 9 persons with head injuries and associated disorders means a nursing
- 10 home in which all or a majority of the persons served by the
- 11 nursing home have head injuries and associated disorders.
- 12 2. On page 2, line 3, strike "section 5" and insert
- 13 "sections 3 and 7".
- 14 3. On page 5, line 14, strike "5" and insert "7".
- 15 4. On page 7, line 15, after the period insert "A license
- 16 issued under this section permits the holder to serve as a nursing
- 17 home administrator only in a facility operated primarily for caring
- 18 for persons with head injuries and associated disorders.".
- 19 5. On page 8, line 8, strike "or"; after line 11 insert
- 20 the following new subdivision:
- 21 "(F) An administrator or executive of a health care
- 22 facility as defined in section 71-413 who is a member in good
- 23 standing with an organization that offers voluntary certification
- 1 for the purpose of demonstrating managerial knowledge and
- 2 experience for health care managers; or"; and in line 22 after the
- 3 first comma insert "38-2402,".
- 4 6. Renumber the remaining sections accordingly.

(Signed) Kathy Campbell, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 59. Placed on General File with amendment.
AM198

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 44-361.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-361.01 (1) A licensed agent, whose total commissions
- 6 and underwriting fees on business written upon the property, life,
- 7 health, or liability of himself or herself, his or her relatives
- 8 by consanguinity or affinity, and his or her employer or employees
- 9 exceed ten percent of the total commissions or underwriting fees

10 received during any one license year; shall be presumed to have
 11 obtained a license or renewal thereof primarily to circumvent the
 12 enforcement of section 44-361, except that for a licensed agent
 13 soliciting crop insurance, the percentage shall be thirty percent
 14 for commissions and underwriting fees on crop insurance business.

15 (2) A licensed agent; whose total commissions and
 16 underwriting fees on such business written upon the property, life,
 17 health, or liability of himself or herself, his or her relatives
 18 by consanguinity or affinity, and his or her employer or employees
 19 exceed thirty percent of the total commissions and underwriting
 20 fees received during any one license year; shall be conclusively
 21 presumed to have obtained a license or renewal thereof primarily
 22 to circumvent the enforcement of section 44-361, except that for
 23 a licensed agent soliciting crop insurance, the percentage shall
 1 be fifty percent for commissions and underwriting fees on crop
 2 insurance business.

3 Sec. 2. Original section 44-361.01, Reissue Revised
 4 Statutes of Nebraska, is repealed.

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 399. Placed on General File.

(Signed) Annette Dubas, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Brandt, Henry Rick - Nebraska Environmental Trust Board - Natural Resources

Lauritzen, Gerry - Nebraska Environmental Trust Board - Natural Resources

Vinton, Sherry - Nebraska Environmental Trust Board - Natural Resources

(Signed) John Wightman, Chairperson
 Executive Board

RESOLUTIONS

LEGISLATIVE RESOLUTION 59. Introduced by Schumacher, 22.

WHEREAS, Nicholas Lutjens has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to

advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Nicholas has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Nicholas shingled and repaired the roof of a two-car garage outside of Immanuel Lutheran Preschool; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Nicholas, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Nicholas Lutjens on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nicholas Lutjens.

Laid over.

LEGISLATIVE RESOLUTION 60. Introduced by Adams, 24.

WHEREAS, the NEBRASKAland Foundation on Saturday, March 2, 2013, at the annual Statehood Day Dinner held in the Nebraska State Capitol, will present the Distinguished NEBRASKAlander Award to three honorees and will recognize a student for excellence in a youth competition sponsored by the NEBRASKAland Foundation at the Nebraska State Fair; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Henry H. (Hod) and Willa Kosman, of Scottsbluff, who together have filled their lifetimes with contributions to Nebraska and, particularly, to the Panhandle area. Hod followed the family path in banking and leads the Platte Valley Finance Service Corporation. Hod is noted in conservation work for spearheading efforts to help conserve biologically unique land in the Wildcat Hills. Willa has made remarkable contributions to the arts, including especially to the historic Midwest Theater in Scottsbluff, and has served as chair of the board of trustees of the Nebraska State College System; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to the Raikes Family, of Ashland, which has long been dedicated to the advancement of education, economic infrastructure, and agriculture. With strong ties to the University of Nebraska, the patriarch of the family, Ralph Raikes, believed in the importance of innovation and the family farm. Ralph and Alice Raikes' offspring and their families remain connected to the family farm in Nebraska and continue to serve their communities in the Raikes family name. Ron Raikes was a dedicated public servant who served

for twelve years as the state senator representing district 25 in Lancaster County. Upon his death in 2009, he was honored by his former colleagues and friends as an intellectually gifted and intellectually honest person. His wife, Helen, continues to lead in child, youth, and family studies. Jeff Raikes serves as chief executive officer of the world's largest private charitable foundation. He and his wife, Tricia, have been recognized for their philanthropic efforts in Nebraska; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Fred and Eve Simon, of Omaha, who are well recognized in the state for philanthropic works and business excellence. Fred is a fourth-generation leader of Omaha Steaks, which has made Omaha a household name in much of the world. Eve and Fred have been lifelong volunteers and major supporters of many organizations in the Omaha community, most notably in the arts. In addition to their support of Opera Omaha and other key arts organizations, Eve has been a member for many years and twice president of the board of Tuesday Musical. Fred is currently chair of the University of Nebraska Medical Center College of Public Health campaign committee; and

WHEREAS, Akshay Rajagopal, a student from Lincoln East High School, will receive special recognition for his excellence in a youth competition sponsored by the NEBRASKAland Foundation at the Nebraska State Fair.

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

1. That the Legislature extends its appreciation to the recipients of the Distinguished NEBRASKAlander Award for their service to the State of Nebraska and its congratulations to Akshay Rajagopal for excellence in the youth competition sponsored by the NEBRASKAland Foundation.

2. That a copy of this resolution be given to all honorees.

Laid over.

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB484:
AM261

- 1 1. On page 5, line 6, after the period, insert
- 2 "The report submitted to the Legislature shall be submitted
- 3 electronically.".

VISITORS

Visitors to the Chamber were 20 members of Leadership Fremont; 20 members of the Civil Air Patrol, Nebraska Wing from across the state; 22 members of Leadership York; 5 high school students, teacher, and sponsors from Wahoo; and Senator Bloomfield's wife, Dee, and Karen Kruger from Hoskins.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Price, the Legislature adjourned until 9:00 a.m., Thursday, February 21, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 21, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 21, 2013

PRAYER

The prayer was offered by Senator Sullivan.

ROLL CALL

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

The roll was called and all members were present except Senators Christensen, Conrad, Karpisek, Lautenbaugh, Price, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

Tuesday, March 5, 2013 9:15 a.m.

Elizabeth Neeley - Foster Care Advisory Committee

Jeromy Warner - State Board of Health

LB508

LB487

LB430

LB368

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORT
Health and Human Services

The Health and Human Services 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.

Eileen Dakan - Commission for the Deaf and Hard of Hearing

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

SELECT FILE

LEGISLATIVE BILL 147. Senator Gloor offered his amendment, AM161, found on page 387.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 213. Senator Schumacher offered his amendment, AM143, found on page 380.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 209. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 214. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 336. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 32. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 207. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 207A. Advanced to Enrollment and Review for

Engrossment.

LEGISLATIVE BILL 250. ER5, found on page 397, was adopted.

Senator Dubas offered her amendment, AM194, found on page 433.

The Dubas amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 67. ER8, found on page 397, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 164. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 210. ER7, found on page 397, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 40. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 137. ER6, found on page 401, was adopted.

Senator Mello withdrew his amendment, AM270, found on page 454.

Senator Mello offered his amendment, AM293, found on page 462.

The Mello amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 78. ER12, found on page 401, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 24. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 28. Senator Lautenbaugh offered the following amendment:

AM330

1 1. Insert the following new section:

2 Section 1. Section 45-104.01, Reissue Revised Statutes of

- 3 Nebraska, is amended to read:
 4 45-104.01 Unless otherwise specifically provided, the
 5 interest rate assessed on delinquent payments of any taxes or
 6 special assessments owing to any political subdivision of the State
 7 of Nebraska shall be assessed at a rate of ~~fourteen percent per~~
 8 ~~annum~~ equal to two percentage points above the bond investment
 9 yield, as published by the Secretary of the Treasury of the
 10 United States, of the average accepted auction price for the first
 11 auction of each annual quarter of the twenty-six-week United States
 12 Treasury bills in effect on the date of entry of the judgment. The
 13 State Court Administrator shall distribute notice of such rate and
 14 any changes to it to all Nebraska judges to be in effect two weeks
 15 after the date the auction price is published by the Secretary of
 16 the Treasury of the United States.
 17 2. On page 3, line 7, strike "by the Legislature," , show
 18 as stricken, and insert an underscored comma; in line 22 strike
 19 "section" and insert "sections 45-104.01 and"; and in line 23
 20 strike "is" and insert "are".
 21 3. Renumber the remaining sections accordingly.

Senator Lautenbaugh withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 29. ER9, found on page 401, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 36. ER10, found on page 401, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 135. ER11, found on page 402, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 7. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 156. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 225. Senator Smith offered his amendment, AM259, found on page 446.

The Smith amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 180. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 311. ER16, found on page 407, was adopted.

Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1524

Tuesday, March 12, 2013 1:30 p.m.

LB126

LB569

Agency 5 - Supreme Court

Agency 94 - Public Advocacy, Commission on

Room 1003

Wednesday, March 13, 2013 1:30 p.m.

LB492

Agency 29 - Natural Resources, Department of

Agency 31 - Military Department

Agency 33 - Game and Parks Commission

Thursday, March 14, 2013 1:30 p.m.

Agency 19 - Banking, Department of

Agency 22 - Insurance, Department of

Agency 87 - Accountability and Disclosure Commission

Agency 65 - Administrative Services, Department of

Friday, March 15, 2013 1:30 p.m.

Agency 12 - State Treasurer

Agency 35 - Liquor Control Commission, Nebraska

Agency 71 - Nebraska Energy Office

Agency 52 - State Fair Board

(Signed) Heath Mello, Chairperson

Business and Labor

Room 2102

Monday, March 4, 2013 1:30 p.m.

LB476
LB652
LB436
LB570

(Signed) Steve Lathrop, Chairperson

Natural Resources

Room 1525

Thursday, February 28, 2013 1:30 p.m.

Kent Forney - Nebraska Game and Parks Commission

Tuesday, March 5, 2013 9:15 a.m.

LB557
LB598

(Signed) Tom Carlson, Chairperson

Revenue

Room 1524

Tuesday, March 5, 2013 9:15 a.m.

LB14
LB308
LB475
LB82

(Signed) Galen Hadley, Chairperson

Government, Military and Veterans Affairs

Room 1507

Tuesday, March 5, 2013 9:30 a.m.

LB417
LB292

LB299
LB349

(Signed) Bill Avery, Chairperson

Judiciary

Room 1113

Tuesday, March 5, 2013 9:15 a.m.

LB415
LB631
LB520
LB533

(Signed) Brad Ashford, Chairperson

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 186. Indefinitely postponed.

(Signed) Tom Carlson, Chairperson

Revenue

LEGISLATIVE BILL 405. Indefinitely postponed.

LEGISLATIVE BILL 406. Indefinitely postponed.

(Signed) Galen Hadley, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 61. Introduced by Campbell, 25.

WHEREAS, My'Kah Knowlin, age 11, of Lincoln, Nebraska, and a student at Lux Middle School, has achieved national recognition for exemplary volunteer service by receiving a 2013 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Knowlin earned this award by giving generously of her time and energy to deliver more than three hundred "Boxes of Love" filled with toys, snacks, and other items to children in Joplin, Missouri, after that city was hit by devastating tornadoes. She asked businesses to donate items

and shoe stores to donate boxes, and then she recruited friends to help fill the boxes; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Knowlin who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors My'Kah Knowlin as a recipient of a 2013 Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to My'Kah Knowlin.

Laid over.

LEGISLATIVE RESOLUTION 62. Introduced by Wallman, 30.

WHEREAS, Austin Ruskamp of Freeman High School won the 2013 Class D State Wrestling Championship in the 160-pound division; and

WHEREAS, Austin displayed outstanding determination and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Austin Ruskamp on winning the 2013 Class D State Wrestling Championship in the 160-pound division.

2. That a copy of this resolution be sent to Austin Ruskamp.

Laid over.

LEGISLATIVE RESOLUTION 63. Introduced by Wallman, 30.

WHEREAS, Eric Engler of Beatrice High School won the 2013 Class B State Wrestling Championship in the 195-pound division; and

WHEREAS, Eric displayed outstanding determination and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Eric Engler on winning the 2013 Class B State Wrestling Championship in the 195-pound division.

2. That a copy of this resolution be sent to Eric Engler.

Laid over.

LEGISLATIVE RESOLUTION 64. Introduced by Wallman, 30.

WHEREAS, Chance Helmick of Beatrice High School won the 2013 Class B State Wrestling Championship in the 170-pound division; and

WHEREAS, Chance displayed outstanding determination and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Chance Helmick on winning the 2013 Class B State Wrestling Championship in the 170-pound division.

2. That a copy of this resolution be sent to Chance Helmick.

Laid over.

COMMITTEE REPORT

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.

S. Michael "Mick" Jensen - Nebraska Game and Parks Commission

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

(Signed) Tom Carlson, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator McCoy asked unanimous consent to add his name as cointroducer to LB613. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 9:52 a.m., on a motion by Senator K. Haar, the Legislature adjourned until 10:00 a.m., Friday, February 22, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 22, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 22, 2013

PRAYER

The prayer was offered by Senator Harms.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 359. Placed on General File.

LEGISLATIVE BILL 13. Placed on General File with amendment.
AM260

- 1 1. Strike original sections 7 and 8 and insert the
- 2 following new sections:
- 3 Sec. 7. A county, city, or village that has adopted
- 4 any ordinance or resolution regulating radon resistant construction
- 5 shall provide for its administration and enforcement. Any such
- 6 ordinance or resolution shall comply with section 8 of this act.
- 7 Sec. 8. If a county, city, or village adopts, as part
- 8 of its residential building code pursuant to local ordinance or
- 9 resolution, regulations for radon resistant construction and the
- 10 fixtures, materials, and design and installation methods of radon
- 11 resistant construction, such regulations shall be, by no later than
- 12 January 1, 2016, at least as stringent as the rules and regulations
- 13 for radon resistant construction and the fixtures, materials, and
- 14 design and installation methods of radon resistant construction

15 adopted and promulgated by the Department of Health and Human
 16 Services.

17 2. On page 2, line 25, strike "Nebraska Department of
 18 Health and Human Services" and insert "United States Environmental
 19 Protection Agency".

20 3. On page 13, strike lines 8 through 12 and insert the
 21 following new subdivisions:

22 "(36) Radon measurement specialist means an individual
 23 who performs radon or radon progeny measurements for a radon
 1 measurement business or who provides professional advice on
 2 radon or radon progeny measurements, health risks, radon-related
 3 exposure, or radon entry routes;

4 (37) Radon mitigation specialist means an individual
 5 who designs mitigation systems or an individual who performs and
 6 evaluates diagnostic tests to determine appropriate radon or radon
 7 progeny mitigation systems for a radon mitigation business or is
 8 able to install active radon mitigation systems;

9 (38) Radon resistant construction means construction
 10 which meets the established standards as prescribed in a national
 11 radon resistant new construction code;"; in line 13 strike "(38)"
 12 and insert "(39)"; in line 16 strike "(39)" and insert "(40)"; and
 13 in line 20 after "oversight," insert "inspection, enforcement,".

14 4. On page 14, line 6, strike "2014" and insert "2015";
 15 and in lines 9, 12, and 13 strike "contractor" and insert
 16 "mitigation specialist".

17 5. On page 15, line 23, strike "and"; and in line 25
 18 after "district" insert "; and

19 (j) A professional engineer, as defined in section
 20 81-3422, designated by the chief medical officer".

(Signed) Kathy Campbell, Chairperson

Natural Resources

LEGISLATIVE BILL 493. Placed on General File with amendment.
 AM292

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

3 Section 1. The Game and Parks Commission may lease or
 4 otherwise transfer portions of the Cowboy Trail to a political
 5 subdivision. The commission may lease portions of the Cowboy Trail
 6 to a nonprofit organization. After any such lease or transfer,
 7 the lessee or transferee shall maintain the property at its own
 8 expense.

(Signed) Tom Carlson, Chairperson

MESSAGE FROM THE GOVERNOR

February 19, 2013

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Commission for the Deaf and Hard of Hearing:

Michael Brummer, 815 Avenue D, Kearney, NE 68847
Margaret Propp, 7220 N. 15 St., Lincoln, NE 68521

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

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

Charles "Tod" Brodersen - Nebraska Ethanol Board
Mark A. Ondracek - Nebraska Ethanol Board

(Signed) Tom Carlson, Chairperson

General Affairs

Room 1510

Monday, March 4, 2013 1:30 p.m.

LB444
LB456
LB653

(Signed) Russ Karpisek, Chairperson

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB616:
AM294

- 1 1. Insert the following new section:
- 2 Sec. 49. Section 8-601, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 8-601 The Director of Banking and Finance may employ
- 5 deputies, examiners, attorneys, and other assistants as may be
- 6 necessary for the administration of the provisions and purposes
- 7 of the Nebraska Money Transmitters Act; Chapter 8, articles 1, 2,
- 8 3, 5, 6, 7, 8, 9, ~~10~~, 13, 14, 15, 16, 19, 20, 21, 23, 24, and
- 9 25; Chapter 21, article 17; and Chapter 45, articles 1, 2, 3,
- 10 7, 9, and 10. The director may levy upon financial institutions,
- 11 namely, the banks, trust companies, building and loan associations,
- 12 savings and loan associations, savings banks, and credit unions,
- 13 organized under the laws of this state, and holding companies, if
- 14 any, of such financial institutions, an assessment each year based
- 15 upon the asset size of the financial institution, except that in
- 16 determining the asset size of a holding company, the assets of
- 17 any financial institution or holding company otherwise assessed
- 18 pursuant to this section and the assets of any nationally chartered
- 19 financial institution shall be excluded. The assessment shall be a
- 20 sum determined by the director in accordance with section 8-606 and
- 21 approved by the Governor.
- 22 2. Renumber the remaining sections and correct the
- 23 repealer section accordingly.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 21, 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

Brashear, Kermit A.
Christian Heritage
Brendenkamp, Troy
Nebraska Rural Electric Association
Bromm, Curt/Bromm & Associates
Nebraska Medical Center
Daley, Frank (test account)
Accountability and Disclosure
Kissel/E&S Associates, LLC
Heartland Strategy Group, LLC
Ramaekers, Larry
Lakeview Community Schools
Young, Philip
Aksamit Resource Management

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>

MOTIONS - Approve Appointments

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 448:

Board of Trustees of the Nebraska State Colleges

John Chaney

Robert Engles

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Christensen	Krist
Avery	Coash	McGill

Excused and not voting, 1:

Lautenbaugh

The appointments were confirmed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 449:

Nebraska Educational Telecommunications Commission

Curt Frye

Clay Smith

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Christensen	Coash	Krist
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Excused and not voting, 1:

Lautenbaugh

The appointments were confirmed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 453:

Foster Care Advisory Committee

Michelle Hynes

Sandra Kruback

Voting in the affirmative, 39:

Adams	Conrad	Harr, B.	McCoy	Schilz
Ashford	Cook	Howard	McGill	Schumacher
Avery	Crawford	Johnson	Murante	Seiler
Bloomfield	Dubas	Karpisek	Nelson	Smith
Brasch	Gloor	Kintner	Nordquist	Sullivan
Campbell	Haar, K.	Kolowski	Pirsch	Wallman
Carlson	Hansen	Larson	Price	Wightman
Chambers	Harms	Lautenbaugh	Scheer	

Voting in the negative, 0.

Present and not voting, 9:

Bolz	Coash	Hadley	Lathrop	Watermeier
Christensen	Davis	Krist	Mello	

Excused and not voting, 1:

Janssen

The appointments were confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 453:

Board of Emergency Medical Services

John Bonta

Karen Bowlin

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 7:

Bolz	Coash	Krist	Watermeier
Christensen	Davis	Lathrop	

Excused and not voting, 1:

Janssen

The appointments were confirmed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 211A. Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

SPEAKER ADAMS PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 408. With Emergency Clause.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2012; to change dates and provisions relating to certification and distribution of state aid; to delete 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB408.

SENATOR GLOOR PRESIDING

GENERAL FILE

LEGISLATIVE BILL 434. Title read. Considered.

Senator Price offered the following amendment:

AM324

- 1 1. On page 6, line 17, after the period insert
- 2 "Participation in an emergency management registry by persons with
- 3 special needs and their families shall be voluntary.".

The Price amendment was adopted with 43 ayes, 0 nays, and 6 present and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, and 7 present and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 65. Introduced by Seiler, 33; Adams, 24.

WHEREAS, Ardyce Bohlke was appointed to the Legislature to fill a vacancy in 1991. She was elected in 1992 and was reelected in 1996, serving until 2001; and

WHEREAS, during her tenure with the Legislature, Ardyce Bohlke served for eight years on the Education Committee, including seven years as the committee's chairwoman. She was always deeply interested in and passionate about education issues; and

WHEREAS, Ardyce Bohlke worked diligently to improve education funding and equity; and

WHEREAS, Ardyce Bohlke also spearheaded legislation creating incentives for school districts to merge or consolidate, implementing welfare reform, and giving young people driving privileges more gradually. She was known as someone who would never shy away from tough issues and as someone who had the skills and experience necessary to address those issues; and

WHEREAS, Ardyce Bohlke always had a strong belief in public service, and she continued her public service after leaving the Legislature through her work with various community organizations; and

WHEREAS, Ardyce Bohlke passed away on February 21, 2013.

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

1. That the Legislature honors Ardyce Bohlke for her service to the State of Nebraska.

2. That the Legislature extends its deep sympathy to the family of Ardyce Bohlke.

3. That a copy of this resolution be sent to the family of Ardyce Bohlke.

Laid over.

LEGISLATIVE RESOLUTION 66. Introduced by Hadley, 37.

WHEREAS, Thomas Connelly, a junior at Kearney Catholic High School, won the 2013 Class C State Wrestling Championship in the 170-pound division; and

WHEREAS, Thomas's win led the Kearney Catholic Stars to a third-place team finish; and

WHEREAS, Thomas finished the year with a 39-2 record.

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

1. That the Legislature congratulates Thomas Connelly on winning the 2013 Class C State Wrestling Championship in the 170-pound division.

2. That a copy of this resolution be sent to Thomas Connelly and the Kearney Catholic High School wrestling coach, Matt Rogers.

Laid over.

LEGISLATIVE RESOLUTION 67. Introduced by Hadley, 37.

WHEREAS, YMCAs throughout America have provided immeasurable benefits to people of all ages for over 160 years, and the YMCAs of Nebraska have served our communities throughout the state for over 14 decades; and

WHEREAS, more than 279,000 families in Nebraska benefit directly from the YMCA's extensive programming for all ages and interest groups and from the YMCA's focus on youth development, healthy living, including chronic disease prevention, and social responsibility; and

WHEREAS, more than 168,000 Nebraska children and youth benefit each year from programs such as YMCA day care and after-school care, basketball, volleyball and other sports, character counts, and other programs which build self-esteem, interpersonal skills, and social skills; and

WHEREAS, no one is turned away for inability to pay. The Nebraska YMCAs provide more than \$3.4 million of annual support to our communities; and

WHEREAS, more than 7,079 individuals volunteer at the YMCA each year, making the YMCAs of Nebraska one of the largest volunteer-led and driven organizations in Nebraska. In addition, each YMCA in Nebraska is governed by a local volunteer board of directors who generously give of their time, expertise, and resources in order to strengthen our communities by addressing local needs.

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

1. That the Legislature recognizes the YMCAs of Nebraska for their contributions to the citizens of Nebraska.

2. That the Legislature declares February 28, 2013, as "Support the YMCAs of Nebraska Day."

Laid over.

LEGISLATIVE RESOLUTION 68. Introduced by Hadley, 37.

WHEREAS, Adam Keating, a junior at Kearney Catholic High School, won the 2013 Class C State Wrestling Championship in the 132-pound division; and

WHEREAS, Adam's win led the Kearney Catholic Stars to a third-place team finish; and

WHEREAS, this is Adam's second state wrestling championship, having also won as a sophomore; and

WHEREAS, Adam finished the year with a 41-2 record.

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

1. That the Legislature congratulates Adam Keating on his state wrestling championship and his career achievements.

2. That a copy of this resolution be sent to Adam Keating and the Kearney Catholic High School wrestling coach, Matt Rogers.

Laid over.

LEGISLATIVE RESOLUTION 69. Introduced by Hadley, 37.

WHEREAS, Hunter Bamford, a senior at Kearney High School, won the 2013 Class A State Wrestling Championship in the 126-pound division; and

WHEREAS, Hunter's win led the Kearney Bearcats to a third-place team finish; and

WHEREAS, this is Hunter's third state wrestling championship, having also won as a freshman and a sophomore. Hunter also won a silver medal in his junior year; and

WHEREAS, Hunter finished with a career record of 161 wins and 3 losses.

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

1. That the Legislature congratulates Hunter Bamford on his state wrestling championship and his career achievements.

2. That a copy of this resolution be sent to Hunter Bamford and the Kearney High School wrestling coach, Ty Swarm.

Laid over.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 3. Placed on General File with amendment.
AM351

1 1. Strike original section 1 and insert the following new
2 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) A person commits the offense of fraudulently
8 filing a financing statement, lien, or document if the person
9 directly, or through an intermediary, submits for filing or
10 recording in the public record, as defined in section 28-911:

11 (a) Any document purporting to create a nonconsensual
12 common-law lien, as defined in section 52-1901, knowing or having
13 reason to know that the lien is a nonconsensual common-law lien;

14 (b) A financing statement pursuant to article 9,
15 Uniform Commercial Code, knowing or having reason to know that
16 the financing statement is not based on a bona fide security
17 agreement or was not authorized or authenticated by the alleged
18 debtor identified in the financing statement or an authorized
19 representative of the alleged debtor; or

20 (c) Any document filed in an attempt to harass an entity,
21 individual, or public official or obstruct a government operation
22 or judicial proceeding, knowing or having reason to know such
23 document contained false information.

1 (2) Fraudulently filing a financing statement, lien, or
2 document is a Class IV felony.

3 (3) Lack of belief in the jurisdiction or authority of
4 the state or of the government of the United States is no defense
5 to prosecution under this section.

6 Sec. 3. Section 52-1901, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 52-1901 For purposes of sections 52-1901 to 52-1904 and
9 sections 4 to 6 of this act, nonconsensual common-law lien means a
10 document that purports to assert a lien against real or personal
11 property of any person or entity and:

12 (1) Is not expressly provided for by a specific state or
13 federal statute;

14 (2) Does not depend on the consent of the owner of the
15 real or personal property affected; and

16 (3) Is not an equitable or constructive lien imposed by a
17 state or federal court of competent jurisdiction.

18 Sec. 4. A nonconsensual common-law lien is not binding or
19 enforceable at law or in equity. Any nonconsensual common-law lien
20 that is recorded is void and unenforceable.

21 Sec. 5. In order that the owner of real property upon

22 which a nonconsensual common-law lien is recorded shall have notice
 23 of the recording of the lien, the claimant shall cause the sheriff
 24 to serve a copy of the recorded lien upon the owner of the
 25 real property upon which the nonconsensual common-law lien is
 26 recorded and the sheriff shall make return thereof without delay by
 27 filing proof of service with the register of deeds as provided in
 1 subsection (1) of section 25-507.01. There shall be no filing fee
 2 for filing the proof of service. A judicial proceeding to enforce
 3 a nonconsensual common-law lien shall be instituted by the claimant
 4 within ten days after recording the lien. Failure to serve a copy
 5 of the recorded lien upon the owner or failure to file a judicial
 6 proceeding to enforce the lien shall cause the lien to lapse and be
 7 of no legal effect.

8 Sec. 6. Section 52-1902, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 ~~52-1902~~ If a person submits for filing or recording to
 11 the Secretary of State, county clerk, register of deeds, or clerk
 12 of any court any document purporting to create a nonconsensual
 13 common-law lien against real or personal property in violation of
 14 ~~this section 52-1901 and sections 4 to 6 of this act~~ or section
 15 76-296 and such document is so filed or recorded, the ~~person~~
 16 claimant submitting the document is liable to the person or entity
 17 against whom the lien is claimed for actual damages plus costs and
 18 reasonable attorney's fees.

19 Sec. 7. Original sections 52-1901 and 52-1902, Reissue
 20 Revised Statutes of Nebraska, and section 28-101, Revised Statutes
 21 Cumulative Supplement, 2012, are repealed.

22 Sec. 8. Since an emergency exists, this act takes effect
 23 when passed and approved according to law.

LEGISLATIVE BILL 345. Placed on General File with amendment.
 AM350

1 1. Strike sections 3 and 4 and insert the following new
 2 sections:

3 Sec. 3. Sections 2 and 5 of this act become operative
 4 on January 1, 2013. Sections 1 and 4 of this act become operative
 5 three calendar months after the adjournment of this legislative
 6 session. The other sections of this act become operative on their
 7 effective date.

8 Sec. 4. Original section 76-2,126, Revised Statutes
 9 Cumulative Supplement, 2012, is repealed.

10 Sec. 5. Original section 76-3409, Revised Statutes
 11 Cumulative Supplement, 2012, is repealed.

12 2. On page 2, line 15, after "certificate" insert "and
 13 recorded".

14 3. Renumber the remaining section accordingly.

(Signed) Brad Ashford, Chairperson

NOTICE OF COMMITTEE HEARING
Health and Human Services

Room 1510

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

LB586 (cancel)

(Signed) Kathy Campbell, Chairperson

MOTION - Print in Journal

Senator Mello filed the following motion to LB586:

MO13

Withdraw bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 22, 2013, at 10:35 a.m. was the following: LB408e.

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

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 225A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 225, One Hundred Third Legislature, First Session, 2013.

GENERAL FILE

LEGISLATIVE BILL 510. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, and 13 present and not voting.

LEGISLATIVE BILL 363. Title read. Considered.

Committee AM166, found on page 422, was offered.

Pending.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 172. Placed on General File with amendment.
AM182

1 1. Insert the following section:

2 Section 1. Section 30-2601, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 30-2601 Unless otherwise apparent from the context, in
5 the Nebraska Probate Code:

6 (1) Incapacitated person means any person who is impaired
7 by reason of mental illness, mental deficiency, physical illness
8 or disability, chronic use of drugs, chronic intoxication, or
9 other cause (except minority) to the extent that the person
10 lacks sufficient understanding or capacity to make or communicate
11 responsible decisions concerning himself or herself;

12 (2) A protective proceeding is a proceeding under the
13 provisions of section 30-2630 to determine that a person cannot
14 effectively manage or apply his or her estate to necessary ends,
15 either because the person lacks the ability or is otherwise
16 inconvenienced, or because the person is a minor, and to secure
17 administration of the person's estate by a conservator or other
18 appropriate relief;

19 (3) A protected person is a minor or other person for
20 whom a conservator has been appointed or other protective order has
21 been made;

22 (4) A ward is a person for whom a guardian has been
23 appointed. A minor ward is a minor for whom a guardian has been
1 appointed solely because of minority;

2 (5) Full guardianship means the guardian has been granted
3 all powers which may be conferred upon a guardian by law;

4 (6) Limited guardianship means any guardianship which is
5 not a full guardianship; and

6 (7) For purposes of article 26 of the Nebraska Probate
7 Code, interested person means children, spouses, those persons
8 who would be the heirs if the ward or person alleged to be
9 incapacitated died without leaving a valid ~~last will and testament~~
10 who are adults and any trustee of any trust executed by the ward
11 or person alleged to be incapacitated. After the death of a ward,
12 interested person also includes the personal representative of a
13 deceased ward's estate, the deceased ward's heirs in an intestate
14 estate, and the deceased ward's devisees in a testate estate. The
15 meaning of interested person as it relates to particular persons
16 may vary from time to time and must be determined according to the
17 particular purposes of, and matter involved in, any proceeding. If
18 there are no persons identified as interested persons above, then
19 interested person shall also include any person or entity named as
20 a devisee in the most recently executed ~~last will and testament~~ of
21 the ward or person alleged to be incapacitated.

- 22 2. On page 3, lines 24 and 25, strike "an affidavit of
 23 mailing" and insert "a certificate of mailing".
 24 3. On page 4, line 8, strike "an affidavit of mailing",
 25 show as stricken, and insert "a certificate of mailing".
 26 4. On page 7, line 7, strike "30-2628" and insert
 27 "30-2601, 30-2628,".
 1 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 403. Placed on General File with amendment.
 AM130

- 1 1. On page 2, line 17, after "disposable" insert "or
 2 refillable".

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB94:
 FA9

Page 4, line 22 after "elk" insert: "provided that no such elk is a member of the species homo sapiens.".

Senator Chambers filed the following amendment to LB94:
 FA10

Page 2, line 21, strike "disposed of", show as stricken and insert "allocated".

Senator Chambers filed the following amendment to LB94:
 FA11

Page 2, lines 24 and 25 strike "who shall be eligible", show as stricken and insert "eligibility".

Senator Chambers filed the following amendment to LB94:
 FA12

Page 3, line 11 strike "twenty-nine" and insert "one thousand"; line 12 strike "two hundred fourteen", show as stricken and insert "ten thousand".

Senator Chambers filed the following amendment to LB94:
 FA13

Page 4, line 12 strike "twenty", show as stricken and insert "thirty"; line 13 strike "forty" show as stricken and insert "sixty".

UNANIMOUS CONSENT - Add Cointroducers

Senator Dubas asked unanimous consent to add her name as cointroducer to LB483. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB47. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Watermeier, the Legislature adjourned until 10:00 a.m., Monday, February 25, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 25, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 25, 2013

PRAYER

The prayer was offered by Pastor Darin Corder, Bennet Community Church, Bennet.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senator B. Harr who was excused; and Senators Smith and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

COMMITTEE REPORT

Government, Military and Veterans Affairs

The Government, Military and Veterans 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.

Wayne Boyd - State Personnel Board

Aye: 8 Avery, Bloomfield, Karpisek, Lautenbaugh, Murante, Price, Scheer, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 98. Placed on General File with amendment.
AM331

- 1 1. Strike section 3.
- 2 2. Amend the repealer and renumber the remaining section
- 3 accordingly.

LEGISLATIVE BILL 372. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

NOTICE OF COMMITTEE HEARINGS

Transportation and Telecommunications

Room 1113

Monday, March 4, 2013 1:30 p.m.

LB596
LB378
LB383
LB93

(Signed) Annette Dubas, Chairperson

Judiciary

Room 1113

Wednesday, March 6, 2013 1:30 p.m.

LB320
LB342
LB471
LB464
LB562

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

LB86
LB463
LB561

(Signed) Brad Ashford, Chairperson

RESOLUTIONS**LEGISLATIVE RESOLUTION 70.** Introduced by Sullivan, 41.

WHEREAS, Clayton Lange of Ord High School won the 2013 Class C State Wrestling Championship in the 285-pound division with a pin; and

WHEREAS, this is Clayton's second straight state championship in this weight division; and

WHEREAS, Clayton finished the season with a 28-1 record including 27 pins; and

WHEREAS, Clayton displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Clayton Lange on winning the 2013 Class C State Wrestling Championship in the 285-pound division.

2. That a copy of this resolution be sent to Clayton Lange.

Laid over.

LEGISLATIVE RESOLUTION 71. Introduced by Wallman, 30; Ashford, 20; Hadley, 37; Karpisek, 32; Lathrop, 12; McGill, 26.

WHEREAS, Mosaic, a nonprofit organization that provides opportunities for people with intellectual disabilities, is celebrating its one hundredth anniversary in 2013; and

WHEREAS, Mosaic began as a Nebraska-born Lutheran ministry dedicated to the needs of people with disabilities and now has thirty-eight locations in ten states; and

WHEREAS, residents of Mosaic work either in the community or in Mosaic's workshop on a variety of projects. The residents earn their own paychecks and can use their earnings for whatever they choose; and

WHEREAS, the residents of Mosaic have proven to be model workers who are extremely good at what they do, and the opportunity to work has allowed Mosaic residents to fulfill the "American dream" of earning money and contributing to society.

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

1. That the Legislature congratulates Mosaic on its one hundredth anniversary.

2. That a copy of this resolution be sent to Mosaic.

Laid over.

MOTIONS - Approve Appointments

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 480:

Commission for the Deaf and Hard of Hearing
Eileen Dakan

Voting in the affirmative, 37:

Adams	Coash	Howard	McCoy	Schumacher
Ashford	Crawford	Johnson	McGill	Seiler
Bloomfield	Davis	Karpisek	Murante	Sullivan
Bolz	Gloor	Kintner	Nelson	Wallman
Brasch	Haar, K.	Kolowski	Nordquist	Wightman
Campbell	Hadley	Krist	Pirsch	
Carlson	Hansen	Larson	Price	
Chambers	Harms	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 9:

Avery	Conrad	Dubas	Lathrop	Scheer
Christensen	Cook	Janssen	Mello	

Excused and not voting, 3:

Harr, B.	Smith	Watermeier
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The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 487:

Nebraska Game and Parks Commission
S. Michael "Mick" Jensen

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 6:

Christensen	Janssen	Scheer
Conrad	Lathrop	Sullivan

Excused and not voting, 3:

Harr, B.	Smith	Watermeier
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The appointment was confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

MOTION - Withdraw LB586

Senator Mello offered his motion, MO13, found on page 502, to withdraw LB586.

The Mello motion to withdraw the bill prevailed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 65. Read. Considered.

LR65 was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 72. Introduced by Avery, 28.

WHEREAS, D. J. Castillo is a 220-pound senior class member of the Lincoln High School wrestling team; and

WHEREAS, the Lincoln High School wrestling team is coached by Andy Genrich, who has spent six years teaching his student-athletes the physical techniques and personal dedication needed to foster winning seasons; and

WHEREAS, D. J. Castillo perfected "chain wrestling," in which moves are executed from one to the next until the opponent is pinned; and

WHEREAS, D. J. Castillo was dubbed the "Pink Link" by his teammates for his style and commitment to wrestling; and

WHEREAS, D. J. Castillo defeated three heavyweights outside of his weight class during his senior season; and

WHEREAS, D. J. Castillo was rated No. 1 throughout most of the season by the Nebraska Scholastic Wrestling Coaches Association; and

WHEREAS, D. J. Castillo was the Class A 220-pound champion of the Heartland Athletic Conference Tournament in Grand Island; and

WHEREAS, D. J. Castillo, through hard work, practice, and perseverance, finished the 2012-2013 school year with a perfect, unbeaten 36-0 season; and

WHEREAS, D. J. Castillo won the 2013 Class A State Wrestling Championship in the 220-pound division.

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

1. That the Legislature congratulates D. J. Castillo on his exceptional personal achievements.

2. That a copy of this resolution be sent to D. J. Castillo.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 363A. Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 363, One Hundred Third Legislature, First Session, 2013.

NOTICE OF COMMITTEE HEARING

Education

Room 1525

Tuesday, March 5, 2013 1:30 p.m.

LB651

LB467

LB466

LB546

(Signed) Kate Sullivan, Chairperson

COMMITTEE REPORTS

Education

The Education 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.

Frank Harwood - Technical Advisory Committee for Statewide Assessment

Aye: 8 Avery, Cook, Davis, K. Haar, Kolowski, Scheer, Seiler, Sullivan.
Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

Deborah Frison - Coordinating Commission for Postsecondary Education

Aye: 8 Avery, Cook, Davis, K. Haar, Kolowski, Scheer, Seiler, Sullivan.
Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

James Vokal Jr. - Board of Educational Lands and Funds

Aye: 8 Avery, Cook, Davis, K. Haar, Kolowski, Scheer, Seiler, Sullivan.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kate Sullivan, Chairperson

Natural Resources

The Natural Resources 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.

Stephen Lichter - Nebraska Power Review Board

Aye: 6 Brasch, Carlson, Dubas, K. Haar, Johnson, Smith. Nay: 0. Absent: 1 Schilz. Present and not voting: 1 Kolowski.

The Natural Resources 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.

Tim Wistrom - Nebraska Oil and Gas Conservation Commission

Aye: 5 Brasch, Carlson, Dubas, Johnson, Smith. Nay: 1. K. Haar. Absent: 1 Schilz. Present and not voting: 1 Kolowski.

(Signed) Tom Carlson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 363. Committee AM166, found on page 422 and considered on page 502, was renewed.

SPEAKER ADAMS PRESIDING

Senator Larson offered the following amendment to the committee amendment:

AM389

(Amendments to Standing Committee amendments, AM166)

- 1 1. On page 1, line 1, after the second comma insert
- 2 "strike 'six hours' and insert 'hour' and"; and in line 2 after the
- 3 semicolon insert "in lines 12 and 13 strike 'six hours' and insert
- 4 'one hour';".

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR65.

GENERAL FILE

LEGISLATIVE BILL 363. The Larson amendment, AM389, found in this day's Journal, to the committee amendment, was renewed.

SENATOR GLOOR PRESIDING

Senator Larson withdrew his amendment.

Committee AM166, found on page 422 and considered on page 502 and in this day's Journal, was renewed.

The committee amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT

Natural Resources

LEGISLATIVE BILL 203. Placed on General File with amendment.

AM334

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 81-1502, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-1502 For purposes of the Environmental Protection Act,
- 6 unless the context otherwise requires:
- 7 (1) Air contaminant or air contamination shall mean the
- 8 presence in the outdoor atmosphere of any dust, fume, mist, smoke,
- 9 vapor, gas, other gaseous fluid, or particulate substance differing
- 10 in composition from or exceeding in concentration the natural

11 components of the atmosphere;

12 (2) Air pollution shall mean the presence in the outdoor
13 atmosphere of one or more air contaminants or combinations thereof
14 in such quantities and of such duration as are or may tend to be
15 injurious to human, plant, or animal life, property, or the conduct
16 of business;

17 (3) Chairperson shall mean the chairperson of the
18 Environmental Quality Council and council shall mean the
19 Environmental Quality Council;

20 (4) Complaint shall mean any charge, however informal, to
21 or by the council, that any person or agency, private or public, is
22 polluting the air, land, or water or is violating the Environmental
23 Protection Act or any rule or regulation of the department in
1 respect thereof;

2 (5) Control and controlling shall include prohibition and
3 prohibiting as related to air, land, or water pollution;

4 (6) Department shall mean the Department of Environmental
5 Quality, which department is hereby created;

6 (7) Director shall mean the Director of Environmental
7 Quality, which position is hereby established;

8 (8) Disposal system shall mean a system for disposing
9 of wastes, including hazardous wastes, either by surface or
10 underground methods, and includes sewerage systems and treatment
11 works, disposal wells and fields, and other systems;

12 (9) Emissions shall mean releases or discharges into the
13 outdoor atmosphere of any air contaminant or combination thereof;

14 (10) Person shall mean any: Individual; partnership;
15 limited liability company; association; public or private
16 corporation; trustee; receiver; assignee; agent; municipality or
17 other governmental subdivision; public agency; other legal entity;
18 or any officer or governing or managing body of any public or
19 private corporation, municipality, governmental subdivision, public
20 agency, or other legal entity;

21 (11) Rule or regulation shall mean any rule or regulation
22 of the department;

23 (12) Sewerage system shall mean pipelines, conduits,
24 pumping stations, force mains, and all other constructions,
25 devices, appurtenances, and facilities used for collecting or
26 conducting wastes to an ultimate point for treatment or disposal;

27 (13) Treatment works shall mean any plant or other works
1 used for the purpose of treating, stabilizing, or holding wastes;

2 (14) Wastes shall mean sewage, industrial waste, and
3 all other liquid, gaseous, solid, radioactive, or other substances
4 which may pollute or tend to pollute any air, land, or waters of
5 the state;

6 (15) Refuse shall mean putrescible and nonputrescible
7 solid wastes, except body wastes, and includes garbage, rubbish,
8 ashes, incinerator ash, incinerator residue, street cleanings, and
9 solid market and industrial wastes;

- 10 (16) Garbage shall mean rejected food wastes, including
11 waste accumulation of animal, fruit, or vegetable matter used or
12 intended for food or that attend the preparation, use, cooking,
13 dealing in, or storing of meat, fish, fowl, fruit, or vegetables,
14 and dead animals rejected by rendering plants;
- 15 (17) Rubbish shall mean nonputrescible solid wastes,
16 excluding ashes, consisting of both combustible and noncombustible
17 wastes, such as paper, cardboard, tin cans, yard clippings, wood,
18 glass, bedding, crockery, or litter of any kind that will be a
19 detriment to the public health and safety;
- 20 (18) Junk shall mean old scrap, copper, brass, iron,
21 steel, rope, rags, batteries, paper, trash, rubber debris, waste,
22 dismantled or wrecked automobiles, or parts thereof, and other old
23 or scrap ferrous or nonferrous material;
- 24 (19) Land pollution shall mean the presence upon or
25 within the land resources of the state of one or more contaminants
26 or combinations of contaminants, including, but not limited to,
27 refuse, garbage, rubbish, or junk, in such quantities and of such
1 quality as will or are likely to (a) create a nuisance, (b) be
2 harmful, detrimental, or injurious to public health, safety, or
3 welfare, (c) be injurious to plant and animal life and property,
4 or (d) be detrimental to the economic and social development, the
5 scenic beauty, or the enjoyment of the natural attractions of the
6 state;
- 7 (20) Water pollution shall mean the manmade or
8 man-induced alteration of the chemical, physical, biological, or
9 radiological integrity of water;
- 10 (21) Waters of the state shall mean all waters within the
11 jurisdiction of this state, including all streams, lakes, ponds,
12 impounding reservoirs, marshes, wetlands, watercourses, waterways,
13 wells, springs, irrigation systems, drainage systems, and all other
14 bodies or accumulations of water, surface or underground, natural
15 or artificial, public or private, situated wholly or partly within
16 or bordering upon the state;
- 17 (22) Point source shall mean any discernible confined
18 and discrete conveyance, including, but not limited to, any pipe,
19 ditch, channel, tunnel, conduit, well, discrete fissure, container,
20 rolling stock, or vessel or other floating craft from which
21 pollutants are or may be discharged;
- 22 (23) Effluent limitation shall mean any restriction,
23 including a schedule of compliance, established by the council
24 on quantities, rates, and concentrations of chemical, physical,
25 biological, and other constituents which are discharged from point
26 sources into waters of the state;
- 27 (24) Schedule of compliance shall mean a schedule of
1 remedial measures including an enforceable sequence of actions or
2 operations leading to compliance with an effluent limitation, other
3 limitation, prohibition, or standard;
- 4 (25) Hazardous waste shall mean a solid waste, or

5 combination of solid wastes, which because of its quantity,
6 concentration, or physical, chemical, or infectious characteristics
7 may (a) cause or significantly contribute to an increase in
8 mortality or an increase in serious irreversible, or incapacitating
9 reversible, illness or (b) pose a substantial present or potential
10 hazard to human or animal health or the environment when improperly
11 treated, stored, transported, disposed of, or otherwise managed;

12 (26) Solid waste shall mean any garbage, refuse, or
13 sludge from a waste treatment plant, water supply treatment plant,
14 or air pollution control facility and other discarded material,
15 including solid, liquid, semisolid, or contained gaseous material
16 resulting from industrial, commercial, and mining operations and
17 from community activities, ~~but solid~~ Solid waste shall not include
18 slag, a product that is a result of the steel manufacturing process
19 and is managed as an item of value in a controlled manner and not
20 as a discarded material; solid or dissolved materials in irrigation
21 return flows or industrial discharges which are point sources
22 subject to permits under section 402 of the Clean Water Act, as
23 amended, 33 U.S.C. 1251 et seq.; or source, special nuclear, or
24 byproduct material as defined by the Atomic Energy Act of 1954, as
25 amended, 68 Stat. 923 42 U.S.C. 2011 et seq.;

26 (27) Storage, when used in connection with hazardous
1 waste, shall mean the containment of hazardous waste, either on a
2 temporary basis or for a period of years, in such manner as not to
3 constitute disposal of such hazardous waste;

4 (28) Manifest shall mean the form used for identifying
5 the quantity, composition, origin, routing, and destination of
6 hazardous waste during its transportation from the point of
7 generation to the point of disposal, treatment, or storage;

8 (29) Processing shall mean to treat, detoxify,
9 neutralize, incinerate, biodegrade, or otherwise process a
10 hazardous waste to remove such waste's harmful properties or
11 characteristics for disposal in accordance with regulations
12 established by the council;

13 (30) Well shall mean a bored, drilled, or driven shaft or
14 a dug hole, the depth of which is greater than the largest surface
15 dimension of such shaft or hole;

16 (31) Injection well shall mean a well into which fluids
17 are injected;

18 (32) Fluid shall mean a material or substance which flows
19 or moves whether in a semisolid, liquid, sludge, gas, or other form
20 or state;

21 (33) Mineral production well shall mean a well drilled
22 to promote extraction of mineral resources or energy, including,
23 but not limited to, a well designed for (a) mining of sulfur by
24 the Frasch process, (b) solution mining of sodium chloride, potash,
25 phosphate, copper, uranium, or any other mineral which can be mined
26 by this process, (c) in situ combustion of coal, tar sands, oil
shale, or any other fossil fuel, or (d) recovery of geothermal

- 27 energy for the production of electric power. Mineral production
 1 well shall not include any well designed for conventional oil or
 2 gas production, for use of fluids to promote enhanced recovery of
 3 oil or natural gas, or for injection of hydrocarbons for storage
 4 purposes;
 5 (34) Mineral exploration hole shall mean a hole bored,
 6 drilled, driven, or dug in the act of exploring for a mineral other
 7 than oil and gas;
 8 (35) Solution mining shall mean the use of an injection
 9 well and fluids to promote the extraction of mineral resources;
 10 (36) Uranium shall mean tri-uranium oct-oxide;
 11 (37) Solid waste management facility shall mean a
 12 facility as defined in section 13-2010; and
 13 (38) Livestock waste control facility shall have the same
 14 meaning as in section 54-2417.
 15 Sec. 2. Original section 81-1502, Reissue Revised
 16 Statutes of Nebraska, is repealed.

(Signed) Tom Carlson, Chairperson

COMMITTEE REPORTS

Nebraska Retirement Systems

The Nebraska Retirement Systems 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 Conley - Nebraska Investment Council

Aye: 6 Conrad, Davis, Karpisek, Kolowski, Mello, Nordquist. Nay: 0.
 Absent: 0. Present and not voting: 0.

The Nebraska Retirement Systems 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.

Darrell E. Fisher - Public Employees Retirement Board
 Elaine Stuhr - Public Employees Retirement Board

Aye: 6 Conrad, Davis, Karpisek, Kolowski, Mello, Nordquist. Nay: 0.
 Absent: 0. Present and not voting: 0.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1524

Monday, March 18, 2013 1:30 p.m.

LB334

LB400

Agency 48 - Coordinating Commission for Postsecondary Education

Agency 50 - Nebraska State College System

Agency 83 - Community College Aid

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

LB114

LB184

Agency 47 - Educational Telecommunications Commission, Nebraska

Agency 51 - University of Nebraska System

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

Agency 24 - Motor Vehicles, Department of

Agency 40 - Motor Vehicle Licensing Board, Nebraska

Agency 17 - Aeronautics, Department of

Agency 27 - Roads, Department of

(Signed) Heath Mello, Chairperson

ANNOUNCEMENT

Senator McCoy designates LB613 as his priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Brummer, Michael - Commission for the Deaf and Hard of Hearing - Health and Human Services

Propp, Margaret - Commission for the Deaf and Hard of Hearing - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 73. Introduced by Crawford, 45; Kintner, 2, Mello, 5; Murante, 49; Nordquist, 7; Price, 3; Smith, 14.

WHEREAS, the Omaha Gross Catholic High School football team won the 2012 Class B State Football Championship; and

WHEREAS, Omaha Gross Catholic defeated Norris High School 14-7 in a hard-fought championship game; and

WHEREAS, head coach Tim Johnk has served as a mentor and leader for all of the members of the team; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Omaha Gross Catholic High School football team on winning the 2012 Class B State Football Championship.

2. That the Legislature congratulates head coach Tim Johnk for his efforts in teaching, coaching, and providing guidance to the members of the team.

3. That a copy of this resolution be sent to the Omaha Gross Catholic High School football team and the team's head coach, Tim Johnk.

Laid over.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 211A. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 24. Placed on Final Reading.

LEGISLATIVE BILL 28. Placed on Final Reading.

LEGISLATIVE BILL 29. Placed on Final Reading.

LEGISLATIVE BILL 32. Placed on Final Reading.

LEGISLATIVE BILL 36. Placed on Final Reading.

LEGISLATIVE BILL 40. Placed on Final Reading.

LEGISLATIVE BILL 67. Placed on Final Reading.

LEGISLATIVE BILL 78. Placed on Final Reading.

ST7

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER12, on page 1, line 9, "the" has been inserted after "eliminate"; and in line 19 a period has been inserted after "2012".

LEGISLATIVE BILL 135. Placed on Final Reading.

LEGISLATIVE BILL 137. Placed on Final Reading.

LEGISLATIVE BILL 147. Placed on Final Reading.

ST5

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Gloor amendment, AM161, on page 5, line 2, "(g)" has been struck, shown as stricken, and "(f)" inserted.

2. On page 1, the matter beginning with "adopt" in line 1 through line 4 has been struck and "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." inserted.

3. On page 30, the matter beginning with "Utilization" in line 11 through "Procedure" in line 12 has been struck and "Health Carrier Grievance Procedure Act or the Utilization Review" inserted.

4. On page 47, line 17, an underscored comma has been inserted after "section".

LEGISLATIVE BILL 164. Placed on Final Reading.

LEGISLATIVE BILL 207. Placed on Final Reading.

LEGISLATIVE BILL 207A. Placed on Final Reading.

LEGISLATIVE BILL 209. Placed on Final Reading.

LEGISLATIVE BILL 210. Placed on Final Reading.

LEGISLATIVE BILL 213. Placed on Final Reading.

ST4

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "8-101.01," has been struck; in line 9 "and" has been inserted after the last comma; and in lines 10 and 11 ", and bank membership in a limited liability company" has been struck.

2. On page 15, line 16, "of" has been inserted after "made".

LEGISLATIVE BILL 214. Placed on Final Reading.

LEGISLATIVE BILL 250. Placed on Final Reading.

LEGISLATIVE BILL 336. Placed on Final Reading.

(Signed) John Murante, Chairperson

MOTION - Print in Journal

Senator McCoy filed the following motion to LB590:
 MO14
 Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator McCoy filed the following amendments to LB590:
 AM384

- 1 1. Insert the following new section:
- 2 Sec. 6. This act shall become law when reenacted by the
- 3 Legislature after a constitutional amendment authorizing historic
- 4 horseracing is approved at a statewide primary or general election.
- 5 2. Renumber the remaining sections accordingly.

AM374

- 1 1. On page 4, line 12, strike "enough" and insert "the
- 2 entire length".

AM383

- 1 1. On page 4, line 15, after "horserace" insert "and
- 2 shall require that each machine used for parimutuel wagering on
- 3 historic horseraces displays only one horserace at a time".

AM382

- 1 1. On page 4, line 15, after "horserace" insert "and
- 2 shall require that there is at least twenty minutes between the end
- 3 of the display of one historic horserace and the beginning of the
- 4 display of the next historic horserace".

AM372

- 1 1. On page 3, strike beginning with "(a)" in line 16
- 2 through "(b)" in line 18; and strike beginning with "(i)" in line
- 3 20 through line 25 and insert "a five hundred percent increase in
- 4 the number of days of live horseraces compared to the number of
- 5 days of live horseraces on the date of the original order of the
- 6 commission permitting the use".
- 7 2. On page 4, strike lines 1 through 4.

AM371

- 1 1. On page 3, line 11, strike "one year after" and insert
- 2 "on".

AM373

- 1 1. On page 4, line 7, strike "a form of horserace that"
- 2 and insert "an electronic gaming device that displays a horserace
- 3 and".

AM375

- 1 1. On page 4, line 8, after "held" insert "and in which
- 2 all horses that participated are dead at the time the wager is
- 3 placed".

AM376

- 1 1. On page 4, line 17, strike "initial, one-time" and
- 2 insert "annual"; and in line 18 strike "one" and insert "ten".

AM377

- 1 1. On page 5, line 2, strike "one" and insert "ten".

AM378

- 1 1. On page 5, line 4, strike "one and one-half" and
- 2 insert "fifteen".

AM379

- 1 1. On page 5, line 6, strike "two" and insert "twenty".

AM380

- 1 1. On page 5, line 10, strike "one-tenth of one" and
- 2 insert "ten".

AM381

- 1 1. On page 5, line 15, strike "five-hundredths of one"
- 2 and insert "five".

UNANIMOUS CONSENT - Add Cointroducers

Senator Dubas asked unanimous consent to add her name as cointroducer to LB634 and LR40. No objections. So ordered.

Senator Bolz asked unanimous consent to add her name as cointroducer to LB241, LB323, and LB620. No objections. So ordered.

VISITOR

Visitor to the Chamber was Senator Krist's daughter, Courtney, from Omaha.

ADJOURNMENT

At 12:11 a.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Tuesday, February 26, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 26, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 26, 2013

PRAYER

The prayer was offered by Senator Bloomfield.

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 Carlson and Seiler who were excused; and Senators Ashford, Campbell, Conrad, Pirsch, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 7. Placed on Final Reading.

LEGISLATIVE BILL 156. Placed on Final Reading.

LEGISLATIVE BILL 180. Placed on Final Reading.

LEGISLATIVE BILL 225. Placed on Final Reading.

LEGISLATIVE BILL 311. Placed on Final Reading.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARING

Transportation and Telecommunications

Room 1113

Tuesday, March 5, 2013 1:30 p.m.

LB181

LB393

(Signed) Annette Dubas, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 74. Introduced by Howard, 9; Kolowski, 31.

WHEREAS, Alexandra Baxter, a resident of Omaha, Nebraska, and a student at Millard North High School, has achieved national recognition for exemplary volunteer service by receiving a 2013 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Baxter earned this award by giving generously of her time and energy to the Red Kettle 5k Run, a project she started and which has collected more than 80,000 cans of food to stock Salvation Army pantries for the holiday season; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Baxter.

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

1. That the Legislature congratulates Alexandra Baxter for receiving a 2013 Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and thanks her for her service to our state.

2. That a copy of this resolution be sent to Alexandra Baxter.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 52. Senator Chambers renewed his motion, MO12, found on page 472, to reconsider the vote taken on FA8.

The Chambers motion to reconsider failed with 3 ayes, 23 nays, 15 present and not voting, and 8 excused and not voting.

Senator Chambers offered the following amendment:

FA14

1. Page 2, lines 4 and 5, strike and show as stricken "and to reduce the cost of operating the facilities";

2. line 4 after first comma insert "and"

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 5:

Conrad	Cook	Dubas	Haar, K.	Schumacher
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Voting in the negative, 36:

Adams	Crawford	Johnson	McGill	Sullivan
Avery	Davis	Karpisek	Murante	Wallman
Bloomfield	Gloor	Kintner	Nelson	Watermeier
Bolz	Hadley	Kolowski	Nordquist	Wightman
Brasch	Hansen	Krist	Pirsch	
Campbell	Harms	Lathrop	Scheer	
Christensen	Harr, B.	Lautenbaugh	Schilz	
Coash	Howard	McCoy	Smith	

Present and not voting, 1:

Chambers

Excused and not voting, 7:

Ashford	Janssen	Mello	Seiler
Carlson	Larson	Price	

The Chambers amendment lost with 5 ayes, 36 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO15

Reconsider the vote taken on FA14.

SENATOR COASH PRESIDING

The Chambers motion to reconsider failed with 5 ayes, 20 nays, 14 present and not voting, and 10 excused and not voting.

Senator Chambers offered the following motion:

MO16

Indefinitely postpone.

The Chambers motion to indefinitely postpone failed with 7 ayes, 18 nays, 12 present and not voting, and 12 excused and not voting.

Senator Chambers offered the following amendment:

FA15

Add a new section: No organization or entity which discriminates against

any person on the basis of sexual orientation shall be permitted to participate in the program initiated pursuant to subsection (3).

SENATOR GLOOR PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 29:

Adams	Conrad	Hadley	Kolowski	Smith
Avery	Cook	Harms	Krist	Sullivan
Bloomfield	Crawford	Harr, B.	Lathrop	Wallman
Bolz	Dubas	Howard	Nordquist	Watermeier
Campbell	Gloor	Johnson	Scheer	Wightman
Chambers	Haar, K.	Karpisek	Schumacher	

Voting in the negative, 5:

Brasch	Christensen	Coash	Davis	Kintner
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Present and not voting, 3:

McCoy	Murante	Pirsch
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Excused and not voting, 12:

Ashford	Janssen	McGill	Price
Carlson	Larson	Mello	Schilz
Hansen	Lautenbaugh	Nelson	Seiler

The Chambers amendment was adopted with 29 ayes, 5 nays, 3 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 643. Placed on General File.

(Signed) Amanda McGill, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 75. Introduced by Janssen, 15; Karpisek, 32.

WHEREAS, Frank Freeouf was born February 12, 1884, in a small log house in Saline County; and

WHEREAS, Frank Freeouf attended Freeouf School and the University of Nebraska Agriculture College at Lincoln; and

WHEREAS, Frank Freeouf married Phoebe Emily Parsons on June 8, 1910, and they later had five children together; and

WHEREAS, Frank Freeouf was a farmer and real estate professional in southeast Nebraska; and

WHEREAS, Frank Freeouf was a member of the Nebraska House of Representatives from 1927 to 1935, where he was known for his strong work ethic; and

WHEREAS, Frank Freeouf showed admirable courage overcoming the loss of his right leg in 1922 and persevering through the Great Depression; and

WHEREAS, Frank Freeouf was a respected community servant and role model for persons facing adversities; and

WHEREAS, Frank Freeouf passed away on July 31, 1961.

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

1. That the Legislature honors Frank Freeouf for his service to the State of Nebraska.

2. That a copy of this resolution be sent to the family of Frank Freeouf.

Laid over.

LEGISLATIVE RESOLUTION 76. Introduced by Bloomfield, 17.

WHEREAS, the Wayne High School girls' bowling team won the 2013 Class C Nebraska High School Bowling Federation State Tournament; and

WHEREAS, the win gave the team its second straight state championship; and

WHEREAS, the team members showed remarkable skill and perseverance in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Wayne High School girls' bowling team on winning the 2013 Class C Nebraska High School Bowling Federation State Tournament.

2. That a copy of this resolution be sent to the Wayne High School girls' bowling team and to the team's coach, Mike Varley.

Laid over.

LEGISLATIVE RESOLUTION 77. Introduced by Bloomfield, 17.

WHEREAS, the Emerson-Hubbard High School dance team won the Jazz and Hip Hop divisions at the 2013 Class D Nebraska State Cheer and Dance Championships; and

WHEREAS, team members are Molly Charron, Nikki Sullivan, Peyton Stolze, Riley Stark, Raychel Wyatt, Alexis Boyle, Jayden Gubbels, and Jess Stewart; and

WHEREAS, the team showed outstanding determination, perseverance, and skill throughout the competition; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Emerson-Hubbard High School dance team on winning the Jazz and Hip Hop divisions at the 2013 Class D Nebraska State Cheer and Dance Championships.

2. That a copy of this resolution be sent to the Emerson-Hubbard High School dance team.

Laid over.

LEGISLATIVE RESOLUTION 78. Introduced by Bloomfield, 17.

WHEREAS, the Pender High School dance team won the Pom division at the 2013 Class D Nebraska State Cheer and Dance Championships; and

WHEREAS, team members are Carlie Bartlett, Rebecca McKay, Justice Sorenson, Lexi Ostrand, Raegan Anderson, Molly Burmester, Leigh Heese, Rebecca VonSeggern, Taryn Hansen, and Kate Nelson; and

WHEREAS, the team showed outstanding determination, perseverance, and skill throughout the competition; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Pender High School dance team on winning the Pom division at the 2013 Class D Nebraska State Cheer and Dance Championships.

2. That a copy of this resolution be sent to the Pender High School dance team.

Laid over.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 434. Placed on Select File.

LEGISLATIVE BILL 510. Placed on Select File.

(Signed) John Murante, Chairperson

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB615:

AM353

1 1. On page 2, strike beginning with "(1)" in line 24
2 through line 25 and insert "(1) Within three days after filing the
3 summary guardian affidavit with the court under section 1 of this
4 act, the person filing the summary guardian affidavit shall cause
5 notice of such filing:

6 (a) To be served upon the person alleged to be
7 incapacitated by the sheriff of the county in which the person
8 alleged to be incapacitated resides. Within twenty days after the
9 request of service, the sheriff shall file with the court (i) proof
10 of service that includes the time, place, including address if
11 applicable, and name of the person with whom the notice was left
12 or (ii) the unserved notice and a statement of the reason for the
13 failure to serve; and

14 (b) To be sent to all interested persons."

15 2. On page 3, strike line 1; and strike beginning with
16 "The" in line 9 through line 14 and insert "The person alleged to
17 be incapacitated may file an objection to the summary guardianship
18 within thirty days of actual receipt of the notice of the filing
19 of the summary guardian affidavit. Any other interested person may
20 file an objection to the summary guardianship within thirty days
21 after the filing of the summary guardian affidavit. If no objection
22 is filed, the summary guardianship shall be effective beginning
23 thirty days after the date of actual receipt of the notice of
1 filing of the summary guardianship affidavit by the person alleged
2 to be incapacitated."

3 3. On page 6, line 11, strike beginning with "date"
4 through "affidavit" and insert "summary guardianship becomes
5 effective as provided in subsection (1) of section 3 of this act";
6 and in line 22 strike "7" and insert "6".

UNANIMOUS CONSENT - Add Cointroducers

Senator Christensen asked unanimous consent to add his name as cointroducer to LB428. No objections. So ordered.

Senator Kintner asked unanimous consent to add his name as cointroducer to LB376. No objections. So ordered.

VISITORS

Visitors to the Chamber were 19 fourth-grade students and teachers from St. Vincent de Paul, Seward; 33 ninth-grade students from Omaha Northwest; 3 Home Christian School students and educators; and 20 seventh- and eighth-grade students and teacher from Logan Fontenelle Middle School, Bellevue.

The Doctor of the Day was Dr. Brian Buhlke from Central City.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Wednesday, February 27, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 27, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 27, 2013

PRAYER

The prayer was offered by Pastor Bob Wynn, First United Methodist Church, Louisville.

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 Janssen and Lautenbaugh who were excused; and Senator Hansen who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 363. Placed on Select File with amendment.
ER22

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 84-712, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 84-712 (1) Except as otherwise expressly provided by
- 6 statute, all citizens of this state and all other persons
- 7 interested in the examination of the public records as defined
- 8 in section 84-712.01 are hereby fully empowered and authorized
- 9 to (a) examine such records, and make memoranda, copies using
- 10 their own copying or photocopying equipment in accordance with
- 11 subsection (2) of this section, and abstracts therefrom, all free
- 12 of charge, during the hours the respective offices may be kept
- 13 open for the ordinary transaction of business and (b) except if
- 14 federal copyright law otherwise provides, obtain copies of public
- 15 records in accordance with subsection (3) of this section during

16 the hours the respective offices may be kept open for the ordinary
17 transaction of business.

18 (2) Copies made by citizens or other persons using their
19 own copying or photocopying equipment pursuant to subdivision
20 (1)(a) of this section shall be made on the premises of the
21 custodian of the public record or at a location mutually agreed to
22 by the requester and the custodian.

23 (3)(a) Copies may be obtained pursuant to subdivision
1 (1)(b) of this section only if the custodian has copying equipment
2 reasonably available. Such copies may be obtained in any form
3 designated by the requester in which the public record is
4 maintained or produced, including, but not limited to, printouts,
5 electronic data, discs, tapes, and photocopies. This section shall
6 not be construed to require a custodian to copy any public record
7 that is available to the requester on the custodian's web site on
8 the Internet. The custodian of the public record is required to
9 provide the location of the public record on the Internet to the
10 requester. If the requester does not have reasonable access to the
11 Internet due to lack of computer, lack of Internet availability, or
12 inability to use a computer or the Internet, the custodian shall
13 produce copies for the requester.

14 (b) Except as otherwise provided by statute, the public
15 body, public entity, or public official which is the custodian of
16 a public record may charge a fee for providing copies of such
17 public record pursuant to subdivision (1)(b) of this section, which
18 fee shall not exceed the actual added cost of making the copies
19 available. For purposes of this subdivision, (i) for photocopies,
20 the actual added cost of making the copies available shall not
21 exceed the amount of the reasonably calculated actual added cost
22 of the photocopies, which may include a reasonably apportioned cost
23 of the supplies, such as paper, toner, and equipment, used in
24 preparing the copies, as well as any additional payment obligation
25 of the custodian for time of contractors necessarily incurred
26 to comply with the request for copies, (ii) for printouts of
27 computerized data on paper, the actual added cost of making the
1 copies available shall include the reasonably calculated actual
2 added cost of computer run time and the cost of materials
3 for making the copy, and (iii) for electronic data, the actual
4 added cost of making the copies available shall include the
5 reasonably calculated actual added cost of the computer run time,
6 any necessary analysis and programming by the public body, public
7 entity, public official, or third-party information technology
8 services company contracted to provide computer services to the
9 public body, public entity, or public official, and the production
10 of the report in the form furnished to the requester.

11 (c) The actual added cost used as the basis for the
12 calculation of a fee for records shall not include any charge
13 for the existing salary or pay obligation to the public officers
14 or employees with respect to the first six hours of searching.

15 identifying, physically redacting, or copying. A special service
16 charge reflecting the calculated labor cost may be included in
17 the fee for time required in excess of six hours, since that
18 large a request may cause some delay or disruption of the other
19 responsibilities of the custodian's office, except that the fee
20 for records shall not include any charge for the services of an
21 attorney to review the requested public records seeking a legal
22 basis to withhold the public records from the public.

23 (d) State agencies which provide electronic access to
24 public records through a portal established under section 84-1204
25 shall obtain approval of their proposed reasonable fees for
26 such records pursuant to sections 84-1205.02 and 84-1205.03,
27 if applicable, and the actual added cost of making the copies
1 available may include the approved fee for the portal.

2 ~~(e)~~(e) This section shall not be construed to require a
3 public body or custodian of a public record to produce or generate
4 any public record in a new or different form or format modified
5 from that of the original public record.

6 ~~(d)~~(f) If copies requested in accordance with
7 subdivision (1)(b) of this section are estimated by the custodian
8 of such public records to cost more than fifty dollars, the
9 custodian may require the requester to furnish a deposit prior to
10 fulfilling such request.

11 (4) Upon receipt of a written request for access to
12 or copies of a public record, the custodian of such record
13 shall provide to the requester as soon as is practicable and
14 without delay, but not more than four business days after actual
15 receipt of the request, an estimate of the expected cost of
16 the copies and either (a) access to or, if copying equipment is
17 reasonably available, copies of the public record, (b) if there
18 is a legal basis for denial of access or copies, a written denial
19 of the request together with the information specified in section
20 84-712.04, or (c) if the entire request cannot with reasonable
21 good faith efforts be fulfilled within four business days after
22 actual receipt of the request due to the significant difficulty or
23 the extensiveness of the request, a written explanation, including
24 the earliest practicable date for fulfilling the request, an
25 estimate of the expected cost of any copies, and an opportunity
26 for the requester to modify or prioritize the items within the
27 request. The requester shall have ten business days to review the
1 estimated costs, including any special service charge, and request
2 the custodian to fulfill the original request, negotiate with
3 the custodian to narrow or simplify the request, or withdraw the
4 request. If the requester does not respond to the custodian within
5 ten business days, the custodian shall not proceed to fulfill the
6 request. The four business days shall be computed by excluding the
7 day the request is received, after which the designated period of
8 time begins to run. Business day does not include a Saturday, a
9 Sunday, or a day during which the offices of the custodian of the

10 public records are closed.

11 Sec. 2. Section 84-712.03, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 84-712.03 (1) Any person denied any rights granted by
14 sections 84-712 to 84-712.03 may elect to:

15 ~~(1)~~ (a) File for speedy relief by a writ of mandamus in
16 the district court within whose jurisdiction the state, county, or
17 political subdivision officer who has custody of the public record
18 can be served; or

19 ~~(2)~~ (b) Petition the Attorney General to review the
20 matter to determine whether a record may be withheld from public
21 inspection or whether the public body that is custodian of such
22 record has otherwise failed to comply with such sections, including
23 whether the fees estimated or charged by the custodian are actual
24 added costs or special service charges as provided under section
25 84-712. This determination shall be made within fifteen calendar
26 days ~~of~~ after the submission of the petition. If the Attorney
27 General determines that the record may not be withheld or that the
1 public body is otherwise not in compliance, the public body shall
2 be ordered to disclose the record immediately or otherwise comply.
3 If the public body continues to withhold the record or remain in
4 noncompliance, the person seeking disclosure or compliance may ~~(a)~~
5 (i) bring suit in the trial court of general jurisdiction or ~~(b)~~
6 (ii) demand in writing that the Attorney General bring suit in
7 the name of the state in the trial court of general jurisdiction
8 for the same purpose. If such demand is made, the Attorney General
9 shall bring suit within fifteen calendar days ~~of~~ after its receipt.
10 The requester shall have an absolute right to intervene as a full
11 party in the suit at any time.

12 (2) In any suit filed under this section, the court has
13 jurisdiction to enjoin the public body from withholding records,
14 to order the disclosure, and to grant such other equitable relief
15 as may be proper. The court shall determine the matter de novo
16 and the burden is on the public body to sustain its action.
17 The court may view the records in controversy in camera before
18 reaching a decision, and in the discretion of the court other
19 persons, including the requester, counsel, and necessary expert
20 witnesses, may be permitted to view the records, subject to
21 necessary protective orders.

22 (3) Proceedings arising under this section, except as to
23 the cases the court considers of greater importance, shall take
24 precedence on the docket over all other cases and shall be assigned
25 for hearing, trial, or argument at the earliest practicable date
26 and expedited in every way.

27 Sec. 3. Original section 84-712.03, Reissue Revised
1 Statutes of Nebraska, and section 84-712, Revised Statutes
2 Cumulative Supplement, 2012, are repealed.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Wednesday, March 6, 2013 1:30 p.m.

Lynn Berggren - Nebraska Game and Parks Commission

(Signed) Tom Carlson, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, March 6, 2013 1:30 p.m.

LB632

LB588

LB534

LB382

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

LR23

LR38

LB509

LB381

(Signed) Bill Avery, Chairperson

Appropriations

Room 1003

Thursday, March 21, 2013 1:30 p.m.

LB486

Agency 7 - Governor

Agency 8 - Lieutenant Governor

Agency 9 - Secretary of State

Agency 10 - Auditor of Public Accounts

Agency 11 - Attorney General

Agency 14 - Public Service Commission

Agency 3 - Legislative Council

(Signed) Heath Mello, Chairperson

AMENDMENT - Print in Journal

Senator Scheer filed the following amendment to LB510:
AM416

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 84-1411, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 84-1411 (1) Each public body shall give reasonable
- 6 advance publicized notice of the time and place of each meeting
- 7 by a method designated by each public body and recorded in its
- 8 minutes. Such notice shall be transmitted to all members of the
- 9 public body and to the public. Such notice shall contain an
- 10 agenda of subjects known at the time of the publicized notice
- 11 or a statement that the agenda, which shall be kept continually
- 12 current, shall be readily available for public inspection at the
- 13 principal office of the public body during normal business hours.
- 14 Agenda items shall be sufficiently descriptive to give the public
- 15 reasonable notice of the matters to be considered at the meeting.
- 16 Except for items of an emergency nature, the agenda shall not
- 17 be altered later than (a) twenty-four hours before the scheduled
- 18 commencement of the meeting or (b) forty-eight hours before the
- 19 scheduled commencement of a meeting of a city council or village
- 20 board scheduled outside the corporate limits of the municipality.
- 21 The public body shall have the right to modify the agenda to
- 22 include items of an emergency nature only at such public meeting.
- 23 (2) A meeting of a state agency, state board, state
- 1 commission, state council, or state committee, of an advisory
- 2 committee of any such state entity, of an organization created
- 3 under the Interlocal Cooperation Act, the Joint Public Agency Act,
- 4 or the Municipal Cooperative Financing Act, of the governing body
- 5 of a public power district having a chartered territory of more
- 6 than one county in this state, of the governing body of a public
- 7 power and irrigation district having a chartered territory of more
- 8 than one county in this state, of a board of an educational service
- 9 unit, of the Educational Service Unit Coordinating Council, of the
- 10 governing body of a risk management pool or its advisory committees
- 11 organized in accordance with the Intergovernmental Risk Management
- 12 Act, or of a community college board of governors may be held
- 13 by means of videoconferencing or, in the case of the Judicial
- 14 Resources Commission in those cases specified in section 24-1204,
- 15 by telephone conference, if:
 - 16 (a) Reasonable advance publicized notice is given;
 - 17 (b) Reasonable arrangements are made to accommodate the
 - 18 public's right to attend, hear, and speak at the meeting, including
 - 19 seating, recordation by audio or visual recording devices, and
 - 20 a reasonable opportunity for input such as public comment or
 - 21 questions to at least the same extent as would be provided if
 - 22 videoconferencing or telephone conferencing was not used;

23 (c) At least one copy of all documents being considered
24 is available to the public at each site of the videoconference or
25 telephone conference;

26 (d) At least one member of the state entity, advisory
27 committee, board, council, or governing body is present at each
1 site of the videoconference or telephone conference; and

2 (e) No more than one-half of the state entity's, advisory
3 committee's, board's, council's, or governing body's meetings in a
4 calendar year are held by videoconference or telephone conference.

5 Videoconferencing, telephone conferencing, or
6 conferencing by other electronic communication shall not be used
7 to circumvent any of the public government purposes established
8 in the Open Meetings Act.

9 (3) A meeting of a board of an educational service
10 unit, of the Educational Service Unit Coordinating Council, of the
11 governing body of an entity formed under the Interlocal Cooperation
12 Act, the Joint Public Agency Act, or the Municipal Cooperative
13 Financing Act, of the governing body of a risk management pool
14 or its advisory committees organized in accordance with the
15 Intergovernmental Risk Management Act, of a community college board
16 of governors, of the governing body of a public power district, or
17 of the governing body of a public power and irrigation district may
18 be held by telephone conference call if:

19 (a) The territory represented by the educational service
20 unit, member educational service units, community college board
21 of governors, public power district, public power and irrigation
22 district, or member public agencies of the entity or pool covers
23 more than one county;

24 (b) Reasonable advance publicized notice is given
25 which identifies each telephone conference location at which
26 an educational service unit board member, a council member, a
27 member of a community college board of governors, a member of the
1 governing body of a public power district, a member of the
2 governing body of a public power and irrigation district, or a
3 member of the entity's or pool's governing body will be present;

4 (c) All telephone conference meeting sites identified in
5 the notice are located within public buildings used by members
6 of the educational service unit board, council, community college
7 board of governors, governing body of the public power district,
8 governing body of the public power and irrigation district, or
9 entity or pool or at a place which will accommodate the anticipated
10 audience;

11 (d) Reasonable arrangements are made to accommodate the
12 public's right to attend, hear, and speak at the meeting, including
13 seating, recordation by audio recording devices, and a reasonable
14 opportunity for input such as public comment or questions to
15 at least the same extent as would be provided if a telephone
16 conference call was not used;

17 (e) At least one copy of all documents being considered

18 is available to the public at each site of the telephone conference
19 call;

20 (f) At least one member of the educational service unit
21 board, council, community college board of governors, governing
22 body of the public power district, governing body of the public
23 power and irrigation district, or governing body of the entity
24 or pool is present at each site of the telephone conference call
25 identified in the public notice;

26 (g) The telephone conference call lasts no more than ~~one~~
27 ~~hour;~~ two hours; and

1 (h) No more than one-half of the board's, council's,
2 governing body's, entity's, or pool's meetings in a calendar year
3 are held by telephone conference call, except that a governing
4 body of a risk management pool that meets at least quarterly and
5 the advisory committees of the governing body may each hold more
6 than one-half of its meetings by telephone conference call if
7 the governing body's quarterly meetings are not held by telephone
8 conference call or videoconferencing.

9 Nothing in this subsection shall prevent the
10 participation of consultants, members of the press, and
11 other nonmembers of the governing body at sites not identified in
12 the public notice. Telephone conference calls, emails, faxes, or
13 other electronic communication shall not be used to circumvent any
14 of the public government purposes established in the Open Meetings
15 Act.

16 (4) The secretary or other designee of each public body
17 shall maintain a list of the news media requesting notification
18 of meetings and shall make reasonable efforts to provide advance
19 notification to them of the time and place of each meeting and the
20 subjects to be discussed at that meeting.

21 (5) When it is necessary to hold an emergency meeting
22 without reasonable advance public notice, the nature of the
23 emergency shall be stated in the minutes and any formal action
24 taken in such meeting shall pertain only to the emergency.
25 Such emergency meetings may be held by means of electronic or
26 telecommunication equipment. The provisions of subsection (4)
27 of this section shall be complied with in conducting emergency
1 meetings. Complete minutes of such emergency meetings specifying
2 the nature of the emergency and any formal action taken at the
3 meeting shall be made available to the public by no later than the
4 end of the next regular business day.

5 (6) A public body may allow a member of the public or
6 any other witness other than a member of the public body to appear
7 before the public body by means of video or telecommunications
8 equipment.

9 Sec. 2. Original section 84-1411, Revised Statutes
10 Cumulative Supplement, 2012, is repealed.

MESSAGE FROM THE GOVERNOR

February 20, 2013

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director and Chief Medical Officer for the Department of Health and Human Services - Division of Public Health:

Joseph M. Acierno, MD, JD, 4134 South 174 St., Omaha, NE 68135

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 27, 2013, summarizing the recommended appropriations for the following biennium.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 54, 55, 56, 57, 58, 59, and 60 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 54, 55, 56, 57, 58, 59, and 60.

GENERAL FILE

LEGISLATIVE BILL 52. Senator Bloomfield offered the following motion:

MO17

Indefinitely postpone.

Laid over.

LEGISLATIVE BILL 94. Title read. Considered.

Senator Chambers offered his amendment, FA9, found on page 504.

Senator Chambers withdrew his amendment.

Senator Chambers offered his amendment, FA10, found on page 504.

SENATOR COASH PRESIDING

The Chambers amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Chambers offered his amendment, FA11, found on page 504.

The Chambers amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Chambers offered his amendment, FA12, found on page 504.

Senator Chambers withdrew his amendment.

Senator Chambers offered his amendment, FA13, found on page 504.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Acierno, Joseph M. - Director and Chief Medical Officer, Department of Health and Human Services - Division of Public Health - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 79. Introduced by Pirsch, 4.

WHEREAS, Madeline Lorenzen, an esteemed resident of Omaha, Nebraska, and a student at Millard North High School, has achieved national recognition for exemplary volunteer service by being selected as a

distinguished finalist in the 2013 Prudential Spirit of Community Awards; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Lorenzen earned this distinction by giving generously of her time and energy to the creation of the first-ever Iowa Miss Amazing Pageant, created for women and girls with disabilities to build their confidence; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Lorenzen who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Madeline Lorenzen for her selection as a distinguished finalist in the 2013 Prudential Spirit of Community Awards, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Madeline Lorenzen.

Laid over.

COMMITTEE REPORT

Agriculture

The Agriculture 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.

Chris Kircher - Nebraska State Fair Board

Lowell Minert - Nebraska State Fair Board

Aye: 8 Bloomfield, Chambers, Hansen, K. Harr, Johnson, Lathrop, Schilz, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 340. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 499. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 262. Title read. Considered.

Committee AM138, found on page 432, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 259. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 4 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 273. Title read. Considered.

Senator Karpisek moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 620. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

Senator Price designates LB595 as his priority bill.

COMMITTEE REPORTS

Transportation and Telecommunications

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.

Randall Peters - Director, Department of Roads

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.

John (Jack) Hynes - Board of Public Roads Classifications and Standards
Mick Syslo - Board of Public Roads Classifications and Standards

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

(Signed) Annette Dubas, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 80. Introduced by Brasch, 16.

WHEREAS, Nick Arlt of Oakland-Craig High School won the 2013 Class D State Wrestling Championship in the 145-pound division; and

WHEREAS, Nick displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Nick Arlt on winning the 2013 Class D State Wrestling Championship in the 145-pound division.
2. That a copy of this resolution be sent to Nick Arlt.

Laid over.

LEGISLATIVE RESOLUTION 81. Introduced by Brasch, 16.

WHEREAS, Will Schany of Blair High School won the 2013 Class B State Wrestling Championship in the 182-pound division; and

WHEREAS, Will displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the victory gave Will his third straight state wrestling championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Will Schany on winning the 2013 Class B State Wrestling Championship in the 182-pound division.
2. That a copy of this resolution be sent to Will Schany.

Laid over.

LEGISLATIVE RESOLUTION 82. Introduced by Brasch, 16.

WHEREAS, Jason Hansen of Tekamah-Herman High School won the 2013 Class C State Wrestling Championship in the 106-pound division; and

WHEREAS, Jason displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Jason Hansen on winning the 2013 Class C State Wrestling Championship in the 106-pound division.

2. That a copy of this resolution be sent to Jason Hansen.

Laid over.

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB82:
AM426

- 1 1. On page 2, strike lines 14 through 25 and insert:
- 2 "(3) For purposes of this section, program rate means the
- 3 sum of (a) the lesser of the Treasury Yield Curve Rate, commonly
- 4 referred to as Constant Maturity Treasury rate, for a ten-year
- 5 maturity United States Government note on the last business day of
- 6 the month in which the tax investment was made or five percent per
- 7 annum, times the number of years, or fraction thereof, between the
- 8 making of the tax investment and the claiming of the tax credit,
- 9 plus (b) an inflation adjustment calculated by dividing the United
- 10 States Department of Labor, Bureau of Labor Statistics, Consumer
- 11 Price Index for All Urban Consumers, U.S. City Average, All Items
- 12 factor, on June 30 of the year the credit is claimed by the
- 13 Consumer Price Index for All Urban Consumers, U.S. City Average,
- 14 All Items factor, for the month in which the tax investment was
- 15 made. If the Consumer Price Index for All Urban Consumers is no
- 16 longer published then the factor shall be determined by use of an
- 17 index having similar function."
- 18 2. On page 3, strike lines 1 and 2.

UNANIMOUS CONSENT - Add Cointroducers

Senator Wallman asked unanimous consent to add his name as cointroducer to LB376. No objections. So ordered.

Senator Bolz asked unanimous consent to add her name as cointroducer to LB397. No objections. So ordered.

Senator Campbell asked unanimous consent to add her name as cointroducer to LB632. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Jason Bespalec from Geneva.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Johnson, the Legislature adjourned until 9:00 a.m., Thursday, February 28, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 28, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 28, 2013

PRAYER

The prayer was offered by Senator Scheer.

ROLL CALL

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

The roll was called and all members were present except Senators Sullivan and Wallman who were excused; and Senators Adams, Ashford, Campbell, Cook, Hansen, Harms, Mello, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 504, line 21, strike "disposed" and insert "disposed of".
The Journal for the thirtieth day was approved as corrected.

The Journal for the thirty-third day was approved.

MESSAGE FROM THE GOVERNOR

February 28, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 408e was received in my office on February 22, 2013.

This bill was signed and delivered to the Secretary of State on February 28, 2013.

Sincerely,
 (Signed) Dave Heineman
 Governor

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 386. Placed on General File with amendment.
 AM275

- 1 1. On page 3, line 1, after the period insert "In the
- 2 event of an emergency or a threat to public health, safety, or
- 3 welfare, the notice requirement of this section may be waived.".

(Signed) Annette Dubas, Chairperson

MOTIONS - Approve Appointments

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 507:

State Personnel Board
 Wayne Boyd

Voting in the affirmative, 26:

Avery	Crawford	Kintner	Nordquist	Smith
Bloomfield	Dubas	Kolowski	Pirsch	Wightman
Bolz	Haar, K.	Krist	Price	
Carlson	Harr, B.	Larson	Schilz	
Coash	Howard	Lathrop	Schumacher	
Conrad	Johnson	McGill	Seiler	

Voting in the negative, 0.

Present and not voting, 13:

Brasch	Davis	Janssen	McCoy	Scheer
Chambers	Gloor	Karpisek	Murante	
Christensen	Hadley	Lautenbaugh	Nelson	

Excused and not voting, 10:

Adams	Campbell	Hansen	Mello	Wallman
Ashford	Cook	Harms	Sullivan	Watermeier

The appointment was confirmed with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Senator Scheer moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 512:

Technical Advisory Committee for Statewide Assessment
Frank Harwood

Voting in the affirmative, 35:

Avery	Crawford	Johnson	Lautenbaugh	Price
Bloomfield	Dubas	Karpisek	McCoy	Scheer
Bolz	Gloor	Kintner	McGill	Schilz
Carlson	Haar, K.	Kolowski	Murante	Schumacher
Chambers	Hadley	Krist	Nelson	Seiler
Coash	Harr, B.	Larson	Nordquist	Smith
Conrad	Howard	Lathrop	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 4:

Brasch	Christensen	Davis	Janssen
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Excused and not voting, 10:

Adams	Campbell	Hansen	Mello	Wallman
Ashford	Cook	Harms	Sullivan	Watermeier

The appointment was confirmed with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

Senator Scheer moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 513:

Coordinating Commission for Postsecondary Education
Deborah Frison

Voting in the affirmative, 34:

Avery	Conrad	Howard	Lathrop	Pirsch
Bloomfield	Crawford	Johnson	Lautenbaugh	Scheer
Bolz	Dubas	Karpisek	McCoy	Schilz
Brasch	Gloor	Kintner	McGill	Schumacher
Campbell	Haar, K.	Kolowski	Murante	Seiler
Carlson	Hadley	Krist	Nelson	Wightman
Coash	Harr, B.	Larson	Nordquist	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Davis	Price
Christensen	Janssen	Smith

Excused and not voting, 9:

Adams	Cook	Harms	Sullivan	Watermeier
Ashford	Hansen	Mello	Wallman	

The appointment was confirmed with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Senator Scheer moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 513:

Board of Educational Lands and Funds
James Vokal Jr.

Voting in the affirmative, 33:

Adams	Chambers	Harr, B.	Larson	Schilz
Avery	Coash	Howard	Lautenbaugh	Schumacher
Bloomfield	Crawford	Johnson	McCoy	Seiler
Bolz	Dubas	Karpisek	McGill	Smith
Brasch	Gloor	Kintner	Murante	Wightman
Campbell	Haar, K.	Kolowski	Pirsch	
Carlson	Hadley	Krist	Scheer	

Voting in the negative, 0.

Present and not voting, 8:

Christensen	Davis	Lathrop	Nordquist
Conrad	Janssen	Nelson	Price

Excused and not voting, 8:

Ashford	Hansen	Mello	Wallman
Cook	Harms	Sullivan	Watermeier

The appointment was confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 513:

Nebraska Power Review Board
Stephen Lichter

Voting in the affirmative, 31:

Bloomfield	Crawford	Karpisek	Nelson	Seiler
Bolz	Dubas	Kintner	Nordquist	Smith
Campbell	Haar, K.	Larson	Pirsch	Wightman
Carlson	Hadley	Lautenbaugh	Price	
Chambers	Harr, B.	McCoy	Scheer	
Coash	Howard	McGill	Schilz	
Conrad	Johnson	Murante	Schumacher	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Brasch	Davis	Janssen	Krist
Avery	Christensen	Gloor	Kolowski	Lathrop

Excused and not voting, 8:

Ashford	Hansen	Mello	Wallman
Cook	Harms	Sullivan	Watermeier

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 513:

Nebraska Oil and Gas Conservation Commission
Tim Wistrom

Senator Carlson moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Voting in the affirmative, 33:

Adams	Coash	Hansen	McCoy	Schumacher
Bloomfield	Cook	Harms	Murante	Seiler
Bolz	Crawford	Janssen	Nelson	Smith
Brasch	Davis	Johnson	Pirsch	Watermeier
Campbell	Dubas	Kintner	Price	Wightman
Carlson	Gloor	Larson	Scheer	
Christensen	Hadley	Lautenbaugh	Schilz	

Voting in the negative, 6:

Avery	Conrad	Howard
Chambers	Haar, K.	Karpisek

Present and not voting, 6:

Ashford	Krist	Mello
Harr, B.	Lathrop	Nordquist

Absent and not voting, 1:

McGill

Excused and not voting, 3:

Kolowski	Sullivan	Wallman
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The appointment was confirmed with 33 ayes, 6 nays, 6 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 518:

Nebraska Investment Council
John Conley

Voting in the affirmative, 32:

Adams	Cook	Hansen	McCoy	Seiler
Avery	Crawford	Howard	Mello	Smith
Bolz	Davis	Janssen	Nordquist	Watermeier
Brasch	Dubas	Kintner	Pirsch	Wightman
Campbell	Gloor	Larson	Price	
Carlson	Haar, K.	Lathrop	Scheer	
Chambers	Hadley	Lautenbaugh	Schumacher	

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Coash	Harr, B.	Krist	Nelson
Bloomfield	Conrad	Johnson	McGill	Schilz
Christensen	Harms	Karpisek	Murante	

Excused and not voting, 3:

Kolowski	Sullivan	Wallman
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The appointment was confirmed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

SPEAKER ADAMS PRESIDING

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 518:

Public Employees Retirement Board
 Darrell E. Fisher
 Elaine Stuhr

Voting in the affirmative, 27:

Adams	Christensen	Hadley	Nordquist	Smith
Avery	Conrad	Hansen	Pirsch	Watermeier
Bolz	Cook	Harms	Price	Wightman
Brasch	Crawford	Kintner	Scheer	
Campbell	Gloor	Lathrop	Schumacher	
Chambers	Haar, K.	McCoy	Seiler	

Voting in the negative, 0.

Present and not voting, 19:

Ashford	Davis	Janssen	Larson	Murante
Bloomfield	Dubas	Johnson	Lautenbaugh	Nelson
Carlson	Harr, B.	Karpisek	McGill	Schilz
Coash	Howard	Krist	Mello	

Excused and not voting, 3:

Kolowski	Sullivan	Wallman
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The appointment were confirmed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 94. Placed on Select File with amendment.
 ER23

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 37-447, Revised Statutes Cumulative
 4 Supplement, 2012, is amended to read:
 5 37-447 (1) The commission may issue permits for the
 6 hunting of deer and prescribe and adopt and promulgate rules
 7 and regulations and limitations for the hunting, transportation,
 8 and possession of deer. The commission may offer multiple-year
 9 permits or combinations of permits at reduced rates. The commission
 10 may specify by regulation the information to be required on
 11 applications for such permits. Regulations and limitations for the
 12 hunting, transportation, and possession of deer may include, but

13 not be limited to, regulations and limitations as to the type,
14 caliber, and other specifications of firearms and ammunition used
15 and specifications for bows and arrows used. Such regulations and
16 limitations may further specify and limit the method of hunting
17 deer and may provide for dividing the state into management units
18 or areas, and the commission may enact different deer hunting
19 regulations for the different management units pertaining to sex,
20 species, and age of the deer hunted.

21 (2) The number of such permits may be limited as provided
22 by the rules and regulations of the commission, and except as
23 provided in section 37-454, the permits shall be ~~disposed of~~
1 allocated in an impartial manner. Whenever the commission deems it
2 advisable to limit the number of permits issued for any or all
3 management units, the commission shall, by rules and regulations,
4 determine ~~who shall be eligible~~ eligibility to obtain such permits.
5 In establishing eligibility, the commission may give preference to
6 persons who did not receive a permit or a specified type of permit
7 during the previous year or years.

8 (3) Such permits may be issued to allow deer hunting in
9 the Nebraska National Forest and other game reserves and such other
10 areas as the commission may designate whenever the commission deems
11 that permitting such hunting will not be detrimental to the proper
12 preservation of wildlife in Nebraska in such forest, reserves, or
13 areas.

14 (4)(a) The commission shall, pursuant to section 37-327,
15 establish and charge a fee of not more than twenty-nine dollars
16 for residents and not more than two hundred fourteen dollars for
17 nonresidents for each permit issued under this section except
18 as otherwise provided in subdivision (b) of this subsection and
19 subsection (6) of this section.

20 (b) The fee for a statewide buck-only permit shall be
21 no more than two and one-half times the amount of a regular deer
22 permit. The commission may provide different fees for different
23 species.

24 (5)(a) The commission may issue nonresident permits after
25 preference has been given for the issuance of resident permits as
26 provided in rules and regulations adopted and promulgated by the
27 commission.

1 (b) In management units specified by the commission, the
2 commission may issue nonresident permits after resident preference
3 has been provided by allocating at least eighty-five percent of
4 the available permits to residents. The commission may require
5 a predetermined application period for permit applications in
6 specified management units. Such permits shall be issued after
7 a reasonable period for making application, as established by
8 the commission, has expired. When more valid applications are
9 received for a designated management unit than there are permits
10 available, such permits shall be allocated on the basis of a random
11 drawing. All valid applications received during the predetermined

12 application period shall be considered equally in any such random
13 drawing without regard to time of receipt of such applications by
14 the commission.

15 (6) The commission shall, pursuant to section 37-327,
16 establish and charge a fee of not more than twenty-five dollars for
17 residents and not more than forty-five dollars for nonresidents for
18 a youth deer permit.

19 (7) Any person violating the rules and regulations
20 adopted and promulgated pursuant to this section shall be guilty
21 of a Class II misdemeanor and shall be fined at least one hundred
22 dollars upon conviction.

23 Sec. 2. Section 37-450, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 37-450 (1) The commission may issue permits for hunting
26 elk and may adopt and promulgate separate and, when necessary,
27 different rules and regulations therefor within the limitations
1 prescribed in sections 37-447 and 37-452 for hunting deer.

2 (2) The commission shall, pursuant to section 37-327,
3 establish and charge (a) a nonrefundable application fee of not
4 more than eight dollars and fifty cents for a resident elk permit
5 and not to exceed three times such amount for a nonresident elk
6 permit and (b) a fee of not more than one hundred forty-nine
7 dollars and fifty cents for each resident elk permit issued and not
8 to exceed three times such amount for each nonresident elk permit
9 issued.

10 (3) An applicant shall not be issued a resident elk
11 permit that allows the harvest of an antlered elk more than
12 once every five years. A person may obtain only harvest one
13 antlered elk permit-antlered elk in his or her lifetime except for
14 when harvesting an antlered elk with a limited permit to hunt elk
15 pursuant to subdivision (1)(b) of section 37-455 and/or an auction
16 or lottery permit pursuant to section 37-455.01.

17 (4) The provisions for the distribution of deer permits
18 and the authority of the commission to determine eligibility of
19 applicants for permits as described in sections 37-447 and 37-452
20 shall also apply to the distribution of elk permits.

21 (5) Any person violating the rules and regulations
22 adopted and promulgated pursuant to this section shall be guilty
23 of a Class III misdemeanor and shall be fined at least two hundred
24 dollars upon conviction.

25 Sec. 3. Section 37-455, Revised Statutes Cumulative
26 Supplement, 2012, is amended to read:

27 37-455 (1) The commission may issue a limited permit
1 for deer, antelope, wild turkey, or elk to a person who is a
2 qualifying landowner or leaseholder and his or her immediate family
3 as described in this section. The commission may issue nonresident
4 landowner limited permits after preference has been given for the
5 issuance of resident permits as provided in rules and regulations
6 adopted and promulgated by the commission. A permit shall be

7 valid during the predetermined period established by the commission
8 pursuant to sections 37-447 to 37-450, 37-452, 37-456, or 37-457.

9 Upon receipt of an application in proper form as prescribed by
10 the rules and regulations of the commission, the commission may
11 issue (a) a limited deer, antelope, or wild turkey permit valid
12 for hunting on all of the land which is owned or leased by the
13 qualifying landowner or leaseholder if such lands are identified in
14 the application or (b) a limited elk permit valid for hunting on
15 the entire elk management unit of which the land of the qualifying
16 landowner or leaseholder included in the application is a part.

17 (2)(a) The commission shall adopt and promulgate rules
18 and regulations prescribing procedures and forms and create
19 requirements for documentation by an applicant or permittee
20 to determine whether the applicant or permittee is a Nebraska
21 resident and is a qualifying landowner or leaseholder of the
22 described property or is a member of the immediate family of
23 such qualifying landowner or leaseholder. The commission may adopt
24 and promulgate rules and regulations that create requirements for
25 documentation to designate one qualifying landowner among partners
26 of a partnership or officers or shareholders of a corporation
27 that owns or leases eighty acres or more of farm or ranch land
1 for agricultural purposes and among beneficiaries of a trust that
2 owns or leases eighty acres or more of farm or ranch land for
3 agricultural purposes. Only a person who is a qualifying landowner
4 or leaseholder and such person's immediate family may apply for a
5 limited permit. An applicant may apply for no more than one permit
6 per species per year except as otherwise provided in the rules
7 and regulations of the commission. For purposes of this section,
8 immediate family means and is limited to a husband and wife and
9 their children or siblings sharing ownership in the property.

10 (b) The conditions applicable to permits issued pursuant
11 to sections 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever
12 is appropriate, shall apply to limited permits issued pursuant to
13 this section, except that the commission may adopt and promulgate
14 rules and regulations for species harvest allocation pertaining to
15 the sex and age of the species harvested which are different for a
16 limited permit than for other hunting permits. For purposes of this
17 section, white-tailed deer and mule deer shall be treated as one
18 species.

19 (3)(a) To qualify for a limited permit to hunt deer
20 or antelope, the applicant shall be a Nebraska resident who
21 (i) owns or leases eighty acres or more of farm or ranch
22 land for agricultural purposes or a member of such person's
23 immediate family or (ii) is the partner, officer, shareholder,
24 or beneficiary designated as the qualifying landowner by a
25 partnership, corporation, or trust as provided in the rules and
26 regulations under subdivision (2)(a) of this section or a member
27 of the immediate family of the partner, officer, shareholder, or
1 beneficiary. The number of limited permits issued annually per

2 species for each farm or ranch shall not exceed the total acreage
3 of the farm or ranch divided by eighty. The fee for a limited
4 permit to hunt deer or antelope shall be one-half the fee for the
5 regular permit for such species.

6 (b) A nonresident of Nebraska who owns three hundred
7 twenty acres or more of farm or ranch land in the State of Nebraska
8 for agricultural purposes or a member of such person's immediate
9 family may apply for a limited deer or antelope permit. The number
10 of limited permits issued annually per species for each farm or
11 ranch shall not exceed the total acreage of the farm or ranch
12 divided by three hundred twenty. The fee for such a permit to hunt
13 deer or antelope shall be one-half the fee for a nonresident permit
14 to hunt such species.

15 (c) The commission may adopt and promulgate rules and
16 regulations providing for the issuance of an additional limited
17 deer permit to a qualified individual for the taking of a deer
18 without antlers at a fee equal to or less than the fee for the
19 original limited permit.

20 (4)(a) To qualify for a limited permit to hunt wild
21 turkey, the applicant shall be a Nebraska resident who (i) owns or
22 leases eighty acres or more of farm or ranch land for agricultural
23 purposes or a member of such person's immediate family or (ii)
24 is the partner, officer, shareholder, or beneficiary designated as
25 the qualifying landowner by a partnership, corporation, or trust as
26 provided in the rules and regulations under subdivision (2)(a) of
27 this section or a member of the immediate family of the partner,
1 officer, shareholder, or beneficiary. The number of limited permits
2 issued annually per season for each farm or ranch shall not exceed
3 the total acreage of the farm or ranch divided by eighty. An
4 applicant may apply for no more than one limited permit per season.
5 The fee for a limited permit to hunt wild turkey shall be one-half
6 the fee for the regular permit to hunt wild turkey.

7 (b) A nonresident of Nebraska who owns three hundred
8 twenty acres or more of farm or ranch land in the State of Nebraska
9 for agricultural purposes or a member of such person's immediate
10 family may apply for a limited permit to hunt wild turkey. Only one
11 limited wild turkey permit per three hundred twenty acres may be
12 issued annually for each wild turkey season under this subdivision.
13 The fee for such a permit to hunt shall be one-half the fee for a
14 nonresident permit to hunt wild turkey.

15 (5) To qualify for a limited permit to hunt elk, (a)
16 the applicant shall be (i) a Nebraska resident who owns three
17 hundred twenty acres or more of farm or ranch land for agricultural
18 purposes, (ii) a Nebraska resident who leases six hundred forty
19 acres or more of farm or ranch land for agricultural purposes
20 or has a leasehold interest and an ownership interest in farm or
21 ranch land used for agricultural purposes which when added together
22 totals at least six hundred forty acres, (iii) a nonresident of
23 Nebraska who owns at least one thousand two hundred eighty acres

24 of farm or ranch land for agricultural purposes, or (iv) a member
 25 of such owner's or lessee's immediate family and (b) the qualifying
 26 farm or ranch land of the applicant shall be within an area
 27 designated as an elk management zone by the commission in its rules
 1 and regulations. An applicant shall not be issued a limited bull
 2 elk permit more than once every three years, and the commission
 3 may give preference to a person who did not receive a limited
 4 elk permit or a specified type of limited elk permit during the
 5 previous years. The fee for a resident landowner limited permit to
 6 hunt elk shall not exceed one-half the fee for the regular permit
 7 to hunt elk. The fee for a nonresident landowner limited permit
 8 to hunt elk shall not exceed three times the cost of a resident
 9 elk permit. The number of applications allowed for limited elk
 10 permits for each farm or ranch shall not exceed the total acreage
 11 of the farm or ranch divided by the minimum acreage requirements
 12 established for the property. No more than one person may qualify
 13 for the same described property.

14 Sec. 4. Original sections 37-447, 37-450, and 37-455,
 15 Revised Statutes Cumulative Supplement, 2012, are repealed.

16 2. On page 1, line 1, strike "section" and insert
 17 "sections".

LEGISLATIVE BILL 340. Placed on Select File.

LEGISLATIVE BILL 499. Placed on Select File.

LEGISLATIVE BILL 262. Placed on Select File.

LEGISLATIVE BILL 259. Placed on Select File.

LEGISLATIVE BILL 273. Placed on Select File.

LEGISLATIVE BILL 620. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Executive Board

LEGISLATIVE BILL 242. Placed on General File.

LEGISLATIVE BILL 612. Placed on General File with amendment.
 AM321

1 1. On page 3, line 4; page 4, lines 11 and 12; page 5,
 2 lines 21 and 22; page 6, lines 20 and 21; page 7, lines 17 and 18;
 3 and page 11, lines 2 and 20, strike "July 15" and insert "September
 4 1".

(Signed) John Wightman, Chairperson

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Room 1510

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

LB452 (cancel)

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

LB395 (cancel)

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 68. Placed on General File with amendment.
AM333

1 1. Strike original section 21 and insert the following
2 new section:

3 Sec. 21. Section 2-10,111, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 2-10,111 ~~All costs associated with a~~
6 ~~withdrawal from distribution order or the quarantine, treatment,~~
7 ~~or destruction of plants shall be incurred by the owner of such~~
8 ~~plants. The department shall not be liable for any actual or~~
9 ~~incidental costs incurred by any person due to such departmental~~
10 ~~actions. The department shall be reimbursed by the owner of such~~
11 ~~plants for the actual expenses incurred by it in carrying out a~~
12 ~~withdrawal from distribution order or the quarantine, treatment,~~
13 ~~or destruction of any plants.~~

14 (1) All costs associated with treating, seizing,
15 or destroying any plant or issuing and enforcing any
16 withdrawal-from-distribution order for any plant, which plant is in
17 violation of the Plant Protection and Plant Pest Act or the rules
18 and regulations adopted and promulgated pursuant to the act, shall
19 be the responsibility of the person in possession of the plant. The
20 department shall be reimbursed by the person in possession of the
21 plant for the actual cost incurred by the department in enforcing
22 the act or such rules and regulations.

23 (2) All costs related to enforcement of the act and such
1 rules and regulations shall be the responsibility of the person
2 violating the act. The department shall be reimbursed by persons
3 violating the act or such rules and regulations for the actual cost
4 incurred by the department in enforcing the act.

5 (3) The department shall not be liable for any costs
6 incurred by any person due to any departmental actions relating to

- 7 the enforcement of the act or such rules and regulations.
 8 2. On page 15, line 14, strike "9"; and in line 15 strike
 9 "of this act" and insert "2-1091".
 10 3. On page 31, line 15, before "and" insert "2-10,111,".

LEGISLATIVE BILL 166. Placed on General File with amendment.
 AM188

- 1 1. Insert the following section:
 2 Sec. 3. Since an emergency exists, this act takes effect
 3 when passed and approved according to law.
 4 2. On page 8, line 19, strike "eighteen" and insert
 5 "fifteen".

(Signed) Ken Schilz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 225A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 363A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 133. Title read. Considered.

Pending.

VISITORS

Visitors to the Chamber were YMCA's of Nebraska from across the state; 47 fourth-grade students from Bryan Elementary, Lexington; Jeff, Carey, Mike, Meg, and Max Mogensen and Tyler and Thomas Boubin from South Sioux City; and 75 fourth-grade students and teachers from Ashland-Greenwood.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Ashford, the Legislature adjourned until 9:00 a.m., Friday, March 1, 2013.

Patrick J. O'Donnell
 Clerk of the Legislature

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

THIRTY-SIXTH DAY - MARCH 4, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 4, 2013

PRAYER

The prayer was offered by Senator Crawford.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senators Christensen, Cook, and Sullivan who were excused; and Senators Ashford, Janssen, Kolowski, and Mello who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 133. Placed on Select File.

LEGISLATIVE BILL 316. Placed on Select File.

(Signed) John Murante, Chairperson

ANNOUNCEMENT

Senator Dubas designates LB530 as her priority bill.

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

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

LB395

LB452

(Signed) Kathy Campbell, Chairperson

MESSAGE FROM THE GOVERNOR

March 1, 2013

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Liquor Control Commission:

Robert Batt, 9820 Nottingham Dr., Omaha, NE 68114

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB363:
AM480

(Amendments to E & R amendments, ER22)

- 1 1. On page 3, lines 14 and 17, strike "six" and insert
- 2 "four cumulative".

MOTIONS - Approve Appointments

Senator Schilz moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 543:

Nebraska State Fair Board
Chris Kircher
Lowell Minert

Voting in the affirmative, 36:

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

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Conrad	McGill
Coash	McCoy	Schumacher

Excused and not voting, 7:

Ashford	Cook	Kolowski	Sullivan
Christensen	Janssen	Mello	

The appointments were confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 544:

Department of Roads
Randall Peters, Director

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 4:

Avery	Coash	Karpisek	Krist
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Excused and not voting, 6:

Ashford	Cook	Mello
Christensen	Janssen	Sullivan

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 545:

Board of Public Roads Classifications and Standards

John (Jack) Hynes

Mick Syslo

Voting in the affirmative, 34:

Adams	Conrad	Harms	Lathrop	Scheer
Bloomfield	Davis	Howard	Lautenbaugh	Schilz
Brasch	Dubas	Johnson	McGill	Seiler
Campbell	Gloor	Kintner	Murante	Smith
Carlson	Haar, K.	Kolowski	Nelson	Watermeier
Chambers	Hadley	Krist	Pirsch	Wightman
Coash	Hansen	Larson	Price	

Voting in the negative, 0.

Present and not voting, 9:

Avery	Crawford	Karpisek	Nordquist	Wallman
Bolz	Harr, B.	McCoy	Schumacher	

Excused and not voting, 6:

Ashford	Cook	Mello
Christensen	Janssen	Sullivan

The appointments were confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 70. ER15, found on page 408, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 31. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 88. ER17, found on page 457, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 38. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 283. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 628. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 337. ER18, found on page 458, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 426. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 117. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 165. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 398. ER20, found on page 458, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 27. ER19, found on page 458, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 211. ER14, found on page 407, was adopted.

Senator K. Haar offered his amendment, AM237, found on page 446.

Senator K. Haar withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 211A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 616. ER21, found on page 458, was adopted.

Senator Schumacher offered his amendment, AM294, found on page 492.

The Schumacher amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 484. Senator Karpisek offered his amendment, AM261, found on page 476.

The Karpisek amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 510. Senator Scheer offered his amendment, AM416, found on page 538.

The Scheer amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 6. Title read. Considered.

Senator Krist offered the following amendment:
AM476

- 1 1. Strike original section 3 and insert the following new
- 2 sections:
- 3 Sec. 3. (1) The Nebraska Commission on Problem Gambling
- 4 is created. For administrative purposes only, the commission shall
- 5 be within the division. The commission shall have nine members
- 6 appointed by the Governor as provided in this section, subject to
- 7 confirmation by a majority of the members of the Legislature. The
- 8 members of the commission shall have no pecuniary interest, either
- 9 directly or indirectly, in a contract with the program providing
- 10 services to problem gamblers and shall not be employed by the
- 11 commission or the Department of Revenue.
- 12 (2) By July 1, 2013, the Governor shall appoint members
- 13 of the commission as follows:
- 14 (a) One member from a list of at least four persons with
- 15 medical care or mental health expertise submitted by the General
- 16 Affairs Committee of the Legislature;
- 17 (b) One member from a list of at least four persons with
- 18 expertise in banking and finance submitted by the General Affairs
- 19 Committee of the Legislature;
- 20 (c) One member from a list of at least four persons with
- 21 legal expertise submitted by the General Affairs Committee of the

22 Legislature;

23 (d) One member from a list of at least four persons
1 with expertise in the field of education submitted by the General
2 Affairs Committee of the Legislature;

3 (e) One member from a list of four consumers of problem
4 gambling services submitted by the General Affairs Committee of the
5 Legislature;

6 (f) One member from a list of four consumers of problem
7 gambling services submitted by the General Affairs Committee of the
8 Legislature;

9 (g) One member from a list of at least four persons with
10 data analysis expertise submitted by the General Affairs Committee
11 of the Legislature;

12 (h) One member from a list of at least four persons
13 who are residents of the state and are representative of the
14 public at large submitted by the General Affairs Committee of the
15 Legislature; and

16 (i) One member from a list of at least four persons
17 who are residents of the state and are representative of the
18 public at large submitted by the General Affairs Committee of the
19 Legislature.

20 (3) The General Affairs Committee of the Legislature
21 shall hold a confirmation hearing for the appointees, and the
22 appointments shall be subject to confirmation by a majority of the
23 members of the Legislature, except that the initial members and
24 members appointed while the Legislature is not in session shall
25 serve until the next session of the Legislature, at which time
26 the General Affairs Committee shall hold a confirmation hearing for
27 such appointments and a majority of the members of the Legislature
1 shall approve or disapprove of the appointments.

2 (4) The terms of the members shall be for three years,
3 except that the Governor shall designate three of the initial
4 appointees to serve initial terms beginning on July 1, 2013, and
5 ending on March 1, 2014, three of the initial appointees to serve
6 initial terms beginning on July 1, 2013, and ending on March 1,
7 2015, and three of the initial appointees to serve initial terms
8 beginning on July 1, 2013, and ending on March 1, 2016. The
9 General Affairs Committee shall submit the list of four persons
10 for each position to be filled within thirty days after the
11 effective date of this act for initial appointments, within thirty
12 days after receiving notice of a vacancy, or by February 1 for
13 terms ending the following March 1. The Governor shall make the
14 applicable appointment within thirty days after receiving the list.
15 The Governor shall appoint members to fill vacancies in the same
16 manner as the initial appointments, and such appointees shall serve
17 for the remainder of the unexpired term.

18 (5) Beginning July 1, 2013, the commission shall adopt
19 bylaws governing its operation and the commission shall meet at
20 least four times each calendar year and may meet more often on

21 the call of the chairperson. Each member shall attend at least
 22 two meetings each calendar year and shall be subject to removal
 23 for failure to attend at least two meetings unless excused by
 24 a majority of the members of the commission. Meetings of the
 25 commission are subject to the Open Meetings Act.

26 Sec. 11. Sections 4 to 10, 12, and 13 of this act become
 27 operative on July 1, 2013. The other sections of this act become
 1 operative on their effective date.

2 Sec. 14. Since an emergency exists, this act takes effect
 3 when passed and approved according to law.

4 2. On page 5, line 8; and page 8, lines 3 and 7 and 8,
 5 strike "the effective date of this act" and insert "July 1, 2013".

6 3. On page 7, line 15, strike "commission" and insert
 7 "program, including travel".

8 4. On page 9, line 11, after "section" insert "and
 9 providing administrative support for the Nebraska Commission on
 10 Problem Gambling".

11 5. Renumber the remaining sections accordingly.

The Krist amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 479. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 83. Introduced by Harms, 48; Davis, 43; Schilz, 47.

WHEREAS, the Scottsbluff High School boys' basketball team won the district championship for Class B, District 6; and

WHEREAS, this win earns the Scottsbluff Bearcats their third straight district championship and fourth trip to the state tournament in the last six years; and

WHEREAS, the Scottsbluff Bearcats are the defending Class B state champions.

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

1. That the Legislature congratulates the Scottsbluff High School boys' basketball team and their coach, Tony Siske, for their accomplishment.

2. That a copy of this resolution be sent to the Scottsbluff High School boys' basketball team and their coach, Tony Siske.

Laid over.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of 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) Rick Kolowski

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 192. Placed on General File.

LEGISLATIVE BILL 140. Placed on General File with amendment. AM210 is available in the Bill Room.

LEGISLATIVE BILL 215. Placed on General File with amendment. AM156

- 1 1. On page 2, line 19, reinstate the stricken matter and
- 2 strike "shall" and insert "only".

(Signed) Bill Avery, Chairperson

COMMITTEE REPORT

Government, Military and Veterans Affairs

The Government, Military and Veterans 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.

Steven Danon - State Emergency Response Commission
Don Eisenhower - State Emergency Response Commission

Aye: 7 Avery, Bloomfield, Karpisek, Murante, Price, Scheer, Wallman.
Nay: 0. Absent: 1 Lautenbaugh. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 470. Placed on General File with amendment. AM444

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

3 Section 1. Section 13-504, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 13-504 (1) Each governing body shall annually prepare a
6 proposed budget statement on forms prescribed and furnished by the
7 auditor. The proposed budget statement shall be made available to
8 the public by the political subdivision prior to publication of the
9 notice of the hearing on the proposed budget statement pursuant
10 to section 13-506. A proposed budget statement shall contain the
11 following information, except as provided by state law:

12 (a) For the immediately preceding fiscal year, the
13 revenue from all sources, including motor vehicle taxes, other
14 than revenue received from personal and real property taxation,
15 allocated to the funds and separately stated as to each such
16 source: The unencumbered cash balance at the beginning and end of
17 the year; the amount received by taxation of personal and real
18 property; and the amount of actual expenditures;

19 (b) For the current fiscal year, actual and estimated
20 revenue from all sources, including motor vehicle taxes, allocated
21 to the funds and separately stated as to each such source: The
22 actual unencumbered cash balance available at the beginning of the
23 year; the amount received from personal and real property taxation;
1 and the amount of actual and estimated expenditures, whichever
2 is applicable. Such statement shall contain the cash reserve for
3 each fiscal year and shall note whether or not such reserve is
4 encumbered. Such cash reserve projections shall be based upon the
5 actual experience of prior years. The cash reserve shall not exceed
6 fifty percent of the total budget adopted exclusive of capital
7 outlay items;

8 (c) For the immediately ensuing fiscal year, an estimate
9 of revenue from all sources, including motor vehicle taxes, other
10 than revenue to be received from taxation of personal and real
11 property, separately stated as to each such source: The actual or
12 estimated unencumbered cash balances, whichever is applicable, to
13 be available at the beginning of the year; the amounts proposed
14 to be expended during the year; and the amount of cash reserve,
15 based on actual experience of prior years, which cash reserve shall
16 not exceed fifty percent of the total budget adopted exclusive of
17 capital outlay items;

18 (d) A statement setting out separately the amount sought
19 to be raised from the levy of a tax on the taxable value of real
20 property (i) for the purpose of paying the principal or interest on
21 bonds issued by the governing body and (ii) for all other purposes;

22 (e) A uniform summary of the proposed budget statement,
23 including each proprietary function fund included in a separate
24 proprietary budget statement prepared pursuant to the Municipal
25 Proprietary Function Act, and a grand total of all funds maintained
26 by the governing body; ~~and~~

27 (f) For municipalities, a list of the proprietary
1 functions which are not included in the budget statement. Such

2 proprietary functions shall have a separate budget statement which
3 is approved by the city council or village board as provided in the
4 Municipal Proprietary Function Act; and-

5 (g) For school districts and educational service units, a
6 separate identification and description of all current and future
7 costs to the school district or educational service unit which are
8 reasonably anticipated as a result of any contract, and any adopted
9 amendments thereto, for superintendent services to be rendered to
10 such school district or administrator services to be rendered to
11 such educational service unit.

12 (2) The actual or estimated unencumbered cash balance
13 required to be included in the budget statement by this section
14 shall include deposits and investments of the political subdivision
15 as well as any funds held by the county treasurer for the political
16 subdivision and shall be accurately stated on the proposed budget
17 statement.

18 (3) The political subdivision shall correct any material
19 errors in the budget statement detected by the auditor or by other
20 sources.

21 Sec. 2. Sections 2 to 6 of this act shall be known and
22 may be cited as the Superintendent Pay Transparency Act.

23 Sec. 3. (1) Before the school board of any school
24 district or the board of any educational service unit approves
25 a proposed contract, or any proposed amendment to an existing
26 contract, for future superintendent services to be rendered to
27 such school district by the current superintendent or future
1 administrator services to be rendered to such educational service
2 unit by the current administrator, the board shall publish a copy
3 of such proposed contract or amendment, and a reasonable estimate
4 and description of all current and future costs to the school
5 district or educational service unit if the proposed contract or
6 amendment were to be approved, at least three days before the
7 meeting of the board at which such proposed contract or amendment
8 will be considered. Such publication shall also specify the date,
9 time, and place of the public meeting at which the proposed
10 contract or amendment will be considered. Electronic publication on
11 the web site of the school district or educational service unit
12 shall satisfy the requirement of this subsection if such electronic
13 publication is prominently displayed and allows public access to
14 the entire proposed contract or amendment.

15 (2) After the school board of any school district or
16 the board of any educational service unit approves a contract
17 for future superintendent services to be rendered to such school
18 district by a new superintendent or future administrator services
19 to be rendered to such educational service unit by a new
20 administrator, the board shall publish a copy of such contract, and
21 a reasonable estimate and description of all current and future
22 costs to the school district or educational service unit that will
23 be incurred as a result of such contract, within two days after

24 the meeting of the board at which such contract was approved.
25 Electronic publication on the web site of the school district or
26 educational service unit shall satisfy the requirement of this
27 subsection if such electronic publication is prominently displayed
1 and allows public access to the entire contract.

2 Sec. 4. After approval of a contract, or any amendments
3 thereto, for superintendent services or educational service unit
4 administrator services, the approving board shall file a copy of
5 such contract or amendment with the State Department of Education
6 on or before the next succeeding August 1. The department shall
7 have no duty to review such contracts or amendments but shall
8 publicly post all such contracts or amendments received on the web
9 site of the department.

10 Sec. 5. If the school board of any school district or the
11 board of any educational service unit fails to timely file a copy
12 of an approved contract, or contract amendment, for superintendent
13 services or educational service unit administrator services with
14 the State Department of Education as required in section 4 of
15 this act, the Commissioner of Education, after notice to the board
16 president and either the superintendent or educational service unit
17 administrator and an opportunity to be heard, shall direct that
18 any state aid granted pursuant to the Tax Equity and Educational
19 Opportunities Support Act to the school district or core services
20 and technology infrastructure funds granted pursuant to section
21 79-1241.03 to the educational service unit be withheld until such
22 time as the contract or amendment is received by the department.
23 In addition, the commissioner shall direct each county treasurer
24 of a county with territory in the school district or educational
25 service unit to withhold all money belonging to the school district
26 or educational service unit until such time as the commissioner
27 notifies such county treasurer of receipt of such contract or
1 amendment. Each such county treasurer shall withhold such money.
2 For school districts that are members of learning communities,
3 a determination of school money belonging to the school district
4 shall be based on the proportionate share of property tax receipts
5 allocated to the school district pursuant to section 79-1073 in
6 addition to the other property tax receipts belonging to the school
7 district. If the board does not comply with this section prior
8 to October 1 following the school fiscal year for which the state
9 aid or core services and technology infrastructure funding was
10 calculated, the funds shall revert to the General Fund. The amount
11 of any reverted funds shall be included in data provided to the
12 Governor, the Appropriations Committee of the Legislature, and the
13 Education Committee of the Legislature in accordance with section
14 79-1031.

15 Sec. 6. All amendments to a contract for superintendent
16 services or educational service unit administrator services shall
17 be subject to the Superintendent Pay Transparency Act, including,
18 but not limited to, amendments involving salary increases or

19 benefit changes.

20 Sec. 7. This act becomes operative on July 1, 2013.

21 Sec. 8. Original section 13-504, Reissue Revised Statutes
22 of Nebraska, is repealed.

23 Sec. 9. Since an emergency exists, this act takes effect
24 when passed and approved according to law.

LEGISLATIVE BILL 121. Indefinitely postponed.

LEGISLATIVE BILL 539. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

NOTICE OF COMMITTEE HEARING

Education

Room 1525

Tuesday, March 12, 2013 1:30 p.m.

Kim Dinsdale - Nebraska Educational Telecommunications Commission
(rehearing)

LB460

LB275

LB131

LB143

LB619

(Signed) Kate Sullivan, Chairperson

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 76. Placed on General File.

LEGISLATIVE BILL 458. Placed on General File.

LEGISLATIVE BILL 459. Placed on General File.

LEGISLATIVE BILL 530. Placed on General File with amendment.

AM364

- 1 1. On page 3, line 9, strike "The" and insert "On or
- 2 before July 1, 2013, the"; and in line 20 strike "department" and
- 3 insert "Nebraska Children's Commission".

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORT

Health and Human Services

The Health and Human Services 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.

Mark Goodman - Nebraska Rural Health Advisory Commission

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

MOTION - Print in Journal

Senator McCoy filed the following motion to LR41CA:

MO19

Recommit to the General Affairs Committee.

VISITORS

Visitors to the Chamber were 23 fourth-grade students, teachers, and sponsors from North Bend; and Dr. Tom Osborne.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Larson, the Legislature adjourned until 9:00 a.m., Tuesday, March 5, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 5, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 5, 2013

PRAYER

The prayer was offered by Senator Nelson.

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 Coash, Conrad, and Cook who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

ANNOUNCEMENT

Senator Johnson designates LB153 as his priority bill.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Tuesday, March 12, 2013 1:30 p.m.

LB589
LB358

(Signed) Annette Dubas, Chairperson

COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 158. Placed on General File with amendment.
AM470 is available in the Bill Room.

LEGISLATIVE BILL 545. Placed on General File with amendment. AM422 is available in the Bill Room.

(Signed) Annette Dubas, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 79. Placed on General File with amendment. AM452 is available in the Bill Room.

LEGISLATIVE BILL 371. Placed on General File with amendment. AM307

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Sections 1 to 5 of this act shall be known and
 4 may be cited as the Transparency in Government Procurement Act.
 5 Sec. 2. (1) The Legislature finds that:
 6 (a) Transparency in public procurement is an important
 7 tool to deter corruption and to maintain the public's trust in
 8 government contracting;
 9 (b) Taxpayers deserve to know how and where their tax
 10 dollars are being spent;
 11 (c) The economy and general welfare of this state and
 12 its people and the economy and general welfare of the United
 13 States are inseparably linked to the preservation and development
 14 of manufacturing industries in this state, as well as all the other
 15 states of this nation; and
 16 (d) Recognizing such link, it should be the policy of
 17 this state that, whenever possible, taxpayer dollars be reinvested
 18 with its individual and employer taxpayers in order to foster job
 19 retention and growth and to ensure a broad and healthy tax base for
 20 future investments vital to the state's infrastructure.
 21 (2) The Legislature declares that it shall be the policy
 22 of this state that the Department of Administrative Services shall
 23 quantify the portion of its procurement spending that is reinvested
 1 with taxpayers in this state and the nation.
 2 Sec. 3. (1) The Department of Administrative Services
 3 shall create an annual report that includes:
 4 (a) The total number and value of contracts awarded by
 5 the department;
 6 (b) The total number and value of contracts awarded by
 7 the department to contractors within this state;
 8 (c) The total number and value of contracts awarded by
 9 the department to foreign contractors; and
 10 (d) The total number of contracts awarded by the
 11 department for which a preference was given under section
 12 73-101.01.
 13 (2) The first such report created pursuant to subsection

14 (1) of this section shall be submitted to the Governor and the
 15 Legislature on or before September 1, 2014, and shall include the
 16 information specified in such subsection from FY2013-14. Subsequent
 17 reports shall be submitted on or before September 1 each year
 18 thereafter and shall include the required information from the
 19 fiscal year ending on such date. The reports submitted to the
 20 Legislature and the Governor shall be submitted electronically.
 21 Each annual report shall be made available to the public through
 22 publication on the department's web site on or before September 1
 23 of each year.

24 Sec. 4. Beginning on July 1, 2013, each contract awarded
 25 by the Department of Administrative Services shall require that
 26 the contractors provide to the department any and all information
 27 needed for compliance with section 3 of this act.

1 Sec. 5. The Transparency in Government Procurement
 2 Act applies only to contracts awarded by the Department of
 3 Administrative Services on and after July 1, 2013.

4 Sec. 6. Since an emergency exists, this act takes effect
 5 when passed and approved according to law.

LEGISLATIVE BILL 429. Placed on General File with amendment.
 AM390

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 84-602, Revised Statutes Cumulative
 4 Supplement, 2012, is amended to read:
 5 84-602 It shall be the duty of the State Treasurer:
 6 (1) To receive and keep all money of the state not
 7 expressly required to be received and kept by some other person;
 8 (2) To disburse the public money upon warrants drawn upon
 9 the state treasury according to law and not otherwise;
 10 (3) To keep a just, true, and comprehensive account of
 11 all money received and disbursed;
 12 (4) To keep a just account with each fund, and each head
 13 of appropriation made by law, and the warrants drawn against them;
 14 (5) To render a full statement to the Department of
 15 Administrative Services of all money received by him or her from
 16 whatever source, and if on account of revenue, for what year;
 17 of all penalties and interest on delinquent taxes reported or
 18 accounted for to him or her, and of all disbursements of public
 19 funds; with a list, in numerical order, of all warrants redeemed,
 20 the name of the payee, amount, interest, and total amount allowed
 21 thereon, and with the amount of the balance of the several funds
 22 unexpended; which statement shall be made on the first day of
 23 December, March, June, and September, and more often if required;
 1 (6) To report electronically to the Legislature as soon
 2 as practicable, but within ten days after the commencement of
 3 each regular session, a detailed statement of the condition of the
 4 treasury and its operations for the preceding fiscal year;

5 (7) To give information electronically to the
6 Legislature, whenever required, upon any subject connected with the
7 treasury or touching any duty of his or her office;

8 (8) To account for, and pay over, all money received by
9 him or her as such treasurer, to his or her successor in office,
10 and deliver all books, vouchers, and effects of office to him or
11 her; and such successor shall receipt therefor. In accounting for
12 and paying over such money the treasurer shall not be held liable
13 on account of any loss occasioned by any investment, when such
14 investment shall have been made pursuant to the direction of the
15 state investment officer; and

16 (9) To develop and maintain a single, searchable web
17 site with information on state tax receipts, ~~and expenditures, and~~
18 contracts which is accessible by the public at no cost to access
19 as provided in section 84-602.02. The web site shall be hosted on
20 a server owned and operated by the State of Nebraska or approved
21 by the Chief Information Officer. The naming convention for the
22 web site shall identify the web site as a state government web
23 site. The web site shall not include the treasurer's name, the
24 treasurer's image, the treasurer's seal, or a welcome message.

25 Sec. 2. Section 84-602.02, Revised Statutes Cumulative
26 Supplement, 2012, is amended to read:

1 84-602.02 (1)(a) Not later than January 1, 2010, the web
2 site established, developed, and maintained by the State Treasurer
3 pursuant to subdivision (9) of section 84-602 shall provide such
4 information as will document the sources of all tax receipts
5 and the expenditure of state funds by all agencies, boards,
6 commissions, and departments of the state.

7 (b) The State Treasurer shall, in appropriate detail,
8 cause to be published on the web site:

9 (i) The identity, principal location, and amount of funds
10 received or expended by the State of Nebraska and all of its
11 agencies, boards, commissions, and departments;

12 (ii) The funding or expending agency, board, commission,
13 or department;

14 (iii) The budget program source;

15 (iv) The amount, date, purpose, and recipient of all
16 disbursed funds; and

17 (v) Such other relevant information as will further
18 the intent of enhancing the transparency of state government
19 financial operations to its citizens and taxpayers. The web site
20 shall include data for fiscal year 2008-09 and each fiscal year
21 thereafter.

22 (2) Beginning July 1, 2010, the data shall be available
23 on the web site no later than thirty days after the end of the
24 preceding fiscal year.

25 (3)(a) Beginning July 1, 2014, the web site described
26 in this section shall include a link to the web site of the
Department of Administrative Services. The department's web site

27 shall contain:

1 (i) A data base that includes a copy of each active
2 contract that is a basis for an expenditure of state funds,
3 including any amendment to such contract and any document
4 incorporated by reference in such contract. For purposes of this
5 subdivision, amendment means an agreement to modify a contract
6 which has been reduced to writing and signed by each party to the
7 contract, an agreement to extend the duration of a contract, or an
8 agreement to renew a contract. The data base shall be accessible by
9 the public and searchable by vendor, by agency, board, commission,
10 or department, and by dollar amount. All agencies, boards,
11 commissions, and departments of the state shall provide to the
12 Department of Administrative Services, in electronic form, copies
13 of such contracts for inclusion in the data base beginning with
14 contracts that are active on and after January 1, 2014; and

15 (ii) A data base that includes copies of all expired
16 contracts which were previously included in the data base described
17 in subdivision (3)(a)(i) of this section. The data base required
18 under this subdivision shall be accessible by the public and
19 searchable by vendor, by agency, board, commission, or department,
20 and by dollar amount.

21 (b) The following shall be redacted from any contract
22 before such contract is included in a data base pursuant to
23 subdivision (3)(a) of this section:

24 (i) The social security number or federal tax
25 identification number of any individual or business;

26 (ii) Protected health information as such term is defined
27 under the federal Health Insurance Portability and Accountability
1 Act of 1996, as such act existed on January 1, 2013;

2 (iii) Any information which may be withheld from the
3 public under section 84-712.05; or

4 (iv) Any information that is confidential under state or
5 federal law, rule, or regulation.

6 (c) Contracts entered into by the Department of Health
7 and Human Services that are letters of agreement for the purpose
8 of providing specific services to a specifically named individual
9 or his or her family shall be exempt from the requirements of
10 subdivision (3)(a) of this section.

11 (d) The Department of Administrative Services shall adopt
12 policies and procedures regarding the creation and maintenance of
13 the data bases required under this section and the process by which
14 agencies, boards, commissions, and departments of the state provide
15 copies of the contracts required under this section.

16 (4) All agencies, boards, commissions, and departments
17 of the state shall provide to the State Treasurer, at such times
18 and in such form as designated by the State Treasurer, such
19 information as is necessary to accomplish the purposes of the
20 Taxpayer Transparency Act.

21 (5) Nothing in this ~~subsection~~ section requires the

22 disclosure of information which is considered confidential under
 23 state or federal law or is not a public record under section
 24 84-712.05.

25 ~~(3)(a)-(6)(a)~~ For purposes of this section, expenditure
 26 of state funds means all expenditures of appropriated or
 27 nonappropriated funds by an agency, board, commission, or
 1 department of the state from the state treasury in forms including,
 2 but not limited to:
 3 (i) Grants;
 4 (ii) Contracts;
 5 (iii) Subcontracts;
 6 (iv) State aid to political subdivisions; and
 7 (v) Tax refunds or credits that may be disclosed
 8 pursuant to the Nebraska Advantage Act, the Nebraska Advantage
 9 Microenterprise Tax Credit Act, the Nebraska Advantage Research and
 10 Development Act, or the Nebraska Advantage Rural Development Act.

11 (b) Expenditure of state funds does not include the
 12 transfer of funds between two agencies, boards, commissions, or
 13 departments of the state or payments of state or federal assistance
 14 to an individual.

15 Sec. 3. Original sections 84-602 and 84-602.02, Revised
 16 Statutes Cumulative Supplement, 2012, are repealed.

(Signed) Bill Avery, Chairperson

Natural Resources

LEGISLATIVE BILL 272. Placed on General File with amendment.
 AM433

1 1. On page 3, strike lines 3 through 8, show the old
 2 matter as stricken, and insert:

3 "(2) The application for an emergency permit shall be
 4 accompanied by a fee as established in 46-1121 not to exceed
 5 five hundred dollars payable to the district. For each permit,
 6 ten dollars shall be paid by the district to the department.
 7 The application shall contain the same information as required
 8 in section 46-1120."; and strike beginning with "(1)" in line 16
 9 through page 4, line 14, show the old matter as stricken, and
 10 insert:

11 "(1) To aid in defraying the cost of administration
 12 of the Nebraska Chemigation Act, the district shall collect an
 13 initial application fee for a permit, a special permit fee,
 14 an annual renewal fee, and an emergency permit fee. The fees
 15 shall be established by the district and shall be sufficient to
 16 cover the ongoing administrative costs and the costs of annual
 17 inspection programs by the district and department. The fees
 18 collected pursuant to this section shall be established by the
 19 district in the amount necessary to pay reasonable costs of
 20 administering the permit program pursuant to the act. The fee for

21 a permit and special permit shall not exceed one hundred fifty
 22 dollars. The fee for a renewal permit shall not exceed one hundred
 23 dollars. The fees for an emergency permit under section 46-1119
 1 shall not exceed five hundred dollars. The district shall adopt and
 2 promulgate rules and regulations establishing a fee schedule to be
 3 paid to the district by person or persons applying for a permit to
 4 operate a chemigation system.

5 (2) The fee for initial application for a permit or
 6 special permit shall be payable to the district. For each permit,
 7 five dollars shall be paid by the district to the department.

8 (3) The annual fee for renewal of a permit or special
 9 permit shall be payable to the district. For each permit, two
 10 dollars of the annual fee shall be paid by the district to the
 11 department."

12 2. On page 4, line 25, strike "(3)" and insert "(4)".

LEGISLATIVE BILL 514. Placed on General File with amendment.
 AM412

1 1. On page 4, line 21, strike "or any" and insert ", is
 2 chartered to conduct banking by another state and authorized to do
 3 business in this state, or is a".

LEGISLATIVE BILL 549. Placed on General File with amendment.
 AM427

1 1. On page 3, line 14, after "million" insert "five
 2 hundred thousand".

3 2. On page 6, lines 13 and 14 and 19 and 20, strike the
 4 new matter and reinstate the stricken matter.

5 3. On page 7, line 7, strike the new matter and reinstate
 6 the stricken matter and after "million" insert "five hundred
 7 thousand".

LEGISLATIVE BILL 634. Placed on General File with amendment.
 AM298

1 1. Insert the following new sections:

2 Sec. 4. Pursuant to the Wildfire Control Act of 2013, the
 3 Nebraska Emergency Management Agency shall develop a Nebraska-based
 4 incident management team to respond throughout the state as a
 5 comprehensive resource to augment and help manage large wildfire
 6 operations.

7 Sec. 5. Since an emergency exists, this act takes effect
 8 when passed and approved according to law.

9 2. On page 2, line 1, strike "3" and insert "4"; and
 10 strike beginning with "(4)" in line 24 through line 25.

11 3. On page 3, strike beginning with "serve" in line 1
 12 through "(5)" in line 2 and insert "(4)"; and in line 5 strike
 13 "(6)" and insert "(5)".

(Signed) Tom Carlson, Chairperson

Judiciary

LEGISLATIVE BILL 232. Placed on General File with amendment.
AM200

- 1 1. On page 2, line 10, strike "XX" and insert "one
- 2 hundred fifty-two thousand eight hundred ninety-five dollars and
- 3 forty-eight cents"; and in line 11 strike "XX" and insert "one
- 4 hundred sixty thousand five hundred forty dollars and twenty-five
- 5 cents".

(Signed) Brad Ashford, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 229. Placed on General File.

LEGISLATIVE BILL 306. Placed on General File with amendment.
AM457

- 1 1. On page 7, lines 11 and 14 through 21, strike the new
- 2 matter and reinstate the stricken matter.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 31. Placed on Final Reading.

LEGISLATIVE BILL 38. Placed on Final Reading.

LEGISLATIVE BILL 70. Placed on Final Reading.

LEGISLATIVE BILL 88. Placed on Final Reading.

LEGISLATIVE BILL 283. Placed on Final Reading.

LEGISLATIVE BILL 628. Placed on Final Reading.

(Signed) John Murante, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Batt, Robert - Nebraska Liquor Control Commission - General Affairs

(Signed) John Wightman, Chairperson
Executive Board

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senator Seiler has filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and

Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 61, 62, 63, 64, and 66 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 61, 62, 63, 64, and 66.

VISITOR

The Doctor of the Day was Dr. Christi Keim from Lincoln.

ADJOURNMENT

At 9:13 a.m., on a motion by Senator B. Harr, the Legislature adjourned until 9:00 a.m., Wednesday, March 6, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 6, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 6, 2013

PRAYER

The prayer was offered by Senator Campbell.

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 Christensen, Coash, and Conrad who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 27. Placed on Final Reading.
LEGISLATIVE BILL 117. Placed on Final Reading.
LEGISLATIVE BILL 165. Placed on Final Reading.
LEGISLATIVE BILL 211. Placed on Final Reading.
LEGISLATIVE BILL 211A. Placed on Final Reading.
LEGISLATIVE BILL 337. Placed on Final Reading.
LEGISLATIVE BILL 398. Placed on Final Reading.
LEGISLATIVE BILL 426. Placed on Final Reading.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 265. Placed on General File with amendment.
AM415

- 1 1. On page 7, line 14, strike beginning with "the"
- 2 through the last "of" and show as stricken.

3 2. On page 8, line 10, strike "has had significant
4 contact" and insert "is a trusted adult that has a preexisting,
5 significant relationship"; and in line 25 after "(1)" insert
6 "The department shall adopt and promulgate rules and regulations
7 on requirements for licenses, waivers, variances, and approval
8 of foster family homes taking into consideration the health,
9 safety, well-being, and best interests of the child. An initial
10 assessment of a foster family home shall be completed and shall
11 focus on the safety, protection, and immediate health, educational,
12 developmental, and emotional needs of the child and the willingness
13 and ability of the foster home, relative home, or kinship home
14 to provide a safe, stable, and nurturing environment for a
15 child for whom the department or child-placing agency has assumed
16 responsibility.

17 (2)(a)".

18 3. On page 9, line 9, strike "(2)" and insert "(b)"; and
19 strike lines 21 to 25 and insert

20 "(3) Kinship homes and relative homes are exempt from
21 licensure, however, such homes should make efforts to be licensed
22 if such license will facilitate the permanency plan of the
23 child. The department and child-placing agencies shall, when
1 requested or as part of the child's permanency plan, provide
2 resources for and assistance with licensure, including, but
3 not limited to, information on licensure, waivers for relative
4 homes, kinship-specific and relative-specific foster care training,
5 referral to local service providers and support groups, and funding
6 and resources available to address home safety or other barrier to
7 licensure.

8 (4) Prior to placement in a nonlicensed relative home
9 or kinship home, approval shall be obtained from the department.
10 Requirements for initial approval shall include, but not be limited
11 to, the initial assessment provided for in subsection (1) of this
12 section, a home visit to assure adequate and safe housing, and a
13 criminal background check of all adult residents. Final approval
14 shall include, but is not limited to, requirements as appropriate
15 under 71-1903. The department or child-placing agency shall provide
16 assistance to an approved relative home or kinship home to support
17 the care, protection, and nurturing of the child. Support may
18 include, but is not limited to, information on licensure, waivers,
19 and variances, kinship-specific and relative-specific foster care
20 training, mental and physical health care, options for funding for
21 needs of the child, and service providers and support groups to
22 address the needs of relative and kinship parents, families, and
23 children."

24 4. On page 10, strike lines 1 to 9.

25 5. On page 15, strike beginning with "persons" in line 14
26 through "and" in line 15, show as stricken, and insert "a person
27 who has a physical, mental, or developmental disability and is".

LEGISLATIVE BILL 326. Placed on General File with amendment.
AM434

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

3 Section 1. Section 38-2845, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 38-2845 Supervision means the ~~immediate~~ personal guidance
6 and direction by ~~the licensed a pharmacist on duty in the~~
7 ~~facility~~ of the performance by a pharmacy technician of authorized
8 activities or functions subject to verification by such pharmacist.
9 Supervision of a pharmacy technician may occur by means of a
10 real-time audiovisual communication system. , except that when a
11 pharmacy technician performs authorized activities or functions to
12 assist a pharmacist on duty in the facility when the prescribed
13 drugs or devices will be administered by a licensed staff member or
14 consultant or by a licensed physician assistant to persons who are
15 patients or residents of a facility, the activities or functions of
16 such pharmacy technician shall only be subject to verification by a
17 pharmacist on duty in the facility.

18 Sec. 2. Section 38-2847, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 38-2847 Verification means the confirmation by a
21 supervising pharmacist of the accuracy and completeness of the
22 acts, tasks, or functions undertaken by a pharmacy technician to
23 assist the pharmacist in the practice of pharmacy. Verification
1 shall occur by a pharmacist on duty in the facility, except that if
2 a pharmacy technician performs authorized activities or functions
3 to assist a pharmacist and the prescribed drugs or devices will
4 be administered to persons who are patients or residents of a
5 facility by a credentialed individual authorized to administer
6 medications, verification may occur by means of a real-time
7 audiovisual communication system.

8 Sec. 3. Section 71-2444, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-2444 Sections 71-2444 to 71-2452 and section 9 of this
11 act shall be known and may be cited as the Automated Medication
12 Systems Act.

13 Sec. 4. Section 71-2445, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-2445 For purposes of the Automated Medication Systems
16 Act:

17 (1) Automated medication distribution machine means a
18 type of automated medication system that stores medication to
19 be administered to a patient by a person credentialed under the
20 Uniform Credentialing Act;

21 (2) Automated medication system means a mechanical system
22 that performs operations or activities, other than compounding,
23 administration, or other technologies, relative to storage and
24 packaging for dispensing or distribution of medications and that

25 collects, controls, and maintains all transaction information
 26 and includes, but is not limited to, a prescription medication
 27 distribution machine or an automated medication distribution
 1 machine. An automated medication system may only be used in
 2 conjunction with the provision of pharmacist care;

3 (3) Chart order means an order for a drug or device
 4 issued by a practitioner for a patient who is in the hospital where
 5 the chart is stored, ~~or~~ for a patient receiving detoxification
 6 treatment or maintenance treatment pursuant to section 28-412, or
 7 for a resident in a long-term care facility in which a long-term
 8 care automated pharmacy is located from which drugs will be
 9 dispensed. Chart order does not include a prescription;

10 (4) Hospital has the definition found in section 71-419;

11 (5) Long-term care automated pharmacy means a designated
 12 area in a long-term care facility where an automated medication
 13 system is located, that stores medications for dispensing pursuant
 14 to a medical order to residents in such long-term care facility,
 15 that is installed and operated by a pharmacy licensed under the
 16 Health Care Facility Licensure Act, and that is licensed under
 17 section 9 of this act;

18 ~~(5)-(6)~~ Long-term care facility means an intermediate
 19 care facility, an intermediate care facility for the mentally
 20 retarded, a long-term care hospital, a mental health center, a
 21 nursing facility, or a skilled nursing facility, as such terms are
 22 defined in the Health Care Facility Licensure Act;

23 ~~(6)-(7)~~ Medical order means a prescription, a chart
 24 order, or an order for pharmaceutical care issued by a
 25 practitioner;

26 ~~(7)-(8)~~ Pharmacist means any person who is licensed by
 27 the State of Nebraska to practice pharmacy;

1 ~~(8)-(9)~~ Pharmacist care means the provision by a
 2 pharmacist of medication therapy management, with or without the
 3 dispensing of drugs or devices, intended to achieve outcomes
 4 related to the cure or prevention of a disease, elimination or
 5 reduction of a patient's symptoms, or arresting or slowing of a
 6 disease process;

7 ~~(9)-(10)~~ Pharmacist remote order entry means entering
 8 an order into a computer system or drug utilization review by a
 9 pharmacist licensed to practice pharmacy in the State of Nebraska
 10 and located within the United States, pursuant to medical orders in
 11 a hospital, long-term care facility, or pharmacy licensed under the
 12 Health Care Facility Licensure Act;

13 ~~(10)-(11)~~ Practice of pharmacy means (a) the
 14 interpretation, evaluation, and implementation of a medical
 15 order, (b) the dispensing of drugs and devices, (c) drug product
 16 selection, (d) the administration of drugs or devices, (e) drug
 17 utilization review, (f) patient counseling, (g) the provision of
 18 pharmaceutical care, and (h) the responsibility for compounding
 19 and labeling of dispensed or repackaged drugs and devices, proper

20 and safe storage of drugs and devices, and maintenance of proper
 21 records. The active practice of pharmacy means the performance of
 22 the functions set out in this subdivision by a pharmacist as his or
 23 her principal or ordinary occupation;

24 ~~(11)~~(12) Practitioner means a certified registered nurse
 25 anesthetist, a certified nurse midwife, a dentist, an optometrist,
 26 a nurse practitioner, a physician assistant, a physician, a
 27 podiatrist, or a veterinarian;

1 ~~(12)~~(13) Prescription means an order for a drug or
 2 device issued by a practitioner for a specific patient, for
 3 emergency use, or for use in immunizations. Prescription does not
 4 include a chart order;

5 ~~(13)~~(14) Prescription medication distribution machine
 6 means a type of automated medication system that packages, labels,
 7 or counts medication in preparation for dispensing of medications
 8 by a pharmacist pursuant to a prescription; and

9 ~~(14)~~(15) Telepharmacy means the provision of pharmacist
 10 care, by a pharmacist located within the United States, using
 11 telecommunications, remote order entry, or other automations and
 12 technologies to deliver care to patients or their agents who are
 13 located at sites other than where the pharmacist is located.

14 Sec. 5. Section 71-2446, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 71-2446 Any automated machine that dispenses, delivers,
 17 or makes available, other than by administration, prescription
 18 medication directly to a patient or caregiver without the provision
 19 of pharmacist care is prohibited.

20 Sec. 6. Section 71-2447, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 71-2447 Any hospital, long-term care facility, or
 23 pharmacy that uses an automated medication system shall develop,
 24 maintain, and comply with policies and procedures developed in
 25 consultation with the pharmacist responsible for pharmacist care
 26 for that hospital, long-term care facility, or pharmacy. At a
 27 minimum, the policies and procedures shall address the following:

1 (1) The description and location within the hospital,
 2 long-term care facility, or pharmacy of the automated medication
 3 system or equipment being used;

4 (2) The name of the ~~individual or individuals~~ pharmacist
 5 responsible for implementation of and compliance with the policies
 6 and procedures;

7 (3) Medication access and information access procedures;

8 (4) Security of inventory and confidentiality of records
 9 in compliance with state and federal laws, rules, and regulations;

10 (5) A description of the process used by a pharmacist or
 11 pharmacy technician for filling an automated medication system;

12 ~~(5)~~(6) A description of how and by whom the automated
 13 medication system is being utilized, including processes for
 14 ~~filling~~, verifying, dispensing, and distributing medications;

- 15 ~~(6)-(7)~~ Staff education and training;
 16 ~~(7)-(8)~~ Quality assurance and quality improvement
 17 programs and processes;
 18 ~~(8)-(9)~~ Inoperability or emergency downtime procedures;
 19 ~~(9)-(10)~~ Periodic system maintenance; and
 20 ~~(10)-(11)~~ Medication security and controls.

21 Sec. 7. Section 71-2448, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 71-2448 A prescription medication distribution machine:

24 (1) Is subject to the requirements of section 71-2447
 25 and, if it is in a long-term care automated pharmacy, is subject to
 26 section 9 of this act; and

27 (2) May be operated only (a) in a licensed pharmacy
 1 where a pharmacist dispenses medications to patients for
 2 self-administration pursuant to a prescription or (b) in a
 3 long-term care automated pharmacy subject to section 9 of this act.

4 Sec. 8. Section 71-2449, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 71-2449 (1) An automated medication distribution machine:

7 (a) Is subject to the requirements of section 71-2447
 8 and, if it is in a long-term care automated pharmacy, is subject to
 9 section 9 of this act; and

10 (b) May be operated in a hospital or long-term care
 11 facility for medication administration pursuant to a chart order or
 12 prescription by a licensed health care professional.

13 (2) Drugs placed in an automated medication distribution
 14 machine shall be in the manufacturer's original packaging or in
 15 containers repackaged in compliance with state and federal laws,
 16 rules, and regulations relating to repackaging, labeling, and
 17 record keeping.

18 (3) The inventory which is transferred to an automated
 19 medication distribution machine in a hospital ~~or long-term care~~
 20 ~~facility~~ shall be excluded from the percent of total prescription
 21 drug sales revenue described in section 71-7454.

22 Sec. 9. (1) In order for an automated medication system
 23 to be operated in a long-term care facility, a pharmacist in charge
 24 of a pharmacy licensed under the Health Care Facility Licensure
 25 Act and located in Nebraska shall annually license the long-term
 26 care automated pharmacy in which the automated medication system is
 27 located.

1 (2) The pharmacist in charge of a licensed pharmacy shall
 2 submit an application for licensure or renewal of licensure to the
 3 Division of Public Health of the Department of Health and Human
 4 Services with a fee in the amount of the fee the pharmacy pays for
 5 licensure or renewal. The application shall include:

6 (a) The name and location of the licensed pharmacy;

7 (b) If controlled substances are stored in the automated
 8 medication system, the federal Drug Enforcement Administration
 9 registration number of the licensed pharmacy. After the long-term

10 care automated pharmacy is registered with the federal Drug
11 Enforcement Administration, the pharmacist in charge of the
12 licensed pharmacy shall provide the federal Drug Enforcement
13 Administration registration number of the long-term care automated
14 pharmacy to the division and any application for renewal shall
15 include such registration number;

16 (c) The location of the long-term care automated
17 pharmacy; and

18 (d) The name of the pharmacist in charge of the licensed
19 pharmacy.

20 (3) As part of the application process, the division
21 shall conduct an inspection by a pharmacy inspector as provided
22 in section 38-28,101 of the long-term care automated pharmacy. The
23 division shall also conduct inspections of the operation of the
24 long-term care automated pharmacy as necessary.

25 (4) The division shall license a long-term care automated
26 pharmacy which meets the licensure requirements of the Automated
27 Medication Systems Act.

1 (5) A pharmacist in charge of a licensed pharmacy shall
2 apply for a separate license for each location at which it operates
3 one or more long-term care automated pharmacies. The licensed
4 pharmacy shall be the provider pharmacy for the long-term care
5 automated pharmacy.

6 (6) The pharmacist in charge of the licensed pharmacy
7 operating a long-term care automated pharmacy shall:

8 (a) Identify a pharmacist responsible for the operation,
9 supervision, policies, and procedures of the long-term care
10 automated pharmacy;

11 (b) Implement the policies and procedures developed to
12 comply with section 71-2447;

13 (c) Assure compliance with the drug storage and
14 record-keeping requirements of the Pharmacy Practice Act;

15 (d) Assure compliance with the labeling requirements of
16 subsection (8) of this section;

17 (e) Develop and implement policies for the verification
18 of drugs by a pharmacist prior to being loaded into the automated
19 medication system and for the verification of drugs by a pharmacist
20 prior to being released for administration to a resident;

21 (f) Develop and implement policies for inventory,
22 security, and accountability for controlled substances; and

23 (g) Assure that each medical order is reviewed by a
24 pharmacist prior to the release of the drugs by the automated
25 medication system. Emergency doses may be taken from an automated
26 medication system prior to review by a pharmacist if the licensed
27 pharmacy develops and implements policies for emergency doses.

1 (7) Supervision by a pharmacist is sufficient for
2 compliance with the requirement of subdivision (6)(a) of this
3 section if the pharmacist in the licensed pharmacy monitors the
4 automated medication system electronically and keeps records of

- 5 compliance with such requirement for five years.
 6 (8) Each drug dispensed from a long-term care automated
 7 pharmacy shall be in a package with a label containing the
 8 following information:
 9 (a) The name and address of the long-term care automated
 10 pharmacy;
 11 (b) The prescription number;
 12 (c) The name, strength, and dosage form of the drug;
 13 (d) The name of the resident;
 14 (e) The name of the practitioner who prescribed the drug;
 15 (f) The date of filling; and
 16 (g) Directions for use.
 17 (9) The inventory which is transferred to a long-term
 18 care automated pharmacy shall be excluded from the percent of total
 19 prescription drug sales revenue described in section 71-7454.
 20 Sec. 10. Section 71-2452, Reissue Revised Statutes of
 21 Nebraska, is amended to read:
 22 71-2452 Any person who violates the Automated Medication
 23 Systems Act may be subject to disciplinary action by the Division
 24 of Public Health of the Department of Health and Human Services
 25 under the Health Care Facility Licensure Act, ~~the Uniform Licensing~~
 26 ~~Law~~, or the Uniform Credentialing Act.
 27 Sec. 11. Original sections 38-2845, 38-2847, 71-2444,
 1 71-2445, 71-2446, 71-2447, 71-2448, 71-2449, and 71-2452, Reissue
 2 Revised Statutes of Nebraska, are repealed.

(Signed) Kathy Campbell, Chairperson

MOTION - Print in Journal

Senator Pirsch filed the following motion to LB648:
 MO20
 Withdraw bill.

AMENDMENT - Print in Journal

Senator McCoy filed the following amendment to LR41CA:
 AM494

- 1 1. On page 3, line 19, strike "a" and insert "the".

RESOLUTIONS

LEGISLATIVE RESOLUTION 84. Introduced by Bolz, 29.

WHEREAS, the Lincoln Southeast High School girls' basketball team won the 2013 Class A Girls' State Basketball Championship with a 65-57 win over Bellevue West High School; and

WHEREAS, the Lincoln Southeast girls' basketball team completed its season with a record of twenty-four wins and three losses; and

WHEREAS, the Lincoln Southeast girls' basketball team earned entrance to the state tournament for the fourteenth straight season, a Class A record, by defeating Norfolk High School by a score of 59-36 on February 20, 2013, in the district finals; and

WHEREAS, the Lincoln Southeast girls' basketball team defeated Bellevue East High School by a score of 57-49 on February 28, 2013, in the first round of the state tournament; and

WHEREAS, the Lincoln Southeast girls' basketball team advanced to the final round of the state tournament by defeating Millard West High School by a score of 67-48 on March 1, 2013; and

WHEREAS, with its title victory, Lincoln Southeast High School won its tenth state championship in girls' basketball, a Class A record; and

WHEREAS, the Lincoln Southeast girls' basketball team holds the state record of twenty-seven appearances at the state tournament across all classes; and

WHEREAS, the Lincoln Southeast girls' basketball team dedicated their season to the memory of G'Nell Graham, the mother of their coach, Kara Graham; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Lincoln Southeast High School girls' basketball team on their exemplary season and on winning the 2013 Class A Girls' State Basketball Championship.

2. That a copy of this resolution be sent to Coach Kara Graham and the Lincoln Southeast High School girls' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 85. Introduced by Karpisek, 32.

WHEREAS, Vince Thatcher of Crete High School won the 2013 Class B State Wrestling Championship in the 145-pound division; and

WHEREAS, Vince displayed outstanding perseverance, determination, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Vince Thatcher on winning the 2013 Class B State Wrestling Championship in the 145-pound division.

2. That a copy of this resolution be sent to Vince Thatcher.

Laid over.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82.

MOTIONS - Approve Appointments

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 588:

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

Voting in the affirmative, 37:

Adams	Cook	Janssen	McGill	Seiler
Ashford	Crawford	Johnson	Mello	Smith
Avery	Davis	Karpisek	Murante	Sullivan
Bloomfield	Dubas	Kintner	Nelson	Wallman
Brasch	Gloor	Kolowski	Pirsch	Wightman
Campbell	Hansen	Larson	Price	
Carlson	Harms	Lautenbaugh	Schilz	
Chambers	Howard	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 9:

Bolz	Hadley	Krist	Nordquist	Watermeier
Haar, K.	Harr, B.	Lathrop	Scheer	

Excused and not voting, 3:

Christensen	Coash	Conrad
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The appointments were confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 588:

State Racing Commission
Helen Abbott Feller

Voting in the affirmative, 33:

Adams	Crawford	Howard	Lautenbaugh	Schumacher
Avery	Davis	Johnson	McCoy	Seiler
Bloomfield	Dubas	Karpisek	McGill	Sullivan
Brasch	Hadley	Kintner	Mello	Wallman
Campbell	Hansen	Kolowski	Pirsch	Wightman
Carlson	Harms	Larson	Price	
Cook	Harr, B.	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 13:

Ashford	Gloor	Krist	Nordquist	Watermeier
Bolz	Haar, K.	Murante	Scheer	
Chambers	Janssen	Nelson	Smith	

Excused and not voting, 3:

Christensen	Coash	Conrad		
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The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 588:

State Electrical Board
John Hiller

Voting in the affirmative, 34:

Adams	Chambers	Harms	Lautenbaugh	Schilz
Ashford	Cook	Howard	McCoy	Schumacher
Avery	Crawford	Johnson	McGill	Seiler
Bloomfield	Davis	Karpisek	Mello	Sullivan
Brasch	Haar, K.	Kintner	Pirsch	Wallman
Campbell	Hadley	Kolowski	Price	Wightman
Carlson	Hansen	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 12:

Bolz	Harr, B.	Lathrop	Nordquist
Dubas	Janssen	Murante	Smith
Gloor	Krist	Nelson	Watermeier

Excused and not voting, 3:

Christensen	Coash	Conrad
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The appointment was confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 589:

Nebraska Game and Parks Commission
Kent Forney

Voting in the affirmative, 36:

Adams	Crawford	Howard	McGill	Smith
Avery	Davis	Johnson	Mello	Sullivan
Bloomfield	Dubas	Karpisek	Murante	Wallman
Brasch	Gloor	Kintner	Pirsch	Wightman
Campbell	Haar, K.	Kolowski	Price	
Carlson	Hadley	Larson	Scheer	
Chambers	Hansen	Lautenbaugh	Schilz	
Cook	Harr, B.	McCoy	Seiler	

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Harms	Krist	Nelson	Schumacher
Bolz	Janssen	Lathrop	Nordquist	Watermeier

Excused and not voting, 3:

Christensen	Coash	Conrad
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The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 607:

State Emergency Response Commission
Steven Danon
Don Eisenhauer

Voting in the affirmative, 31:

Adams	Crawford	Kintner	Nordquist	Sullivan
Avery	Dubas	Kolowski	Pirsch	Wallman
Bloomfield	Gloor	Larson	Price	Wightman
Brasch	Hansen	Lautenbaugh	Scheer	
Campbell	Howard	McCoy	Schilz	
Carlson	Johnson	Mello	Schumacher	
Chambers	Karpisek	Murante	Seiler	

Voting in the negative, 0.

Present and not voting, 15:

Ashford	Davis	Harms	Krist	Nelson
Bolz	Haar, K.	Harr, B.	Lathrop	Smith
Cook	Hadley	Janssen	McGill	Watermeier

Excused and not voting, 3:

Christensen	Coash	Conrad
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The appointments were confirmed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 612:

Nebraska Rural Health Advisory Commission
Mark Goodman

Voting in the affirmative, 35:

Adams	Cook	Johnson	McCoy	Schilz
Avery	Crawford	Karpisek	McGill	Schumacher
Bloomfield	Davis	Kintner	Mello	Seiler
Brasch	Gloor	Kolowski	Nelson	Smith
Campbell	Hadley	Krist	Nordquist	Sullivan
Carlson	Hansen	Larson	Pirsch	Wallman
Chambers	Howard	Lautenbaugh	Price	Wightman

Voting in the negative, 0.

Present and not voting, 11:

Ashford	Haar, K.	Janssen	Scheer
Bolz	Harms	Lathrop	Watermeier
Dubas	Harr, B.	Murante	

Excused and not voting, 3:

Christensen Coash Conrad

The appointment was confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 86. Introduced by Larson, 40.

WHEREAS, Josh Coyle of West Holt High School won the 2013 Class C State Wrestling Championship in the 182-pound division, defeating Ben Lodema of Raymond Central High School 6-3; and

WHEREAS, Josh Coyle ended the season with a record of 37-2; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Josh Coyle on winning the 2013 Class C State Wrestling Championship in the 182-pound division.

2. That a copy of this resolution be sent to Josh Coyle and the West Holt High School wrestling coach, Randy Schroeder.

Laid over.

LEGISLATIVE RESOLUTION 87. Introduced by Larson, 40.

WHEREAS, the Wynot Lady Blue Devils basketball team won the 2013 Class D-2 Girls' State Basketball Championship, defeating the Osmond Lady Tigers 60-52; and

WHEREAS, the Wynot Lady Blue Devils basketball team ended the season with a record of 25-4; and

WHEREAS, the win gave the Wynot Lady Blue Devils basketball team their third straight Class D-2 State Championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Wynot Lady Blue Devils basketball team on winning the 2013 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Wynot Lady Blue Devils basketball team and their coach, Steve Wieseler.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Judiciary

Room 1113

Thursday, March 14, 2013 1:30 p.m.

LB485
LB385
LB380
LB498
LR42

Friday, March 15, 2013 1:30 p.m.

LB247
LB355
LB503
LB580

(Signed) Brad Ashford, Chairperson

GENERAL FILE

LEGISLATIVE BILL 170. Title read. Considered.

Committee AM213, found on page 441, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 41CA. Read. Considered.

Senator McCoy offered his motion, MO19, found on page 612, to recommit to the General Affairs Committee.

SENATOR GLOOR PRESIDING

Pending.

COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 607. Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

Revenue

LEGISLATIVE BILL 153. Placed on General File with amendment.
AM499

- 1 1. Strike the original sections and insert the following
2 new sections:
- 3 Section 1. Section 13-2701, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 13-2701 Sections 13-2701 to 13-2710 and sections 5, 6,
6 and 9 of this act shall be known and may be cited as the Civic and
7 Community Center Financing Act.
- 8 Sec. 2. Section 13-2702, Reissue Revised Statutes of
9 Nebraska, is amended to read:
10 13-2702 The purpose of the Civic and Community Center
11 Financing Act is to support the development of civic, ~~and~~
12 community, and recreation centers throughout Nebraska. Furthermore,
13 the act is intended to support projects that foster maintenance or
14 growth of communities.
- 15 Sec. 3. Section 13-2703, Reissue Revised Statutes of
16 Nebraska, is amended to read:
17 13-2703 For purposes of the Civic and Community Center
18 Financing Act:
- 19 (1) Civic center means a facility that is primarily used
20 to host conventions, meetings, and cultural events and a library;
- 21 (2) Community center means the traditional center of a
22 community, typically comprised of a cohesive core of residential,
23 civic, religious, and commercial buildings, arranged around a main
1 street and intersecting streets;
- 2 (3) Department means the Department of Economic
3 Development;
- 4 (4) Fund means the Civic and Community Center Financing
5 Fund; ~~and~~
- 6 (5) Historic building means a building eligible for
7 listing on or currently listed on the National Register of Historic
8 Places; ~~and~~;
- 9 (6) Recreation center means a facility used for
10 athletics, fitness, sport activities, or recreation that is owned
11 by a municipality and is available for use by the general public
12 with or without charge. Recreation center does not include any
13 facility that requires a person to purchase a membership to utilize
14 such facility.
- 15 Sec. 4. Section 13-2704, Reissue Revised Statutes of
16 Nebraska, is amended to read:
17 13-2704 (1) The Civic and Community Center Financing Fund
18 is created. The fund shall be administered by the department.
19 ~~Transfers may be made from the fund to the General Fund at the~~
20 ~~direction of the Legislature.~~ Any money in the Civic and Community
21 ~~Center Financing Fund~~ fund available for investment shall be
22 invested by the state investment officer pursuant to the Nebraska

23 Capital Expansion Act and the Nebraska State Funds Investment Act.
 24 ~~The fund may be used for assistance for the construction of new~~
 25 ~~civic centers, the renovation or expansion of existing civic or~~
 26 ~~community centers, or the conversion, rehabilitation, or reuse of~~
 27 ~~historic buildings for purposes consistent with this section. The~~
 1 ~~fund may not be used for programming, marketing, advertising, and~~
 2 ~~related activities. Transfers may be made from the fund to the~~
 3 ~~General Fund, the Department of Revenue Enforcement Fund, and to~~
 4 ~~the State Colleges Sport Facilities Cash Fund at the direction of~~
 5 ~~the Legislature.~~

6 ~~(2) It is the intent of the Legislature that on July~~
 7 ~~1, 2011, or as soon thereafter as is administratively possible~~
 8 ~~the State Treasurer shall transfer forty two thousand nine hundred~~
 9 ~~dollars from the Civic and Community Center Financing Fund to the~~
 10 ~~Department of Revenue Enforcement Fund.~~

11 (2)(a) The department shall use the Civic and Community
 12 Center Financing Fund for the following purposes:

13 (i) For grants of assistance as described in section 5 of
 14 this act;

15 (ii) For grants of assistance as described in section 6
 16 of this act; and

17 (iii) For reasonable and necessary costs of the
 18 department directly related to the administration of the fund,
 19 not to exceed the amount needed to employ a one-half full-time
 20 equivalent employee.

21 (b) The fund may not be used for programming, marketing,
 22 advertising, or facility-staffing activities.

23 (3) The State Treasurer shall transfer two hundred fifty
 24 thousand dollars from the Civic and Community Center Financing
 25 Fund to the State Colleges Sport Facilities Cash Fund on October
 26 1 of 2012, 2013, and 2014. Commencing October 1, 2015, and every
 27 year thereafter, the State Treasurer shall transfer four hundred
 1 thousand dollars from the Civic and Community Center Financing Fund
 2 to the State Colleges Sport Facilities Cash Fund.

3 Sec. 5. (1) The department shall use the fund to provide
 4 grants of assistance for the following purposes:

5 (a) To assist in the construction of new civic centers
 6 and recreation centers or the renovation or expansion of existing
 7 civic centers and recreation centers;

8 (b) To assist in the conversion, rehabilitation, or reuse
 9 of historic buildings; or

10 (c) To upgrade community centers, including the
 11 demolition of substandard and abandoned buildings.

12 (2) Applications for grants of assistance pursuant to
 13 this section shall be evaluated by the department pursuant to
 14 section 13-2707.

15 Sec. 6. (1) The department shall use the fund to provide
 16 grants of assistance for engineering and technical studies directly
 17 related to projects described in section 5 of this act.

18 (2) Applications for grants of assistance pursuant to
 19 this section shall be evaluated by the department pursuant to
 20 section 9 of this act.

21 Sec. 7. Section 13-2705, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 13-2705 The department may conditionally approve grants
 24 of assistance from the fund to eligible and competitive applicants
 25 within the following limits:

26 (1) Except as provided in subdivision (2) of this
 27 section, a grant request shall be ~~at~~ in an amount meeting the
 1 following requirements:

2 (a) For a grant of assistance under section 5 of this
 3 act, at least ten thousand dollars but no more than:

4 ~~(a)-(i)~~ For a city of the primary class, one million five
 5 hundred thousand dollars;

6 ~~(b)-(ii)~~ For a municipality with a population of forty
 7 thousand but less than one hundred thousand, seven hundred fifty
 8 thousand dollars;

9 ~~(c)-(iii)~~ For a municipality with a population of twenty
 10 thousand but less than forty thousand, five hundred thousand
 11 dollars;

12 ~~(d)-(iv)~~ For a municipality with a population of ten
 13 thousand but less than twenty thousand, four hundred thousand
 14 dollars; and

15 ~~(e)-(v)~~ For a municipality with a population of less than
 16 ten thousand, two hundred fifty thousand dollars; and

17 (b) For a grant of assistance under section 6 of this
 18 act, at least two thousand dollars but no more than ten thousand
 19 dollars;

20 (2) Upon the balance of the fund reaching two million
 21 five hundred thousand dollars, and until the balance of the fund
 22 falls below one million dollars, a grant request shall be ~~at~~ in an
 23 amount meeting the following requirements:

24 (a) For a grant of assistance under section 5 of this
 25 act, at least ten thousand dollars but no more than:

26 ~~(a)-(i)~~ For a city of the primary class, two million two
 27 hundred fifty thousand dollars;

1 ~~(b)-(ii)~~ For a municipality with a population of forty
 2 thousand but less than one hundred thousand, one million one
 3 hundred twenty-five thousand dollars;

4 ~~(c)-(iii)~~ For a municipality with a population of twenty
 5 thousand but less than forty thousand, seven hundred fifty thousand
 6 dollars;

7 ~~(d)-(iv)~~ For a municipality with a population of ten
 8 thousand but less than twenty thousand, six hundred thousand
 9 dollars; and

10 ~~(e)-(v)~~ For a municipality with a population of less than
 11 ten thousand, three hundred seventy-five thousand dollars; and

12 (b) For a grant of assistance under section 6 of this

13 act, at least two thousand dollars but no more than ten thousand
 14 dollars;

15 (3) Assistance from the fund shall not amount to more
 16 than fifty percent of the cost of ~~construction, renovation, or~~
 17 ~~expansion;~~ the project for which a grant is requested; and

18 (4) A municipality shall not be awarded more than one
 19 grant of assistance under section 5 of this act and one grant of
 20 assistance under section 6 of this act in any five-year period.

21 Sec. 8. Section 13-2707, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 13-2707 (1) The department shall evaluate all
 24 applications for grants of assistance under section 5 of this act
 25 based on the following criteria, which are listed in no particular
 26 order of preference:

27 (1) Attraction impact. Funding decisions by the
 1 department shall be based in part on the likelihood of the project
 2 attracting new civic or community activity to Nebraska from outside
 3 of Nebraska. A project with greater out-of-state draw shall be
 4 preferred over a project with less impact;

5 (2) Socioeconomic impact. The project's potential for
 6 long-term positive impacts on the local and regional economy and
 7 society;

8 (a) Retention Impact. Funding decisions by the department
 9 shall be based on the likelihood of the project retaining
 10 existing residents in the community where the project is located,
 11 developing, sustaining, and fostering community connections, and
 12 enhancing the potential for economic growth in a manner that
 13 will sustain the quality of life and promote long-term economic
 14 development;

15 (b) New Resident Impact. Funding decisions by the
 16 department shall be based on the likelihood of the project
 17 attracting new residents to the community where the project is
 18 located;

19 (c) Visitor Impact. Funding decisions by the department
 20 shall be based on the likelihood of the project enhancing or
 21 creating an attraction that would increase the potential of
 22 visitors to the community where the project is located from
 23 inside and outside the state;

24 (3) Financial support. Assistance from the fund shall be
 25 matched at least equally from local sources. At least fifty percent
 26 of the local match must be in cash. Projects with a higher level of
 27 local matching funds shall be preferred as compared to those with a
 1 lower level of matching funds;

2 (4)(d) Readiness. The applicant's fiscal and economic
 3 capacity to finance the local share and ability to proceed and
 4 implement its plan and operate the civic ~~or center,~~ community
 5 center, ~~or recreation center;~~ and

6 (5) Project location. A project shall be located in the
 7 municipality that applies for the grant; and

8 ~~(6)~~(e) Project planning. Projects with completed
9 technical assistance and feasibility studies shall be preferred to
10 those with no prior planning.

11 (2) Any grant of assistance under section 5 of this act
12 shall be matched at least equally from local sources. At least
13 fifty percent of the local match must be in cash.

14 (3) To receive a grant of assistance under section 5 of
15 this act, the project for which the grant is requested shall be
16 located in the municipality that applies for the grant.

17 Sec. 9. The department shall evaluate all applications
18 for grants of assistance under section 6 of this act based on the
19 following criteria:

20 (1) Financial support. Assistance from the fund shall be
21 matched at least equally from local sources. At least fifty percent
22 of the local match must be in cash. Projects with a higher level of
23 local matching funds shall be preferred as compared to those with a
24 lower level of matching funds; and

25 (2) Project location. Assistance from the fund shall be
26 for engineering and technical studies related to projects that will
27 be located in the municipality that applies for the grant.

1 Sec. 10. Section 13-2709, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 13-2709 The department shall submit, as part of the
4 department's annual status report under section 81-1201.11, the
5 following information regarding the Civic and Community Center
6 Financing Act:

7 (1) Information documenting the grants conditionally
8 approved for funding by the Legislature in the following fiscal
9 year;:-

10 (2) Reasons why a full application was not sent to any
11 municipality seeking assistance under the act;

12 (3) The amount of sales tax revenue generated for the
13 fund pursuant to subsection (4) of section 13-2610 and subsection
14 (6) of section 13-3108, the total amount of grants applied for
15 under the act, the year-end fund balance, and, if all available
16 funds have not been committed to funding grants under the act, an
17 explanation of the reasons why all such funds have not been so
18 committed;

19 (4) The amount of appropriated funds actually expended by
20 the department for the year;

21 (5) The department's current budget for administration
22 of the act and the department's planned use and distribution of
23 funds, including details on the amount of funds to be expended on
24 grants and the amount of funds to be expended by the department for
25 administrative purposes; and

26 (6) Grant summaries, including the applicant
27 municipality, project description, grant amount requested,
1 amount and type of matching funds, and reasons for approval or
2 denial based on evaluation criteria from section 13-2707 or section

3 9 of this act for every application seeking assistance under the
 4 act.
 5 Sec. 11. Original sections 13-2701, 13-2702, 13-2703,
 6 13-2704, 13-2705, 13-2707, and 13-2709, Reissue Revised Statutes of
 7 Nebraska, are repealed.

(Signed) Galen Hadley, Chairperson

NOTICE OF COMMITTEE HEARING
 Judiciary

Room 1113

Wednesday, March 13, 2013 1:30 p.m.

LB543
 LB462
 LB473
 LB204

(Signed) Brad Ashford, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 88. Introduced by Janssen, 15; Coash, 27.

WHEREAS, David Heywood was born May 21, 1944, in Sioux City, Iowa; and

WHEREAS, David Heywood graduated from Snyder High School in 1962 and attended Wayne State College; and

WHEREAS, David Heywood married Gerri Emanuel on July 15, 1967; and

WHEREAS, David Heywood worked as an accountant at Smeal Manufacturing and Danko Emergency Equipment for a combined forty-eight years; and

WHEREAS, David Heywood served on the town board and was a former mayor of Snyder, Nebraska; and

WHEREAS, David Heywood was a member of the Snyder Volunteer Fire and Rescue Department for forty-three years; and

WHEREAS, David Heywood was president of the Nebraska State Volunteer Firefighters Association in 2012; and

WHEREAS, David Heywood was a tireless advocate for fire prevention education; and

WHEREAS, David Heywood was a devoted husband and loving father to Todd, Tim, Matt, and Jillian and their extended families; and

WHEREAS, David Heywood passed away on March 3, 2013.

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

1. That the Legislature honors David Heywood for his service to the State of Nebraska.

2. That the Legislature expresses its sympathy to the family of David Heywood.

3. That a copy of this resolution be sent to the family of David Heywood.

Laid over.

LEGISLATIVE RESOLUTION 89. Introduced by Larson, 40.

WHEREAS, the Crofton Lady Warriors basketball team won the 2013 Class C-2 Girls' State Basketball Championship, defeating the Hastings St. Cecilia Hawkettes 43-31; and

WHEREAS, the Crofton Lady Warriors basketball team ended the season with a record of 27-0; and

WHEREAS, the win gave the Crofton Lady Warriors basketball team their second straight Class C-2 State Championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Crofton Lady Warriors basketball team on winning the 2013 Class C-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Crofton Lady Warriors basketball team and their coach, Aaron Losing.

Laid over.

LEGISLATIVE RESOLUTION 90. Introduced by Bloomfield, 17; Avery, 28; Brasch, 16; Johnson, 23; Kintner, 2; Schumacher, 22.

WHEREAS, the Pender Pendragons won the 2013 Class D-1 Girls' State Basketball Championship; and

WHEREAS, the Pendragons defeated St. Mary's High School 42-36 in the championship game to give the Pendragons their first state championship in school history; and

WHEREAS, the Pendragons finished their championship season with a record of 25-3; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Pender Pendragons on winning the 2013 Class D-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Pendragons and their coach, Larry Ballinger.

Laid over.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LR41CA:

FA16

1. Page 1, line 14 strike and show as stricken "The" and insert "Because it is in the best social and economic interest of this state and its residents to promote and exploit the economic benefits of gambling to advance various desirable social purposes, the".

FA17

1. Page 1, line 14 strike and show as stricken "The" and insert "In order to improve the overall moral climate in the state, to promote wholesome social values and to inculcate in children an appreciation of freedom, justice and the American Way of Life, the".

FA18

1. Page 1, line 14 strike and show as stricken "The" and insert "In order to improve the morals of the state's residents, the".

FA19

1. Page 1, line 14 strike and show as stricken "The" and insert "In order to corrupt the morals of the state's residents, the".

FA20

1. Page 1, line 14 strike and show as stricken "The" and insert "In order to corrupt the morals of the state's residents and to provide a socially acceptable outlet for the predilections of compulsive gamblers, the".

FA21

1. Page 1, line 14 strike and show as stricken "The" and insert "Because it is the economic policy and goal of this state to encourage and promote the creation and growth of business enterprises of all types and varieties, including robust entrepreneurial creativity in the realm of providing services to compulsive gamblers, the".

2. In line 16 put a period after "enterprises" and strike and show as stricken, beginning with "which" all matter through line 1 on page 2.

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senators Campbell and Christensen have filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB266 and LB429. No objections. So ordered.

VISITORS

Visitors to the Chamber were Stacy Swinney from Chadron; Ken and Kenndra Dunker from Wayne; members of Norfolk Youth Leadership Group; 14 fourth-grade students, teacher, and sponsors from St. Paul Lutheran School, Beatrice; and 38 fourth-grade students and teacher from Catlin Magnet Center, Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Hadley, the Legislature adjourned until 9:00 a.m., Thursday, March 7, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 7, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 7, 2013

PRAYER

The prayer was offered by Pastor Bob Lawrence, South Auburn Church of Christ, York.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senators Conrad and Nelson who were excused; and Senators Campbell, Price, Scheer, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 484. Placed on Final Reading.

LEGISLATIVE BILL 510. Placed on Final Reading.

LEGISLATIVE BILL 616. Placed on Final Reading.

ST8

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1 line 1; and page 40 line 8, "section" has been struck and "sections 8-601 and" inserted.
2. On page 1, line 6, "section" has been struck and "sections" inserted.
3. On page 40, line 9, "is" has been struck and "are" inserted.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 205. Placed on General File with amendment. AM431 is available in the Bill Room.

(Signed) Mike Gloor, Chairperson

Agriculture

LEGISLATIVE BILL 597. Placed on General File with amendment. AM346

1 1. On page 2, strike beginning with "A" in line 16
 2 through line 23, show the old matter as stricken, and insert
 3 "A county agricultural society may exchange its real estate and
 4 improvements for other real estate and improvements or may lease
 5 or sell its real estate and improvements and may make, execute,
 6 deliver, and accept all proper or necessary conveyances relating to
 7 such exchange, lease, sale, or purchase. The right of the county
 8 to real estate and improvements as provided in section 2-263 shall
 9 extend to real estate, improvements, or proceeds derived from any
 10 exchange, sale, or purchase of real estate or improvements acquired
 11 with the additional tax levy provided in section 2-259."

(Signed) Ken Schilz, Chairperson

NOTICE OF COMMITTEE HEARING

Transportation and Telecommunications

Room 1113

Monday, March 18, 2013 1:30 p.m.

LB84
 LB223
 LB650

(Signed) Annette Dubas, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 6, 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

Grasz, Steve
 Husch Blackwell LLP

O'Hara Lindsay & Associates, Inc.
City of Kearney
Pappas, James E.
Independent Cattlemen of Nebraska (ICON)

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 March 10 is Senator K. Haar's birthday.

SELECT FILE

LEGISLATIVE BILL 225A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE RESOLUTION 41CA. Senator McCoy renewed his motion, MO19, found on page 612 and considered on page 637, to recommit to the General Affairs Committee.

Senator Chambers offered the following motion:
MO23
Bracket until May 30, 2013.

SPEAKER ADAMS PRESIDING

Pending.

COMMITTEE REPORT

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.

Lynn Berggren - Nebraska Game and Parks Commission

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 6A. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 6, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

ANNOUNCEMENTS

Senator Crawford designates LB429 as her priority bill.

Senator Carlson designates LB517 as his priority bill.

NOTICE OF COMMITTEE HEARINGS

Business and Labor

Room 2102

Monday, March 18, 2013 1:30 p.m.

Charles Cole - Boiler Safety Code Advisory Board
Martin Kasl - Boiler Safety Code Advisory Board
Kenneth Stewart - Boiler Safety Code Advisory Board
Kurt Eberspacher - Boiler Safety Code Advisory Board
LB307
LB324
LB584
LB536
LB537

(Signed) Steve Lathrop, Chairperson

Education

Room 1525

Monday, March 18, 2013 1:30 p.m.

LB540
LB575
LB356
LB365

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

LB566

LB511
LB495
LB496
LB497

(Signed) Kate Sullivan, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 41CA. The Chambers motion, MO23, found in this day's Journal, to bracket until May 30, 2013, was renewed.

SENATOR CARLSON PRESIDING

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The Chambers motion to bracket failed with 14 ayes, 24 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 69. Placed on General File.

LEGISLATIVE BILL 435. Placed on General File.

LEGISLATIVE BILL 15. Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 6. Placed on Select File with amendment. ER24 is available in the Bill Room.

LEGISLATIVE BILL 479. Placed on Select File with amendment. ER25

1 1. On page 1, line 2, strike the second "relating".

(Signed) John Murante, Chairperson

MOTION - Print in Journal

Senator Lautenbaugh filed the following motion to LB590:
MO22
Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator McCoy filed the following amendments to LR41CA:
AM497

- 1 1. On page 3, reinstate the stricken matter beginning
- 2 with "by" in line 16 through line 18; and in lines 18 and 19 strike
- 3 the new matter.

AM496

- 1 1. On page 3, line 15, strike the new matter; in line
- 2 16 reinstate the stricken "wherever run," and after the last comma
- 3 insert "on instant racing terminals".

AM495

- 1 1. On page 4, line 5, strike "live, replayed, and delayed
- 2 horseraces" and insert "instant racing terminals".

Senator Lautenbaugh filed the following amendment to LR41CA:
FA22

On page 3, line 19, strike "a" and insert "the".

MESSAGE FROM THE GOVERNOR

March 7, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 7, 21, 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, and 336 were received in my office on March 1, 2013.

These bills were signed and delivered to the Secretary of State on March 7, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTION**LEGISLATIVE RESOLUTION 91.** Introduced by Bolz, 29.

WHEREAS, National Professional Social Work Month is observed in the month of March; and

WHEREAS, the theme for Social Work Month 2013 is, "Weaving Threads of Resilience and Advocacy: The Power of Social Work;" and

WHEREAS, the primary mission of social work is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable; and

WHEREAS, social work is the profession of hope, fueled by resilience and advocacy. Social workers make a difference because they help millions of struggling people every day; and

WHEREAS, in the United States, there are more than 650,000 highly trained professional social workers who have helped clients find their strengths, resilience, and self-advocacy to navigate life challenges; and

WHEREAS, resilience and determination alone cannot overcome all crises, but weaving those strengths with targeted advocacy can change people's lives; and

WHEREAS, the social work profession has a distinguished history of not only providing social safety nets to the most vulnerable, but also challenges the systems that impede social mobility.

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

1. That the Legislature recognizes March 2013 as Professional Social Work Month in Nebraska.

2. That a copy of this resolution be sent to the National Association of Social Workers, Nebraska Chapter.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB470. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB77. No objections. So ordered.

Senators Mello and Nordquist asked unanimous consent to add their names as cointroducers to LB104. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jerda Garey Vickers from McCook; 21 seventh- and eighth-grade students and teachers from Meridian Public School, Daykin; BreAnn Ferris-Rainey, Megan Korgie, Erin Herdman,

Bailey Mason and Taylre Keenan from Ralston; and 75 fourth-grade students and teachers from Reeder Elementary, Gretna.

The Doctor of the Day was Dr. David Minnick from Broken Bow.

ADJOURNMENT

At 12:04 p.m., on a motion by Senator McGill, the Legislature adjourned until 10:00 a.m., Tuesday, March 12, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 12, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 12, 2013

PRAYER

The prayer was offered by Senator Avery.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

MOTION - Print in Journal

Senator Davis filed the following motion to LB644:
MO24
Withdraw bill.

NOTICE OF COMMITTEE HEARING

Transportation and Telecommunications

Room 1113

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

Donna Hammack - Nebraska Information Technology Commission
Brad Moline - Nebraska Information Technology Commission
LB617

(Signed) Annette Dubas, Chairperson

COMMITTEE REPORTS

Health and Human Services

The Health and Human Services 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.

Jeromy Warner - State Board of Health

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

Elizabeth Neeley - Foster Care Advisory Committee

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

ANNOUNCEMENT

Senator Coash designates LB505 as his priority bill.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 225A. Placed on Final Reading.

(Signed) John Murante, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 170. Placed on Select File with amendment.
ER26 is available in the Bill Room.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

Room 1113

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

LB293
LB451
LB602
LB352

Thursday, March 21, 2013 1:30 p.m.

LB171
LB592
LB392
LB319
LB335

(Signed) Brad Ashford, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 92. Introduced by Scheer, 19.

WHEREAS, the Madison High School wrestling team won the 2013 Class C State Dual Championship; and

WHEREAS, the Madison High School wrestling team showed outstanding determination, teamwork, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Madison High School wrestling team on winning the 2013 Class C State Dual Championship.

2. That a copy of this resolution be sent to the Madison High School wrestling team.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1524

Monday, March 25, 2013 1:30 p.m.

LB4

LB285

LB119

LB157

LB187

LB20

LB234

Agency 25 - Health and Human Services

Agency 25 Department of Health and Human Services - Operations

Agency 25 Department of Health and Human Services - Medicaid and Long
Term Care

Agency 25 Department of Health and Human Services - Public Health

Agency 25 Department of Health and Human Services - Veterans Homes

Tuesday, March 26, 2013 1:30 p.m.

LB375

LB268

LB425

Agency 25 - Health and Human Services

Agency 25 Department of Health and Human Services - Developmental
DisabilitiesAgency 25 Department of Health and Human Services - Children and
Family Services

Agency 25 Department of Health and Human Services - Behavioral Health

(Signed) Heath Mello, Chairperson

ANNOUNCEMENT

The Chair announced March 10 was Senator Seiler's birthday.

GENERAL FILE**LEGISLATIVE RESOLUTION 41CA.** Senator McCoy renewed his motion, MO19, found on page 612 and considered on pages 637 and 649, to recommit to the General Affairs Committee.

The McCoy motion to recommit to committee failed with 11 ayes, 16 nays, 20 present and not voting, and 2 excused and not voting.

Senator Lautenbaugh offered the following amendment:

AM581

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. At the general election in November 2014 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article III, section 24:
- 8 III-24 (1) Except as provided in this section, the
- 9 Legislature shall not authorize any game of chance or any
- 10 lottery or gift enterprise when the consideration for a chance
- 11 to participate involves the payment of money for the purchase of
- 12 property, services, or a chance or admission ticket or requires an
- 13 expenditure of substantial effort or time.
- 14 (2) The Legislature may authorize and regulate a state
- 15 lottery pursuant to subsection (3) of this section and other
- 16 lotteries, raffles, and gift enterprises which are intended solely
- 17 as business promotions or the proceeds of which are to be used
- 18 solely for charitable or community betterment purposes without
- 19 profit to the promoter of such lotteries, raffles, or gift
- 20 enterprises.
- 21 (3)(a) The Legislature may establish a lottery to be
- 22 operated and regulated by the State of Nebraska. The proceeds of
- 23 the lottery shall be appropriated by the Legislature for the costs
- 1 of establishing and maintaining the lottery and for the following
- 2 purposes, as directed by the Legislature:
- 3 (i) The first five hundred thousand dollars after the
- 4 payment of prizes and operating expenses shall be transferred to
- 5 the Compulsive Gamblers Assistance Fund;
- 6 (ii) Forty-four and one-half percent of the money
- 7 remaining after the payment of prizes and operating expenses and
- 8 the initial transfer to the Compulsive Gamblers Assistance Fund
- 9 shall be transferred to the Nebraska Environmental Trust Fund to be
- 10 used as provided in the Nebraska Environmental Trust Act;
- 11 (iii) Forty-four and one-half percent of the money
- 12 remaining after the payment of prizes and operating expenses
- 13 and the initial transfer to the Compulsive Gamblers Assistance Fund
- 14 shall be used for education as the Legislature may direct;
- 15 (iv) Ten percent of the money remaining after the payment
- 16 of prizes and operating expenses and the initial transfer to
- 17 the Compulsive Gamblers Assistance Fund shall be transferred to
- 18 the Nebraska State Fair Board if the most populous city within
- 19 the county in which the fair is located provides matching funds
- 20 equivalent to ten percent of the funds available for transfer. Such
- 21 matching funds may be obtained from the city and any other private
- 22 or public entity, except that no portion of such matching funds
- 23 shall be provided by the state. If the Nebraska State Fair ceases
- 24 operations, ten percent of the money remaining after the payment

25 of prizes and operating expenses and the initial transfer to the
 26 Compulsive Gamblers Assistance Fund shall be transferred to the
 27 General Fund; and

1 (v) One percent of the money remaining after the payment
 2 of prizes and operating expenses and the initial transfer to the
 3 Compulsive Gamblers Assistance Fund shall be transferred to the
 4 Compulsive Gamblers Assistance Fund.

5 (b) No lottery game shall be conducted as part of the
 6 lottery unless the type of game has been approved by a majority of
 7 the members of the Legislature.

8 (4) Nothing in this section shall be construed to
 9 prohibit (a) the enactment of laws providing for the licensing
 10 and regulation of wagering on the results of live, replayed, and
 11 delayed horseraces, wherever run, either within or outside of the
 12 state, by the parimutuel method, when such wagering is conducted
 13 by licensees within a licensed racetrack enclosure or (b) the
 14 enactment of laws providing for the licensing and regulation of
 15 bingo games conducted by nonprofit associations which have been
 16 in existence for a period of five years immediately preceding
 17 the application for license, except that bingo games cannot be
 18 conducted by agents or lessees of such associations on a percentage
 19 basis.

20 Sec. 2. The proposed amendment shall be submitted to the
 21 electors in the manner prescribed by the Constitution of Nebraska,
 22 Article XVI, section 1, with the following ballot language:

23 A constitutional amendment to provide for enactment of
 24 laws providing for licensing and regulation of wagering on live,
 25 replayed, and delayed horseraces, wherever run, either within or
 26 outside of the state, by the parimutuel method, when such wagering
 27 is conducted by licensees within a licensed racetrack enclosure.

1 For

2 Against.

Senator Karpisek offered the following amendment to the Lautenbaugh amendment:

FA23

Amend AM581

On page 3, line 10 strike "~~and~~" and insert "or"

Senator Karpisek withdrew his amendment.

Senator Lautenbaugh offered the following amendment to his amendment:

FA24

Amend AM581

On page 3, line 10 strike "replayed and delayed" and insert "or replayed at a later date or time"

Senator Lautenbaugh asked unanimous consent to withdraw his amendment, FA24, found in this day's Journal, and replace it with his substitute amendment, FA26. No objections. So ordered.

FA26

Amend AM581

On page 3, line 10, strike "replayed and delayed", and insert "or replayed", and on line 25, strike "replayed and delayed" and insert "or replayed".

SPEAKER ADAMS PRESIDING

SENATOR GLOOR PRESIDING

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 93. Introduced by Sullivan, 41.

WHEREAS, the Pierce Lady Bluejays basketball team won the 2013 Class C-1 Girls' State Basketball Championship; and

WHEREAS, this was the first appearance by the Pierce Lady Bluejays in the state tournament since 1995; and

WHEREAS, the Pierce Lady Bluejays defeated top-ranked Kearney Catholic High School for the second time this season to win the championship; and

WHEREAS, the Pierce Lady Bluejays finished their season with a record of twenty-three wins and four losses; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Pierce Lady Bluejays and their coaches on winning the 2013 Class C-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to coach Darren Sindelar and the Pierce Lady Bluejays basketball team.

Laid over.

LEGISLATIVE RESOLUTION 94. Introduced by Larson, 40.

WHEREAS, the Wynot Blue Devils basketball team won the 2013 Class D-2 Boys' State Basketball Championship, defeating Spalding/Spalding Academy by a score of 57-56 in double overtime; and

WHEREAS, the Wynot Blue Devils basketball team ended the season with a record of 25-3; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Wynot Blue Devils basketball team on winning the 2013 Class D-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Wynot Blue Devils basketball team and their coach, Lee Heimes.

Laid over.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 55. Placed on General File.

LEGISLATIVE BILL 573. Placed on General File.

LEGISLATIVE BILL 104. Placed on General File with amendment.
AM525

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 77-5715, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 77-5715 (1) For a tier 2, tier 3, tier 4, or tier 5
- 6 project, qualified business means any business engaged in:
- 7 (a) The conducting of research, development, or testing
- 8 for scientific, agricultural, animal husbandry, food product, or
- 9 industrial purposes;
- 10 (b) The performance of data processing,
- 11 telecommunication, insurance, or financial services. For purposes
- 12 of this subdivision, financial services includes only financial
- 13 services provided by any financial institution subject to tax
- 14 under Chapter 77, article 38, or any person or entity licensed by
- 15 the Department of Banking and Finance or the federal Securities
- 16 and Exchange Commission and telecommunication services includes
- 17 community antenna television service, Internet access, satellite
- 18 ground station, call center, or telemarketing;
- 19 (c) The assembly, fabrication, manufacture, or processing
- 20 of tangible personal property;
- 21 (d) The administrative management of the taxpayer's
- 22 activities, including headquarter facilities relating to such
- 23 activities or the administrative management of any of the
- 1 activities of any business entity or entities in which the taxpayer
- 2 or a group of its shareholders holds any direct or indirect
- 3 ownership interest of at least ten percent, including headquarter
- 4 facilities relating to such activities;
- 5 (e) The storage, warehousing, distribution,
- 6 transportation, or sale of tangible personal property;
- 7 (f) The sale of tangible personal property if the
- 8 taxpayer derives at least seventy-five percent or more of the

9 sales or revenue attributable to such activities relating to the
10 project from sales to consumers who are not related persons and are
11 located outside the state;

12 (g) The sale of software development services, computer
13 systems design, product testing services, or guidance or
14 surveillance systems design services or the licensing of technology
15 if the taxpayer derives at least seventy-five percent of the sales
16 or revenue attributable to such activities relating to the project
17 from sales or licensing either to customers who are not related
18 persons and located outside the state or to the United States
19 Government, including sales of such services, systems, or products
20 delivered by providing the customer with software or access to
21 software over the Internet or by other electronic means, regardless
22 of whether the software or data accessed by customers is stored on
23 a computer owned by the applicant, the customer, or a third party
24 and regardless of whether the computer storing the software or data
25 is located at the project;

26 (h) The research, development, and maintenance of an
27 Internet web portal. For purposes of this subdivision, Internet web
1 portal means an Internet site that allows users to access, search,
2 and navigate the Internet;

3 (i) The research, development, and maintenance of a data
4 center; ~~or~~

5 (j) The production of electricity by using one or more
6 sources of renewable energy to produce electricity for sale. For
7 purposes of this subdivision, sources of renewable energy includes,
8 but is not limited to, wind, solar, geothermal, hydroelectric,
9 biomass, and transmutation of elements; or

10 ~~(j)-(k)~~ Any combination of the activities listed in this
11 subsection.

12 (2) For a tier 1 project, qualified business means any
13 business engaged in:

14 (a) The conducting of research, development, or testing
15 for scientific, agricultural, animal husbandry, food product, or
16 industrial purposes;

17 (b) The assembly, fabrication, manufacture, or processing
18 of tangible personal property;

19 (c) The sale of software development services, computer
20 systems design, product testing services, or guidance or
21 surveillance systems design services or the licensing of technology
22 if the taxpayer derives at least seventy-five percent of the sales
23 or revenue attributable to such activities relating to the project
24 from sales or licensing either to customers who are not related
25 persons and are located outside the state or to the United States
26 Government, including sales of such services, systems, or products
27 delivered by providing the customer with software or access to
1 software over the Internet or by other electronic means, regardless
2 of whether the software or data accessed by customers is stored on
3 a computer owned by the applicant, the customer, or a third party

4 and regardless of whether the computer storing the software or data
5 is located at the project; or

6 (d) Any combination of activities listed in this
7 subsection.

8 (3) For a tier 6 project, qualified business means any
9 business except a business excluded by subsection (4) of this
10 section.

11 (4) Except for business activity described in subdivision
12 (1)(f) of this section, qualified business does not include any
13 business activity in which eighty percent or more of the total
14 sales are sales to the ultimate consumer of (a) food prepared
15 for immediate consumption or (b) tangible personal property which
16 is not assembled, fabricated, manufactured, or processed by the
17 taxpayer or used by the purchaser in any of the activities listed
18 in subsection (1) or (2) of this section.

19 Sec. 2. Original section 77-5715, Revised Statutes
20 Cumulative Supplement, 2012, is repealed.

21 Sec. 3. Since an emergency exists, this act takes effect
22 when passed and approved according to law.

LEGISLATIVE BILL 296. Placed on General File with amendment.
AM354

- 1 1. On page 14, strike beginning with "account" in line 6
- 2 through "the" in line 8.

(Signed) Galen Hadley, Chairperson

Executive Board

LEGISLATIVE BILL 613. Placed on General File with amendment.
AM467

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

3 Section 1. The Legislature finds that the economy is
4 constantly changing, requiring the need to continually review and
5 update the state tax laws. Furthermore, the Legislature finds that
6 state, county, and other local tax policies are interdependent and
7 that there are consequences, intended and otherwise, that need to
8 be studied when adjustments are made to the state tax laws, such as
9 instability for state, county, and other local governments. The Tax
10 Modernization Committee's purpose is to review and study Nebraska's
11 tax law, including, but not limited to, sales and use taxes, income
12 taxes, property taxes, and other miscellaneous taxes and credits.

13 Sec. 2. The Tax Modernization Committee is created as a
14 special legislative committee. The committee shall be composed of
15 the following individuals:

16 (1) The members of the Revenue Committee of the
17 Legislature;

18 (2) The chairperson of the Appropriations Committee of

19 the Legislature;

20 (3) The chairperson of the Health and Human Services
21 Committee of the Legislature;

22 (4) The chairperson of the Education Committee of the
23 Legislature;

1 (5) The chairperson of the Agriculture Committee of the
2 Legislature; and

3 (6) The chairperson of the Legislature's Planning
4 Committee.

5 Sec. 3. The chairperson of the Revenue Committee of the
6 Legislature shall serve as the chairperson of the Tax Modernization
7 Committee. The committee shall meet as often as necessary to
8 accomplish the objectives established in sections 1 to 7 of this
9 act. At least one meeting shall be held concurrently with a
10 meeting of the Legislative Council called by the chairperson of the
11 Executive Board of the Legislative Council for such purpose.

12 Sec. 4. The Tax Modernization Committee shall consider,
13 but is not limited to, the following six elements for successful
14 tax modernization:

15 (1) Fairness. The committee shall review the tax burden
16 for sales and use taxes, income taxes, property taxes, and
17 miscellaneous taxes of different taxpayers, from Nebraska families
18 to Nebraska businesses, from small businesses to big businesses,
19 and within different industry sectors in the state. The tax system
20 should treat people equitably;

21 (2) Competitiveness. Any changes to the tax system should
22 ensure that Nebraska continues to attract high-paying jobs and
23 investment to the state, while keeping and protecting the jobs and
24 businesses we already have. The committee shall review how Nebraska
25 compares to other states regarding business taxes and identify ways
26 to improve business tax competitiveness;

27 (3) Simplicity and compliance. A tax system should
1 be easy to understand and follow. The committee shall make
2 recommendations to ensure that compliance with Nebraska's tax
3 system is simple for individuals and businesses and to ensure
4 efficient administration by the state;

5 (4) Stability. A stable tax system has revenue that is
6 relatively reliable over time and not subject to unpredictable
7 fluctuations. The committee shall not only address the stability
8 of Nebraska's current tax system but shall also ensure that any
9 recommended changes will maintain or improve stability;

10 (5) Adequacy. The tax modernization process should create
11 a tax system that provides adequate revenue to fund critical state
12 services. The tax structure should allow revenue to keep pace with
13 spending needs; and

14 (6) Complementary tax systems. Updating of the tax system
15 should address the interrelationships of tax systems within the
16 state revenue system as a whole.

17 Sec. 5. The Legislature finds that community discourse

18 and involvement is essential to the success of the Tax
 19 Modernization Committee. The committee shall engage the public in
 20 a variety of ways.

21 Sec. 6. The Tax Modernization Committee shall examine
 22 previous studies, including, but not limited to, the Tax Policy
 23 Reform Commission from 2005 to 2007 and the comprehensive tax
 24 study done by Syracuse University from 1986 to 1988, and ascertain
 25 which recommendations from such studies can be utilized in the
 26 committee's research. The committee may require any state agency
 27 or political subdivision to provide information relevant to the
 1 committee's work, and the state agency or political subdivision
 2 shall provide the information requested within thirty days after
 3 the request. The committee may hold public hearings and, pursuant
 4 to section 50-406 and the Rules of the Nebraska Unicameral
 5 Legislature, may exercise its authority to administer oaths, issue
 6 subpoenas, compel attendance of witnesses and the production of
 7 documents, and cause depositions of witnesses to be taken in the
 8 manner prescribed by law for taking depositions in civil actions
 9 in the district court. The committee shall issue a report to the
 10 Executive Board of the Legislative Council and the Governor by
 11 December 15, 2013, containing any recommendations to update state,
 12 county, and local tax policies and corresponding proposed language
 13 for legislation. The report submitted to the Legislature shall be
 14 submitted electronically. The committee shall also identify areas
 15 of concern that require further in-depth analysis and study.

16 Sec. 7. Once the report required under section 6 of
 17 this act has been submitted, the Tax Modernization Committee shall
 18 continue meeting as necessary until December 31, 2015.

19 Sec. 8. Since an emergency exists, this act takes effect
 20 when passed and approved according to law.

(Signed) John Wightman, Chairperson

Health and Human Services

LEGISLATIVE BILL 361. Placed on General File.

LEGISLATIVE BILL 23. Placed on General File with amendment.
 AM538

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

3 Section 1. Section 68-1801, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 68-1801 Sections 68-1801 to 68-1809 and section 4 of this
 6 act shall be known and may be cited as the ICF/MR Reimbursement
 7 Protection Act.

8 Sec. 2. Section 68-1804, Revised Statutes Cumulative
 9 Supplement, 2012, is amended to read:

10 68-1804 (1) The ICF/MR Reimbursement Protection Fund is

11 created. Any money in the fund available for investment shall be
 12 invested by the state investment officer pursuant to the Nebraska
 13 Capital Expansion Act and the Nebraska State Funds Investment Act.
 14 Interest and income earned by the fund shall be credited to the
 15 fund.

16 (2) For fiscal year 2004-05, proceeds from the tax
 17 imposed under section 68-1803 shall be allocated as follows:

18 (a) First, fifty-five thousand dollars to the department
 19 for administration of the fund;

20 (b) Second, payment to intermediate care facilities for
 21 the mentally retarded for the cost of the tax;

22 (c) Third, three hundred thousand dollars, in addition
 23 to any federal medicaid matching funds, for increases in payments
 1 to non-state operated intermediate care facilities for the mentally
 2 retarded which shall be such facilities' only increase in payments
 3 for such fiscal year;

4 (d) Fourth, three hundred twelve thousand dollars, in
 5 addition to any federal medicaid matching funds, for payment to
 6 providers of community-based services for the purpose of reducing
 7 the waiting list of persons with developmental disabilities; and

8 (e) Fifth, any money remaining in the fund after the
 9 allocations required by subdivisions (2)(a) through (d) of this
 10 section have been made shall be transferred to the General Fund.

11 (3) For FY2005-06 through FY2010-11, proceeds from the
 12 tax imposed pursuant to section 68-1803 shall be remitted to the
 13 State Treasurer for credit as follows:

14 (a) To the ICF/MR Reimbursement Protection Fund for
 15 allocation as described in this subdivision: (i) Fifty-five
 16 thousand dollars for administration of the fund; (ii) the amount
 17 needed to reimburse intermediate care facilities for the mentally
 18 retarded for the cost of the tax; (iii) three hundred thousand
 19 dollars for payment of rates to non-state operated intermediate
 20 care facilities; and (iv) three hundred twelve thousand dollars
 21 for community-based services for persons with developmental
 22 disabilities; and

23 (b) To the General Fund: The remainder of the proceeds.

24 (2) Beginning July 1, 2014, the department shall use
 25 the ICF/MR Reimbursement Protection Fund, including the matching
 26 federal financial participation under Title XIX of the Social
 27 Security Act, as amended, for purposes of enhancing rates
 1 paid under the medical assistance program to intermediate care
 2 facilities for the mentally retarded and for an annual contribution
 3 to community-based programs for persons with developmental
 4 disabilities as specified in subsection (4) of this section,
 5 exclusive of the reimbursement paid under the medical assistance
 6 program and any other state appropriations to intermediate care
 7 facilities for the mentally retarded.

8 (4)(3) For FY2011-12 and each fiscal year thereafter,
 9 through FY2013-14, proceeds from the tax imposed pursuant to

10 section 68-1803 shall be remitted to the State Treasurer for credit
 11 to the ICF/MR Reimbursement Protection Fund for allocation as
 12 follows:

13 (a) First, fifty-five thousand dollars for administration
 14 of the fund;

15 (b) Second, the amount needed to reimburse intermediate
 16 care facilities for the mentally retarded for the cost of the tax;

17 (c) Third, three hundred twelve thousand dollars
 18 for community-based services for persons with developmental
 19 disabilities;

20 (d) Fourth, six hundred thousand dollars or such lesser
 21 amount as may be available in the fund for non-state-operated
 22 intermediate care facilities for the mentally retarded, in addition
 23 to any continuation appropriations percentage increase provided
 24 by the Legislature to nongovernmental intermediate care facilities
 25 for the mentally retarded under the medical assistance program,
 26 subject to approval by the federal Centers for Medicare and
 27 Medicaid Services of the department's annual application amending
 1 the medicaid state plan reimbursement methodology for intermediate
 2 care facilities for the mentally retarded; and

3 (e) Fifth, the remainder of the proceeds to the General
 4 Fund.

5 (4) For FY2014-15 and each fiscal year thereafter, the
 6 ICF/MR Reimbursement Protection Fund shall be used as follows:

7 (a) First, fifty-five thousand dollars to the department
 8 for administration of the fund;

9 (b) Second, payment to the intermediate care facilities
 10 for the mentally retarded for the cost of the tax;

11 (c) Third, three hundred twelve thousand dollars, in
 12 addition to any federal medicaid matching funds, for payment
 13 to providers of community-based services for persons with
 14 developmental disabilities; and

15 (d) Fourth, rebase rates under the medical assistance
 16 program in accordance with the medicaid state plan as defined
 17 in section 68-907. In calculating rates, the proceeds of the tax
 18 provided for in section 68-1803 and not utilized under subdivisions
 19 (a), (b), and (c) of this subsection shall be used to enhance
 20 rates in non-state-operated intermediate care facilities for the
 21 mentally retarded by increasing the annual inflation factor to the
 22 extent allowed by such proceeds and any funds appropriated by the
 23 Legislature.

24 Sec. 3. Section 68-1806, Reissue Revised Statutes of
 25 Nebraska, is amended to read:

26 68-1806 (1) Until July 1, 2014:

27 ~~(+)~~(a) Collection of the tax imposed by section 68-1803
 1 shall be discontinued if:

2 ~~(+)~~(i) The amendment to the state medicaid plan
 3 described in section 68-1805 is disapproved by the Centers for
 4 Medicare and Medicaid Services;

5 ~~(b)-(ii)~~ The department reduces rates paid to
 6 intermediate care facilities for the mentally retarded to an amount
 7 less than the rates effective September 1, 2003; or
 8 ~~(c)-(iii)~~ The department or any other state agency
 9 attempts to utilize the money in the ICF/MR Reimbursement
 10 Protection Fund for any use other than uses permitted pursuant to
 11 the ICF/MR Reimbursement Protection Act; and-

12 ~~(2)-(b)~~ If collection of the tax is discontinued as
 13 provided in ~~subsection (1)-subdivision (a)~~ of this ~~section-~~
 14 subsection, all money in the fund shall be returned to the
 15 intermediate care facilities for the mentally retarded from which
 16 the tax was collected on the same basis as the tax was assessed.

17 (2) Beginning on July 1, 2014:

18 (a) The department shall discontinue collection of the
 19 tax provided for in section 68-1803:

20 (i) If federal financial participation to match the
 21 payments by intermediate care facilities for the mentally retarded
 22 pursuant to section 68-1803 becomes unavailable under federal law
 23 or the rules and regulations of the Centers for Medicare and
 24 Medicaid Services of the United States Department of Health and
 25 Human Services; or

26 (ii) If money in the ICF/MR Reimbursement Protection Fund
 27 is appropriated, transferred, or otherwise expended for any use
 1 other than uses permitted pursuant to the ICF/MR Reimbursement
 2 Protection Act; and

3 (b) If collection of the tax provided for in section
 4 68-1803 is discontinued as provided in subdivision (a) of this
 5 subsection, the money in the ICF/MR Reimbursement Protection Fund
 6 shall be returned to the intermediate care facilities for the
 7 mentally retarded from which the tax was collected on the same
 8 basis as collected.

9 Sec. 4. The department shall collect the tax provided for
 10 in section 68-1803 and remit the tax to the State Treasurer for
 11 credit to the ICF/MR Reimbursement Protection Fund. Beginning July
 12 1, 2014, no proceeds from the tax provided for in section 68-1803,
 13 including the federal match, shall be placed in the General Fund
 14 unless otherwise provided in the ICF/MR Reimbursement Protection
 15 Act.

16 Sec. 5. Original sections 68-1801 and 68-1806, Reissue
 17 Revised Statutes of Nebraska, and section 68-1804, Revised Statutes
 18 Cumulative Supplement, 2012, are repealed.

LEGISLATIVE BILL 216. Placed on General File with amendment.
 AM502

1 1. Strike original section 13 and insert the following
 2 new section:

3 Sec. 13. (1) On or before July 1, 2013, the Nebraska
 4 Children's Commission shall appoint a Young Adult Voluntary
 5 Services and Support Advisory Committee to make recommendations

6 to the department and the Nebraska Children's Commission for a
7 statewide implementation plan meeting the program requirements of
8 the Young Adult Voluntary Services and Support Act. The committee
9 shall provide a written report regarding the initial implementation
10 of the program to the Nebraska Children's Commission, the Health
11 and Human Services Committee of the Legislature, the department,
12 and the Governor by October 1, 2013. The report to the Legislature
13 shall be submitted electronically. The committee shall meet on
14 a biannual basis thereafter to advise the department and the
15 Nebraska Children's Commission regarding ongoing implementation of
16 the program and shall provide a written report regarding ongoing
17 implementation, including program participation and early discharge
18 rates and reasons obtained from the department, to the Nebraska
19 Children's Commission, the Health and Human Services Committee of
20 the Legislature, the department, and the Governor by December 15th
21 of each year. The report to the Legislature shall be submitted
22 electronically.

23 (2) The members of the Young Adult Voluntary Services
1 and Support Advisory Committee shall include, but not be limited
2 to: (a) Representatives from all three branches of government,
3 those representatives from the legislative and judicial branches
4 of government shall be nonvoting, ex officio; (b) no less than
5 three young adults currently or previously in foster care, which
6 may be filled on a rotating basis by members of Project Everlast
7 or a similar youth support or advocacy group; (c) one or more
8 representatives from a child welfare advocacy organization; (d)
9 one or more representatives from a child welfare service agency;
10 and (e) one or more representatives from an agency providing
11 independent living services.

12 (3) Members of the committee shall be appointed for terms
13 of two years. The Nebraska Children's Commission shall appoint
14 the chairperson of the committee and may fill vacancies on the
15 committee as they occur.

16 2. On page 2, strike beginning with "former" in line 5
17 through the second comma in line 6 and insert "youth transitioning
18 out of foster care placements and into adulthood in becoming
19 self-sufficient"; and in line 17 after "Services" insert "or its
20 contractor".

21 3. On page 4, line 6, after "at" insert "least at"; in
22 lines 9, 10, and 12 strike "group home" and insert "foster care
23 facility"; and in line 16 after the last comma insert "transitional
24 living facilities".

25 4. On page 5, line 7, after the period insert "Case
26 management shall include the development of a case plan, developed
27 jointly by the department and the young adult, that includes
1 a description of the identified housing situation or living
2 arrangement and the resources to assist the young adult in the
3 transition from the program to adulthood. The case plan shall
4 incorporate the independent living transition proposal in section

5 43-1311.03."

6 5. On page 7, line 3, after "sign" insert ", and the
7 young adult shall be provided a copy of.".

8 6. On page 10, strike beginning with "that" in line 3
9 through line 22 and insert "describing the young adult's current
10 situation, including the young adult's name, date of birth, and
11 current address and the reasons why it is in the young adult's best
12 interests to receive extended services and support. The department
13 shall also provide the juvenile court with a copy of the signed
14 voluntary services and support agreement, a copy of the case plan,
15 and any other information the department or the young adult wants
16 the court to consider.".

17 7. On page 11, line 22, after the period insert "The
18 department is not required to have legal counsel present at such
19 hearings.".

20 8. On page 12, line 6, strike the comma.

21 9. On page 13, line 1, strike "or a contracted entity";
22 in line 6 after the period insert "The department is not required
23 to have legal counsel present at such reviews."; in line 7 strike
24 "or contracted entity conducting these reviews"; and in line 8
25 after "approach" insert "in conducting such reviews".

26 10. On page 24, line 17, strike "fourteen" and insert
27 "sixteen"; in lines 19 and 21 after "before" insert "attaining
1 nineteen years of age or"; and in lines 20 and 22 after "care"
2 insert "to independent living".

LEGISLATIVE BILL 343. Placed on General File with amendment.
AM451 is available in the Bill Room.

LEGISLATIVE BILL 420. Placed on General File with amendment.
AM555

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

3 Section 1. Section 38-1425, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 38-1425 (1) Except as otherwise provided in subsection
6 (2) of this section or section 71-20,121, the right to control the
7 disposition of the remains of a deceased person, except in the case
8 of a minor subject to section 23-1824 and unless other directions
9 have been given by the decedent in the form of a testamentary
10 disposition or a pre-need contract, vests in the following persons
11 in the order named:

12 (a) Any person authorized to direct the disposition of
13 the decedent's body pursuant to a notarized affidavit authorizing
14 such disposition and signed and sworn to by the decedent. Such
15 an affidavit shall be sufficient legal authority for authorizing
16 disposition without additional authorization from the decedent, the
17 decedent's family, or the decedent's estate. Such person shall not
18 be considered an attorney in fact pursuant to sections 30-3401 to

19 30-3432;

20 (b) The surviving spouse of the decedent;

21 (c) If the surviving spouse is incompetent or not
 22 available or if there is no surviving spouse, the decedent's
 23 surviving adult children. If there is more than one adult child,
 1 any adult child, after confirmation in writing of the notification
 2 of all other adult children, may direct the manner of disposition
 3 unless the funeral establishment or crematory authority receives
 4 written objection to the manner of disposition from another adult
 5 child;

6 (d) The decedent's surviving parents;

7 (e) The persons in the next degree of kinship under the
 8 laws of descent and distribution to inherit the estate of the
 9 decedent. If there is more than one person of the same degree, any
 10 person of that degree may direct the manner of disposition;

11 (f) A guardian of the person of the decedent at the time
 12 of such person's death;

13 (g) The personal representative of the decedent;

14 (h) The State Anatomical Board or county board in the
 15 case of an indigent person or any other person the disposition of
 16 whose remains is the responsibility of the state or county; or

17 (i) A representative of an entity described in section
 18 38-1426 that has arranged with the funeral establishment or
 19 crematory authority to cremate a body part in the case of body
 20 parts received from such entity described in section 38-1426.

21 (2) If the decedent died during active military service,
 22 as provided in 10 U.S.C. 1481 (a)(1) through (8), in any branch
 23 of the United States armed forces, United States reserve forces,
 24 or national guard, the person authorized by the decedent to direct
 25 disposition pursuant to section 564 of Public Law 109-163, as
 26 listed on the decedent's United States Department of Defense record
 27 of emergency data, DD Form 93, or its successor form, shall take
 1 priority over all other persons described in subsection (1) of this
 2 section.

3 ~~(2)~~(3) A funeral director, funeral establishment,
 4 crematory authority, or crematory operator shall not be subject
 5 to criminal prosecution or civil liability for carrying out the
 6 otherwise lawful instructions of the person or persons described
 7 in this section if the funeral director or crematory authority or
 8 operator reasonably believes such person is entitled to control the
 9 final disposition of the remains of the deceased person.

10 ~~(3)~~(4) The liability for the reasonable cost of the
 11 final disposition of the remains of the deceased person devolves
 12 jointly and severally upon all kin of the decedent in the same
 13 degree of kindred and upon the estate of the decedent and, in cases
 14 when the county board has the right to control disposition of the
 15 remains under subdivision (1)(h) of this section, upon the county
 16 in which death occurred from funds available for such purpose.

17 Sec. 2. Original section 38-1425, Reissue Revised

18 Statutes of Nebraska, is repealed.
 19 Sec. 3. Since an emergency exists, this act takes effect
 20 when passed and approved according to law.

(Signed) Kathy Campbell, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 95. Introduced by Scheer, 19.

WHEREAS, the Newman Grove High School girls' bowling team won the 2013 Class D Nebraska High School Bowling Federation State Championship; and

WHEREAS, the team members showed remarkable skill and perseverance in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Newman Grove High School girls' bowling team on winning the 2013 Class D Nebraska High School Bowling Federation State Championship.

2. That a copy of this resolution be sent to the Newman Grove High School girls' bowling team and to the team's coach, Tim Krueger.

Laid over.

ANNOUNCEMENT

The Judiciary Committee designates LB561 and LB44 as its priority bills.

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LR41CA:

FA25

Amend AM581

Page 3, line 9 strike and show as stricken "prohibit" and insert "permit"

VISITORS

Visitors to the Chamber were 19 students and teacher from Madison High School Youth Leadership; 25 Girl Scouts and sponsors from eastern Nebraska; 42 members of the Norfolk Area/Madison County Chamber; Mark Spadaro of Dyna-Tech Aviation, Omaha; and 34 fourth-grade students and teacher from Jackson Elementary, Omaha.

The Doctor of the Day was Dr. Joshua Brautigam from Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Dubas, the Legislature adjourned until 9:00 a.m., Wednesday, March 13, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 13, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 13, 2013

PRAYER

The prayer was offered by Pastor Lance Burch, Shadow Lake Community Church, Papillion.

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 Ashford, Conrad, Cook, Gloor, B. Harr, Janssen, Murante, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 641, line 15, after "preference" insert ":".

The Journal for the thirty-eighth day was approved as corrected.

The Journal for the fortieth day was approved.

ANNOUNCEMENTS

The Nebraska Retirement Systems Committee designates LB263 and LB553 as its priority bills.

Senator Hadley designates LB23 as his priority bill.

Senator Wightman designates LB487 as his priority bill.

Senator Campbell designates LB577 as her priority bill.

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB612:
AM598

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 77-3,116, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 77-3,116 (1) The Department of Revenue and the Department
- 5 of Labor shall cooperate and participate in the collection of data
- 6 for the study described in section 77-3,115. Other state agencies,
- 7 including the University of Nebraska, shall assist in the study or
- 8 the update as requested by the Department of Revenue and as any
- 9 necessary funds are available. Any agency may contract with the
- 10 Department of Revenue to provide such assistance. The Department
- 11 of Revenue may also contract with an independent entity for the
- 12 entity to conduct or assist in conducting such study or update.
- 13 The department, other state agency, or independent entity preparing
- 14 the material or study shall utilize and consider, along with other
- 15 information, the results of any available study relating to the
- 16 items listed in section 77-3,115 and conducted or contracted for by
- 17 the Legislature in the year prior to April 16, 1992.
- 18 (2) A preliminary report of the initial study's models
- 19 and initial findings shall be reported by the Department of Revenue
- 20 to the chairpersons of the Appropriations Committee and Revenue
- 21 Committee of the Legislature, the Clerk of the Legislature, and the
- 22 Governor by December 1, 1992. The initial study shall be completed
- 23 and the department shall report its findings to the same entities
- 1 by December 1, 1993. The study shall be updated and the update
- 2 shall be reported to the same entities on ~~December~~ November 1,
- 3 2013, and every two years thereafter. The study submitted to the
- 4 Appropriations Committee and Revenue Committee of the Legislature
- 5 and the Clerk of the Legislature pursuant to this subsection shall
- 6 be submitted electronically.
- 7 (3) Any models developed for the initial study or update
- 8 shall be electronically shared with the Legislative Fiscal Analyst.
- 9 The Department of Revenue shall include in its budget request
- 10 for every other biennium following the 1991-93 biennium sufficient
- 11 appropriation authority to conduct or contract for the required
- 12 update.
- 13 2. On page 12, line 3, after the last comma insert
- 14 "77-3,116,".
- 15 3. Renumber the remaining sections accordingly.

MOTION - Withdraw LB648

Senator Pirsch offered his motion, MO20, found on page 630, to withdraw LB648.

The Pirsch motion to withdraw the bill prevailed with 28 ayes, 0 nays,

13 present and not voting, and 8 excused and not voting.

MOTION - Withdraw LB644

Senator Davis offered his motion, MO24, found on page 655, to withdraw LB644.

The Davis motion to withdraw the bill prevailed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR83 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR83.

GENERAL FILE

LEGISLATIVE RESOLUTION 41CA. Senator Lautenbaugh renewed his amendment, FA26, found on page 661, to his amendment, AM581.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Lautenbaugh requested a roll call vote on his amendment.

Voting in the affirmative, 30:

Campbell	Gloor	Howard	Lautenbaugh	Schilz
Coash	Haar, K.	Karpisek	McCoy	Schumacher
Conrad	Hadley	Kintner	McGill	Seiler
Crawford	Hansen	Krist	Mello	Sullivan
Davis	Harms	Larson	Murante	Wallman
Dubas	Harr, B.	Lathrop	Nordquist	Wightman

Voting in the negative, 12:

Adams	Brasch	Christensen	Nelson
Avery	Carlson	Johnson	Scheer
Bloomfield	Chambers	Kolowski	Watermeier

Present and not voting, 4:

Ashford	Bolz	Pirsch	Smith
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Excused and not voting, 3:

Cook Janssen Price

The Lautenbaugh amendment was adopted with 30 ayes, 12 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 154. Placed on General File.

LEGISLATIVE BILL 623. Placed on General File with amendment.
AM518

1 1. On page 2, lines 8 and 11, strike "fifty".

(Signed) Annette Dubas, Chairperson

Natural Resources

LEGISLATIVE BILL 477. Placed on General File.

LEGISLATIVE BILL 513. Placed on General File.

LEGISLATIVE BILL 388. Placed on General File with amendment.
AM454

1 1. Strike the original sections and insert the following
2 new section:
3 Section 1. (1) If an electric transmission line has been
4 approved for construction in a regional transmission organization
5 transmission plan, the incumbent electric transmission owner of
6 the existing electric transmission facilities to which the electric
7 transmission line will connect shall give notice to the Nebraska
8 Power Review Board, in writing, within ninety days after such
9 approval, if it intends to construct, own, and maintain the
10 electric transmission line. If no notice is provided, the incumbent
11 electric transmission owner shall surrender its first right to
12 construct, own, and maintain the electric transmission line and
13 any other incumbent electric transmission owner may file an
14 application for the electric transmission line under section
15 70-1012. Within twenty-four months after such notice, the incumbent
16 electric transmission owner shall file an application with the
17 board pursuant to section 70-1012.
18 (2) For purposes of this section: (a) Electric
19 transmission line means any line and related facilities connecting
20 to existing electric transmission facilities for transmitting
21 electric energy at a voltage of one hundred kilovolts or greater,

22 other than a line solely for connecting an electric generation
 23 facility to facilities owned by an electric supplier; (b) incumbent
 1 electric transmission owner means an entity that: (i) Is an
 2 electric supplier; (ii) is a member of a regional transmission
 3 organization; and (iii) owns and operates electric transmission
 4 lines at a voltage of one hundred kilovolts or greater; and (c)
 5 regional transmission organization has the meaning provided in
 6 section 70-1001.01.

(Signed) Tom Carlson, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 384. Placed on General File with amendment.
 AM597

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Sections 1 to 6 of this act shall be known and
 4 may be cited as the Nebraska Exchange Transparency Act.
 5 Sec. 2. The purposes of the Nebraska Exchange
 6 Transparency Act are to provide state-based recommendations and
 7 transparency regarding the implementation and operation of an
 8 affordable insurance exchange, as required by the federal Patient
 9 Protection and Affordable Care Act, 42 U.S.C. 18001, et. seq., by
 10 creating the Nebraska Exchange Stakeholder Commission.
 11 Sec. 3. (1) The Nebraska Exchange Stakeholder Commission
 12 is created. For administrative and budgetary purposes only, the
 13 commission shall be housed within the Department of Insurance. The
 14 commission shall be composed of twelve members as follows:
 15 (a) Nine members shall be appointed by the Governor in
 16 the following manner:
 17 (i) Four members to represent the interests of consumers
 18 who will access health insurance in the exchange with at least one
 19 of such members to represent the interests of rural consumers who
 20 will access health insurance in the exchange;
 21 (ii) One member to represent the interests of small
 22 businesses who are qualified to purchase health insurance in the
 23 exchange;
 1 (iii) Two members to represent the interests of health
 2 care providers in the state;
 3 (iv) One member to represent the interests of health
 4 insurance carriers who are eligible to offer health plans in the
 5 exchange; and
 6 (v) One member to represent the interests of health
 7 insurance agents. This member shall not be a captive agent of any
 8 health insurance carrier.
 9 (b) The Director of Insurance or his or her designee will
 10 be a nonvoting, ex officio member of the commission;
 11 (c) The director of the Division of Medicaid and

12 Long-Term Care of the Department of Health and Human services
13 or his or her designee will be a nonvoting, ex officio member of
14 the commission; and

15 (d) The director of the Division of Children and Family
16 Services of the Department of Health and Human Services or his
17 or her designee will be a nonvoting, ex officio member of the
18 commission.

19 (2) The terms of appointed members of the commission
20 shall commence on July 1, 2013.

21 (3) The appointed members of the commission shall serve
22 for terms of four years, except that of the members first appointed
23 the Governor shall designate:

24 (a) One of the members representing the interests of
25 health care providers in the state to serve a term of three years
26 and the other to serve terms of two years;

27 (b) The member representing the interests of health
1 insurance carriers to serve a term of two years;

2 (c) The member representing the interests of health
3 insurance agents to serve a term of three years; and

4 (d) All other members will serve for terms of four years.

5 (4) A member may be reappointed at the expiration of his
6 or her term. All succeeding appointments to the commission shall be
7 made in the same manner as the original appointments are made and
8 succeeding appointees shall have the same qualifications as their
9 predecessors.

10 (5) An individual appointed to fill a vacancy occurring
11 other than by the expiration of a term of office shall be appointed
12 for the unexpired term of the member such individual succeeds
13 and shall be eligible for appointment to subsequent full terms
14 thereafter.

15 (6) All appointments whether initial or subsequent shall
16 be subject to the approval of a majority of the members of
17 the Legislature, if the Legislature is in session, and, if the
18 Legislature is not in session, any appointment shall be temporary
19 until the next session of the Legislature, at which time a majority
20 of the members of the Legislature may approve or disapprove such
21 appointment.

22 (7) A member shall have his or her membership terminated
23 if he or she ceases to meet the qualification for his or her
24 appointment. A member may be removed from the commission for good
25 cause upon written notice and upon an opportunity to be heard
26 before the Governor. After the hearing, the Governor shall file in
27 the office of the Secretary of State a complete statement of the
1 charges and the findings and disposition together with a complete
2 record of the proceedings.

3 Sec. 4. (1) The Nebraska Exchange Stakeholder Commission
4 shall organize by selecting a chairperson and a vice-chairperson
5 who shall hold office at the pleasure of the commission. The
6 vice-chairperson shall act as chairperson in the absence of the

7 chairperson or in the event of a vacancy in that position.

8 (2) The commission shall hold at least four meetings
9 annually, at times and places fixed by the chairperson.

10 (3) A majority of the members of the commission shall
11 constitute a quorum.

12 (4) Members of the commission shall be reimbursed for
13 their actual and necessary expenses as provided in sections 81-1174
14 to 81-1177.

15 Sec. 5. The Nebraska Exchange Stakeholder Commission
16 shall:

17 (1) Work with state and federal agencies and policymakers
18 to provide recommendations regarding implementation and operation
19 of the exchange, including, but not limited to:

20 (a) Improving access to high-quality, affordable health
21 coverage options and to improve policies and processes on the
22 exchange to ensure a positive and seamless consumer experience;

23 (b) Promoting competitiveness of the exchange, minimize
24 administrative burden for issuers, and ensure consumer protections;

25 (c) Incorporating existing state policies, capabilities,
26 and infrastructure that can also assist in exchange implementation
27 and operations;

1 (d) Ensuring the effectiveness of the navigator grant
2 program;

3 (e) Promoting a seamless integration with the medicaid
4 program and continuity of care for those transitioning between
5 publicly funded coverage and private coverage; and

6 (f) Ensuring the small business health options program
7 or SHOP Exchange meets the needs and provides value to small
8 businesses.

9 (2) Create technical and advisory groups as needed to
10 discuss issues related to the exchange and make recommendations to
11 the commission, state or federal agencies, and the Legislature;

12 (3) Assist the exchange in meeting the stakeholder
13 consultation requirements established in 45 C.F.R. 155.130, as
14 it existed on January 1, 2013;

15 (4) Identify challenges and problems in the
16 implementation and operation of the exchange and prepare
17 recommendations to alleviate the problems identified; and

18 (5) Provide a report on or before December 1, 2013, and
19 each December 1 thereafter, to the Governor and the Legislature
20 concerning the implementation and operation of the exchange,
21 challenges and problems identified in the implementation and
22 operation of the exchange, and recommendations to address such
23 problems and challenges. The report to the Legislature shall be
24 submitted electronically.

25 Sec. 6. The Nebraska Exchange Transparency Act terminates
26 on July 1, 2017.

27 Sec. 7. Since an emergency exists, this act takes effect
1 when passed and approved according to law.

LEGISLATIVE BILL 442. Placed on General File with amendment.
AM570

- 1 1. On page 2, line 20; and page 9, line 18, reinstate the
- 2 stricken matter.

(Signed) Mike Gloor, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 232A. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 232, One Hundred Third Legislature, First Session, 2013; to provide an operative date; and to declare an emergency.

COMMITTEE REPORT

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.

Charles "Tod" Brodersen - Nebraska Ethanol Board
Mark A. Ondracek - Nebraska Ethanol Board

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

ANNOUNCEMENT

Senator Karpisek announced the General Affairs Committee will hold an executive session Thursday, March 14, 2013, at 10:00 a.m., in Room 2022.

GENERAL FILE

LEGISLATIVE RESOLUTION 41CA. Senator Chambers withdrew his amendment, FA25, found on page 673.

Senator Chambers offered the following amendment to the Lautenbaugh amendment, AM581:

FA27

Amend AM581

Strike and show as stricken subsections (2) and (3).

Senator Lautenbaugh offered the following motion:

MO25

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Lautenbaugh requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

Adams	Davis	Harr, B.	Lautenbaugh	Schumacher
Ashford	Dubas	Johnson	McGill	Seiler
Bolz	Gloor	Karpisek	Mello	Sullivan
Campbell	Haar, K.	Kolowski	Murante	Wallman
Conrad	Hadley	Krist	Nordquist	Wightman
Cook	Hansen	Larson	Scheer	
Crawford	Harms	Lathrop	Schilz	

Voting in the negative, 13:

Avery	Carlson	Coash	McCoy	Watermeier
Bloomfield	Chambers	Janssen	Nelson	
Brasch	Christensen	Kintner	Smith	

Present and not voting, 2:

Howard	Pirsch
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Excused and not voting, 1:

Price

The Lautenbaugh motion to invoke cloture prevailed with 33 ayes, 13 nays, 2 present and not voting, and 1 excused and not voting.

The Chambers amendment, FA27, lost with 3 ayes, 38 nays, 7 present and not voting, and 1 excused and not voting.

The Lautenbaugh amendment, AM581, as amended, was adopted with 30 ayes, 11 nays, 7 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 29:

Bolz	Dubas	Harr, B.	Lautenbaugh	Schumacher
Campbell	Gloor	Howard	McGill	Seiler
Conrad	Haar, K.	Karpisek	Mello	Sullivan
Cook	Hadley	Krist	Murante	Wallman
Crawford	Hansen	Larson	Nordquist	Wightman
Davis	Harms	Lathrop	Schilz	

Voting in the negative, 19:

Adams	Brasch	Coash	Kolowski	Scheer
Ashford	Carlson	Janssen	McCoy	Smith
Avery	Chambers	Johnson	Nelson	Watermeier
Bloomfield	Christensen	Kintner	Pirsch	

Excused and not voting, 1:

Price

Advanced to Enrollment and Review Initial with 29 ayes, 19 nays, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 590. Title read. Considered.

Senator Lautenbaugh offered his motion, MO22, found on page 652, to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 105. Title read. Considered.

Senator Lathrop offered the following amendment:

AM536

- 1 1. On page 3, line 2, after the period insert "If the
- 2 licensee is the State of Nebraska or a political subdivision, the
- 3 licensee may utilize a risk retention group or a risk management
- 4 pool for purposes of providing such liability insurance coverage or
- 5 may self-insure all or part of such coverage.".

The Lathrop amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Lathrop offered the following amendment:

AM537

- 1 1. Insert the following new section:
- 2 Sec. 3. This act becomes operative on July 1, 2014.
- 3 2. On page 2, lines 22 and 24, strike "effective" and

4 insert "operative".

5 3. Renumber the remaining section accordingly.

The Lathrop amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 313. Placed on General File.

LEGISLATIVE BILL 464. Placed on General File with amendment.

AM615

1 1. Strike original section 9.

2 2. Renumber the remaining sections and correct the

3 repealer accordingly.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Dubas filed the following amendment to LB530:

AM621

1 1. On page 3, line 3, strike "2013" and insert "2014";
 2 strike beginning with "Prior" in line 20 through "Legislature"
 3 in line 22 and all amendments thereto and insert "The Nebraska
 4 Children's Commission shall review and provide a progress report
 5 on the pilot project by October 1, 2013, to the department and
 6 electronically to the Health and Human Services Committee of the
 7 Legislature; shall provide to the department and electronically to
 8 the committee by December 1, 2013, a report including"; and in line
 9 25 after "assessment" insert "; and shall provide to the department
 10 and electronically to the committee by February 1, 2014, a final
 11 report and final recommendations of the commission".

12 2. On page 4, strike lines 1 and 2.

13 3. On page 13, line 21, strike "2013", show as stricken,
 14 and insert "2014".

Senator B. Harr filed the following amendment to LB208:

AM153

1 1. On page 3, line 1, strike the new matter and reinstate
 2 the stricken matter; in line 8, strike the new matter; and in lines
 3 14 through 25 strike the new matter and reinstate the stricken
 4 matter.

5 2. On page 4, strike lines 1 and 2.

RESOLUTIONS

LEGISLATIVE RESOLUTION 96. Introduced by Bloomfield, 17; Brasch, 16; Johnson, 23; Kolowski, 31; Scheer, 19; Schumacher, 22.

WHEREAS, the South Sioux City Cardinals won the 2013 Class B Boys' State Basketball Championship; and

WHEREAS, the Cardinals defeated Scottsbluff High School by a score of 55-53 in the championship game to win the state title; and

WHEREAS, the win gave the Cardinals their third state championship in the last four years; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the South Sioux City Cardinals on winning the 2013 Class B Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the South Sioux City Cardinals and their coach, Terry Comstock.

Laid over.

LEGISLATIVE RESOLUTION 97. Introduced by Mello, 5; Ashford, 20; Howard, 9; Nordquist, 7.

WHEREAS, the Neighborhood Center has been invaluable to the growth and development of neighborhood associations in Omaha; and

WHEREAS, the Neighborhood Center has provided necessary resources such as printing and mailing services, leadership and communications training, advocacy, and web site support to neighborhood associations; and

WHEREAS, the Neighborhood Center has coordinated numerous neighborhood programs, including Neighborhood Scan, which notifies and assists residents with code violations; Graffiti Scan, which creates a map of graffiti locations so graffiti can be removed; Pothole Patrol, which uses GPS technology to map potholes; and many more; and

WHEREAS, through the guidance and support of the Neighborhood Center, neighborhood associations in Omaha have flourished; and

WHEREAS, after eleven years of serving the city of Omaha, the Neighborhood Center has decided to discontinue operations in Omaha and focus its resources in Council Bluffs.

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

1. That the Legislature thanks the Neighborhood Center for its work promoting neighborhood associations in Omaha.

2. That a copy of this resolution be sent to the Neighborhood Center.

Laid over.

ANNOUNCEMENTS

Senator Lathrop designates LB104 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB568 and LB205 as its priority bills.

The Business and Labor Committee designates LB476 and LB310 as its priority bills.

Senator Gloor designates LB439 as his priority bill.

Senator Schilz designates LB551 as his priority bill.

The Education Committee designates LB407 and LB410 as its priority bills.

UNANIMOUS CONSENT - Add Cointroducers

Senators Dubas and Hadley asked unanimous consent to add their names as cointroducers to LB104. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB505. No objections. So ordered.

Senator Wallman asked unanimous consent to add his name as cointroducer to LB23. No objections. So ordered.

VISITORS

Visitors to the Chamber were Brian Schlote from Plainview; Lowell Johnson and Cale Giese from Wayne; 18 twelfth-grade students and teacher from Southwest High School, Bartley; 49 fourth-grade students from Eagle; 12 social work students from Nebraska Wesleyan University; and 60 members of Leadership Kearney.

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

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Thursday, March 14, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 14, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 14, 2013

PRAYER

The prayer was offered by Pastor Mel Luetchens, Retired United Methodist Pastor, Murdock.

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 Cook, Gloor, and Lautenbaugh who were excused; and Senators Ashford, Avery, Christensen, Mello, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

MESSAGE FROM THE GOVERNOR

March 12, 2013

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission of Industrial Relations:

Sarah Pillen, 3214 25 Street, Columbus, NE 68601

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
 (Signed) Dave Heineman
 Governor

Enclosures

COMMITTEE REPORT
 Health and Human Services

LEGISLATIVE BILL 487. Placed on General File with amendment.
 AM508

- 1 1. On page 3, lines 4 through 8, strike the new matter
 2 and reinstate the stricken matter; and in line 6 after "facility"
 3 insert ", except that no certificate of need is required for
 4 relocation or transfer of rehabilitation beds from a health care
 5 facility to another health care facility owned and operated by the
 6 same entity".

(Signed) Kathy Campbell, Chairperson

ANNOUNCEMENTS

Senator Mello designates LB97 as his priority bill.

Senator Adams designates LB438 as his priority bill.

Senator Ashford designates LB464 as his priority bill.

Senator Seiler designates LB299 as his priority bill.

Senator Wallman designates LB637 as his priority bill.

COMMUNICATION

Received a copy of a House Resolution from the state of South Carolina relating to supporting the federal transfer of public lands to western states of the United States of America and urging the United States Congress to engage in good faith communications and cooperation to coordinate the transfer of title to the western states.

MOTIONS - Approve Appointments

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 649:

Nebraska Game and Parks Commission
 Lynn Berggren

Voting in the affirmative, 27:

Adams	Conrad	Johnson	Pirsch	Wallman
Bloomfield	Crawford	Karpisek	Price	Watermeier
Bolz	Haar, K.	Krist	Scheer	Wightman
Brasch	Hansen	Larson	Schumacher	
Campbell	Harms	Lathrop	Seiler	
Carlson	Harr, B.	Nordquist	Smith	

Voting in the negative, 0.

Present and not voting, 14:

Chambers	Dubas	Janssen	McCoy	Schilz
Coash	Hadley	Kintner	McGill	Sullivan
Davis	Howard	Kolowski	Nelson	

Excused and not voting, 8:

Ashford	Christensen	Gloor	Mello
Avery	Cook	Lautenbaugh	Murante

The appointment was confirmed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 656:

State Board of Health
Jeromy Warner

Voting in the affirmative, 31:

Adams	Haar, K.	Kolowski	Pirsch	Wallman
Bloomfield	Hansen	Krist	Price	Watermeier
Brasch	Harms	Larson	Scheer	Wightman
Campbell	Harr, B.	Lathrop	Schumacher	
Carlson	Johnson	McGill	Seiler	
Crawford	Karpisek	Mello	Smith	
Davis	Kintner	Nordquist	Sullivan	

Voting in the negative, 0.

Present and not voting, 11:

Bolz	Conrad	Howard	Nelson
Chambers	Dubas	Janssen	Schilz
Coash	Hadley	McCoy	

Excused and not voting, 7:

Ashford	Christensen	Gloor	Murante
Avery	Cook	Lautenbaugh	

The appointment was confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 656:

Foster Care Advisory Committee
Elizabeth Neeley

Voting in the affirmative, 34:

Adams	Davis	Karpisek	Mello	Schumacher
Avery	Haar, K.	Kintner	Murante	Seiler
Brasch	Hadley	Kolowski	Nelson	Smith
Campbell	Hansen	Krist	Nordquist	Wallman
Carlson	Harms	Larson	Pirsch	Watermeier
Conrad	Harr, B.	Lathrop	Price	Wightman
Crawford	Johnson	McCoy	Scheer	

Voting in the negative, 0.

Present and not voting, 10:

Bloomfield	Chambers	Dubas	Janssen	Schilz
Bolz	Coash	Howard	McGill	Sullivan

Excused and not voting, 5:

Ashford	Christensen	Cook	Gloor	Lautenbaugh
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The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 31.

A BILL FOR AN ACT relating to handicapped parking; to amend sections 60-3,113.02 and 60-3,113.05, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to permits for temporarily handicapped or disabled persons; 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	Harr, B.	Lathrop	Scheer
Avery	Conrad	Howard	McCoy	Schilz
Bloomfield	Crawford	Janssen	McGill	Schumacher
Bolz	Davis	Johnson	Mello	Seiler
Brasch	Dubas	Karpisek	Murante	Smith
Campbell	Haar, K.	Kintner	Nelson	Sullivan
Carlson	Hadley	Kolowski	Nordquist	Wallman
Chambers	Hansen	Krist	Pirsch	Watermeier
Christensen	Harms	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 38.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend sections 30-3823 and 30-3855, Reissue Revised Statutes of Nebraska; to change provisions relating to testamentary powers and other powers, rights, and duties; 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	Harr, B.	Lathrop	Scheer
Avery	Conrad	Howard	McCoy	Schilz
Bloomfield	Crawford	Janssen	McGill	Schumacher
Bolz	Davis	Johnson	Mello	Seiler
Brasch	Dubas	Karpisek	Murante	Smith
Campbell	Haar, K.	Kintner	Nelson	Sullivan
Carlson	Hadley	Kolowski	Nordquist	Wallman
Chambers	Hansen	Krist	Pirsch	Watermeier
Christensen	Harms	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford Cook Gloor Lautenbaugh

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

LEGISLATIVE BILL 70. With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3951, 2-3951.01, 2-3951.02, 2-3951.03, and 2-3951.04, Reissue Revised Statutes of Nebraska; to change provisions relating to membership of the Nebraska Dairy Industry Development Board; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Ashford Cook Gloor Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 88.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-905, Reissue Revised Statutes of Nebraska; to change a zoning exception related to farmsteads; 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	Howard	McGill	Schumacher
Avery	Crawford	Johnson	Mello	Seiler
Bolz	Davis	Karpisek	Murante	Smith
Brasch	Dubas	Kintner	Nelson	Sullivan
Campbell	Haar, K.	Kolowski	Nordquist	Wallman
Carlson	Hadley	Krist	Pirsch	Watermeier
Chambers	Hansen	Larson	Price	Wightman
Christensen	Harms	Lathrop	Scheer	
Coash	Harr, B.	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Janssen

Excused and not voting, 4:

Ashford Cook Gloor Lautenbaugh

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 LB283 with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 283.

A BILL FOR AN ACT relating to limited liability companies; to amend section 9-614, Reissue Revised Statutes of Nebraska, and sections 67-248.02, 67-298, 70-1903, 77-2704.57, 77-2716, 77-2734.01, and 84-511, Revised Statutes Cumulative Supplement, 2012; to eliminate the Limited Liability Company Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 21-2601, 21-2601.01, 21-2602, 21-2603, 21-2604, 21-2604.01, 21-2605, 21-2606, 21-2607, 21-2608, 21-2609, 21-2610, 21-2611, 21-2612, 21-2613, 21-2614, 21-2615, 21-2616, 21-2617, 21-2617.01, 21-2618, 21-2619, 21-2620, 21-2621, 21-2622, 21-2623, 21-2624, 21-2625, 21-2626, 21-2627, 21-2628, 21-2629, 21-2630, 21-2631, 21-2631.01, 21-2631.02, 21-2631.03, 21-2632, 21-2632.01, 21-2633, 21-2634, 21-2635, 21-2636, 21-2637, 21-2638, 21-2639, 21-2640, 21-2641, 21-2642, 21-2643, 21-2644, 21-2645, 21-2646, 21-2647, 21-2648, 21-2649, 21-2650, 21-2651, 21-2652, 21-2653, and 21-2654, 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	Howard	McCoy	Schilz
Avery	Conrad	Janssen	McGill	Schumacher
Bloomfield	Crawford	Johnson	Mello	Seiler
Bolz	Davis	Karpisek	Murante	Smith
Brasch	Dubas	Kintner	Nelson	Sullivan
Campbell	Haar, K.	Kolowski	Nordquist	Wallman
Carlson	Hadley	Krist	Pirsch	Watermeier
Chambers	Harms	Larson	Price	Wightman
Christensen	Harr, B.	Lathrop	Scheer	

Voting in the negative, 1:

Hansen

Excused and not voting, 4:

Ashford Cook Gloor Lautenbaugh

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 628.

A BILL FOR AN ACT relating to the Small Business Innovation Act; to amend sections 81-12,138, 81-12,142, and 81-12,143, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change the termination date for the act and a report 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, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Larson

Excused and not voting, 4:

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

LEGISLATIVE BILL 27.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend section 1-136.02, Reissue Revised Statutes of Nebraska; to change experience requirements; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 117.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to permits for overweight vehicles; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 165.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1438, Revised Statutes Cumulative Supplement, 2012; to change a provision relating to warranty service; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Ashford Cook Gloor Lautenbaugh

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 LB337 with 40 ayes, 3 nays, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 337. With Emergency Clause.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4805, 44-4815, 44-4821, 44-4826, 44-4827, and 44-4828, Reissue Revised Statutes of Nebraska; to change provisions of the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act relating to security arrangements involving a Federal Home Loan Bank; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Ashford	Cook	Gloor	Lautenbaugh
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 398.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,300, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to certain excessively loaded vehicles; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Ashford	Cook	Gloor	Lautenbaugh
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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 LB426 with 37 ayes, 5 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 426.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1090, 44-6007.02, 44-6008, 44-6009, 44-6015, and 44-6016, Reissue Revised Statutes of Nebraska; to change provisions relating to fraternal benefit societies and risk-based capital; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Ashford	Cook	Gloor	Lautenbaugh
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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 484.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1130, Reissue Revised Statutes of Nebraska; to change functions

authorized and authorization requirements for licensed dental hygienists; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 510.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1411, Revised Statutes Cumulative Supplement, 2012; to authorize the Educational Service Unit Coordinating Council to hold videoconference and telephone conference meetings; to change telephone conference call provisions; 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	Coash	Howard	McCoy	Schilz
Avery	Conrad	Janssen	McGill	Schumacher
Bloomfield	Crawford	Johnson	Mello	Seiler
Bolz	Davis	Karpisek	Murante	Smith
Brasch	Dubas	Kintner	Nelson	Sullivan
Campbell	Haar, K.	Kolowski	Nordquist	Wallman
Carlson	Hadley	Krist	Pirsch	Watermeier
Chambers	Hansen	Larson	Price	Wightman
Christensen	Harms	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Harr, B.

Excused and not voting, 4:

Ashford Cook Gloor Lautenbaugh

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 LB616 with 34 ayes, 4 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 616.

A BILL FOR AN ACT relating to finance; to amend sections 8-601 and 8-602, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Money Transmitters Act; to provide penalties; to eliminate the Nebraska Sale of Checks and Funds Transmission Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 8-1001, 8-1001.01, 8-1002, 8-1003, 8-1004, 8-1005, 8-1006, 8-1007, 8-1008, 8-1009, 8-1010, 8-1011, 8-1012, 8-1012.01, 8-1013, 8-1014, 8-1016, 8-1017, 8-1018, and 8-1019, 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Ashford Cook Gloor Lautenbaugh

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 31, 38, 70, 88, 283, 628, 27, 117, 165, 337, 398, 426, 484, 510, and 616.

COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 231. Placed on General File.

(Signed) Kathy Campbell, Chairperson

ANNOUNCEMENTS

Senator Howard designates LB528 as her priority bill.

The Natural Resources Committee designates LB388 as its priority bill.

Senator Avery designates LB362 as his priority bill.

The Appropriations Committee designates LB629 as its priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 98. Introduced by Nordquist, 7; B. Harr, 8; Howard, 9; Krist, 10; Lathrop, 12; Mello, 5; Pirsch, 4.

WHEREAS, the Omaha Central Eagles won the 2013 Class A Boys' State Basketball Championship; and

WHEREAS, the Eagles defeated Papillion-La Vista 69-44 in the championship game to win their fourth straight state title; and

WHEREAS, the Eagles have won seven out of the last eight Class A state championships in boys' basketball; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Omaha Central Eagles on winning the 2013 Class A Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Omaha Central Eagles and their coach, Eric Behrens.

Laid over.

SENATOR CARLSON PRESIDING

GENERAL FILE

LEGISLATIVE BILL 153. Title read. Considered.

Committee AM499, found on page 638, was offered.

Senator Harms moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 20 not voting.

The committee amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

ANNOUNCEMENTS

The Urban Affairs Committee designates LB66 and LR29CA as its priority bill and resolution.

Senator Watermeier designates LB308 as his priority bill.

The Executive Board designates LB612 and LB242 as its priority bills.

Senator Sullivan designates LB497 as her priority bill.

Senator Chambers designates LB543 as his priority bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 14, 2013, at 10:25 a.m. were the following: LBs 31, 38, 70e, 88, 283, 628, 27, 117, 165, 337e, 398, 426, 484, 510, and 616.

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

AMENDMENTS - Print in Journal

Senator Karpisek filed the following amendment to LB259:
AM631

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 9-601, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 9-601 Sections 9-601 to 9-653 and sections 3 and 4 of
6 this act shall be known and may be cited as the Nebraska County and
7 City Lottery Act.
8 Sec. 2. Section 9-603, Reissue Revised Statutes of
9 Nebraska, is amended to read:
10 9-603 For purposes of the Nebraska County and City
11 Lottery Act, the definitions found in sections 9-603.02 to 9-618
12 and section 3 of this act shall be used.
13 Sec. 3. (1) Keno writer means a person whose primary
14 responsibilities include accepting inside tickets or other requests
15 for wagers and payments of wagers from players, issuing outside
16 tickets, voiding tickets, and redeeming winning tickets.
17 (2) Keno writer does not include a keno manager, a
18 lottery operator, or any other person who is directly in charge of
19 the manual selection of numbers.
20 Sec. 4. A person who is a keno writer and has no direct
21 responsibility for the selection of numbers shall not be considered
22 a lottery worker and shall not be required to be licensed for
23 purposes of the Nebraska County and City Lottery Act.
1 Sec. 5. Section 9-615.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:
3 9-615.01 Lottery worker shall mean any person, other than
4 a keno writer, who performs work directly related to the conduct of
5 a lottery, including, but not limited to, ~~ticket writing, winning~~
6 number selection, winning number verification, ~~prize payment to~~
7 ~~winners~~, record keeping, shift checkout and review of keno writer
8 banks, and security.
9 Sec. 6. Original sections 9-601, 9-603, and 9-615.01,
10 Reissue Revised Statutes of Nebraska, are repealed.

Senator Nordquist filed the following amendment to LB306:
AM624

- 1 1. Insert the following new section:
2 Sec. 4. If any section in this act or any part of any
3 section is declared invalid or unconstitutional, the declaration
4 shall not affect the validity or constitutionality of the remaining
5 portions.
6 2. On page 4, line 20, strike "five", show as stricken,
7 and insert "six".
8 3. On page 5, strike beginning with line 4 through the

- 9 period in line 5.
 10 4. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 99. Introduced by Johnson, 23; Bloomfield, 17; Brasch, 16; Janssen, 15; Schumacher, 22.

WHEREAS, the Howells-Dodge Jaguars won the 2013 Class D-1 Boys' State Basketball Championship; and

WHEREAS, the Jaguars defeated Paxton 49-34 in the championship game to win the state title; and

WHEREAS, the Jaguars finished their outstanding season with a record of 29-0; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Howells-Dodge Jaguars on winning the 2013 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Howells-Dodge Jaguars.

Laid over.

LEGISLATIVE RESOLUTION 100. Introduced by Johnson, 23; Janssen, 15.

WHEREAS, the Wahoo Warriors won the 2013 Class C-1 Boys' State Basketball Championship; and

WHEREAS, the Warriors defeated Boone Central/Newman Grove 45-42 in the championship game to win the state title; and

WHEREAS, the Warriors finished their outstanding season with a record of 29-0; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Wahoo Warriors on winning the 2013 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Wahoo Warriors.

Laid over.

LEGISLATIVE RESOLUTION 101. Introduced by Karpisek, 32.

WHEREAS, three seniors at Crete High School, Alexis Page, Nate Harms, and Anthony Fitzgerald, have been accepted into selective pre-medicine programs available to rural Nebraska students; and

WHEREAS, Alexis Page and Nate Harms were accepted into the Kearney Health Opportunities Program, a cooperative program between the University of Nebraska at Kearney and the University of Nebraska Medical Center; and

WHEREAS, Anthony Fitzgerald was accepted into the Rural Health Opportunities Program, a cooperative program between Chadron State College and the University of Nebraska Medical Center; and

WHEREAS, the purpose of these two programs is to recruit and educate students from rural Nebraska who are committed to returning to rural Nebraska to practice health care; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Alexis Page and Nate Harms for being accepted into the Kearney Health Opportunities Program and Anthony Fitzgerald for being accepted into the Rural Health Opportunities Program.

2. That a copy of this resolution be sent to Alexis Page, Nate Harms, and Anthony Fitzgerald.

Laid over.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 178. Indefinitely postponed.

LEGISLATIVE BILL 179. Indefinitely postponed.

LEGISLATIVE BILL 593. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

Revenue

LEGISLATIVE BILL 281. Placed on General File.

LEGISLATIVE BILL 97. Placed on General File with amendment.

AM572

- 1 1. Strike original section 5 and insert the following new
- 2 section:
- 3 Sec. 5. (1) The board of any land bank shall consist of:
- 4 (a) Seven voting members appointed by the mayor of the
- 5 municipality or municipalities that created the land bank and
- 6 confirmed by a two-thirds vote of the governing body of the

- 7 municipality or municipalities that created the land bank;
8 (b) As a nonvoting, ex officio member, the planning
9 director of each municipality that created the land bank or his or
10 her designee; and
11 (c) Such other nonvoting members as are appointed by the
12 mayor of the municipality or municipalities that created the land
13 bank.
14 (2) The seven voting members of the board:
15 (a) Shall be residents of the municipality or
16 municipalities that created the land bank or be representing an
17 entity whose primary place of business is within the municipality
18 or municipalities that created the land bank;
19 (b) Shall have, collectively, verifiable skills,
20 expertise, and knowledge in market-rate and affordable residential,
21 commercial, industrial, and mixed-use real estate development,
22 financing, law, purchasing and sales, asset management, economic
23 and community development, and the acquisition of tax sale
1 certificates;
2 (c) Shall represent, to the greatest extent possible, the
3 racial and ethnic diversity of the municipality or municipalities
4 that created the land bank; and
5 (d) Shall include the following:
6 (i) At least one member representing realtors;
7 (ii) At least one member representing the banking
8 industry;
9 (iii) At least one member representing real estate
10 developers;
11 (iv) At least one member representing a chamber of
12 commerce;
13 (v) At least one member representing a nonprofit
14 corporation involved in affordable housing; and
15 (vi) At least one member representing owners of multiple
16 residential or commercial properties.
17 (3) The members of the board shall select annually from
18 among themselves a chairperson, a vice-chairperson, a treasurer,
19 and such other officers as the board may determine.
20 (4) A public official or public employee shall be
21 eligible to be a member of the board.
22 (5) A vacancy on the board among the appointed board
23 members shall be filled in the same manner as the original
24 appointment.
25 (6) Board members shall serve without compensation.
26 (7) The board shall meet in regular session according to
27 a schedule adopted by the board and shall also meet in special
1 session as convened by the chairperson or upon written notice
2 signed by a majority of the voting members. The presence of a
3 majority of the voting members of the board shall constitute a
4 quorum.
5 (8) Except as otherwise provided in subsections (9) and

6 (11) of this section and in sections 10 and 14 of this act, all
7 actions of the board shall be approved by the affirmative vote of a
8 majority of the voting members present and voting.

9 (9) Any action of the board on the following matters
10 shall be approved by a majority of the voting members:

11 (a) Adoption of bylaws and other rules and regulations
12 for conduct of the land bank's business;

13 (b) Hiring or firing of any employee or contractor of
14 the land bank. This function may, by majority vote of the voting
15 members, be delegated by the board to a specified officer or
16 committee of the land bank, under such terms and conditions, and to
17 the extent, that the board may specify;

18 (c) The incurring of debt;

19 (d) Adoption or amendment of the annual budget; and

20 (e) Sale, lease, encumbrance, or alienation of real
21 property, improvements, or personal property with a value of more
22 than fifty thousand dollars.

23 (10) Members of a board shall not be liable personally on
24 the bonds or other obligations of the land bank, and the rights of
25 creditors shall be solely against such land bank.

26 (11) The board shall adopt policies and procedures to
27 specify the conditions that must be met in order for the land bank
1 to give an automatically accepted bid as authorized in sections 17
2 and 18 of this act. The adoption of such policies and procedures
3 shall require the approval of two-thirds of the voting members of
4 the board. At a minimum, such policies and procedures shall ensure
5 that the automatically accepted bid shall only be given for one of
6 the following reasons:

7 (a) The real property substantially meets more than one
8 of the following criteria as determined by two-thirds of the voting
9 members of the board:

10 (i) The property is not occupied by the owner or any
11 lessee or licensee of the owner;

12 (ii) There are no utilities currently being provided to
13 the property;

14 (iii) Any buildings on the property have been deemed
15 unfit for human habitation, occupancy, or use by local housing
16 officials;

17 (iv) Any buildings on the property are exposed to the
18 elements such that deterioration of the building is occurring;

19 (v) Any buildings on the property are boarded up;

20 (vi) There have been previous efforts to rehabilitate any
21 buildings on the property;

22 (vii) There is a presence of vermin, uncut vegetation, or
23 debris accumulation on the property;

24 (viii) There have been past actions by the municipality
25 to maintain the grounds or any building on the property; or

26 (ix) The property has been out of compliance with orders
27 of local housing officials;

- 1 (b) The real property is contiguous to a parcel that
 2 meets more than one of the criteria in subdivision (11)(a) of this
 3 section or that is already owned by the land bank; or
 4 (c) Acquisition of the real property by the land bank
 5 would serve the best interests of the community as determined
 6 by two-thirds of the voting members of the board. In determining
 7 whether the acquisition would serve the best interests of the
 8 community, the board shall take into consideration the hierarchical
 9 ranking of priorities for the use of real property conveyed by a
 10 land bank established pursuant to subsection (5) of section 10 of
 11 this act, if any such hierarchical ranking is established.
 12 2. On page 16, line 7, after "bank" insert "and to the
 13 Revenue Committee of the Legislature"; and in line 8 after the
 14 period insert "The report submitted to the Revenue Committee shall
 15 be submitted electronically.".
 16 3. On page 17, line 12, after "claims" insert ", except
 17 that no lien or claim represented by a tax sale certificate held by
 18 a private third party shall be discharged or extinguished pursuant
 19 to this section".
 20 4. On page 18, line 12; and page 20, line 2, strike "(9)"
 21 and insert "(11)".
 22 5. On page 19, line 23, strike "that were the basis for
 23 the sale of" and insert "due on".
 24 6. On page 20, line 25, strike "all" and insert "the".

LEGISLATIVE BILL 308. Placed on General File with amendment.
 AM583

- 1 1. Insert the following new section:
 2 Sec. 3. Section 77-2734.07, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 77-2734.07 (1) There shall be added to federal taxable
 5 income the amount of any federal deduction because of a
 6 carryforward of a net operating loss or any capital loss.
 7 (2) There shall be allowed a deduction for a carryforward
 8 of a net operating loss or capital loss that is connected with
 9 operations in Nebraska. For a net operating loss or capital loss
 10 incurred in taxable years beginning or deemed to begin on or after
 11 January 1, 1987, and before January 1, 2014, the deduction shall
 12 be allowed only for each of the five taxable years succeeding the
 13 year of the loss. For a net operating loss incurred in taxable
 14 years beginning or deemed to begin on or after January 1, 2014,
 15 the deduction shall be allowed only for each of the twenty taxable
 16 years succeeding the year of the loss. For a capital loss incurred
 17 in taxable years beginning or deemed to begin on or after January
 18 1, 2014, the deduction shall be allowed only for each of the five
 19 taxable years succeeding the year of the loss.
 20 (3) Except as otherwise provided in this section, there
 21 shall be allowed a carryback of a net operating loss or a capital
 22 loss that is connected with operations in Nebraska. For a net

23 operating loss or capital loss incurred in taxable years beginning
 1 or deemed to begin on or after January 1, 1987, no such carryback
 2 shall be allowed.

3 (4) The amounts in subsections (2) and (3) of this
 4 section shall be computed pursuant to rules and regulations
 5 adopted and promulgated by the Tax Commissioner. Such regulations
 6 shall be in accord with the laws of the United States regarding
 7 carryforwards and carrybacks.

8 2. On page 10, line 4, strike "section 77-2715" and
 9 insert "sections 77-2715 and 77-2734.07".

10 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 341. Placed on General File with amendment.
 AM564

1 1. Strike original sections 5, 8, and 12 and insert the
 2 following new sections:

3 Sec. 5. Section 77-1818, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 77-1818 The purchaser of any real property sold by the
 6 county treasurer for taxes shall be entitled to a certificate
 7 in writing, describing the real property so purchased, the sum
 8 paid, and the time when the purchaser will be entitled to a deed,
 9 which certificate shall be signed by the county treasurer in his
 10 or her official capacity and shall be presumptive evidence of
 11 the regularity of all prior proceedings. Each tax lien shall be
 12 shown on a single certificate. The purchaser acquires a perpetual
 13 lien of the tax on the real property, and if after the taxes
 14 become delinquent he or she subsequently pays any taxes levied on
 15 the property, whether levied for any year or years previous or
 16 subsequent to such sale, he or she shall have the same lien for
 17 them and may add them to the amount paid by him or her in the
 18 purchase.

19 Sec. 8. Section 77-1824, Revised Statutes Cumulative
 20 Supplement, 2012, is amended to read:

21 77-1824 The owner or occupant of any real property sold
 22 for taxes or any person having a lien thereupon or interest therein
 23 may redeem the same. ~~For owner-occupied real property, the right~~
 1 ~~of redemption expires forty five days after the date of application~~
 2 ~~for the tax deed, and for all other real property, the~~ The right of
 3 redemption expires when the purchaser files an application for tax
 4 deed with the county treasurer. A redemption shall not be accepted
 5 by the county treasurer, or considered valid, unless received
 6 ~~prior to the close of business forty five days after the date of~~
 7 ~~application for the tax deed for owner-occupied real property or~~
 8 ~~prior to the close of business on the day the application for~~
 9 ~~the tax deed is received by the county treasurer, for other real~~
 10 ~~property.~~ Redemption shall be accomplished by paying the county
 11 treasurer for the use of such purchaser or his or her heirs or
 12 assigns the sum mentioned in his or her certificate, with interest

13 thereon at the rate specified in section 45-104.01, as such rate
 14 may from time to time be adjusted by the Legislature, from the
 15 date of purchase to date of redemption, together with all other
 16 taxes subsequently paid, whether for any year or years previous
 17 or subsequent to the sale, and interest thereon at the same rate
 18 from date of such payment to date of redemption. The amount due
 19 for redemption shall include the issuance fee charged pursuant to
 20 section 77-1823. In addition, if owner-occupied real property is
 21 redeemed after the day the purchaser files an application for a tax
 22 deed, the owner shall pay a redemption fee equal to twenty percent
 23 of all other amounts due.

24 Sec. 12. Section 77-1831, Revised Statutes Cumulative
 25 Supplement, 2012, is amended to read:

26 77-1831 (1) No-Except as otherwise provided in this
 27 section, no purchaser at any sale for taxes or his or her
 1 assignees shall be entitled to a tax deed from the county treasurer
 2 for the real property so purchased unless such purchaser or
 3 assignee, at least three months before applying for the tax deed,
 4 serves or causes to be served a notice that states, after the
 5 expiration of at least three months from the date of service of
 6 such notice, the tax deed will be applied for. In the case of
 7 owner-occupied property, no purchaser at any sale for taxes or
 8 his or her assignees shall be entitled to a tax deed from the
 9 county treasurer for the real property so purchased unless such
 10 purchaser or assignee, at least three months and forty-five days
 11 before applying for the tax deed, serves or causes to be served a
 12 notice that states, after the expiration of at least three months
 13 and forty-five days from the date of service of such notice, the
 14 tax deed will be applied for.

15 The notice shall include:

- 16 (a)-(1) The following statement in sixteen-point type:
 17 UNLESS YOU ACT YOU WILL LOSE THIS PROPERTY;
 18 (b)-(2) The date when the purchaser purchased the real
 19 property sold by the county for taxes;
 20 (c)-(3) The description of the real property;
 21 (d)-(4) In whose name the real property was assessed;
 22 (e)-(5) The amount of taxes represented by the tax sale
 23 certificate, the year the taxes were levied or assessed, and ~~any~~
 24 subsequent taxes paid and interest a statement that subsequent
 25 taxes may have been paid and interest may have accrued as of the
 26 date the notice is signed by the purchaser; and
 27 (f)-(6) The following statements:
 1 (i)-(a) That the issuance of a tax deed is subject to the
 2 right of redemption under sections 77-1824 to 77-1830;
 3 (ii)-(b) The right of redemption requires payment to the
 4 county treasurer, for the use of such purchaser, or his or her
 5 heirs or assigns, the amount of taxes represented by the tax sale
 6 certificate for the year the taxes were levied or assessed and any
 7 subsequent taxes paid and interest accrued as of the date payment

8 is made to the county treasurer; and ~~In addition, if the real~~
 9 ~~property is owner occupied real property and the redemption occurs~~
 10 ~~after the day the purchaser files an application for a tax deed,~~
 11 ~~a redemption fee equal to twenty percent of all other amounts due~~
 12 ~~must be paid; and~~

13 (iii) The (c) Except as provided for real property that
 14 is actually occupied by the record owner of the real property,
 15 the surviving spouse of the record owner, or a minor child of the
 16 record owner, right of redemption expires at the close of business
 17 forty five days after on the date of application for the tax deed,
 18 and a deed may be applied for after the expiration of three months
 19 from the date of service of this notice. For real property that
 20 is actually occupied by the record owner of the real property,
 21 the surviving spouse of the record owner, or a minor child of the
 22 record owner, a deed may be applied for after the expiration of
 23 three months and forty-five days after the service of this notice.
 24 ~~for owner occupied real property or at the close of business on~~
 25 ~~the day the purchaser files an application for a tax deed with the~~
 26 ~~county treasurer for all other real property.~~

27 (2) In addition to the notice required under subsection
 1 (1) of this section, no purchaser of owner occupied real property
 2 at any sale for taxes or his or her assignees shall be entitled
 3 to a tax deed from the county treasurer for the real property so
 4 purchased unless such purchaser or assignee, upon application for
 5 the deed, serves or causes to be served a notice that, after the
 6 expiration of forty five days after the date of application for the
 7 tax deed, the tax deed will be executed and delivered by the county
 8 treasurer unless the owner redeems the real property.

9 The notice shall include:

10 (a) The date when the purchaser purchased the real
 11 property sold by the county for taxes;
 12 (b) The description of the real property;
 13 (c) In whose name the real property was assessed;
 14 (d) The amount of taxes represented by the tax sale
 15 certificate, the year the taxes were levied or assessed, and any
 16 subsequent taxes paid and interest accrued as of the date the
 17 notice is signed by the purchaser plus the amount of the redemption
 18 fee; and

19 (e) The following statements:

20 (i) That the issuance of a tax deed is subject to the
 21 right of redemption under sections 77-1824 to 77-1830;

22 (ii) The right of redemption requires payment to the
 23 county treasurer, for the use of such purchaser, or his or her
 24 heirs or assigns, the amount of taxes represented by the tax sale
 25 certificate for the year the taxes were levied or assessed and any
 26 subsequent taxes paid and interest accrued as of the date payment
 27 is made to the county treasurer. In addition, if the real property
 1 is owner occupied real estate and the redemption occurs after the
 2 day the purchaser files an application for a tax deed, a redemption

3 fee equal to twenty percent of all other amounts due must be paid;
4 and

5 ~~(iii) The right of redemption expires forty five days~~
6 ~~after the date of application for the tax deed for owner occupied~~
7 ~~real property.~~

8 Sec. 16. Section 77-1837, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 77-1837 ~~(4)~~ At any time within ~~six~~nine months after
11 the expiration of three years after the date of sale of any
12 real estate for taxes or special assessments, if such real estate
13 has not been redeemed, the county treasurer, on application, on
14 production of the certificate of purchase, and upon compliance
15 with the provisions of sections 77-1801 to 77-1863, shall execute
16 and deliver a deed of conveyance for the real estate described
17 in such certificate as provided in this section. The failure of
18 the county treasurer to issue the deed of conveyance if requested
19 within the timeframe provided in this section shall not impair the
20 validity of such deed if there has otherwise been compliance with
21 the provisions of sections 77-1801 to 77-1863.

22 ~~(2) If the tax deed is for owner occupied real property,~~
23 ~~the county treasurer shall not execute and deliver the tax deed for~~
24 ~~forty five days after the time specified in subsection (1) of this~~
25 ~~section until the right of redemption expires. If the real property~~
26 ~~is not owner occupied real property or if forty five days have~~
27 ~~passed since the time specified in subsection (1) of this section~~
1 ~~for owner occupied real property and the right of redemption has~~
2 ~~expired, the county treasurer shall execute and deliver the tax~~
3 ~~deed previously executed to the purchaser or his or her heirs or~~
4 ~~assigns.~~

5 Sec. 18. Section 77-1902, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 77-1902 When land has been sold for delinquent taxes and
8 a tax sale certificate or tax deed has been issued, the holder of
9 such tax sale certificate or tax deed may, instead of demanding
10 a deed or, if a deed has been issued, by surrendering the same
11 in court, proceed in the district court of the county in which
12 the land is situated to foreclose the lien for taxes represented
13 by the tax sale certificate or tax deed and all subsequent tax
14 liens thereon, excluding any lien on real estate for special
15 assessments levied by any sanitary and improvement district which
16 special assessments have not been previously offered for sale by
17 the county treasurer, in the same manner and with like effect as
18 in the foreclosure of a real estate mortgage, except as otherwise
19 specifically provided by sections 77-1903 to 77-1917. Such action
20 shall only be brought within ~~six~~nine months after the expiration
21 of three years from the date of sale of any real estate for taxes
22 or special assessments.

23 2. On page 9, strike beginning with the comma in line 12
24 through the comma in line 13 and show as stricken.

- 25 3. On page 17, line 1, strike "and" and after the last
 26 comma insert "77-1837, and 77-1902,".
 27 4. Renumber the remaining sections accordingly.

(Signed) Galen Hadley, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Pillen, Sarah - Commission of Industrial Relations - Business and Labor

(Signed) John Wightman, Chairperson
 Executive Board

GENERAL FILE

LEGISLATIVE BILL 429. Title read. Considered.

Committee AM390, found on page 615, was offered.

Senator Avery moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The committee amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE RESOLUTION 41CA. Placed on Select File with amendment.

ER27

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. At the general election in November 2014 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article III, section 24:
- 8 III-24 (1) Except as provided in this section, the
- 9 Legislature shall not authorize any game of chance or any
- 10 lottery or gift enterprise when the consideration for a chance
- 11 to participate involves the payment of money for the purchase of

12 property, services, or a chance or admission ticket or requires an
13 expenditure of substantial effort or time.

14 (2) The Legislature may authorize and regulate a state
15 lottery pursuant to subsection (3) of this section and other
16 lotteries, raffles, and gift enterprises which are intended solely
17 as business promotions or the proceeds of which are to be used
18 solely for charitable or community betterment purposes without
19 profit to the promoter of such lotteries, raffles, or gift
20 enterprises.

21 (3)(a) The Legislature may establish a lottery to be
22 operated and regulated by the State of Nebraska. The proceeds of
23 the lottery shall be appropriated by the Legislature for the costs
1 of establishing and maintaining the lottery and for the following
2 purposes, as directed by the Legislature:

3 (i) The first five hundred thousand dollars after the
4 payment of prizes and operating expenses shall be transferred to
5 the Compulsive Gamblers Assistance Fund;

6 (ii) Forty-four and one-half percent of the money
7 remaining after the payment of prizes and operating expenses and
8 the initial transfer to the Compulsive Gamblers Assistance Fund
9 shall be transferred to the Nebraska Environmental Trust Fund to be
10 used as provided in the Nebraska Environmental Trust Act;

11 (iii) Forty-four and one-half percent of the money
12 remaining after the payment of prizes and operating expenses
13 and the initial transfer to the Compulsive Gamblers Assistance Fund
14 shall be used for education as the Legislature may direct;

15 (iv) Ten percent of the money remaining after the payment
16 of prizes and operating expenses and the initial transfer to
17 the Compulsive Gamblers Assistance Fund shall be transferred to
18 the Nebraska State Fair Board if the most populous city within
19 the county in which the fair is located provides matching funds
20 equivalent to ten percent of the funds available for transfer. Such
21 matching funds may be obtained from the city and any other private
22 or public entity, except that no portion of such matching funds
23 shall be provided by the state. If the Nebraska State Fair ceases
24 operations, ten percent of the money remaining after the payment
25 of prizes and operating expenses and the initial transfer to the
26 Compulsive Gamblers Assistance Fund shall be transferred to the
27 General Fund; and

1 (v) One percent of the money remaining after the payment
2 of prizes and operating expenses and the initial transfer to the
3 Compulsive Gamblers Assistance Fund shall be transferred to the
4 Compulsive Gamblers Assistance Fund.

5 (b) No lottery game shall be conducted as part of the
6 lottery unless the type of game has been approved by a majority of
7 the members of the Legislature.

8 (4) Nothing in this section shall be construed to
9 prohibit (a) the enactment of laws providing for the licensing
10 and regulation of wagering on the results of live or replayed

11 horseraces, wherever run, either within or outside of the state, by
 12 the parimutuel method, when such wagering is conducted by licensees
 13 within a licensed racetrack enclosure or (b) the enactment of laws
 14 providing for the licensing and regulation of bingo games conducted
 15 by nonprofit associations which have been in existence for a period
 16 of five years immediately preceding the application for license,
 17 except that bingo games cannot be conducted by agents or lessees of
 18 such associations on a percentage basis.

19 Sec. 2. The proposed amendment shall be submitted to the
 20 electors in the manner prescribed by the Constitution of Nebraska,
 21 Article XVI, section 1, with the following ballot language:

22 A constitutional amendment to provide for enactment of
 23 laws providing for licensing and regulation of wagering on live or
 24 replayed horseraces, wherever run, either within or outside of the
 25 state, by the parimutuel method, when such wagering is conducted by
 26 licensees within a licensed racetrack enclosure.

27 For
 1 Against.

LEGISLATIVE BILL 105. Placed on Select File with amendment.
 ER28

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

3 Section 1. Section 71-1908, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 71-1908 (1) Sections 71-1908 to 71-1923 and section 2
 6 of this act shall be known and may be cited as the Child Care
 7 Licensing Act.

8 (2) The Legislature finds that there is a present and
 9 growing need for quality child care programs and facilities. There
 10 is a need to establish and maintain licensure of persons providing
 11 such programs to ensure that such persons are competent and are
 12 using safe and adequate facilities. The Legislature further finds
 13 and declares that the development and supervision of programs are
 14 a matter of statewide concern and should be dealt with uniformly
 15 on the state and local levels. There is a need for cooperation
 16 among the various state and local agencies which impose standards
 17 on licensees, and there should be one agency which coordinates the
 18 enforcement of such standards and informs the Legislature about
 19 cooperation among the various agencies.

20 Sec. 2. An applicant for a license under the Child
 21 Care Licensing Act shall provide to the department written proof
 22 of liability insurance coverage of at least one hundred thousand
 23 dollars per occurrence prior to issuance of the license. A licensee
 1 subject to the Child Care Licensing Act on the operative date
 2 of this act shall obtain such liability insurance coverage and
 3 provide written proof to the department within thirty days after
 4 the operative date of this act. Failure by a licensee to maintain
 5 the required level of liability insurance coverage shall be deemed

6 noncompliance with the Child Care Licensing Act. If the licensee
 7 is the State of Nebraska or a political subdivision, the licensee
 8 may utilize a risk retention group or a risk management pool for
 9 purposes of providing such liability insurance coverage or may
 10 self-insure all or part of such coverage.

11 Sec. 3. This act becomes operative on July 1, 2014.

12 Sec. 4. Original section 71-1908, Reissue Revised
 13 Statutes of Nebraska, is repealed.

14 2. On page 1, line 4, after the semicolon insert "to
 15 provide an operative date;".

(Signed) John Murante, Chairperson

ANNOUNCEMENTS

Senator Harms designates LB240 as his priority bill.

Senator Krist designates LB140 as his priority bill.

Senator Bolz designates LB507 as her priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Wallman asked unanimous consent to add his name as cointroducer to LB577. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB308. No objections. So ordered.

VISITORS

Visitors to the Chamber were 27 fourth-grade students and teacher from Cornerstone Elementary, Bellevue; 11 members of Leadership Nebraska City; and members of Nebraska Association of Nurse Anesthetists/Bryan Students from Lincoln.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 12:08 p.m., on a motion by Senator Johnson, the Legislature adjourned until 9:00 a.m., Friday, March 15, 2013.

Patrick J. O'Donnell
 Clerk of the Legislature

FORTY-THIRD DAY - MARCH 15, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 15, 2013

PRAYER

The prayer was offered by Senator Schumacher.

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 Avery, Hadley, Janssen, Lautenbaugh, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 153. Placed on Select File with amendment.
ER29

- 1 1. On page 1, line 2, after "sections" insert "13-2701,";
- 2 and in line 4 after the semicolon insert "to provide for additional
- 3 uses of grants under the act;".

LEGISLATIVE BILL 429. Placed on Select File.

(Signed) John Murante, Chairperson

ANNOUNCEMENTS

The Transportation and Telecommunications Committee designates LB158 and LB93 as its priority bills.

The Revenue Committee designates LB281 as its priority bill.

The Natural Resources Committee designates LB402 as its priority bill.

Senator Kintner designates LB293 as his priority bill.

Senator Nelson designates LB231 as his priority bill.

Senator Scheer designates LB203 as his priority bill.

Senator Schumacher designates LB82 as his priority bill.

Senator Bloomfield designates LB393 as his priority bill.

Senator Hansen designates LB96 as his priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 14, 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

Bailey, Jon M.
Center for Rural Affairs
Barefoot, Linda
Purdue Pharma LP
Bartee, Robert D.
University of Nebraska
Ebmeier, Mary Joyce
Tabitha
O'Hara Lindsay & Associates, Inc.
City of Lexington
Totten, Julie
University of Nebraska
Ward, Tammy J.
Tabitha

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>

MOTION - Approve Appointments

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 682:

Nebraska Ethanol Board
 Charles "Tod" Brodersen
 Mark A. Ondracek

Voting in the affirmative, 34:

Bloomfield	Coash	Haar, K.	McGill	Scheer
Bolz	Conrad	Howard	Mello	Schilz
Brasch	Cook	Johnson	Murante	Schumacher
Campbell	Crawford	Karpisek	Nelson	Seiler
Carlson	Davis	Kolowski	Nordquist	Smith
Chambers	Dubas	Larson	Pirsch	Wallman
Christensen	Gloor	McCoy	Price	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Hansen	Harr, B.	Krist	Watermeier
Ashford	Harms	Kintner	Lathrop	Wightman

Excused and not voting, 5:

Avery	Hadley	Janssen	Lautenbaugh	Sullivan
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The appointments were confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 530. Title read. Considered.

Committee amendment, AM364, found on page 611, was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Senator Dubas offered her amendment, AM621, found on page 685.

The Dubas amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

ANNOUNCEMENTS

Senator Davis designates LB634 as his priority bill.

Senator Brasch designates LB296 as her priority bill.

The Health and Human Services Committee designates LB269 and LB216 as its priority bills.

The Legislative Performance Audit Committee designates LB563 as its priority bill.

Senator Karpisek designates LB22 as his priority bill.

Senator Christensen designates LB522 as his priority bill.

Senator Smith designates LB585 as his priority bill.

Senator K. Haar designates LB583 as his priority bill.

The Agriculture Committee designates LB68 and LB423 as its priority bills.

The Revenue Committee designates LB341 as its priority bill.

Senator Cook designates LB366 as her priority bill.

Senator B. Harr designates LB573 as his priority bill.

COMMITTEE REPORT

Natural Resources

LEGISLATIVE BILL 517. Placed on General File with amendment.
AM603

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Legislature finds that:
- 4 (1) Nebraska's water resources are finite and must
- 5 be wisely managed to ensure their continued availability for
- 6 beneficial use;
- 7 (2) The state must invest in: (a) Research and data
- 8 gathering; (b) further integrating the management of Nebraska's
- 9 water supplies; (c) improving the state's aging and antiquated
- 10 water supply infrastructure; (d) building new water supply
- 11 infrastructure; (e) promoting coordination and collaboration among
- 12 all water users; and (f) providing information to policymakers to
- 13 justify a stable source of project funds;
- 14 (3) To determine the costs of effective conservation,
- 15 sustainability, and management of Nebraska's water resources, the
- 16 state's identified water needs must be compiled and organized and a

17 process must be established in order to identify statewide projects
18 and research recommendations; and

19 (4) To facilitate the creation of a funding process, a
20 collaborative effort of experts representing all water interests
21 and areas of the state is important to ensure fair and balanced
22 water funding.

23 Sec. 2. (1) The Water Funding Task Force is created. The
1 task force shall consist of Nebraska Natural Resources Commission,
2 the Director of Natural Resources or his or her designee, the
3 chairperson of the Natural Resources Committee of the Legislature
4 or his or her designee, and ten additional members to be appointed
5 by the Governor. In appointing members to the task force, the
6 Governor:

7 (a) Shall seek to create a broad-based task force with
8 knowledge of and experience with and representative of Nebraska's
9 water use and economy;

10 (b) Shall give equal recognition to the importance of
11 both water quantity and water quality;

12 (c) Appoint members representing public power,
13 public power and irrigation districts, irrigation districts,
14 municipalities, agriculture, wildlife conservation, livestock
15 producers, agribusiness, manufacturing, and outdoor recreation
16 users; and

17 (d) May solicit and accept nominations for appointments
18 to the task force from recognized water interest groups in
19 Nebraska.

20 (2) The members of the task force appointed by the
21 Governor shall represent diverse geographic regions of the state,
22 including urban and rural areas. Such members shall be appointed
23 within thirty days after the effective date of this act. Members
24 shall begin serving immediately following notice of appointment.
25 Members shall be reimbursed for their actual and necessary expenses
26 incurred in carrying out their duties as members as provided in
27 sections 81-1174 to 81-1177.

1 Sec. 3. (1) The Water Funding Task Force may consult
2 with other groups in its work, including, but not limited to, the
3 University of Nebraska, the Department of Environmental Quality,
4 the Game and Parks Commission, the Corps of Engineers of the United
5 States Army, the United States Geological Survey, the United States
6 Fish and Wildlife Service, the United States Bureau of Reclamation,
7 and the Natural Resources Conservation Service of the United States
8 Department of Agriculture.

9 (2) For administrative and budgetary purposes, the task
10 force shall be housed within the Department of Natural Resources.
11 Additional advisory support may be requested from appropriate
12 federal and state agencies.

13 (3) The task force may meet as necessary and may hire a
14 consultant or consultants to facilitate the work and meetings of
15 the task force and enter into agreements to achieve the objectives

16 of the task force. The task force may create and use working
17 groups or subcommittees as it deems necessary. Any contracts
18 or agreements entered into under this subsection shall not be
19 subject to the Nebraska Consultants' Competitive Negotiation Act or
20 sections 73-301 to 73-306 or 73-501 to 73-510.

21 (4) The Water Funding Task Force terminates on February
22 1, 2014.

23 Sec. 4. (1) On or before January 31, 2014, the
24 Water Funding Task Force shall develop and provide a report
25 electronically to the Legislature which contains the following:

26 (a) Recommendations for the prioritization of programs,
27 projects, and activities which are in need of funding and which
1 meet the long-term water funding goals, provide increased water
2 use productivity, and otherwise maximize the beneficial use of
3 Nebraska's water resources for the benefit of its citizens. The
4 recommendations shall give equal consideration to and be classified
5 into the following categories:

6 (i) Research, data, and modeling needed to assist the
7 state in meeting its water management goals;

8 (ii) Rehabilitation or restoration of water supply
9 infrastructure, new water supply infrastructure, or water supply
10 infrastructure maintenance;

11 (iii) Conjunctive management, storage, and integrated
12 management of groundwater and surface water; and

13 (iv) Compliance with interstate compacts or agreements or
14 other formal state contracts for agreements;

15 (b) Ranking criteria established by the task force to
16 identify recommendations for funding priorities, which criteria are
17 based on, but not limited to, the following factors:

18 (i) The extent to which the program, project, or activity
19 assists the state in meeting its obligations under interstate
20 compacts or decrees or other formal state contracts or agreements;

21 (ii) The extent to which the program, project, or
22 activity utilizes objectives described in the Annual Report and
23 Plan of Work for the Nebraska State Water Planning and Review
24 Process issued by the Department of Natural Resources;

25 (iii) The extent to which the program, project, or
26 activity has been approved for, but has not received, funding
27 through an established state program;

1 (iv) The cost effectiveness of the program, project, or
2 activity relative to achieving the state's water management goals;

3 (v) The extent to which the program, project, or activity
4 contributes to the state's ability to leverage state dollars with
5 local or federal government partners or other partners to maximize
6 the use of its resources; and

7 (vi) The extent to which the program, project, or
8 activity contributes to multiple water supply management goals,
9 including, but not limited to, flood control, agricultural
10 uses, recreation benefits, wildlife habitat, conservation of

11 water resources, and preservation of water resources for future
 12 generations; and

13 (c) Recommendations for legislation on a permanent
 14 structure and process through which the programs, projects, or
 15 activities described in this section will be provided with funding,
 16 including:

17 (i) A permanent governing board structure and membership;

18 (ii) An application process;

19 (iii) A statewide project distribution mechanism; and

20 (iv) A time frame for funding allocations based on the
 21 list of programs, projects, and activities provided for in this

22 section; and

23 (d) Recommendations for the annual funding amount and the
 24 start date for distribution of funds.

25 (2) The task force shall make every effort to identify
 26 and consult with all water use stakeholder groups in Nebraska on
 27 the development of the recommendations required under subsection

1 (1) of this section.

2 (3) The task force shall create and distribute a
 3 statewide map that identifies the location of the programs,
 4 projects, and activities identified for funding pursuant to this
 5 section.

6 Sec. 5. Since an emergency exists, this act takes effect
 7 when passed and approved according to law.

(Signed) Tom Carlson, Chairperson

COMMITTEE REPORTS

Judiciary

The Judiciary 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.

Jeff Davis - Crime Victim's Reparations Committee

Joe Kelly - Crime Victim's Reparations Committee

Michelle Schindler - Crime Victim's Reparations Committee

Derek Vaughn - Crime Victim's Reparations Committee

Aye: 6 Ashford, Christensen, Coash, Davis, Lathrop, Seiler. Nay: 0.
 Absent: 2 Chambers, McGill. Present and not voting: 0.

The Judiciary 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.

Rex Richard - Board of Parole

Aye: 6 Ashford, Christensen, Coash, Davis, Lathrop, Seiler. Nay: 0.
Absent: 2 Chambers, McGill. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 102. Introduced by Larson, 40.

WHEREAS, the Crofton High School girls' cross country team won the 2012 Class D Girls' State Cross Country Championship; and

WHEREAS, this victory is the Crofton High School girls' cross country team's seventh straight Class D State Championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Crofton High School girls' cross country team on winning the 2012 Class D Girls' State Cross Country Championship.

2. That a copy of this resolution be sent to the Crofton High School girls' cross country team and Coach Jayne Arens.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 613. Title read. Considered.

Committee AM467, found on page 664, was offered.

SENATOR COASH PRESIDING

Senator McCoy offered the following amendment to the committee amendment:

AM653

(Amendments to Standing Committee amendments, AM467)

- 1 1. Insert the following new sections:
- 2 Sec. 8. Section 18-1208, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-1208 (1) Except as otherwise provided in this section,
- 5 after July 19, 2012, a municipality may impose a new occupation
- 6 tax or increase the rate of an existing occupation tax, which
- 7 new occupation tax or increased rate of an existing occupation
- 8 tax is projected to generate annual occupation tax revenue in
- 9 excess of the applicable amount listed in subsection (2) of this
- 10 section, pursuant to section 14-109, 15-202, 15-203, 16-205, or

11 17-525 if the question of whether to impose the tax or increase
12 the rate of an existing occupation tax has been submitted at an
13 election held within the municipality and in which all registered
14 voters shall be entitled to vote on the question. The officials
15 of the municipality shall order the submission of the question by
16 submitting a certified copy of the resolution proposing the tax
17 or tax rate increase to the election commissioner or county clerk
18 at least fifty days before the election. The election shall be
19 conducted in accordance with the Election Act. If a majority of
20 the votes cast upon the question are in favor of the new tax or
21 increased rate of an existing occupation tax, then the governing
22 body of such municipality shall be empowered to impose the new tax
1 or to impose the increased tax rate. If a majority of those voting
2 on the question are opposed to the new tax or increased rate, then
3 the governing body of the municipality shall not impose the new tax
4 or increased rate but shall maintain any existing occupation tax at
5 its current rate.

6 (2) The applicable amount of annual revenue for each new
7 occupation tax or annual revenue raised by the increased rate for
8 an existing occupation tax for purposes of subsection (1) of this
9 section is:

10 (a) For cities of the metropolitan class, six million
11 dollars;

12 (b) For cities of the primary class, three million
13 dollars;

14 (c) For cities of the first class, seven hundred thousand
15 dollars; and

16 (d) For cities of the second class and villages, three
17 hundred thousand dollars.

18 (3) After July 19, 2012, a municipality shall not be
19 required to submit the following questions to the registered
20 voters:

21 (a) Whether to change the rate of an occupation tax
22 imposed for a specific project which does not provide for deposit
23 of the tax proceeds in the municipality's general fund; or

24 (b) Whether to terminate an occupation tax earlier than
25 the determinable termination date under the original question
26 submitted to the registered voters.

27 This subsection applies to occupation taxes imposed prior
1 to, on, or after July 19, 2012.

2 (4) The authority granted in this section and sections
3 14-109, 15-202, 15-203, 16-205, and 17-525 to impose a new
4 occupation tax or increase the rate of an existing occupation
5 tax is suspended beginning on the effective date of this act
6 through July 15, 2014. An occupation tax which was adopted by
7 a governing body of a municipality and which is required to be
8 approved by the registered voters but which has not been approved

9 by the registered voters prior to the effective date of this act
10 is null and void. Any occupation tax imposed by a governing body
11 and approved by the registered voters, if required, prior to the
12 effective date of this act shall continue to be imposed.

13 ~~(4)-(5)~~ The provisions of this section do not apply to an
14 occupation tax subject to section 86-704.

15 Sec. 9. Section 77-27,142, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 77-27,142 ~~(4)~~ Any (1)(a) Except as provided in
18 subdivision (1)(b) of this section, any incorporated municipality
19 by ordinance of its governing body is hereby authorized to impose
20 a sales and use tax of one-half percent, one percent, one and
21 one-half percent, one and three-quarters percent, or two percent
22 upon the same transactions that are sourced under the provisions
23 of sections 77-2703.01 to 77-2703.04 within such incorporated
24 municipality on which the State of Nebraska is authorized to impose
25 a tax pursuant to the Nebraska Revenue Act of 1967, as amended
26 from time to time. No sales and use tax shall be imposed pursuant
27 to this section until an election has been held and a majority of
1 the qualified electors have approved such tax pursuant to sections
2 77-27,142.01 and 77-27,142.02.

3 (b) The authority granted in this subsection to adopt an
4 ordinance imposing a sales and use tax of one and three-quarters
5 percent or two percent is suspended beginning on the effective date
6 of this act through July 15, 2014. Any such ordinance which was
7 adopted by a governing body but not approved by the electors prior
8 to the effective date of this act is null and void. Any such tax
9 adopted by a governing body and approved by the electors prior to
10 the effective date of this act shall continue to be imposed.

11 (2)(a) Any incorporated municipality that proposes to
12 impose a municipal sales and use tax at a rate greater than one
13 and one-half percent or increase a municipal sales and use tax
14 to a rate greater than one and one-half percent shall submit the
15 question of such tax or increase at a primary or general election
16 held within the incorporated municipality. The question shall be
17 submitted upon an affirmative vote by at least seventy percent
18 of all of the members of the governing body of the incorporated
19 municipality.

20 (b) Any rate greater than one and one-half percent shall
21 be used as follows:

22 (i) In a city of the metropolitan class, the proceeds
23 from the first one-quarter percent of the rate greater than one and
24 one-half percent shall be used to reduce other taxes, the proceeds
25 from the next one-eighth percent of the rate greater than one and
26 one-half percent shall be used for public infrastructure projects,
27 and the proceeds from the next one-eighth percent of the rate
1 greater than one and one-half percent shall be used for purposes of

2 the interlocal agreement or joint public agency agreement described
3 in subsection (3) of this section;

4 (ii) In a city of the primary class, up to fifteen
5 percent of the proceeds from the rate in excess of one and one-half
6 percent may be used for non-public infrastructure projects of
7 an interlocal agreement or joint public agency agreement with
8 another political subdivision within the municipality or the
9 county in which the municipality is located, and the remaining
10 proceeds shall be used for public infrastructure projects or
11 voter-approved infrastructure related to an economic development
12 program as defined in section 18-2705; and

13 (iii) In any incorporated municipality other than a city
14 of the metropolitan or primary class, the proceeds from the rate
15 in excess of one and one-half percent shall be used for public
16 infrastructure projects or voter-approved infrastructure related to
17 an economic development program as defined in section 18-2705.

18 For purposes of this section, public infrastructure
19 project means and includes, but is not limited to, any of the
20 following projects, or any combination thereof: Public highways and
21 bridges and municipal roads, streets, bridges, and sidewalks; solid
22 waste management facilities; wastewater, storm water, and water
23 treatment works and systems, water distribution facilities, and
24 water resources projects, including, but not limited to, pumping
25 stations, transmission lines, and mains and their appurtenances;
26 hazardous waste disposal systems; resource recovery systems;
27 airports; port facilities; buildings and capital equipment used
1 in the operation of municipal government; convention and tourism
2 facilities; redevelopment projects as defined in section 18-2103;
3 mass transit and other transportation systems, including parking
4 facilities; and equipment necessary for the provision of municipal
5 services.

6 (c) Any rate greater than one and one-half percent shall
7 terminate no more than ten years after its effective date or, if
8 bonds are issued and the local option sales and use tax revenue is
9 pledged for payment of such bonds, upon payment of such bonds and
10 any refunding bonds, whichever date is later, except as provided in
11 subdivision (2)(d) of this section.

12 (d) If a portion of the rate greater than one and
13 one-half percent is stated in the ballot question as being imposed
14 for the purpose of the interlocal agreement or joint public agency
15 agreement described in subdivision (2)(b)(ii) or subsection (3) of
16 this section, and such portion is at least one-eighth percent,
17 there shall be no termination date for the rate representing such
18 portion rounded to the next higher one-quarter or one-half percent.

19 (e) Sections 13-518 to 13-522 apply to the revenue from
20 any such tax or increase.

21 (3)(a) No municipal sales and use tax shall be imposed

22 at a rate greater than one and one-half percent or increased to a
23 rate greater than one and one-half percent unless the municipality
24 is a party to an interlocal agreement pursuant to the Interlocal
25 Cooperation Act or a joint public agency agreement pursuant to the
26 Joint Public Agency Act with a political subdivision within the
27 municipality or the county in which the municipality is located
1 creating a separate legal or administrative entity relating to a
2 public infrastructure project.

3 (b) Except as provided in subdivision (2)(b)(ii)
4 of this section, such interlocal agreement or joint public
5 agency agreement shall contain provisions, including benchmarks,
6 relating to the long-term development of unified governance
7 of public infrastructure projects with respect to the parties.
8 The Legislature may provide additional requirements for such
9 agreements, including benchmarks, but such additional requirements
10 shall not apply to any debt outstanding at the time the
11 Legislature enacts such additional requirements. The separate legal
12 or administrative entity created shall not be one that was in
13 existence for one calendar year preceding the submission of the
14 question of such tax or increase at a primary or general election
15 held within the incorporated municipality.

16 (c) Any other public agency as defined in section 13-803
17 may be a party to such interlocal cooperation agreement or joint
18 public agency agreement.

19 (d) A municipality is not required to use all of the
20 additional revenue generated by a sales and use tax imposed at a
21 rate greater than one and one-half percent or increased to a rate
22 greater than one and one-half percent under this subsection for the
23 purposes of the interlocal cooperation agreement or joint public
24 agency agreement set forth in this subsection.

25 (4) The provisions of subsections (2) and (3) of this
26 section do not apply to the first one and one-half percent of a
27 sales and use tax imposed by a municipality.

1 (5) Notwithstanding any provision of any municipal
2 charter, any incorporated municipality or interlocal agency or
3 joint public agency pursuant to an agreement as provided in
4 subsection (3) of this section may issue bonds in one or more
5 series for any municipal purpose and pay the principal of
6 and interest on any such bonds by pledging receipts from the
7 increase in the municipal sales and use taxes authorized by such
8 municipality. Any municipality which has or may issue bonds under
9 this section may dedicate a portion of its property tax levy
10 authority as provided in section 77-3442 to meet debt service
11 obligations under the bonds. For purposes of this subsection, bond
12 means any evidence of indebtedness, including, but not limited to,
13 bonds, notes including notes issued pending long-term financing
14 arrangements, warrants, debentures, obligations under a loan

15 agreement or a lease-purchase agreement, or any similar instrument
 16 or obligation.

17 Sec. 10. Section 77-27,142.01, Revised Statutes
 18 Cumulative Supplement, 2012, is amended to read:

19 77-27,142.01 (1) The (1)(a) Except as provided in
 20 subdivision (1)(b) of this section, the governing body of any
 21 incorporated municipality may submit the question of changing any
 22 terms and conditions of a sales and use tax previously authorized
 23 under section 77-27,142. Except as otherwise provided by section
 24 77-27,142, the question of modification shall be submitted to the
 25 voters at any primary or general election or at a special election
 26 if the governing body submits a certified copy of the resolution
 27 proposing modification to the election commissioner or county clerk
 1 within the time prior to the primary, general, or special election
 2 prescribed in section 77-27,142.02.

3 (b) The authority granted in this subsection to change a
 4 sales and use tax to a rate of one and three-quarters percent or
 5 two percent is suspended beginning on the effective date of this
 6 act through July 15, 2014. Any such change which was adopted by
 7 a governing body but not approved by the electors prior to the
 8 effective date of this act is null and void. Any such tax adopted
 9 by a governing body and approved by the electors prior to the
 10 effective date of this act shall continue to be imposed.

11 (2) If the change imposes a sales and use tax at a
 12 rate greater than one and one-half percent or increases the sales
 13 and use tax to a rate greater than one and one-half percent, the
 14 question shall include, but not be limited to:

15 (a) The percentage increase of one-quarter percent or
 16 one-half percent in the sales and use tax rate;

17 (b) A list of reductions or elimination of other taxes or
 18 fees, if any;

19 (c) A description of the projects to be funded, in whole
 20 or in part, from the revenue collected, along with any savings or
 21 efficiencies resulting from the projects;

22 (d) The year or years within which the revenue will be
 23 collected and, if bonds will be issued with some or all of the
 24 revenue pledged for payment of such bonds, a statement that the
 25 revenue will be collected until the payment in full of such bonds
 26 and any refunding bonds; and

27 (e)(i) The percentage of revenue collected to be used for
 1 the purposes of the interlocal agreement or joint public agency
 2 agreement as provided in subdivision (2)(b)(ii) or subsection (3)
 3 of section 77-27,142; (ii) a statement of the overall purpose
 4 of the agreement which is the long-term development of unified
 5 governance of public infrastructure projects, if applicable; and
 6 (iii) the name of any other political subdivision which is a party
 7 to the agreement.

- 8 This subsection does not apply to the first one and
 9 one-half percent of a sales and use tax imposed by a municipality.
 10 Sec. 11. Original section 18-1208, Reissue Revised
 11 Statutes of Nebraska, and sections 77-27,142 and 77-27,142.01,
 12 Revised Statutes Cumulative Supplement, 2012, are repealed.
 13 2. Renumber the remaining section accordingly.

Senator McCoy withdrew his amendment.

SENATOR GLOOR PRESIDING

Pending.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

- LEGISLATIVE BILL 271.** Placed on General File.
LEGISLATIVE BILL 278. Placed on General File.
LEGISLATIVE BILL 303. Placed on General File.
LEGISLATIVE BILL 349. Placed on General File.
LEGISLATIVE BILL 563. Placed on General File.
LEGISLATIVE BILL 637. Placed on General File.

LEGISLATIVE BILL 222. Placed on General File with amendment.
 AM244

- 1 1. Strike original sections 4 and 33 and insert the
 2 following new sections:
 3 Sec. 4. Section 13-2101.01, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 13-2101.01 Sections 13-2101 to ~~13-2114~~13-2113 shall be
 6 known and may be cited as the Enterprise Zone Act.
 7 Sec. 33. Section 79-1901, Reissue Revised Statutes of
 8 Nebraska, is amended to read:
 9 79-1901 Sections 79-1901 to ~~79-1905~~79-1904 shall be
 10 known and may be cited as the Nebraska Read, Educate, and Develop
 11 Youth Act.
 12 Sec. 46. The following sections are outright repealed:
 13 Section 13-2114, Reissue Revised Statutes of Nebraska, and section
 14 79-1905, Revised Statutes Cumulative Supplement, 2012.
 15 2. On page 6, line 19, after the semicolon insert "and";
 16 and strike lines 20 through 25 and show the old matter as stricken.
 17 3. On page 7, strike line 1 and show as stricken; in
 18 line 2 strike "(9)", show as stricken, and insert "(8)"; and strike
 19 lines 5 through 7 and show as stricken.
 20 4. On page 31, strike beginning with "The" in line 16
 21 through line 23 and show the old matter as stricken.
 22 5. On page 45, strike lines 4 through 8 and show the old
 23 matter as stricken; in line 10 strike "(8)", show as stricken, and
 1 insert "(7)"; in line 13 strike "(9)", show as stricken, and insert

- 2 "(8)"; in line 17 strike "(10)", show as stricken, and insert
 3 "(9)"; in line 21 strike "(11)", show as stricken, and insert
 4 "(10)"; and in line 25 strike "(12)", show as stricken, and insert
 5 "(11)".
- 6 6. On page 46, line 3, strike "(13)", show as stricken,
 7 and insert "(12)"; and in line 21 strike "(14)", show as stricken,
 8 and insert "(13)".
- 9 7. On page 47, line 3, strike "(15)", show as stricken,
 10 and insert "(14)"; in line 7 strike "(16)", show as stricken, and
 11 insert "(15)"; and strike lines 16 through 18 and show as stricken.
- 12 8. On page 49, line 24, after the semicolon insert "and".
- 13 9. On page 50, line 2, strike "; and", show as stricken,
 14 and insert an underscored period; and strike line 3 and show the
 15 old matter as stricken.
- 16 10. On page 55, strike beginning with "The" in line 18
 17 through the period in line 19 and show the old matter as stricken.
- 18 11. On page 58, line 22, after the semicolon insert
 19 "and"; and strike lines 23 through 25 and show the old matter as
 20 stricken.
- 21 12. On page 59, strike beginning with line 1 through
 22 "(16)" in line 5, show the old matter as stricken, and insert
 23 "(15)".
- 24 13. On page 61, line 20, after the semicolon insert
 25 "and"; and strike lines 21 through 25 and show the old matter as
 26 stricken.
- 27 14. On page 62, line 1, strike "(7)", show as stricken,
 1 and insert "(6)".
- 2 15. On page 66, line 5, strike "13-2114" and insert
 3 "13-2101.01" and after the fifth comma insert "79-1901,"; and in
 4 line 9 strike "79-1905,".
- 5 16. Renumber the remaining section accordingly.

LEGISLATIVE BILL 588. Placed on General File with amendment.
 AM646

- 1 1. Strike the original sections and insert the following
 2 new sections:
- 3 Section 1. Section 23-2529, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
- 5 23-2529 ~~Veterans preference shall be granted to all~~
 6 ~~applicants who are otherwise eligible for employment and who~~
 7 ~~request such preference on their applications. In order to receive~~
 8 ~~preference, the veteran must submit a copy of his or her discharge~~
 9 ~~papers and, for disability credit, proof from the United States~~
 10 ~~Department of Veterans Affairs that the disability is at least ten~~
 11 ~~percent. To the passing score of veteran candidates, ten points~~
 12 ~~shall be added for a disabled veteran and five points for all other~~
 13 ~~veterans.~~
- 14 Veterans preference shall be given in accordance with
 15 sections 48-225 to 48-231.

16 Sec. 2. Section 48-225, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 ~~48-225 As used in For purposes of sections 48-225 to~~
19 ~~48-231, unless the context otherwise requires:~~

20 (1) Veteran means:

21 (a) ~~A~~ any person who served full-time duty with military
22 pay and allowances in the armed forces of the United States,
23 except for training or for determining physical fitness, and
1 was discharged or otherwise separated with a characterization of
2 honorable or general (under honorable conditions); or

3 (b) The spouse of a veteran who has a one hundred percent
4 permanent disability as determined by the United States Department
5 of Veterans Affairs;

6 (2) Full-time duty means duty during time of war or
7 during a period recognized by the United States Department of
8 Veterans Affairs as qualifying for veterans benefits administered
9 by the department and that such duty from January 31, 1955, to
10 February 28, 1961, exceeded one hundred eighty days unless lesser
11 duty was the result of a service-connected or service-aggravated
12 disability;

13 (3) Disabled veteran means an individual who has served
14 on active duty in the armed forces of the United States, has
15 been discharged or otherwise separated with a characterization
16 of honorable or general (under honorable conditions) therefrom,
17 and has established the present existence of a service-connected
18 disability or is receiving compensation, disability retirement
19 benefits, or pension because of a public statute administered by
20 the United States Department of Veterans Affairs or a military
21 department; and

22 (4) Preference eligible means any veteran as defined in
23 this section.

24 Sec. 3. Section 48-227, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 48-227 (1) Veterans who obtain passing scores on all
27 parts or phases of an examination or numerical scoring shall have
1 five percent added to their passing score if a claim for such
2 preference is made on the application. An additional five percent
3 shall be added to the passing score or numerical scoring of any
4 disabled veteran.

5 (2) When no examination or numerical scoring is used, the
6 preference shall be given to the qualifying veteran if two or more
7 equally qualified candidates are being considered for the position.

8 (3) All notices of positions of employment available for
9 veterans preference and all applications for such positions by
10 the state or its governmental subdivisions shall state that the
11 position is subject to a veterans preference.

12 (4) A veteran desiring to use a veterans preference shall
13 provide the hiring authority with a copy of the veteran's Defense
14 Department Form 214, also known as DD214 form. A spouse of a

15 veteran desiring to use a veterans preference shall provide the
 16 hiring authority with a copy of the veteran's Defense Department
 17 Form 214, a copy of veteran's disability verification from the
 18 Department of Veterans Affairs demonstrating a one hundred percent
 19 permanent disability rating, and proof of marriage to the veteran.
 20 Any marriage claimed for veteran preference must be valid under
 21 Nebraska law.

22 (5) Within thirty days after filling a position, veterans
 23 who have applied and are not hired shall be notified by regular
 24 mail, electronic mail, phone call, or personal service that they
 25 have not been hired. Such notice also shall advise the veteran of
 26 any administrative appeal available.

27 Sec. 4. This act becomes operative on January 1, 2014.

1 Sec. 5. Original sections 23-2529, 48-225, and 48-227,
 2 Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 646. Placed on General File with amendment.
 AM613

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

3 Section 1. Section 32-512, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 32-512 (1) After the selection of the original board of
 6 directors of a public power district as provided for in sections
 7 70-803 and 70-805 or a district as provided for in sections 70-604
 8 and 70-609, their successors shall be nominated and elected on the
 9 nonpartisan ballot, except that in districts receiving annual gross
 10 revenue of less than forty million dollars, the candidates for the
 11 board of directors shall not appear on the ballot in the primary
 12 election. The term of each elected director shall be not more than
 13 six years or until his or her successor is elected and qualified.
 14 Candidates for the board of directors shall meet the qualifications
 15 found in sections 70-610 and 70-619.

16 (2) Registered voters residing within the chartered
 17 territory and registered voters duly certified in accordance with
 18 section 70-604.03 shall be qualified to vote in the district as
 19 certified pursuant to section 70-611. The registered voters of a
 20 subdivision created under subsection (1) of section 70-612 may only
 21 cast their ballots for candidates for directors to be elected from
 22 such subdivision and for candidates for directors to be elected
 23 at large from the whole district. ~~The registered voters of a~~
 1 subdivision created under subsection (2) of section 70-612 may only
 2 cast their ballots for candidates for directors to be elected from
 3 such subdivision.

4 Sec. 2. Section 70-612, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 70-612 (1)(a) Subject to the provisions of Chapter 70,
 7 article 6, and subject to the approval of the Nebraska Power
 8 Review Board, the board of directors of a district, other than a

9 district with a service area containing a city of the metropolitan
10 class, may amend the petition for its creation to provide for
11 the division of the territory of such district into two or more
12 subdivisions for the nomination and election of some or all of the
13 directors. Each subdivision shall be composed of one or more voting
14 precincts, or divided voting precincts, and the total population of
15 each such subdivision shall be approximately the same. ~~Two~~ Except
16 in districts which contain a city of the metropolitan class, two
17 or more subdivisions may be combined for election purposes, and
18 members of the board of directors to be elected from such combined
19 subdivisions may be nominated and elected at large when not
20 less than seventy-five percent of the population of the combined
21 subdivisions is within the corporate limits of any city.

22 (b) In the event a district formed includes all
23 or part of two or more counties and is ~~(a)~~ (i) engaged in
24 furnishing electric light and power and more than fifty percent
25 of its customers are rural customers or ~~(b)~~ (ii) engaged in
26 furnishing electric light and power and in the business of owning
27 and operating irrigation works, then and in that event such
1 subdivisions may be formed by following precinct or county boundary
2 lines without regard to population if in the judgment of the
3 Nebraska Power Review Board the interests of the rural users
4 of electricity or of users of irrigation water service in such
5 district will not be prejudiced thereby.

6 (2)(a) By December 1, 2013, the board of directors of a
7 district with a service area containing a city of the metropolitan
8 class shall divide the district into eight election subdivisions
9 and number the subdivisions consecutively and submit the maps to
10 the Nebraska Power Review Board. In establishing the eight election
11 subdivisions, the board of directors shall preserve the boundaries
12 of the existing election subdivisions in which one member resides
13 and divide the remaining existing subdivision in which more than
14 one member resides into the same number of election subdivisions as
15 there are members residing in such existing subdivision, and shall
16 provide for the subdivisions created by dividing such existing
17 subdivision to be composed of substantially equal population and
18 compact and contiguous territory.

19 (b) The board of directors shall assign each member
20 holding a position on the board of directors on the effective date
21 of this act to represent a numbered election subdivision for the
22 remainder of the term of office for which the member is elected,
23 regardless of whether the member resides in the subdivision,
24 and shall make such assignments so that the terms of members
25 representing election subdivisions numbered one, two, and three
26 expire in January 2015, the terms of members representing election
27 subdivisions numbered four and five expire in January 2017, and the
1 terms of members representing election subdivisions six, seven, and
2 eight expire in January 2019. If possible, each member shall be
3 assigned to represent an election subdivision that corresponds to

4 the end of the term he or she is serving.

5 (c) A successor who resides in the numbered election
6 subdivision shall be nominated and elected at the statewide primary
7 and general elections held in the calendar year prior to the
8 expiration of the term of the member who represents such numbered
9 election subdivision.

10 (d) After each federal decennial census, the board of
11 directors of a district with a service area containing a city of
12 the metropolitan class shall create new boundaries for the eight
13 election subdivisions. In establishing the boundaries of the eight
14 election subdivisions, the board of directors shall follow county
15 lines wherever practicable, shall provide for the subdivisions
16 to be composed of substantially equal population and compact and
17 contiguous territory, and shall, as nearly as possible, follow the
18 precinct lines created by the election commissioner or county clerk
19 after each federal decennial census.

20 ~~(2)-(3)~~ Any public power district or public power and
21 irrigation district owning and operating irrigation works may, with
22 approval of the Nebraska Power Review Board, add representation
23 on its board of directors from any county which is outside its
24 chartered territory but in which is located some or all of such
25 irrigation works.

26 Sec. 3. Section 70-615, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 70-615 (1) In addition to the events listed in section
2 32-560, a vacancy on the board of directors shall exist in the
3 event of the (a) removal from the chartered area of any director,
4 (b) removal from the subdivision from which such director was
5 elected except as otherwise provided in subsection (2) of section
6 70-612, (c) elimination or detachment from the chartered area of
7 the territory in which a director or directors reside, or (d)
8 expiration of the term of office of a director and failure to elect
9 a director to fill such office at the preceding general election.
10 After notice and hearing, a vacancy shall also exist in the event
11 of the absence of any director from more than two consecutive
12 regular meetings of the board, unless such absences are excused by
13 a majority of the remaining board members.

14 (2) In the event of a vacancy from any of such causes,
15 or otherwise, such vacancy or vacancies shall, except in districts
16 having within their chartered area twenty-five or more cities
17 and villages, be filled by the board of directors. In districts
18 having within their chartered area twenty-five or more cities and
19 villages, vacancies shall be filled by the Governor.

20 (3) If a vacancy occurs during the term of any director
21 prior to the deadline for filing and the unexpired term extends
22 beyond the first Thursday after the first Tuesday in January
23 following the next general election, an appointment shall be until
24 the first Thursday after the first Tuesday in January following the
25 next general election, and candidates may file nomination papers

26 as provided by law for the placing of their names upon the ballot
 27 for election to the unexpired term. If a vacancy occurs during the
 1 term of any director after the deadline for filing for election,
 2 an appointment shall be until the first Thursday after the first
 3 Tuesday in January following the next general election for which
 4 candidates may file nomination papers as provided by law.

5 (4) At any time a vacancy is to be filled by election,
 6 the secretary of the district shall give notice to the public
 7 by publishing the notice of vacancy, length of term, and the
 8 deadline for filing, once in a newspaper or newspapers of general
 9 circulation within the district.

10 (5) Any appointment shall be filed with the Secretary of
 11 State by certified mail.

12 Sec. 4. Section 70-619, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 70-619 (1) The corporate powers of the district shall be
 15 vested in and exercised by the board of directors of the district.
 16 No person shall be qualified to hold office as a member of the
 17 board of directors unless ~~(1)-(a)~~ he or she is a registered voter
 18 ~~(a)-(i)~~ of such chartered territory, ~~(b)-(ii)~~ of the subdivision
 19 from which a director is to be elected if such chartered territory
 20 is subdivided for election purposes as provided in subsection (1)
 21 or (2) of section 70-612, or ~~(e)-(iii)~~ of one of the combined
 22 subdivisions from which directors are to be elected at large as
 23 provided in section 70-612 or ~~(2)-(b)~~ he or she is a retail
 24 customer duly certified in accordance with subsection (3) of
 25 section 70-604.03.

26 (2) No person who is a full-time or part-time employee
 27 of the district shall be eligible to serve as a member of the
 1 board of directors unless such person resigns or assumes an unpaid
 2 leave of absence for the term as a member. The district shall
 3 grant such leave of absence when requested by any employee for
 4 the purpose of the employee serving as a member of the board of
 5 directors. No person shall be qualified to be a member of more than
 6 one such district board, except that a director of a rural public
 7 power district may serve as a director of another public power
 8 district formed or organized for the purpose of generating electric
 9 energy or transmitting electric energy exclusively for resale to
 10 some other public power districts, rural electric cooperatives, and
 11 membership associations or municipalities. No member of a governing
 12 body of any one of the municipalities within the areas of the
 13 district shall be qualified to serve on the original board of
 14 directors under sections 70-603 to 70-609.

15 Sec. 5. Original sections 32-512, 70-612, 70-615, and
 16 70-619, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 525. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

Agriculture

LEGISLATIVE BILL 354. Placed on General File with amendment. AM506 is available in the Bill Room.

LEGISLATIVE BILL 423. Placed on General File with amendment. AM614

- 1 1. Strike original section 3 and insert the following new
 2 section:
 3 Section 1. Section 29-818, Revised Statutes Cumulative
 4 Supplement, 2012, is amended to read:
 5 29-818 (1) Except for pet animals ~~or equines~~ as provided
 6 in subsection (2) of this section, property seized under a search
 7 warrant or validly seized without a warrant shall be safely kept by
 8 the officer seizing the same unless otherwise directed by the judge
 9 or magistrate, and shall be so kept so long as necessary for the
 10 purpose of being produced as evidence on any trial. Property seized
 11 may not be taken from the officer having it in custody by replevin
 12 or other writ so long as it is or may be required as evidence in
 13 any trial, nor may it be so taken in any event where a complaint
 14 has been filed in connection with which the property was or may be
 15 used as evidence, and the court in which such complaint was filed
 16 shall have exclusive jurisdiction for disposition of the property
 17 or funds and to determine rights therein, including questions
 18 respecting the title, possession, control, and disposition thereof.
 19 (2)(a) Any pet animal ~~or equine~~ seized under a search
 20 warrant or validly seized without a warrant may be kept by the
 21 officer seizing the same on the property of the person who owns,
 22 keeps, harbors, maintains, or controls such pet animal, ~~or equine~~.
 23 (b) When any pet animal ~~or equine~~ is seized ~~or held~~
 1 under this subsection, the court shall provide the person who owns,
 2 keeps, harbors, maintains, or controls such pet animal ~~or equine~~
 3 with notice that a hearing will be had and specify the date, time,
 4 and place of such hearing. Such notice shall be served by personal
 5 or residential service or by certified mail. If such notice cannot
 6 be served by such methods, service may be made by publication
 7 in the county where such pet animal ~~or equine~~ was seized. Such
 8 publication shall be made after application and order of the court.
 9 Unless otherwise determined and ordered by the court, the date of
 10 such hearing shall be no later than ten days after the seizure.
 11 (c) At the hearing, the court shall determine the
 12 disposition of the pet animal, ~~or equine~~, and if the court
 13 determines that any pet animal ~~or equine~~ shall not be returned, the
 14 court shall order the person from whom the pet animal ~~or equine~~
 15 was seized to pay all expenses for the support and maintenance
 16 of the pet animal, ~~or equine~~, including expenses for shelter,
 17 food, veterinary care, and board, necessitated by the possession of
 18 the pet animal, ~~or equine~~. At the hearing, the court shall also
 19 consider the person's ability to pay for the expenses of the pet

20 animal ~~or equine~~ and the amount of such payments. Payments shall be
 21 for a succeeding thirty-day period with the first payment due on
 22 or before the tenth day following the hearing. Payments for each
 23 subsequent succeeding thirty-day period, if any, shall be due on or
 24 before the tenth day of such period.

25 (d) If a person becomes delinquent in his or her payments
 26 for the expenses of the pet animal, ~~or equine~~, the court shall hold
 27 a hearing to determine the disposition of the seized pet animal,
 1 ~~or equine~~. Notice of such hearing shall be given to the person who
 2 owns, keeps, harbors, maintains, or controls such pet animal ~~or~~
 3 ~~equine~~ and to any lienholder or security interest holder of record
 4 as provided in subdivision (b) of this subsection.

5 (e) An appeal may be entered within ten days after a
 6 hearing under subdivision (c) or (d) of this subsection. Any person
 7 filing an appeal shall post a bond sufficient to pay all costs of
 8 care of the pet animal ~~or equine~~ for thirty days. Such payment will
 9 be required for each succeeding thirty-day period until the appeal
 10 is final.

11 (f) Should the person be found not guilty, all funds paid
 12 for the expenses of the pet animal ~~or equine~~ shall be returned to
 13 the person.

14 (g) For purposes of this subsection, ~~pet~~ ~~:(i)~~ Pet animal
 15 means any domestic dog, domestic cat, mini pig, domestic rabbit,
 16 domestic ferret, domestic rodent, bird except a bird raised
 17 as an agricultural animal and specifically excluding any bird
 18 possessed under a license issued by the State of Nebraska or the
 19 United States Fish and Wildlife Service, nonlethal aquarium fish,
 20 nonlethal invertebrate, amphibian, turtle, nonvenomous snake that
 21 will not grow to more than eight feet in length at maturity,
 22 or such other animal as may be specified and for which a permit
 23 shall be issued by an animal control authority after inspection and
 24 approval, except that any animal forbidden to be sold, owned, or
 25 possessed by federal or state law is not a pet animal; ~~and~~

26 ~~(ii) Equine means a horse, pony, donkey, mule, hinny, or~~
 27 ~~Hama.~~

1 (h) This section shall not preempt, and shall not be
 2 construed to preempt, any ordinance of a city of the metropolitan
 3 class.

4 2. On page 2, line 3, strike "sections 3 and 6" and
 5 insert "section 6"; and in lines 11 and 23 strike "food", show as
 6 stricken, and insert "feed".

7 3. On page 3, strike line 1; in lines 2, 4, 6, and 16,
 8 strike the new matter and reinstate the stricken matter; in lines
 9 2 and 3 strike "hinny, or llama", show as stricken, and insert "or
 10 hinny"; in line 17 after the last comma insert "llamas"; in line
 11 19 strike "(11)" and insert "(10)"; and in line 22 strike "(12)"
 12 and insert "(11)".

13 4. On page 6, line 23, after the period insert "A copy of
 14 the signed agreement shall be provided to the owner or custodian of

15 the livestock animal."

16 5. On page 7, strike line 24 and insert "shall not unduly
17 delay euthanization when necessary. The law enforcement officer may
18 forgo euthanization if the care of the livestock animal is placed
19 with the owner's or custodian's veterinarian."

20 6. On page 9, line 6, after "such" insert "livestock
21 animal"; and strike lines 16 to 25 and insert:

22 "(c) Order the person from whom the livestock animal
23 was seized to post a bond or other security, or to otherwise
24 order payment, in an amount that is sufficient to reimburse all
25 reasonable expenses, as determined by the court, for the care of
26 the livestock animal, including veterinary care, incurred by the
27 agency from the date of seizure and necessitated by the possession
1 of the livestock animal. Payments shall be for a succeeding
2 thirty-day period with the first payment due on or before the tenth
3 day following the hearing. Payments for each subsequent succeeding
4 thirty-day period, if any, shall be due on or before the tenth
5 day of such period. The bond or security shall be placed with,
6 or payments ordered under this subdivision shall be paid to, the
7 agency that took custody of the livestock animal. The agency shall
8 provide an accounting of expenses to the court when the livestock
9 animal is no longer in the custody of the agency or upon request
10 by the court. The agency may petition the court for a subsequent
11 hearing under this subsection at any time. The hearing shall be
12 held as soon as practicable and not more than ten business days
13 after the date of application for the hearing unless otherwise
14 determined and ordered by the court. When all expenses covered by
15 the bond or security are exhausted and subsequent bond or security
16 has not been posted or if a person becomes delinquent in his or her
17 payments for the expenses of the livestock animal, the livestock
18 animal shall be forfeited to the agency."

19 7. On page 10, strike lines 1 to 7; in line 9 after "any"
20 insert "proceeds of a"; in line 10 after "security" insert "or any
21 payment or portion of payment ordered under this section"; and in
22 line 23 after "animal" insert "remaining after the actual expenses
23 incurred by the agency have been paid".

24 8. On page 11, line 3, after the second comma insert "and
25 section 29-818, Revised Statutes Cumulative Supplement, 2012,".

26 9. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 287. Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

General Affairs

LEGISLATIVE BILL 579. Placed on General File with amendment.
AM663

1 1. On page 3, line 10, strike "fifteen" and insert "ten".

LEGISLATIVE BILL 653. Indefinitely postponed.

(Signed) Russ Karpisek, Chairperson

Health and Human Services

LEGISLATIVE BILL 338. Indefinitely postponed.

(Signed) Kathy Campbell, Chairperson

ANNOUNCEMENTS

Senator McGill designates LB556 as her priority bill.

Senator Murante designates LB646 as his priority bill.

The General Affairs Committee designates LB579 and LB230 as its priority bills.

Senator Larson designates LB57 as his priority bill.

Senator Lautenbaugh designates LB354 as his priority bill.

Senator Kolowski designates LB276 as his priority bill.

Senator Nordquist designates LB191 as his priority bill.

Senator Janssen designates LB75 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB79 and LB271 as its priority bills.

Senator Conrad designates LB625 as her priority bill.

Senator Pirsch designates LB224 as his priority bill.

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB363:
AM579

(Amendments to E & R amendments, ER22)

- 1 1. On page 3, line 22, after the period insert "The
- 2 custodian shall not include any charge for services of a vendor or
- 3 contractor which could be completed by public officers or employees
- 4 in less than four hours of dedicated time.".

MOTION - Print in Journal

Senator Chambers filed the following motion to LB613:
MO26
Bracket until June 1, 2013.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB613:
FA28

Amend AM467

Page 1, line 4 strike "constantly" and insert "continually"

FA29

Amend AM467

Page 1, line 7 strike ", intended and otherwise,"

FA30

Amend AM467

Page 1, line 8 strike beginning with the comma strike through "governments" on line 9.

FA31

Amend AM467

Page 1, lines 10 and 11 strike "Nebraska's tax law" and insert "the state's tax laws".

FA32

Amend AM467

Page 1, line 5 strike "update" and insert "modify".

FA33

Amend AM467

Page 1, line 14 strike "be composed of" and insert "comprise".

UNANIMOUS CONSENT - Add Cointroducers

Senator Johnson asked unanimous consent to add his name as cointroducer to LB153. No objections. So ordered.

Senator Watermeier asked unanimous consent to add his name as cointroducer to LB308. No objections. So ordered.

VISITORS

Visitors to the Chamber were Charles and Tim Dungan from Lincoln; 10 members of Delta Sigma Theta Sorority, Lincoln; 12 twelfth-grade students and teacher from Lawrence Nelson School, Nelson; members of the Ground Water Foundation from Gothenburg and Auburn; members from Region V

Systems Substance Abuse Prevention Coalition from across the state; Senator Coash's grandmother, Lavonne, from Lincoln, his aunt, Kris Porter, from Nevada, MO, his cousins, Sam and Travis Porter, from Nevada, MO, and friend Jeff Westerhold, from Nevada, MO; and members from Leadership Columbus.

The Doctor of the Day was Dr. Brian Buhlke from Central City.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Pirsch, the Legislature adjourned until 10:00 a.m., Monday, March 18, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 18, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 18, 2013

PRAYER

The prayer was offered by Reverend Stephanie Ahlschwede, United Methodist Ministries, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senators Ashford, B. Harr, Karpisek, Lautenbaugh, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 344. Placed on General File with amendment.
AM549

1. On page 3, line 11, strike "(3)" and insert "(2)".

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 613. Committee AM467, found on page 664 and considered on page 728, was renewed.

Senator Chambers offered his amendment, FA28, found on page 745, to the committee amendment.

The Chambers amendment was adopted with 26 ayes, 10 nays, 10 present and not voting, and 3 excused and not voting.

Pending.

ANNOUNCEMENT

Speaker Adams designates LBs 3, 34, 55, 69, 90, 99, 115, 182, 232, 255, 265, 298, 306, 326, 331, 348, 368, 384, 483, 495, 545, 565, 574, 589, and 623 as Speaker priority bills.

COMMITTEE REPORT

Appropriations

LEGISLATIVE BILL 629. Placed on General File with amendment. AM641

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 77-382, Revised Statutes Cumulative
 4 Supplement, 2012, is amended to read:
 5 77-382 (1) The department shall prepare a tax expenditure
 6 report describing (a) the basic provisions of the Nebraska
 7 tax laws, (b) the actual or estimated revenue loss caused by
 8 the exemptions, deductions, exclusions, deferrals, credits, and
 9 preferential rates in effect on July 1 of each year and allowed
 10 under Nebraska's tax structure and in the property tax, and (c) the
 11 elements which make up the tax base for state and local income,
 12 including income, sales and use, property, and miscellaneous taxes.
 13 (2) The department shall review the major tax exemptions
 14 for which state general funds are used to reduce the impact of
 15 revenue lost due to a tax expenditure. The report shall indicate an
 16 estimate of the amount of the reduction in revenue resulting from
 17 the operation of all tax expenditures. The report shall list each
 18 tax expenditure relating to sales and use tax under the following
 19 categories:
 20 (a) Agriculture, which shall include a separate listing
 21 for the following items: Agricultural machinery; agricultural
 22 chemicals; seeds sold to commercial producers; water for irrigation
 23 and manufacturing; commercial artificial insemination; mineral
 1 oil as dust suppressant; animal grooming; oxygen for use in
 2 aquaculture; animal life whose products constitute food for human
 3 consumption; and grains;
 4 (b) Business across state lines, which shall include
 5 a separate listing for the following items: Property shipped
 6 out-of-state; fabrication labor for items to be shipped
 7 out-of-state; property to be transported out-of-state; property
 8 purchased in other states to be used in Nebraska; aircraft
 9 delivery to an out-of-state resident or business; state reciprocal
 10 agreements for industrial machinery; and property taxed in another
 11 state;
 12 (c) Common carrier and logistics, which shall include a
 13 separate listing for the following items: Railroad rolling stock
 14 and repair parts and services; common or contract carriers and
 15 repair parts and services; common or contract carrier accessories;

16 and common or contract carrier safety equipment;

17 (d) Consumer goods, which shall include a separate
18 listing for the following items: Motor vehicles and motorboat
19 trade-ins; merchandise trade-ins; certain medical equipment and
20 medicine; newspapers; laundromats; telefloral deliveries; motor
21 vehicle discounts for the disabled; and political campaign
22 fundraisers;

23 (e) Energy, which shall include a separate listing for
24 the following items: Motor fuels; energy used in industry; energy
25 used in agriculture; aviation fuel; and minerals, oil, and gas
26 severed from real property;

27 (f) Food, which shall include a separate listing for the
1 following items: Food for home consumption; Supplemental Nutrition
2 Assistance Program; school lunches; meals sold by hospitals; meals
3 sold by institutions at a flat rate; food for the elderly,
4 handicapped, and Supplemental Security Income recipients; and meals
5 sold by churches;

6 (g) General business, which shall include a separate
7 listing for the following items: Component and ingredient parts;
8 manufacturing machinery; containers; film rentals; molds and dies;
9 syndicated programming; intercompany sales; intercompany leases;
10 sale of a business or farm machinery; and transfer of property in a
11 change of business ownership;

12 (h) Lodging and shelter, which shall include a
13 separate listing for the following item: Room rentals by certain
14 institutions;

15 (i) Miscellaneous, which shall include a separate listing
16 for the following items: Cash discounts and coupons; separately
17 stated finance charges; casual sales; lease-to-purchase agreements;
18 and separately stated taxes;

19 (j) Nonprofits, governments, and exempt entities, which
20 shall include a separate listing for the following items: Purchases
21 by political subdivisions of the state; purchases by churches
22 and nonprofit colleges and medical facilities; purchasing agents
23 for public real estate construction improvements; contractor as
24 purchasing agent for public agencies; Nebraska lottery; admissions
25 to school events; sales on Native American Indian reservations;
26 school-supporting fundraisers; fine art purchases by a museum;
27 purchases by the Nebraska State Fair Board; purchases by the
1 Nebraska Investment Finance Authority and licensees of the State
2 Racing Commission; purchases by the United States Government;
3 public records; and sales by religious organizations;

4 (k) Recent sales tax expenditures, which shall include a
5 separate listing for each sales tax expenditure created by statute
6 or rule and regulation after July 19, 2012; and

7 (l) Telecommunications, which shall include a separate
8 listing for the following items: Telecommunications access charges;
9 prepaid calling arrangements; conference bridging services; and
10 nonvoice data services.

11 ~~(3) The report shall make recommendations relating to the~~
12 ~~elimination, in whole or in part, of particular tax expenditures or~~
13 ~~to the limiting of the duration of particular tax expenditures to a~~
14 ~~fixed number of years.~~

15 (4) ~~(3)~~ It is the intent of the Legislature that nothing
16 in the Tax Expenditure Reporting Act shall cause the valuation or
17 assessment of any property exempt from taxation on the basis of its
18 use exclusively for religious, educational, or charitable purposes.

19 Sec. 2. Section 81-125, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 81-125 The Governor shall on or before January 15 of
22 each odd-numbered year present to the Legislature a complete budget
23 for all the activities of the state receiving appropriations or
24 requesting appropriations, except that the Governor during his
25 or her first year in office shall present such budget to the
26 Legislature on or before February 1. Such budget shall be a

27 tentative work program for the coming biennium, shall contain a
1 full and itemized report of the expenditures from appropriations
2 made by the previous Legislature and the items which the Governor
3 deems worthy of consideration for the coming biennium, for the
4 respective departments, offices, and institutions, and for all
5 other purposes, and shall contain the estimated revenue from
6 taxation, the estimated revenue from sources other than taxation,
7 an estimate of the amount required to be raised by taxation and
8 the sales and income tax rates necessary to raise such amount, the
9 revenue foregone by operation of laws in effect at the time of
10 such report granting tax expenditures and reduced tax liabilities
11 as identified in the report required by section 77-5731, and
12 recommendations as to deficiency funding requirements pursuant to
13 section 81-126. The summary of the tax expenditure report prepared
14 pursuant to the Tax Expenditure Reporting Act and a summary of
15 the report required by section 77-5731 shall be included with or
16 appended to the budget presented to the Legislature. The Governor
17 may make recommendations whether to continue or eliminate, in
18 whole or in part, each tax expenditure and incentive program
19 or to limit the duration of particular tax expenditures and
20 incentives to a fixed number of years and shall include his or
21 her reasoning for each recommendation, if any. The recommendations
22 shall be transmitted to the Revenue Committee of the Legislature
23 at the same time the Governor submits a budget as required in
24 this section. The budget as transmitted to the Legislature shall
25 show the estimated requirements for each activity of the state
26 as prepared by the Department of Administrative Services and the
27 final recommendation of the Governor. The budget shall comprise
1 the complete report to the Legislature of all appropriations
2 made for the current biennium and expenditures therefrom by all
3 agencies receiving appropriations, and the report of expenditures
4 contained in the budget shall be in lieu of all other biennial or
5 other financial reports required by statute to the Legislature by

6 expending agencies of appropriations and expenditures for their own
7 activities except the biennial report of the State Treasurer and
8 Director of Administrative Services.
9 Sec. 3. Original section 81-125, Reissue Revised Statutes
10 of Nebraska, and section 77-382, Revised Statutes Cumulative
11 Supplement, 2012, are repealed.

(Signed) Heath Mello, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 103. Introduced by Coash, 27.

WHEREAS, Aimee Fischer is a student at Lincoln Southwest High School and a member of the Lincoln Southwest High School swimming and diving team; and

WHEREAS, Aimee Fischer demonstrates good character and dedication to her sport, team, and academics; and

WHEREAS, Aimee Fischer won a state gold medal swimming the freestyle leg in the 200 Yard Medley Relay at the 2013 Girls' State Swimming and Diving Championships; and

WHEREAS, Aimee Fischer won a state gold medal in the 200 Yard Freestyle at the 2013 Girls' State Swimming and Diving Championships; and

WHEREAS, Aimee Fischer won a state gold medal in the 500 Yard Freestyle at the 2013 Girls' State Swimming and Diving Championships; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Aimee Fischer on becoming a three-time gold medal winner at the 2013 Girls' State Swimming and Diving Championships.

2. That a copy of this resolution be sent to Aimee Fischer and to Coach Robert Calegan.

Laid over.

LEGISLATIVE RESOLUTION 104. Introduced by Coash, 27.

WHEREAS, Abby Lunzmann is a student at Lincoln Southwest High School and a member of the Lincoln Southwest High School swimming and diving team; and

WHEREAS, Abby Lunzmann demonstrates good character and dedication to her sport, team, and academics; and

WHEREAS, Abby Lunzmann won a state gold medal swimming the butterfly leg in the 200 Yard Medley Relay at the 2013 Girls' State Swimming and Diving Championships; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Abby Lunzmann on becoming a state gold medalist at the 2013 Girls' State Swimming and Diving Championships.

2. That a copy of this resolution be sent to Abby Lunzmann and to Coach Robert Calegan.

Laid over.

LEGISLATIVE RESOLUTION 105. Introduced by Coash, 27.

WHEREAS, Vladislav Blazhievskiy is a student at Lincoln Southwest High School and a member of the Lincoln Southwest High School swimming and diving team; and

WHEREAS, Vladislav Blazhievskiy demonstrates good character and dedication to his sport, team, and academics; and

WHEREAS, Vladislav Blazhievskiy won a state gold medal in the 500 Yard Freestyle at the 2013 Boys' State Swimming and Diving Championships; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Vladislav Blazhievskiy on becoming a state gold medalist at the 2013 Boys' State Swimming and Diving Championships.

2. That a copy of this resolution be sent to Vladislav Blazhievskiy and to Coach Robert Calegan.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 613. Senator Chambers offered his amendment, FA29, found on page 745, to the committee amendment.

SENATOR GLOOR PRESIDING

The Chambers amendment was adopted with 29 ayes, 2 nays, 12 present and not voting, and 6 excused and not voting.

Pending.

COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 96. Placed on General File.

LEGISLATIVE BILL 34. Placed on General File with amendment.
AM650

- 1 1. Strike section 6 and insert the following new
2 sections:
3 Sec. 6. Section 77-5723, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:
5 77-5723 (1) In order to utilize the incentives set
6 forth in the Nebraska Advantage Act, the taxpayer shall file
7 an application, on a form developed by the Tax Commissioner,
8 requesting an agreement with the Tax Commissioner.
9 (2) The application shall contain:
10 (a) A written statement describing the plan of employment
11 and investment for a qualified business in this state;
12 (b) Sufficient documents, plans, and specifications as
13 required by the Tax Commissioner to support the plan and to define
14 a project;
15 (c) If more than one location within this state is
16 involved, sufficient documentation to show that the employment
17 and investment at different locations are interdependent parts of
18 the plan. A headquarters shall be presumed to be interdependent
19 with each other location directly controlled by such headquarters.
20 If a taxpayer's plan includes every location in the state that
21 is involved in a qualified business activity, then all of the
22 taxpayer's locations are presumed to be interdependent. A showing
23 that the parts of the plan would be considered parts of a unitary
1 business for corporate income tax purposes shall not be sufficient
2 to show interdependence for the purposes of this subdivision;
3 (d) A nonrefundable application fee of one thousand
4 dollars for a tier 1 project, two thousand five hundred dollars for
5 a tier 2, tier 3, or tier 5 project, five thousand dollars for a
6 tier 4 project, and ten thousand dollars for a tier 6 project. The
7 fee shall be credited to the Nebraska Incentives Fund; and
8 (e) A timetable showing the expected sales tax refunds
9 and what year they are expected to be claimed. The timetable shall
10 include both direct refunds due to investment and credits taken as
11 sales tax refunds as accurately as possible.
12 The application and all supporting information shall be
13 confidential except for the name of the taxpayer, the location of
14 the project, the amounts of increased employment and investment,
15 and the information required to be reported by sections 77-5731 and
16 77-5734.
17 (3) An application must be complete to establish the date
18 of the application. An application shall be considered complete
19 once it contains the items listed in subsection (2) of this

20 section, regardless of the Tax Commissioner's additional needs
 21 pertaining to information or clarification in order to approve or
 22 not approve the application.

23 (4) Once satisfied that the plan in the application
 24 defines a project consistent with the purposes stated in the
 25 Nebraska Advantage Act in one or more qualified business activities
 26 within this state, that the taxpayer and the plan will qualify for
 27 benefits under the act, and that the required levels of employment
 1 and investment for the project will be met prior to the end of the
 2 fourth year after the year in which the application was submitted
 3 for a tier 1, tier 3, or tier 6 project or the end of the sixth
 4 year after the year in which the application was submitted for
 5 a tier 2, tier 4, or tier 5 project, the Tax Commissioner shall
 6 approve the application. For a tier 5 project that is sequential
 7 to a tier 2 large data center project, the required level of
 8 investment shall be met prior to the end of the fourth year after
 9 the expiration of the tier 2 large data center project entitlement
 10 period relating to direct sales tax refunds.

11 (5) The Tax Commissioner shall make his or her
 12 determination to approve or not approve an application within one
 13 hundred eighty days after the date of the application. If the Tax
 14 Commissioner requests, by mail or by electronic means, additional
 15 information or clarification from the taxpayer in order to make his
 16 or her determination, such one-hundred-eighty-day period shall be
 17 tolled from the time the Tax Commissioner makes the request to the
 18 time he or she receives the requested information or clarification
 19 from the taxpayer. The taxpayer and the Tax Commissioner may also
 20 agree to extend the one-hundred-eighty-day period. If the Tax
 21 Commissioner fails to make his or her determination within the
 22 prescribed one-hundred-eighty-day period, the application shall be
 23 deemed approved.

24 (6) Within one hundred eighty days after (5) After
 25 approval of the application, the taxpayer and the Tax Commissioner
 26 shall enter into prepare and mail a written agreement to the
 27 taxpayer for the taxpayer's signature. The taxpayer and the Tax
 1 Commissioner shall enter into a written agreement. The taxpayer
 2 shall agree to complete the project, and the Tax Commissioner,
 3 on behalf of the State of Nebraska, shall designate the approved
 4 plan of the taxpayer as a project and, in consideration of
 5 the taxpayer's agreement, agree to allow the taxpayer to use
 6 the incentives contained in the Nebraska Advantage Act. The
 7 application, and all supporting documentation, to the extent
 8 approved, shall be considered a part of the agreement. The
 9 agreement shall state:

10 (a) The levels of employment and investment required by
 11 the act for the project;

12 (b) The time period under the act in which the required
 13 levels must be met;

14 (c) The documentation the taxpayer will need to supply

15 when claiming an incentive under the act;

16 (d) The date the application was filed; and

17 (e) A requirement that the company update the Department
18 of Revenue annually on any changes in plans or circumstances which
19 affect the timetable of sales tax refunds as set out in the
20 application. If the company fails to comply with this requirement,
21 the Tax Commissioner may defer any pending sales tax refunds until
22 the company does comply.

23 ~~(6)-(7)~~ The incentives contained in section 77-5725 shall
24 be in lieu of the tax credits allowed by the Nebraska Advantage
25 Rural Development Act for any project. In computing credits under
26 the act, any investment or employment which is eligible for
27 benefits or used in determining benefits under the Nebraska
1 Advantage Act shall be subtracted from the increases computed
2 for determining the credits under section 77-27,188. New investment
3 or employment at a project location that results in the meeting
4 or maintenance of the employment or investment requirements, the
5 creation of credits, or refunds of taxes under the Employment and
6 Investment Growth Act shall not be considered new investment or
7 employment for purposes of the Nebraska Advantage Act. The use of
8 carryover credits under the Employment and Investment Growth Act,
9 the Invest Nebraska Act, the Nebraska Advantage Rural Development
10 Act, or the Quality Jobs Act shall not preclude investment and
11 employment from being considered new investment or employment under
12 the Nebraska Advantage Act. The use of property tax exemptions at
13 the project under the Employment and Investment Growth Act shall
14 not preclude investment not eligible for the property tax exemption
15 from being considered new investment under the Nebraska Advantage
16 Act.

17 ~~(7)-(8)~~ A taxpayer and the Tax Commissioner may enter
18 into agreements for more than one project and may include more
19 than one project in a single agreement. The projects may be either
20 sequential or concurrent. A project may involve the same location
21 as another project. No new employment or new investment shall be
22 included in more than one project for either the meeting of the
23 employment or investment requirements or the creation of credits.
24 When projects overlap and the plans do not clearly specify, then
25 the taxpayer shall specify in which project the employment or
26 investment belongs.

27 ~~(8)-(9)~~ The taxpayer may request that an agreement be
1 modified if the modification is consistent with the purposes of
2 the act and does not require a change in the description of
3 the project. An agreement may not be modified to a tier that
4 would grant a higher level of benefits to the taxpayer or to
5 a tier 1 project. Once satisfied that the modification to the
6 agreement is consistent with the purposes stated in the act, the
7 Tax Commissioner and taxpayer may amend the agreement. For a tier 6
8 project, the taxpayer must agree to limit the project to qualified
9 activities allowable under tier 2 and tier 4.

10 Sec. 10. Section 77-5734, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 77-5734 The Department of Revenue shall, on or before
13 the fifteenth day of October and February of every year and the
14 fifteenth day of April in odd-numbered years, make an estimate
15 of the amount of sales and use tax refunds to be paid under the
16 Nebraska Advantage Act during the fiscal years to be forecast under
17 section 77-27,158. The estimate shall be based on the most recent
18 data available, including pending and approved applications and
19 updates thereof as are required by subdivisions (2)(e) and ~~(5)(e)~~
20 (6)(e) of section 77-5723. The estimate shall be forwarded to the
21 Legislative Fiscal Analyst and the Nebraska Economic Forecasting
22 Advisory Board and made a part of the advisory forecast required by
23 section 77-27,158.

24 2. On page 20, line 21, strike "and 77-5728" and insert
25 "77-5728, and 77-5734".

26 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 348. Placed on General File with amendment.
AM642

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

3 Section 1. Section 77-1333, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 77-1333 (1) The Legislature finds that:

6 (a) The provision of safe, decent, and affordable housing
7 to all residents of the State of Nebraska is a matter of public
8 concern and represents a legitimate and compelling state need,
9 affecting the general welfare of all residents;

10 (b) Rent-restricted housing projects constructed and
11 financed, in whole or in part, with an allocation of federal
12 low-income housing tax credits under section 42 of the Internal
13 Revenue Code effectively provide safe, decent, and affordable
14 housing for residents of Nebraska;

15 (c) Such projects are restricted by federal law as to the
16 rents paid by the tenants thereof; and

17 (d) This section is intended to further the provision of
18 safe, decent, and affordable housing to all residents of Nebraska
19 and to maximize the benefits available under section 42 of the
20 Internal Revenue Code.

21 ~~(4)-(2)~~ The county assessor shall ~~perform~~ utilize
22 an income-approach calculation for all rent-restricted housing
23 projects constructed to allow an allocation of low-income housing
1 tax credits under section 42 of the Internal Revenue Code
2 and approved by the Nebraska Investment Finance Authority when
3 ~~considering~~ determining the assessed valuation to place on the
4 property for each assessment year. The income-approach calculation
5 shall be consistent with any rules and regulations adopted
6 and promulgated by the Tax Commissioner and shall comply with

7 professionally accepted mass appraisal techniques. Any low-income
 8 housing tax credits authorized under section 42 of the Internal
 9 Revenue Code that were granted to owners of the project shall
 10 not be considered income for purposes of the calculation but ~~may~~
 11 shall be considered in determining the capitalization rate to be
 12 used when capitalizing the income stream. ~~The county assessor,~~
 13 ~~in determining the actual value of any specific property, may~~
 14 ~~consider other methods of determining value that are consistent~~
 15 ~~with professionally accepted mass appraisal methods described~~
 16 ~~in section 77-112.~~ Each county assessor, when utilizing the
 17 income-approach calculation, shall utilize the capitalization rate
 18 provided by the Nebraska Investment Finance Authority. The Nebraska
 19 Investment Finance Authority shall calculate the capitalization
 20 rate on an annual basis and provide the same to each county
 21 assessor. Such capitalization rate shall be a market-derived
 22 capitalization rate which shall take into account the value of any
 23 low-income housing tax credits and shall be calculated using any
 24 generally accepted technique used to derive capitalization rates.
 25 Once a market-derived capitalization rate has been determined, the
 26 property tax levy applicable to the property shall be added to the
 27 market-derived capitalization rate. The Nebraska Investment Finance
 1 Authority shall, if necessary, calculate a separate capitalization
 2 rate for each county or group of counties to take into account the
 3 unique market conditions existing therein.

4 ~~(2)-(3)~~ The owner of a rent-restricted housing project
 5 shall file a statement with the county assessor on or before
 6 October 1 of each year that details income and expense data for the
 7 prior year, a description of any land-use restrictions, and such
 8 other information as the county assessor may require.

9 Sec. 2. Original section 77-1333, Reissue Revised
 10 Statutes of Nebraska, is repealed.

(Signed) Galen Hadley, Chairperson
 Agriculture

LEGISLATIVE BILL 583. Placed on General File with amendment.
 AM664

1 1. Strike beginning with page 4, line 22, through page 5,
 2 line 9, and insert the following new subsection:
 3 "(10)(a) By September 1, 2014, prepare an initial report
 4 on climate change in Nebraska which includes a synthesis and
 5 assessment of the state of knowledge on: Historical climate
 6 variability and change; climate projections; and possible impacts
 7 to key sectors of the state such as agriculture, water, wildlife,
 8 ecosystems, forests, and outdoor recreation. The report shall
 9 include key points and a summary of the findings; and
 10 (b) By December 1, 2014, review such initial report and
 11 provide a final report to the Governor and electronically to the

- 12 Legislature which includes key points, overarching recommendations,
 13 and options that emerge from the initial report; and".

(Signed) Ken Schilz, Chairperson

AMENDMENT - Print in Journal

Senator Price filed the following amendment to LB434:
 AM672

- 1 1. On page 6, strike lines 12 through 19 and all
 2 amendments thereto and insert the following new subdivision:
 3 "(n) Cooperate with other emergency management agencies
 4 and public agencies in the development of emergency management
 5 registries which include persons with functional needs and
 6 the families and guardians of such persons for purposes of
 7 planning for assistance for such persons and their families and
 8 guardians before, during, and after a disaster or other emergency.
 9 Participation in an emergency management registry by persons with
 10 functional needs and their families shall be voluntary. Information
 11 obtained by emergency management agencies or other public agencies
 12 for such purposes shall not be considered a public record under
 13 section 84-712.01. All information acquired pursuant to this
 14 subdivision is confidential and cannot be disclosed or released
 15 except to other agencies which have a legitimate and official
 16 interest in the information for carrying out the purposes of this
 17 subdivision. Any person acquiring information pursuant to this
 18 subdivision who discloses or releases such information in violation
 19 of this subdivision is guilty of a Class III misdemeanor. The
 20 disclosure or release of such information regarding an individual
 21 is a separate offense from information disclosed or released
 22 regarding any other individual; and".

RESOLUTION

LEGISLATIVE RESOLUTION 106. Introduced by Karpisek, 32.

WHEREAS, Emma Vertin is a student at Lincoln Southwest High School and a member of the Lincoln Southwest High School swimming and diving team; and

WHEREAS, Emma Vertin demonstrates good character and dedication to her sport, team, and academics; and

WHEREAS, Emma Vertin won a state gold medal swimming the backstroke leg in the 200 Yard Medley Relay at the 2013 Girls' State Swimming and Diving Championships; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Emma Vertin on becoming a state gold medalist at the 2013 Girls' State Swimming and Diving Championships.

2. That a copy of this resolution be sent to Emma Vertin and to Coach Robert Calegan.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Lathrop asked unanimous consent to add his name as cointroducer to LB133. No objections. So ordered.

Senator Murante asked unanimous consent to add his name as cointroducer to LB266. No objections. So ordered.

VISITORS

Visitors to the Chamber were 13 fourth-grade students and teacher from Lyons Decatur Northeast Elementary, Lyons; and 11 members and coach of the Central High School basketball team, Omaha.

ADJOURNMENT

At 12:04 p.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Tuesday, March 19, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 19, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 19, 2013

PRAYER

The prayer was offered by Pastor Keith Grimm, Beautiful Savior Lutheran Church, La Vista.

ROLL CALL

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

The roll was called and all members were present except Senator Schilz who was excused; and Senators Conrad, Janssen, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 530. Placed on Select File with amendment. ER30 is available in the Bill Room.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 144. Placed on General File.

LEGISLATIVE BILL 299. Placed on General File.

LEGISLATIVE BILL 382. Placed on General File.

LEGISLATIVE BILL 167. Placed on General File with amendment. AM76

- 1 1. On page 3, strike beginning with "nominees" in line
- 2 2 through line 3 and insert "presidential and vice-presidential

3 candidates who received the highest number of votes in the state
 4 if I am an at-large presidential elector or the highest number of
 5 votes in my congressional district if I am a congressional district
 6 presidential elector."

LEGISLATIVE BILL 188. Placed on General File with amendment.
 AM691

- 1 1. Insert the following new section:
- 2 Sec. 2. This act becomes operative on January 1, 2015.
- 3 2. Renumber the remaining section accordingly.

(Signed) Bill Avery, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Lathrop has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

MOTIONS - Approve Appointments

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 727:

Crime Victim's Reparations Committee

Jeff Davis

Joe Kelly

Michelle Schindler

Derek Vaughn

Voting in the affirmative, 37:

Ashford	Coash	Howard	Mello	Smith
Avery	Cook	Johnson	Murante	Sullivan
Bloomfield	Crawford	Karpisek	Nelson	Wallman
Brasch	Davis	Kintner	Pirsch	Watermeier
Campbell	Gloor	Kolowski	Price	Wightman
Carlson	Haar, K.	Krist	Scheer	
Chambers	Hansen	McCoy	Schumacher	
Christensen	Harms	McGill	Seiler	

Voting in the negative, 0.

Present and not voting, 8:

Adams	Dubas	Harr, B.	Lathrop
Bolz	Hadley	Larson	Nordquist

Excused and not voting, 4:

Conrad Janssen Lautenbaugh Schilz

The appointments were confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 727:

Board of Parole
Rex Richard

Voting in the affirmative, 38:

Ashford	Crawford	Johnson	McGill	Seiler
Avery	Davis	Karpisek	Mello	Smith
Bloomfield	Dubas	Kintner	Murante	Sullivan
Brasch	Gloor	Kolowski	Nelson	Wallman
Campbell	Haar, K.	Krist	Pirsch	Watermeier
Carlson	Hansen	Larson	Price	Wightman
Christensen	Harms	Lautenbaugh	Scheer	
Cook	Howard	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 8:

Adams	Chambers	Hadley	Lathrop
Bolz	Coash	Harr, B.	Nordquist

Excused and not voting, 3:

Conrad Janssen Schilz

The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 613. Senator Chambers offered his amendment, FA30, found on page 745, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Chambers amendment was adopted with 31 ayes, 6 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 57. Placed on General File with amendment.
AM676

- 1 1. Strike beginning with page 6, line 23, through page 8,
2 line 8, show the old matter as stricken, and insert the following
3 new subsections:
4 "(7) The board shall require a grant application, which
5 application proposes to use grant funds to purchase real property
6 that will at any time be sold, leased, or transferred to, exchanged
7 with, or encumbered by a federal land management agency and cause
8 the removal of such property from its current county property tax
9 assessment, to provide for the replacement of property taxes to the
10 affected county in the grant contract between the board and the
11 grantee. Tax replacement methods that may be required in the grant
12 contract include, but are not limited to, payments in addition
13 to in lieu of taxes paid on the property to the county and the
14 establishment of a permanent endowment fund for use by the affected
15 county to offset the reduction in property taxes to the affected
16 county.
17 (8) The board shall require that a grantee not sell,
18 lease, transfer, exchange, or encumber any portion of real property
19 acquired in whole or in part by trust funds without the prior
20 written approval of the board. The grantee shall provide the board
21 in writing the details of any proposed sale, lease, transfer,
22 exchange, or encumbrance at least thirty days in advance of the
23 next scheduled board meeting and obtain written approval of the
1 board prior to executing any such transaction."

LEGISLATIVE BILL 362. Placed on General File with amendment.
AM455

- 1 1. Strike original section 8 and insert the following new
2 sections:
3 Sec. 8. Section 60-301, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:
5 60-301 Sections 60-301 to 60-3,222 and section 10 of
6 this act shall be known and may be cited as the Motor Vehicle
7 Registration Act.
8 Sec. 9. Section 60-3,156, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:
10 60-3,156 In addition to the registration fees for motor
11 vehicles and trailers, the county treasurer or his or her agent
12 shall collect:
13 (1) One dollar and fifty cents for each certificate
14 issued and shall remit one dollar and fifty cents of each
15 additional fee collected to the State Treasurer for credit to
16 the Department of Motor Vehicles Cash Fund;
17 (2) Fifty cents for each certificate issued and shall

18 remit the fee to the State Treasurer for credit to the Nebraska
 19 Emergency Medical System Operations Fund; ~~and~~
 20 (3) One dollar and fifty cents for each certificate
 21 issued and shall remit the fee to the State Treasurer for credit to
 22 the State Recreation Road Fund; ~~and-~~

23 (4) Except as otherwise provided in section 10 of this
 1 act, seven dollars for each certificate issued for motor vehicles
 2 and shall remit the fee to the State Treasurer for credit to the
 3 State Park Cash Revolving Fund, except that for calendar year 2014,
 4 the State Treasurer shall credit ninety-eight percent of the fee to
 5 such fund and two percent of the fee to the Department of Motor
 6 Vehicles Cash Fund.

7 Sec. 10. (1) The additional fee under subdivision (4) of
 8 section 60-3,156 shall not be imposed on motor vehicles registered
 9 under section 60-3,113, 60-3,122, 60-3,122.01, 60-3,122.02,
 10 60-3,123, 60-3,124, 60-3,125, or 60-3,130, buses registered under
 11 subsection (1) of section 60-3,144, trucks registered under section
 12 60-3,145 or 60-3,146 or subdivision (3)(d), (e), or (f) of section
 13 60-3,147, vehicles registered under section 60-3,149, well-boring
 14 apparatus and well-servicing equipment registered under section
 15 60-3,155, and vehicles exempt under section 60-3,160 or 60-3,185.

16 (2) The additional fee under subdivision (4) of section
 17 60-3,156 shall not be imposed on a motor vehicle registered
 18 as an ambulance or hearse under section 60-3,152 or a taxicab
 19 under section 60-3,154 if the owner files an application for
 20 exemption with the county treasurer prior to registration on a
 21 form prescribed and furnished by the department and provides proof
 22 satisfactory to the department that the vehicle is being registered
 23 for that purpose. The exemption shall be automatically renewed with
 24 the annual renewal of registration without filing an application
 25 for renewal of the exemption until the ownership or use of the
 26 vehicle changes.

27 2. Renumber the remaining sections and correct the
 1 repealer accordingly.

(Signed) Tom Carlson, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 500. Placed on General File.

LEGISLATIVE BILL 589. Placed on General File.

(Signed) Annette Dubas, Chairperson

Revenue

LEGISLATIVE BILL 82. Placed on General File with amendment.
 AM693 is available in the Bill Room.

LEGISLATIVE BILL 474. Placed on General File with amendment.
AM652

- 1 1. Strike the original sections and insert the following
2 new sections:
- 3 Section 1. Section 18-1208, Reissue Revised Statutes of
4 Nebraska, is amended to read:
- 5 18-1208 (1) Except as otherwise provided in this section,
6 after July 19, 2012, a municipality may impose a new occupation
7 tax or increase the rate of an existing occupation tax, which
8 new occupation tax or increased rate of an existing occupation
9 tax is projected to generate annual occupation tax revenue in
10 excess of the applicable amount listed in subsection (2) of this
11 section, pursuant to section 14-109, 15-202, 15-203, 16-205, or
12 17-525 if the question of whether to impose the tax or increase
13 the rate of an existing occupation tax has been submitted at an
14 election held within the municipality and in which all registered
15 voters shall be entitled to vote on the question. The officials
16 of the municipality shall order the submission of the question by
17 submitting a certified copy of the resolution proposing the tax
18 or tax rate increase to the election commissioner or county clerk
19 at least fifty days before the election. The election shall be
20 conducted in accordance with the Election Act. If a majority of
21 the votes cast upon the question are in favor of the new tax or
22 increased rate of an existing occupation tax, then the governing
23 body of such municipality shall be empowered to impose the new tax
1 or to impose the increased tax rate. If a majority of those voting
2 on the question are opposed to the new tax or increased rate, then
3 the governing body of the municipality shall not impose the new tax
4 or increased rate but shall maintain any existing occupation tax at
5 its current rate.
- 6 (2) The applicable amount of annual revenue for each new
7 occupation tax or annual revenue raised by the increased rate for
8 an existing occupation tax for purposes of subsection (1) of this
9 section is:
- 10 (a) For cities of the metropolitan class, six million
11 dollars;
- 12 (b) For cities of the primary class, three million
13 dollars;
- 14 (c) For cities of the first class, seven hundred thousand
15 dollars; and
- 16 (d) For cities of the second class and villages, three
17 hundred thousand dollars.
- 18 (3) After July 19, 2012, a municipality shall not be
19 required to submit the following questions to the registered
20 voters:
- 21 (a) Whether to change the rate of an occupation tax
22 imposed for a specific project which does not provide for deposit
23 of the tax proceeds in the municipality's general fund; or
24 (b) Whether to terminate an occupation tax earlier than

25 the determinable termination date under the original question
26 submitted to the registered voters.

27 This subsection applies to occupation taxes imposed prior
1 to, on, or after July 19, 2012.

2 (4) The authority granted in this section and sections
3 14-109, 15-202, 15-203, 16-205, and 17-525 to impose a new
4 occupation tax or increase the rate of an existing occupation
5 tax is suspended beginning on the effective date of this act
6 through July 15, 2014. An occupation tax which was adopted by
7 a governing body of a municipality and which is required to be
8 approved by the registered voters but which has not been approved
9 by the registered voters prior to the effective date of this act
10 is null and void. Any occupation tax imposed by a governing body
11 and approved by the registered voters, if required, prior to the
12 effective date of this act shall continue to be imposed.

13 ~~(4)-(5)~~ The provisions of this section do not apply to an
14 occupation tax subject to section 86-704.

15 Sec. 2. Section 77-27,142, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 ~~77-27,142 (1)-Any (1)(a)~~ Except as provided in
18 subdivision (1)(b) of this section, any incorporated municipality
19 by ordinance of its governing body is hereby authorized to impose
20 a sales and use tax of one-half percent, one percent, one and
21 one-half percent, one and three-quarters percent, or two percent
22 upon the same transactions that are sourced under the provisions
23 of sections 77-2703.01 to 77-2703.04 within such incorporated
24 municipality on which the State of Nebraska is authorized to impose
25 a tax pursuant to the Nebraska Revenue Act of 1967, as amended
26 from time to time. No sales and use tax shall be imposed pursuant
27 to this section until an election has been held and a majority of
1 the qualified electors have approved such tax pursuant to sections
2 77-27,142.01 and 77-27,142.02.

3 (b) The authority granted in this subsection to adopt an
4 ordinance imposing a sales and use tax of one and three-quarters
5 percent or two percent is suspended beginning on the effective date
6 of this act through July 15, 2014. Any such ordinance which was
7 adopted by a governing body but not approved by the electors prior
8 to the effective date of this act is null and void. Any such tax
9 adopted by a governing body and approved by the electors prior to
10 the effective date of this act shall continue to be imposed.

11 (2)(a) Any incorporated municipality that proposes to
12 impose a municipal sales and use tax at a rate greater than one
13 and one-half percent or increase a municipal sales and use tax
14 to a rate greater than one and one-half percent shall submit the
15 question of such tax or increase at a primary or general election
16 held within the incorporated municipality. The question shall be
17 submitted upon an affirmative vote by at least seventy percent
18 of all of the members of the governing body of the incorporated
19 municipality.

20 (b) Any rate greater than one and one-half percent shall
21 be used as follows:

22 (i) In a city of the metropolitan class, the proceeds
23 from the first one-quarter percent of the rate greater than one and
24 one-half percent shall be used to reduce other taxes, the proceeds
25 from the next one-eighth percent of the rate greater than one and
26 one-half percent shall be used for public infrastructure projects,
27 and the proceeds from the next one-eighth percent of the rate
1 greater than one and one-half percent shall be used for purposes of
2 the interlocal agreement or joint public agency agreement described
3 in subsection (3) of this section;

4 (ii) In a city of the primary class, up to fifteen
5 percent of the proceeds from the rate in excess of one and one-half
6 percent may be used for non-public infrastructure projects of
7 an interlocal agreement or joint public agency agreement with
8 another political subdivision within the municipality or the
9 county in which the municipality is located, and the remaining
10 proceeds shall be used for public infrastructure projects or
11 voter-approved infrastructure related to an economic development
12 program as defined in section 18-2705; and

13 (iii) In any incorporated municipality other than a city
14 of the metropolitan or primary class, the proceeds from the rate
15 in excess of one and one-half percent shall be used for public
16 infrastructure projects or voter-approved infrastructure related to
17 an economic development program as defined in section 18-2705.

18 For purposes of this section, public infrastructure
19 project means and includes, but is not limited to, any of the
20 following projects, or any combination thereof: Public highways and
21 bridges and municipal roads, streets, bridges, and sidewalks; solid
22 waste management facilities; wastewater, storm water, and water
23 treatment works and systems, water distribution facilities, and
24 water resources projects, including, but not limited to, pumping
25 stations, transmission lines, and mains and their appurtenances;
26 hazardous waste disposal systems; resource recovery systems;
27 airports; port facilities; buildings and capital equipment used
1 in the operation of municipal government; convention and tourism
2 facilities; redevelopment projects as defined in section 18-2103;
3 mass transit and other transportation systems, including parking
4 facilities; and equipment necessary for the provision of municipal
5 services.

6 (c) Any rate greater than one and one-half percent shall
7 terminate no more than ten years after its effective date or, if
8 bonds are issued and the local option sales and use tax revenue is
9 pledged for payment of such bonds, upon payment of such bonds and
10 any refunding bonds, whichever date is later, except as provided in
11 subdivision (2)(d) of this section.

12 (d) If a portion of the rate greater than one and
13 one-half percent is stated in the ballot question as being imposed
14 for the purpose of the interlocal agreement or joint public agency

15 agreement described in subdivision (2)(b)(ii) or subsection (3) of
16 this section, and such portion is at least one-eighth percent,
17 there shall be no termination date for the rate representing such
18 portion rounded to the next higher one-quarter or one-half percent.

19 (e) Sections 13-518 to 13-522 apply to the revenue from
20 any such tax or increase.

21 (3)(a) No municipal sales and use tax shall be imposed
22 at a rate greater than one and one-half percent or increased to a
23 rate greater than one and one-half percent unless the municipality
24 is a party to an interlocal agreement pursuant to the Interlocal
25 Cooperation Act or a joint public agency agreement pursuant to the
26 Joint Public Agency Act with a political subdivision within the
27 municipality or the county in which the municipality is located
1 creating a separate legal or administrative entity relating to a
2 public infrastructure project.

3 (b) Except as provided in subdivision (2)(b)(ii)
4 of this section, such interlocal agreement or joint public
5 agency agreement shall contain provisions, including benchmarks,
6 relating to the long-term development of unified governance
7 of public infrastructure projects with respect to the parties.
8 The Legislature may provide additional requirements for such
9 agreements, including benchmarks, but such additional requirements
10 shall not apply to any debt outstanding at the time the
11 Legislature enacts such additional requirements. The separate legal
12 or administrative entity created shall not be one that was in
13 existence for one calendar year preceding the submission of the
14 question of such tax or increase at a primary or general election
15 held within the incorporated municipality.

16 (c) Any other public agency as defined in section 13-803
17 may be a party to such interlocal cooperation agreement or joint
18 public agency agreement.

19 (d) A municipality is not required to use all of the
20 additional revenue generated by a sales and use tax imposed at a
21 rate greater than one and one-half percent or increased to a rate
22 greater than one and one-half percent under this subsection for the
23 purposes of the interlocal cooperation agreement or joint public
24 agency agreement set forth in this subsection.

25 (4) The provisions of subsections (2) and (3) of this
26 section do not apply to the first one and one-half percent of a
27 sales and use tax imposed by a municipality.

1 (5) Notwithstanding any provision of any municipal
2 charter, any incorporated municipality or interlocal agency or
3 joint public agency pursuant to an agreement as provided in
4 subsection (3) of this section may issue bonds in one or more
5 series for any municipal purpose and pay the principal of
6 and interest on any such bonds by pledging receipts from the
7 increase in the municipal sales and use taxes authorized by such
8 municipality. Any municipality which has or may issue bonds under
9 this section may dedicate a portion of its property tax levy

10 authority as provided in section 77-3442 to meet debt service
 11 obligations under the bonds. For purposes of this subsection, bond
 12 means any evidence of indebtedness, including, but not limited to,
 13 bonds, notes including notes issued pending long-term financing
 14 arrangements, warrants, debentures, obligations under a loan
 15 agreement or a lease-purchase agreement, or any similar instrument
 16 or obligation.

17 Sec. 3. Section 77-27,142.01, Revised Statutes Cumulative
 18 Supplement, 2012, is amended to read:

19 77-27,142.01 (1) The (1)(a) Except as provided in
 20 subdivision (1)(b) of this section, the governing body of any
 21 incorporated municipality may submit the question of changing any
 22 terms and conditions of a sales and use tax previously authorized
 23 under section 77-27,142. Except as otherwise provided by section
 24 77-27,142, the question of modification shall be submitted to the
 25 voters at any primary or general election or at a special election
 26 if the governing body submits a certified copy of the resolution
 27 proposing modification to the election commissioner or county clerk
 1 within the time prior to the primary, general, or special election
 2 prescribed in section 77-27,142.02.

3 (b) The authority granted in this subsection to change a
 4 sales and use tax to a rate of one and three-quarters percent or
 5 two percent is suspended beginning on the effective date of this
 6 act through July 15, 2014. Any such change which was adopted by
 7 a governing body but not approved by the electors prior to the
 8 effective date of this act is null and void. Any such tax adopted
 9 by a governing body and approved by the electors prior to the
 10 effective date of this act shall continue to be imposed.

11 (2) If the change imposes a sales and use tax at a
 12 rate greater than one and one-half percent or increases the sales
 13 and use tax to a rate greater than one and one-half percent, the
 14 question shall include, but not be limited to:

15 (a) The percentage increase of one-quarter percent or
 16 one-half percent in the sales and use tax rate;

17 (b) A list of reductions or elimination of other taxes or
 18 fees, if any;

19 (c) A description of the projects to be funded, in whole
 20 or in part, from the revenue collected, along with any savings or
 21 efficiencies resulting from the projects;

22 (d) The year or years within which the revenue will be
 23 collected and, if bonds will be issued with some or all of the
 24 revenue pledged for payment of such bonds, a statement that the
 25 revenue will be collected until the payment in full of such bonds
 26 and any refunding bonds; and

27 (e)(i) The percentage of revenue collected to be used for
 1 the purposes of the interlocal agreement or joint public agency
 2 agreement as provided in subdivision (2)(b)(ii) or subsection (3)
 3 of section 77-27,142; (ii) a statement of the overall purpose
 4 of the agreement which is the long-term development of unified

- 5 governance of public infrastructure projects, if applicable; and
 6 (iii) the name of any other political subdivision which is a party
 7 to the agreement.
 8 This subsection does not apply to the first one and
 9 one-half percent of a sales and use tax imposed by a municipality.
 10 Sec. 4. Original section 18-1208, Reissue Revised
 11 Statutes of Nebraska, and sections 77-27,142 and 77-27,142.01,
 12 Revised Statutes Cumulative Supplement, 2012, are repealed.
 13 Sec. 5. Since an emergency exists, this act takes effect
 14 when passed and approved according to law.

(Signed) Galen Hadley, Chairperson

Health and Human Services

LEGISLATIVE BILL 577. Placed on General File.

(Signed) Kathy Campbell, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 107. Introduced by Christensen, 44.

WHEREAS, Austin Thelander of Perkins County High School won the 2013 Class D State Wrestling Championship in the 106-pound division; and

WHEREAS, Austin defeated Trey Nekoliczak of Cedar Valley 2-0 to win the state title; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Austin Thelander on winning the 2013 Class D State Wrestling Championship in the 106-pound division.
2. That a copy of this resolution be sent to Austin Thelander.

Laid over.

LEGISLATIVE RESOLUTION 108. Introduced by Christensen, 44.

WHEREAS, the Southern Valley Eagles won the 2013 Class C-2 Boys' State Basketball Championship; and

WHEREAS, the Eagles defeated Sutton High School by a score of 38-34 in the championship game to win the state title; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Southern Valley Eagles on winning the 2013 Class C-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Southern Valley Eagles and their coach, John Miller.

Laid over.

LEGISLATIVE RESOLUTION 109. Introduced by Christensen, 44.

WHEREAS, Rulon Taylor of Medicine Valley High School won the 2013 Class D State Wrestling Championship in the 220-pound division; and

WHEREAS, Rulon defeated Jacob Woockman of Lutheran High Northeast by a pin to win the state title; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Rulon Taylor on winning the 2013 Class D State Wrestling Championship in the 220-pound division.

2. That a copy of this resolution be sent to Rulon Taylor.

Laid over.

LEGISLATIVE RESOLUTION 110. Introduced by Avery, 28.

WHEREAS, Meredith Wekesser is a student at Lincoln Southeast High School and a member of the Lincoln Southeast High School swimming and diving team; and

WHEREAS, Meredith Wekesser demonstrates good character and dedication to her sport, team, and academics; and

WHEREAS, Meredith Wekesser swam a leg on the state champion team in the Girls 200 Yard Freestyle Relay at the 2013 Girls' State Swimming and Diving Championships; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Meredith Wekesser on her exceptional personal achievements.

2. That a copy of this resolution be sent to Meredith Wekesser and to Coach Ivy Johnson.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 613. Senator Chambers offered his amendment, FA31, found on page 745, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Chambers amendment was adopted with 32 ayes, 3 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA32, found on page 745, to the committee amendment.

SENATOR GLOOR PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Avery	Coash	Gloor	Lathrop	Price
Bolz	Conrad	Haar, K.	McGill	Wallman
Campbell	Cook	Harr, B.	Nordquist	Watermeier
Chambers	Dubas	Howard	Pirsch	Wightman

Voting in the negative, 19:

Adams	Christensen	Harms	Kintner	Nelson
Bloomfield	Crawford	Janssen	Kolowski	Scheer
Brasch	Davis	Johnson	Krist	Seiler
Carlson	Hansen	Karpisek	Murante	

Present and not voting, 6:

Hadley	Mello	Smith
McCoy	Schumacher	Sullivan

Excused and not voting, 4:

Ashford	Larson	Lautenbaugh	Schilz
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The Chambers amendment lost with 20 ayes, 19 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA33, found on page 745, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

The Chambers amendment was adopted with 35 ayes, 5 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 443. Placed on General File with amendment. AM552

- 1 1. On page 4, line 11, after the period insert "To
- 2 be licensed as a child-placing agency, an applicant must be a
- 3 corporation, nonprofit corporation, or limited liability company.".

LEGISLATIVE BILL 528. Placed on General File with amendment. AM605

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. If a physician, a physician assistant, a
- 4 nurse practitioner, or a certified nurse midwife licensed under
- 5 the Uniform Credentialing Act diagnoses a patient as having
- 6 chlamydia or gonorrhea, the physician may prescribe, provide, or
- 7 dispense pursuant to section 38-2850 and the physician assistant,
- 8 nurse practitioner, or certified nurse midwife may prescribe or
- 9 provide drug samples of prescription oral antibiotic drugs to
- 10 that patient's sexual partner or partners without examination
- 11 of that patient's partner or partners. Adequate directions for
- 12 use and medication guides, where applicable, shall be provided
- 13 along with additional prescription oral antibiotic drugs for any
- 14 additional partner. The oral antibiotic drugs prescribed, provided,
- 15 or dispensed pursuant to this section must be stored, dispensed,
- 16 and labeled in accordance with federal and state pharmacy laws
- 17 and regulations. Prescriptions for the patient's sexual partner or
- 18 partners must include the partner's name. If the infected patient
- 19 is unwilling or unable to deliver such prescription oral antibiotic
- 20 drugs to his or her sexual partner or partners, such physician
- 21 may prescribe, provide, or dispense pursuant to section 38-2850 and
- 22 such physician assistant, nurse practitioner, or certified nurse
- 23 midwife may prescribe or provide samples of the prescription oral

1 antibiotic drugs for delivery to such partner, if such practitioner
2 has sufficient locating information.

3 Sec. 2. The Department of Health and Human Services may
4 adopt and promulgate rules and regulations to carry out section 1
5 of this act.

6 Sec. 3. Section 71-503.01, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-503.01 (1) Whenever any statute of the state, any
9 ordinance or resolution of a municipal corporation or political
10 subdivision enacted pursuant to statute, or any rule or regulation
11 of an administrative agency adopted and promulgated pursuant to
12 statute ~~requires~~ allows medical practitioners or other persons
13 to prescribe, provide, or dispense prescription drugs pursuant to
14 sections 1 and 2 of this act or requires medical practitioners or
15 other persons to report cases of communicable diseases, including
16 sexually transmitted diseases and other reportable diseases,
17 illnesses, or poisonings or to give notification of positive
18 laboratory findings to the Department of Health and Human Services
19 or any county or city board of health, local public health
20 department established pursuant to sections 71-1626 to 71-1636,
21 city health department, local health agency, or state or local
22 public official exercising the duties and responsibilities of any
23 board of health or health department, such reports or notifications
24 and the resulting investigations and such prescription, provision,
25 or dispensing of prescription drugs and records pertaining thereto
26 shall be confidential except as provided in this section, shall not
27 be subject to subpoena, and shall be privileged and inadmissible
1 in evidence in any legal proceeding of any kind or character and
2 shall not be disclosed to any other department or agency of the
3 State of Nebraska.

4 (2) In order to further the protection of public health,
5 such reports, and notifications, and prescription, provision, or
6 dispensing of prescription drugs may be disclosed by the Department
7 of Health and Human Services, the official local health department,
8 and the person making such reports or notifications to the Centers
9 for Disease Control and Prevention of the Public Health Service
10 of the United States Department of Health and Human Services or
11 its successor in such a manner as to ensure that the identity
12 of any individual cannot be ascertained except as required for
13 delivery of such prescription drugs pursuant to sections 1 and 2
14 of this act. To further protect the public health, the Department
15 of Health and Human Services, the official local health department,
16 and the person making the report or notification may disclose
17 to the official state and local health departments of other
18 states, territories, and the District of Columbia such reports and
19 notifications, including sufficient identification and information
20 so as to ensure that such investigations as deemed necessary are
21 made.

22 (3) The appropriate board, health department, agency,

23 or official may: ~~(1)-(a)~~ Publish analyses of ~~such reports and~~
 24 ~~information reports, information, and the notifications described~~
 25 ~~in subsection (1) of this section~~ for scientific and public health
 26 purposes in such a manner as to ensure that the identity of any
 27 individual concerned cannot be ascertained; ~~(2)-(b)~~ discuss the
 1 report or notification with the attending physician; and ~~(3)-(c)~~
 2 make such investigation as deemed necessary.

3 (4) Any medical practitioner, any official health
 4 department, the Department of Health and Human Services, or any
 5 other person making such reports or notifications or prescribing,
 6 providing, or dispensing such prescription drugs pursuant to
 7 sections 1 and 2 of this act shall be immune from suit for
 8 slander or libel or breach of privileged communication based on any
 9 statements contained in such reports and notifications or pursuant
 10 to prescription, provision, or dispensing of such prescription
 11 drugs.

12 Sec. 4. Original section 71-503.01, Reissue Revised
 13 Statutes of Nebraska, is repealed.

(Signed) Kathy Campbell, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB613:
 FA34

Amend AM467

1. Page 2, line 15 beginning with "The" strike through "equitably" in line 20 and insert: "In order to formulate an equitable system of taxation, the committee shall review and analyze the tax burden created by sales and use taxes, income taxes, property taxes and other miscellaneous taxes imposed on families, businesses and sectors of industry within the state."

Senator Kintner filed the following amendment to LB293:
 AM687

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

3 Section 1. Section 69-2404, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 69-2404 (1) Any person desiring to purchase, lease, rent,
 6 or receive transfer of a handgun shall apply with the chief of
 7 police or sheriff of the applicant's place of residence for a
 8 certificate. The application may be made in person or by mail. The
 9 application form and certificate shall be made on forms approved
 10 by the Superintendent of Law Enforcement and Public Safety. The
 11 application shall include the applicant's full name, address,
 12 date of birth, and country of citizenship. If the applicant is
 13 not a United States citizen, the application shall include the
 14 applicant's place of birth and his or her alien or admission
 15 number. If the application is made in person, the applicant shall

16 also present a current Nebraska motor vehicle operator's license,
17 state identification card, or military identification card, or
18 if the application is made by mail, the application form shall
19 describe the license or card used for identification and be
20 notarized by a notary public who has verified the identification of
21 the applicant through such a license or card. An applicant shall
22 receive a certificate if he or she is twenty-one years of age or
23 older and is not prohibited from purchasing or possessing a handgun
1 by 18 U.S.C. 922. A fee of five dollars shall be charged for
2 each application for a certificate to cover the cost of a criminal
3 history record check.

4 (2) Information relating to an application form or
5 certificate or any listing of all applicants or certificates
6 maintained by a chief of police or sheriff pursuant to this section
7 or provided to the Nebraska State Patrol, or any other state or
8 local law enforcement agency, is confidential and shall not be
9 considered a public record within the meaning of sections 84-712 to
10 84-712.09. Such information shall be available upon request to all
11 federal, state, and local law enforcement agencies.

12 Sec. 2. Section 69-2405, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 69-2405 (1) Upon the receipt of an application for
15 a certificate, the chief of police or sheriff shall issue a
16 certificate or deny a certificate and furnish the applicant the
17 specific reasons for the denial in writing. The chief of police
18 or sheriff shall be permitted up to three days in which to
19 conduct an investigation to determine whether the applicant is
20 prohibited by law from purchasing or possessing a handgun. If
21 the certificate or denial is mailed to the applicant, it shall
22 be mailed to the applicant's address by first-class mail within
23 the three-day period. If it is determined that the purchase or
24 possession of a handgun by the applicant would be in violation
25 of applicable federal, state, or local law, the chief of police
26 or sheriff shall deny the certificate. In computing the three-day
27 period, the day of receipt of the application shall not be included
1 and the last day of the three-day period shall be included. The
2 three-day period shall expire at 11:59 p.m. of the third day
3 unless it is a Saturday, Sunday, or legal holiday in which event
4 the period shall run until 11:59 p.m. of the next day which is
5 not a Saturday, Sunday, or legal holiday. No later than the end
6 of the three-day period the chief of police or sheriff shall
7 issue or deny such certificate and, if the certificate is denied,
8 furnish the applicant the specific reasons for denial in writing.
9 No civil liability shall arise to any law enforcement agency if
10 such law enforcement agency complies with sections 69-2401, 69-2403
11 to 69-2408, and 69-2409.01.

12 (2) Information relating to a certificate or denial or
13 any listing of all certificates or denials issued by a chief of
14 police or sheriff pursuant to this section or provided to the

15 Nebraska State Patrol, or any other state or local law enforcement
 16 agency, is confidential and shall not be considered a public
 17 record within the meaning of sections 84-712 to 84-712.09. Such
 18 information shall be available upon request to all federal, state,
 19 and local law enforcement agencies.
 20 Sec. 3. Original sections 69-2404 and 69-2405, Reissue
 21 Revised Statutes of Nebraska, are repealed.

RESOLUTION

LEGISLATIVE RESOLUTION 111. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to explore the possibility of replicating the Delancey Street Foundation in Nebraska. Delancey Street is considered one of the nation's leading self-help residential education centers for ex-convicts and former substance abusers.

This study should examine Delancey Street replications across the country and seek and consider input from Delancey Street, the Department of Correctional Services, the Department of Labor, drug and alcohol counselors, chambers of commerce, and other interested persons and organizations. The ultimate goal of the study is to create a strategic plan for replicating Delancey Street in Nebraska.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducers

Senator Conrad asked unanimous consent to add her name as cointroducer to LB216, LB236, LB330, LB385, LB507, and LB552. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB507. No objections. So ordered.

VISITORS

Visitors to the Chamber were 23 fourth-grade students, teacher, and sponsors from Hayward Elementary, Nebraska City; 42 fourth-grade students and teachers from Anderson Grove Elementary, Bellevue; 45 members of Nebraska Councils of Catholic Women from across the state;

and the Lincoln Journal Star Super State basketball players from Lincoln, Omaha, Papillion-La Vista, Millard, and Grand Island.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Kintner, the Legislature adjourned until 9:00 a.m., Wednesday, March 20, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 20, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 20, 2013

PRAYER

The prayer was offered by Senator Hansen.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 112. Introduced by Bolz, 29.

WHEREAS, Patricia Morrow is a student at Lincoln Southeast High School and a member of the Lincoln Southeast High School swimming and diving team; and

WHEREAS, Patricia Morrow demonstrates good character and dedication to her sport, team, and academics; and

WHEREAS, Patricia Morrow swam a leg on the state champion team in the Girls 200 Yard Freestyle Relay at the 2013 Girls' State Swimming and Diving Championships; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Patricia Morrow on her exceptional personal achievements.

2. That a copy of this resolution be sent to Patricia Morrow and to Coach Ivy Johnson.

Laid over.

LEGISLATIVE RESOLUTION 113. Introduced by Bolz, 29.

WHEREAS, Sophia Nelson is a student at Lincoln Southwest High School and a member of the Lincoln Southwest High School swimming and diving team; and

WHEREAS, Sophia Nelson demonstrates good character and dedication to her sport, team, and academics; and

WHEREAS, Sophia Nelson won a state gold medal swimming the breaststroke leg in the 200 Yard Medley Relay at the 2013 Girls' State Swimming and Diving Championships; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Sophia Nelson on becoming a state gold medalist at the 2013 Girls' State Swimming and Diving Championships.

2. That a copy of this resolution be sent to Sophia Nelson and to Coach Robert Calegan.

Laid over.

LEGISLATIVE RESOLUTION 114. Introduced by Bolz, 29.

WHEREAS, Alexa Goldenstein is a student at Lincoln Southeast High School and a member of the Lincoln Southeast High School swimming and diving team; and

WHEREAS, Alexa Goldenstein demonstrates good character and dedication to her sport, team, and academics; and

WHEREAS, Alexa Goldenstein swam a leg on the state champion team in the Girls 200 Yard Freestyle Relay at the 2013 Girls' State Swimming and Diving Championships; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Alexa Goldenstein on her exceptional personal achievements.

2. That a copy of this resolution be sent to Alexa Goldenstein and to Coach Ivy Johnson.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 613. Senator Chambers offered his amendment, FA34, found on page 776, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Chambers amendment was adopted with 45 ayes, 0 nays, and 4 present and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 402. Placed on General File with amendment. AM684

1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 70-1903, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:
5 70-1903 For purposes of the Rural Community-Based Energy
6 Development Act:

7 (1) C-BED project or community-based energy development
8 project means a new ~~wind~~-energy generation project using wind,
9 solar, biomass, landfill gas, or a low-emission fuel source that
10 reduces the overall carbon emissions of the regional generation
11 system as the fuel source that:

12 (a) ~~Has an ownership structure as follows: (i) For a C-BED~~
13 ~~project that consists of more than two turbines, has one or more~~
14 ~~qualified owners with no single individual qualified owner owning~~
15 ~~directly or indirectly more than fifteen percent of the project~~
16 ~~and with at least thirty-three at least twenty-five percent of the~~
17 ~~gross power purchase agreement payments flowing to the qualified~~
18 ~~owner or owners or as payments to the local community; ~~or~~ and~~

19 (ii) ~~For a C-BED project that consists of one or~~
20 ~~two turbines, has one or more qualified owners with at least~~
21 ~~thirty-three percent of the gross power purchase agreement payments~~
22 ~~flowing to a qualified owner or owners or local community; and~~

23 (b) Has a resolution of support adopted:

1 (i) By the county board of each county in which the C-BED
2 project is to be located; or

3 (ii) By the tribal council for a C-BED project located
4 within the boundaries of an Indian reservation;

5 (2) ~~Debt financing payments means principal, interest,~~
6 ~~and other typical financing costs paid by the C-BED project company~~

7 to one or more third party financial institutions for the financing
 8 or refinancing of the construction of the C-BED project. Debt
 9 financing payments does not include the repayment of principal at
 10 the time of a refinancing;

11 ~~(3)~~(2) Electric utility means an electric supplier that:

12 (a) Owns more than one hundred miles of
 13 one-hundred-fifteen-kilovolt or larger transmission lines in the
 14 State of Nebraska;

15 (b) Owns more than two hundred megawatts of electric
 16 generating facilities; and

17 (c) Has the obligation to directly serve more than two
 18 hundred megawatts of wholesale or retail electric load in the State
 19 of Nebraska;

20 ~~(4)~~(3) Gross power purchase agreement payments means the
 21 total amount of payments during the life first twenty years of the
 22 agreement; and, ~~For power purchase agreements entered into on or~~
 23 ~~before December 31, 2011, if the qualified owners have a combined~~
 24 ~~total of at least thirty three percent of the equity ownership in~~
 25 ~~the C-BED project, gross power purchase agreement payments shall be~~
 26 ~~reduced by the debt financing payments; and~~

27 (4) Payments to the local community include, but are not
 1 limited to:

2 (a) Lease and easement payments to property owners made
 3 as part of a C-BED project;

4 (b) Contract payments for concrete, steel, gravel,
 5 towers, turbines, blades, wire, engineering, procurement,
 6 construction, geotechnical, environmental, meteorological, legal,
 7 or payments for other components, equipment, materials, or services
 8 that are necessary to permit or construct the C-BED project
 9 and that are provided by a company that has been organized or
 10 incorporated in Nebraska under Nebraska law and has employed at
 11 least five Nebraska residents for at least eighteen months prior to
 12 the date of the project application for certification as a C-BED
 13 project; and

14 (c) Payments that are for physical parts, materials,
 15 or components that are manufactured, assembled, or fabricated in
 16 Nebraska and that are not described in subdivision (a) or (b) of
 17 this subsection.

18 Such payments need not be made directly from power
 19 purchase agreement revenue and may be made from other funds in
 20 advance of receiving power purchase agreement revenue; and

21 (5) Qualified owner means:

22 (a) A Nebraska resident;

23 (b) A limited liability company that is organized under
 24 the Limited Liability Company Act or the Nebraska Uniform Limited
 25 Liability Company Act and that is made up of members who are
 26 Nebraska residents;

27 (c) A Nebraska nonprofit corporation organized under the
 1 Nebraska Nonprofit Corporation Act;

2 (d) An electric supplier as defined in section
3 70-1001.01, except that ownership in a single C-BED project is
4 limited to no more than:

- 5 (i) Fifteen percent either directly or indirectly by a
6 single electric supplier; and
7 (ii) A combined total of twenty-five percent ownership
8 either directly or indirectly by multiple electric suppliers; ~~or~~
9 (e) A tribal council;:

10 (f) A domestic corporation organized in Nebraska under
11 the Business Corporation Act and domiciled in Nebraska; or

12 (g) A cooperative corporation organized under sections
13 21-1301 to 21-1306 and domiciled in Nebraska.

14 Sec. 2. Section 70-1904, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 70-1904 (1) A C-BED project developer and an electric
17 utility are authorized to negotiate in good faith mutually
18 agreeable power purchase agreement terms.

19 (2) A qualified owner or any combination of qualified
20 owners may develop a C-BED project with an equity partner that
21 is not a qualified owner, ~~if not more than sixty seven~~
22 ~~percent of the gross power purchase agreement payments flow to~~
23 ~~the nonqualified owners.~~

24 (3) Except for an inherited interest, the transfer of the
25 interest of a qualified owner in a C-BED project to any person
26 other than a ~~another~~ qualified owner or other qualified owners
27 is prohibited during the initial ten years of the power purchase
1 agreement.

2 (4) A C-BED project that is operating under a power
3 purchase agreement is not eligible for any applicable net energy
4 billing.

5 (5) A C-BED project shall be subject to approval by the
6 Nebraska Power Review Board in accordance with Chapter 70, article
7 10, or shall receive certification as a qualifying facility in
8 accordance with the federal Public Utility Regulatory Policies Act
9 of 1978, 16 U.S.C. 2601 et seq., with written notice of such
10 certification provided to the Nebraska Power Review Board.

11 (6) A C-BED project developer shall notify ~~the any~~
12 electric utility that has a power purchase agreement with ~~a the~~
13 C-BED project if there is a change in project ownership which makes
14 the project no longer eligible as a C-BED project.

15 Sec. 3. Section 70-1909, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 70-1909 An electric supplier as defined in section
18 70-1001.01 may agree to limit its exercise of the power of
19 eminent domain to acquire a C-BED project ~~which is a renewable~~
20 ~~energy generation facility producing electricity with wind~~ and any
21 related facilities if such electric supplier enters into a contract
22 to purchase output from such facility for a term of ten years or
23 more.

24 Sec. 4. Section 77-2704.57, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

26 77-2704.57 (1) Sales and use tax shall not be imposed
27 on the gross receipts from the sale, lease, or rental of personal
1 property for use in a C-BED project or community-based energy
2 development project. This exemption shall be conditioned upon
3 filing requirements for the exemption as imposed by the Tax
4 Commissioner. The requirements imposed by the Tax Commissioner
5 shall be related to ensuring that the property purchased qualifies
6 for the exemption. The Tax Commissioner may require the filing
7 of the documents showing compliance with section 70-1907, the
8 organization of the project, the distribution of the payments,
9 the power purchase agreements, the project pro forma, articles of
10 incorporation, operating agreements, and any amendments or changes
11 to these documents during the life of the power purchase agreement.

12 (2) The Tax Commissioner shall notify an electric utility
13 that has a power purchase agreement with a C-BED project if
14 there is a change in project ownership which makes the project no
15 longer eligible as a C-BED project. Purchase of a C-BED project
16 by an electric utility prior to the end of the power purchase
17 agreement disqualifies the C-BED project for the exemption, but the
18 Department of Revenue may not recover the amount of the sales and
19 use tax that was not paid by the project prior to the purchase.

20 (3) For purposes of this section, ~~the terms:~~(a) C-BED
21 project or community-based energy development project, (b) gross
22 power purchase agreement payments, (c) qualified owner, and (d)
23 payments to the local community have the definitions found in
24 section 70-1903. ~~means a new wind energy project that:~~

25 (i) ~~Has an ownership structure as follows:~~

26 (A) ~~For a C-BED project that consists of more than~~
27 ~~two turbines, has one or more qualified owners with no single~~
1 ~~individual qualified owner owning directly or indirectly more than~~
2 ~~fifteen percent of the project and with at least thirty three~~
3 ~~percent of the gross power purchase agreement payments flowing to~~
4 ~~the qualified owner or owners or local community; or~~

5 (B) ~~For a C-BED project that consists of one or~~
6 ~~two turbines, has one or more qualified owners with at least~~
7 ~~thirty three percent of the gross power purchase agreement payments~~
8 ~~flowing to a qualified owner or owners or local community; and~~

9 (ii) ~~Has a resolution of support adopted:~~

10 (A) ~~By the county board of each county in which the C-BED~~
11 ~~project is to be located; or~~

12 (B) ~~By the tribal council for a C-BED project located~~
13 ~~within the boundaries of an Indian reservation;~~

14 (b) ~~Debt financing payments means principal, interest,~~
15 ~~and other typical financing costs paid by the C-BED project company~~
16 ~~to one or more third party financial institutions for the financing~~
17 ~~or refinancing of the construction of the C-BED project. Debt~~
18 ~~financing payments does not include the repayment of principal at~~

- 19 the time of a refinancing;
- 20 (c) New wind energy project means any tangible
- 21 personal property incorporated into the manufacture, installation,
- 22 construction, repair, or replacement of a device, such as a wind
- 23 charger, windmill, or wind turbine, which is used to convert wind
- 24 energy to electrical energy or for the transmission of electricity
- 25 to the purchaser; and
- 26 (d) Qualified owner means:
- 27 (i) A Nebraska resident;
- 1 (ii) A limited liability company that is organized under
- 2 the Limited Liability Company Act or the Nebraska Uniform Limited
- 3 Liability Company Act and that is entirely made up of members who
- 4 are Nebraska residents;
- 5 (iii) A Nebraska nonprofit corporation organized under
- 6 the Nebraska Nonprofit Corporation Act;
- 7 (iv) An electric supplier as defined in section
- 8 70-1001.01, except that ownership in a single C-BED project is
- 9 limited to no more than:
- 10 (A) Fifteen percent either directly or indirectly by a
- 11 single electric supplier; and
- 12 (B) A combined total of twenty five percent ownership
- 13 either directly or indirectly by multiple electric suppliers; or
- 14 (v) A tribal council.
- 15 (4) Gross power purchase agreement payments are the
- 16 total amount of payments during the life of the agreement. For
- 17 power purchase agreements entered into on or before December 31,
- 18 2011, if the qualified owners have a combined total of at least
- 19 thirty three percent of the equity ownership in the C-BED project,
- 20 gross power purchase agreement payments shall be reduced by the
- 21 debt financing payments. For the purpose of determining eligibility
- 22 of the project, an estimate of the payments and their recipients
- 23 shall be used.
- 24 (5) Payments to the local community include, but are not
- 25 limited to, lease payments to property owners on whose property a
- 26 turbine is located, wind agreement payments, and real and personal
- 27 property tax receipts from the C-BED project.
- 1 ~~(6)-(4)~~ The Department of Revenue may examine the actual
- 2 payments and the distribution of the payments to determine if the
- 3 projected distributions were met. If the payment distributions to
- 4 qualified owners do not meet the requirements of this section, the
- 5 department may recover the amount of the sales or use tax that was
- 6 not paid by the project at any time up until the end of three years
- 7 after the end of the power purchase agreement.
- 8 ~~(7)-(5)~~ At any time prior to the end of the power
- 9 purchase agreements, the project may voluntarily surrender the
- 10 exemption granted by the Tax Commissioner and pay the amount of
- 11 sales and use tax that would otherwise have been due.
- 12 ~~(8)-(6)~~ The amount of the tax due under either subsection
- 13 ~~(4) or (5) (6) or (7)~~ of this section shall be increased by

14 interest at the rate specified in section 45-104.02, as such rate
 15 may from time to time be adjusted, from the date the tax would have
 16 been due if no exemption was granted until the date paid.

17 Sec. 5. Original sections 70-1904 and 70-1909, Reissue
 18 Revised Statutes of Nebraska, and sections 70-1903 and 77-2704.57,
 19 Revised Statutes Cumulative Supplement, 2012, are repealed.

LEGISLATIVE BILL 522. Placed on General File with amendment.
 AM709

1 1. Strike original section 1 and insert the following new
 2 section:
 3 Section 1. If the Department of Natural Resources issues
 4 closing notices prohibiting surface water appropriators from
 5 storing or diverting natural or instream flows for irrigation to
 6 comply with an interstate compact or decree, then the department
 7 shall provide reasonable compensation for affected water users
 8 through the affected irrigation districts. The irrigation districts
 9 shall use such compensation to reasonably compensate surface water
 10 users who have had to forgo the use of water. Funding for such
 11 compensation shall be provided through the General Fund.
 12 For purposes of this section, reasonable compensation
 13 means the equivalent to the current compensation for dry-year
 14 leases used by the natural resources district in which the
 15 irrigation district is located for the conversion of acres from
 16 irrigated acres to dry-land acres for a period of one year. Or,
 17 if the irrigation district is located in more than one natural
 18 resources district, the equivalent of the average of each such
 19 natural resources districts' compensation to dry-year leases used
 20 by each such natural resources district for the conversion of acres
 21 from irrigated acres to dry-land acres for a period of one year.

LEGISLATIVE RESOLUTION 40. Reported to the Legislature for
 further consideration.

(Signed) Tom Carlson, Chairperson

Judiciary

LEGISLATIVE BILL 543. Placed on General File.

LEGISLATIVE BILL 123. Indefinitely postponed.

LEGISLATIVE BILL 182. Indefinitely postponed.

LEGISLATIVE BILL 520. Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

Education

LEGISLATIVE BILL 357. Indefinitely postponed.

LEGISLATIVE BILL 599. Indefinitely postponed.

LEGISLATIVE BILL 604. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

COMMITTEE REPORT

Education

The Education 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.

Kim Dinsdale - Nebraska Educational Telecommunications Commission

Aye: 8 Avery, Cook, Davis, K. Haar, Kolowski, Scheer, Seiler, Sullivan.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kate Sullivan, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 359A. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 359, One Hundred Third Legislature, First Session, 2013.

LEGISLATIVE BILL 530A. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 530, One Hundred Third Legislature, First Session, 2013.

AMENDMENT - Print in Journal

Senator Watermeier filed the following amendment to LB589:
AM348

- 1 1. On page 3, strike beginning with "as" in line 21
- 2 through "precede" in line 22 and insert "prior to the".

MESSAGE FROM THE GOVERNOR

March 20, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018

Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 27, 31, 38, 70e, 88, 117, 165, 283, 337e, 398, 426, 484, 510, 616, and 628 were received in my office on March 14, 2013.

These bills were signed and delivered to the Secretary of State on March 20, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 115. Introduced by Davis, 43; Harms, 48; Schilz, 47.

WHEREAS, the city of Alliance, Nebraska, was incorporated on March 28, 1888, with the arrival of the Burlington and Missouri Railroad tracks; and

WHEREAS, the arrival of the Burlington and Missouri Railroad required the development of lots, and the community of Alliance grew to a population of 840 within two years after incorporation and to 2,200 within eight years after incorporation; and

WHEREAS, the Chicago, Burlington and Quincy Railroad established its home in Alliance with the building of the depot at the end of Box Butte Avenue, which became a focus of activity for the community; and

WHEREAS, the rural area of Alliance also developed with expanded homesteading through the Kinkaid Act, which was passed by the United States Congress creating a strong agricultural base for the community; and

WHEREAS, Alliance continued to be progressive with the establishment of the first paving district which bricked Box Butte Avenue and the downtown area. Alliance also became the first city in Nebraska to adopt the city manager form of government in 1921; and

WHEREAS, during the Great Depression in the early 1930s, Alliance created a beautiful parks system under the Work Projects Administration, which remains to this day a source of beauty and pride for the community; and

WHEREAS, with the advent of World War II, Alliance experienced explosive growth with the development of a new airport for an Army air base that is now the home of the Alliance Municipal Airport, which provides both commercial and private air service and will host the 2013 State Fly-in event on August 17, 2013; and

WHEREAS, industry began evolving in the early 1960s with the creation of an industrial park, which continues to be the home of many commercial businesses today; and

WHEREAS, in the 1970s four major railroads merged into the new Burlington Northern Railroad, and Alliance was designed as a divisional

headquarters for the new railroad, resulting in another period of rapid population growth, residential development, and "bedroom" industries; and

WHEREAS, Alliance became nationally known as the "Home of Carhenge" with the fanciful recreation of Stonehenge as a tourist attraction in the 1990s; and

WHEREAS, the Alliance Public School system constructed a state of the art Performing Arts Center in 2011 to promote the value of the arts in the community; and

WHEREAS, the community of Alliance is now undertaking the challenge of enhancing the quality and availability of health services to its citizens with a major expansion of Box Butte General Hospital; and

WHEREAS, the adopted community vision for Alliance is "Building the Best Hometown in America"; and

WHEREAS, the community of Alliance is celebrating 125 years of "Building the Best Hometown in America" in 2013.

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

1. That the Legislature congratulates the city of Alliance, Nebraska, on 125 years of progress.

2. That a copy of this resolution be sent to the mayor of Alliance, Fred Feldges, to the city manager of Alliance, J. D. Cox, and to the curator of the Knight Museum and Sandhills Center and chairperson of the 125th Anniversary Celebration of Alliance, Becci Thomas.

Laid over.

LEGISLATIVE RESOLUTION 116. Introduced by Campbell, 25.

WHEREAS, Ellie Walstad is a student at Lincoln Southeast High School and a member of the Lincoln Southeast High School swimming and diving team; and

WHEREAS, Ellie Walstad demonstrates good character and dedication to her sport, team, and academics; and

WHEREAS, Ellie Walstad swam a leg on the state champion team in the Girls 200 Yard Freestyle Relay at the 2013 Girls' State Swimming and Diving Championships; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Ellie Walstad on her exceptional personal achievements.

2. That a copy of this resolution be sent to Ellie Walstad and to Coach Ivy Johnson.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 613. Senator Chambers offered the following amendment, to the committee amendment:

FA35

Amend AM467

1. Page 2, line 27 strike "A" and insert "The"; page 3, line 1 strike "follow" and insert "comply with".
2. In line 1 beginning with "make" strike through "state" on line 4 and insert: "formulate recommendations designed to ensure ease of compliance for individuals and businesses and efficient administration by the state".

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Chambers amendment was adopted with 36 ayes, 3 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

FA36

Amend AM467

1. Page 2, line 21 beginning with "Any" strike through "competitiveness" in line 26 and insert: "Any modification of the tax system should be designed to ensure that such modification in no way impedes or restricts the state's ability to attract well paying jobs and investment while keeping and protecting existing jobs and businesses. The committee also shall review and analyze how the state compares to other states with reference to taxes imposed on businesses and identify ways to enhance business competitiveness".

SPEAKER ADAMS PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The Chambers amendment was adopted with 39 ayes, 2 nays, 7 present and not voting, and 1 excused and not voting.

Senator Schumacher offered the following motion:

MO28

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Chambers requested a record vote on the motion to invoke cloture.

Voting in the affirmative, 44:

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

Voting in the negative, 2:

Chambers Conrad

Present and not voting, 2:

Nelson Wallman

Excused and not voting, 1:

Janssen

The Schumacher motion to invoke cloture prevailed with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

Committee AM467, as amended, was adopted with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 47 ayes, 1 nay, and 1 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, and 97 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, and 97.

SELECT FILE

LEGISLATIVE BILL 295. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 434. Senator Price offered his amendment, AM672, found on page 758.

SENATOR COASH PRESIDING

Senator Price offered the following amendment to his amendment:

FA38

Amend AM672

1. Strike "cannot" in line 14 and replace with "shall not"
2. In line 18 after "who" add the word "intentionally"
3. Beginning on line 19, strike the word "the" through "individual" in line 22

The Price amendment was adopted with 34 ayes, 0 nays, and 15 present and not voting.

The Price amendment, AM672, as amended, was adopted with 39 ayes, 0 nays, and 10 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 363. ER22, found on page 533, was adopted.

Senator Avery offered his amendment, AM480, found on page 600.

SPEAKER ADAMS PRESIDING

The Avery amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Schumacher offered his amendment, AM579, found on page 744.

Senator Schumacher withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 363A. Advanced to Enrollment and Review for Engrossment.

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB402:
AM740

(Amendments to Standing Committee amendments, AM684)

- 1 1. On page 1, strike beginning with "landfill" in line 9
- 2 through "system" in line 11 and insert "or landfill gas".

Senator Krist filed the following amendment to LB613:
AM744

(Amendments to Standing Committee amendments, AM467)

1 1. Insert the following new sections:

2 Sec. 8. Section 18-1208, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 18-1208 (1) Except as otherwise provided in this section,
5 after July 19, 2012, a municipality may impose a new occupation
6 tax or increase the rate of an existing occupation tax, which
7 new occupation tax or increased rate of an existing occupation
8 tax is projected to generate annual occupation tax revenue in
9 excess of the applicable amount listed in subsection (2) of this
10 section, pursuant to section 14-109, 15-202, 15-203, 16-205, or
11 17-525 if the question of whether to impose the tax or increase
12 the rate of an existing occupation tax has been submitted at an
13 election held within the municipality and in which all registered
14 voters shall be entitled to vote on the question. The officials
15 of the municipality shall order the submission of the question by
16 submitting a certified copy of the resolution proposing the tax
17 or tax rate increase to the election commissioner or county clerk
18 at least fifty days before the election. The election shall be
19 conducted in accordance with the Election Act. If a majority of
20 the votes cast upon the question are in favor of the new tax or
21 increased rate of an existing occupation tax, then the governing
22 body of such municipality shall be empowered to impose the new tax
1 or to impose the increased tax rate. If a majority of those voting
2 on the question are opposed to the new tax or increased rate, then
3 the governing body of the municipality shall not impose the new tax
4 or increased rate but shall maintain any existing occupation tax at
5 its current rate.

6 (2) The applicable amount of annual revenue for each new
7 occupation tax or annual revenue raised by the increased rate for
8 an existing occupation tax for purposes of subsection (1) of this
9 section is:

10 (a) For cities of the metropolitan class, six million
11 dollars;

12 (b) For cities of the primary class, three million
13 dollars;

14 (c) For cities of the first class, seven hundred thousand
15 dollars; and

16 (d) For cities of the second class and villages, three
17 hundred thousand dollars.

18 (3) After July 19, 2012, a municipality shall not be
19 required to submit the following questions to the registered
20 voters:

21 (a) Whether to change the rate of an occupation tax
22 imposed for a specific project which does not provide for deposit
23 of the tax proceeds in the municipality's general fund; or

24 (b) Whether to terminate an occupation tax earlier than

25 the determinable termination date under the original question
 26 submitted to the registered voters.

27 This subsection applies to occupation taxes imposed prior
 1 to, on, or after July 19, 2012.

2 (4) The authority granted in this section and sections
 3 14-109, 15-202, 15-203, 16-205, and 17-525 to impose a new
 4 occupation tax or increase the rate of an existing occupation
 5 tax is suspended beginning on the effective date of this act
 6 through July 15, 2014. An occupation tax which was adopted by
 7 a governing body of a municipality and which is required to be
 8 approved by the registered voters but which has not been approved
 9 by the registered voters prior to the effective date of this act
 10 is null and void. Any occupation tax imposed by a governing body
 11 and approved by the registered voters, if required, prior to the
 12 effective date of this act shall continue to be imposed.

13 ~~(4)-(5)~~ The provisions of this section do not apply to an
 14 occupation tax subject to section 86-704.

15 Sec. 9. Section 77-27,142, Revised Statutes Cumulative
 16 Supplement, 2012, is amended to read:

17 ~~77-27,142 (1) Any (1)(a)~~ Except as provided in
 18 subdivision (1)(b) of this section, any incorporated municipality
 19 by ordinance of its governing body is hereby authorized to impose
 20 a sales and use tax of one-half percent, one percent, one and
 21 one-half percent, one and three-quarters percent, or two percent
 22 upon the same transactions that are sourced under the provisions
 23 of sections 77-2703.01 to 77-2703.04 within such incorporated
 24 municipality on which the State of Nebraska is authorized to impose
 25 a tax pursuant to the Nebraska Revenue Act of 1967, as amended
 26 from time to time. No sales and use tax shall be imposed pursuant
 27 to this section until an election has been held and a majority of
 1 the qualified electors have approved such tax pursuant to sections
 2 77-27,142.01 and 77-27,142.02.

3 (b) The authority granted in this subsection to adopt an
 4 ordinance imposing a sales and use tax of one and three-quarters
 5 percent or two percent is suspended beginning on the effective date
 6 of this act through July 15, 2014. Any such ordinance which was
 7 adopted by a governing body but not approved by the electors prior
 8 to the effective date of this act is null and void. Any such tax
 9 adopted by a governing body and approved by the electors prior to
 10 the effective date of this act shall continue to be imposed.

11 (2)(a) Any incorporated municipality that proposes to
 12 impose a municipal sales and use tax at a rate greater than one
 13 and one-half percent or increase a municipal sales and use tax
 14 to a rate greater than one and one-half percent shall submit the
 15 question of such tax or increase at a primary or general election
 16 held within the incorporated municipality. The question shall be
 17 submitted upon an affirmative vote by at least seventy percent
 18 of all of the members of the governing body of the incorporated
 19 municipality.

20 (b) Any rate greater than one and one-half percent shall
21 be used as follows:

22 (i) In a city of the metropolitan class, the proceeds
23 from the first one-quarter percent of the rate greater than one and
24 one-half percent shall be used to reduce other taxes, the proceeds
25 from the next one-eighth percent of the rate greater than one and
26 one-half percent shall be used for public infrastructure projects,
27 and the proceeds from the next one-eighth percent of the rate
1 greater than one and one-half percent shall be used for purposes of
2 the interlocal agreement or joint public agency agreement described
3 in subsection (3) of this section;

4 (ii) In a city of the primary class, up to fifteen
5 percent of the proceeds from the rate in excess of one and one-half
6 percent may be used for non-public infrastructure projects of
7 an interlocal agreement or joint public agency agreement with
8 another political subdivision within the municipality or the
9 county in which the municipality is located, and the remaining
10 proceeds shall be used for public infrastructure projects or
11 voter-approved infrastructure related to an economic development
12 program as defined in section 18-2705; and

13 (iii) In any incorporated municipality other than a city
14 of the metropolitan or primary class, the proceeds from the rate
15 in excess of one and one-half percent shall be used for public
16 infrastructure projects or voter-approved infrastructure related to
17 an economic development program as defined in section 18-2705.

18 For purposes of this section, public infrastructure
19 project means and includes, but is not limited to, any of the
20 following projects, or any combination thereof: Public highways and
21 bridges and municipal roads, streets, bridges, and sidewalks; solid
22 waste management facilities; wastewater, storm water, and water
23 treatment works and systems, water distribution facilities, and
24 water resources projects, including, but not limited to, pumping
25 stations, transmission lines, and mains and their appurtenances;
26 hazardous waste disposal systems; resource recovery systems;
27 airports; port facilities; buildings and capital equipment used
1 in the operation of municipal government; convention and tourism
2 facilities; redevelopment projects as defined in section 18-2103;
3 mass transit and other transportation systems, including parking
4 facilities; and equipment necessary for the provision of municipal
5 services.

6 (c) Any rate greater than one and one-half percent shall
7 terminate no more than ten years after its effective date or, if
8 bonds are issued and the local option sales and use tax revenue is
9 pledged for payment of such bonds, upon payment of such bonds and
10 any refunding bonds, whichever date is later, except as provided in
11 subdivision (2)(d) of this section.

12 (d) If a portion of the rate greater than one and
13 one-half percent is stated in the ballot question as being imposed
14 for the purpose of the interlocal agreement or joint public agency

15 agreement described in subdivision (2)(b)(ii) or subsection (3) of
16 this section, and such portion is at least one-eighth percent,
17 there shall be no termination date for the rate representing such
18 portion rounded to the next higher one-quarter or one-half percent.

19 (e) Sections 13-518 to 13-522 apply to the revenue from
20 any such tax or increase.

21 (3)(a) No municipal sales and use tax shall be imposed
22 at a rate greater than one and one-half percent or increased to a
23 rate greater than one and one-half percent unless the municipality
24 is a party to an interlocal agreement pursuant to the Interlocal
25 Cooperation Act or a joint public agency agreement pursuant to the
26 Joint Public Agency Act with a political subdivision within the
27 municipality or the county in which the municipality is located
1 creating a separate legal or administrative entity relating to a
2 public infrastructure project.

3 (b) Except as provided in subdivision (2)(b)(ii)
4 of this section, such interlocal agreement or joint public
5 agency agreement shall contain provisions, including benchmarks,
6 relating to the long-term development of unified governance
7 of public infrastructure projects with respect to the parties.
8 The Legislature may provide additional requirements for such
9 agreements, including benchmarks, but such additional requirements
10 shall not apply to any debt outstanding at the time the
11 Legislature enacts such additional requirements. The separate legal
12 or administrative entity created shall not be one that was in
13 existence for one calendar year preceding the submission of the
14 question of such tax or increase at a primary or general election
15 held within the incorporated municipality.

16 (c) Any other public agency as defined in section 13-803
17 may be a party to such interlocal cooperation agreement or joint
18 public agency agreement.

19 (d) A municipality is not required to use all of the
20 additional revenue generated by a sales and use tax imposed at a
21 rate greater than one and one-half percent or increased to a rate
22 greater than one and one-half percent under this subsection for the
23 purposes of the interlocal cooperation agreement or joint public
24 agency agreement set forth in this subsection.

25 (4) The provisions of subsections (2) and (3) of this
26 section do not apply to the first one and one-half percent of a
27 sales and use tax imposed by a municipality.

1 (5) Notwithstanding any provision of any municipal
2 charter, any incorporated municipality or interlocal agency or
3 joint public agency pursuant to an agreement as provided in
4 subsection (3) of this section may issue bonds in one or more
5 series for any municipal purpose and pay the principal of
6 and interest on any such bonds by pledging receipts from the
7 increase in the municipal sales and use taxes authorized by such
8 municipality. Any municipality which has or may issue bonds under
9 this section may dedicate a portion of its property tax levy

10 authority as provided in section 77-3442 to meet debt service
11 obligations under the bonds. For purposes of this subsection, bond
12 means any evidence of indebtedness, including, but not limited to,
13 bonds, notes including notes issued pending long-term financing
14 arrangements, warrants, debentures, obligations under a loan
15 agreement or a lease-purchase agreement, or any similar instrument
16 or obligation.

17 Sec. 10. Section 77-27,142.01, Revised Statutes
18 Cumulative Supplement, 2012, is amended to read:

19 77-27,142.01 (1) The (1)(a) Except as provided in
20 subdivision (1)(b) of this section, the governing body of any
21 incorporated municipality may submit the question of changing any
22 terms and conditions of a sales and use tax previously authorized
23 under section 77-27,142. Except as otherwise provided by section
24 77-27,142, the question of modification shall be submitted to the
25 voters at any primary or general election or at a special election
26 if the governing body submits a certified copy of the resolution
27 proposing modification to the election commissioner or county clerk
1 within the time prior to the primary, general, or special election
2 prescribed in section 77-27,142.02.

3 (b) The authority granted in this subsection to change a
4 sales and use tax to a rate of one and three-quarters percent or
5 two percent is suspended beginning on the effective date of this
6 act through July 15, 2014. Any such change which was adopted by
7 a governing body but not approved by the electors prior to the
8 effective date of this act is null and void. Any such tax adopted
9 by a governing body and approved by the electors prior to the
10 effective date of this act shall continue to be imposed.

11 (2) If the change imposes a sales and use tax at a
12 rate greater than one and one-half percent or increases the sales
13 and use tax to a rate greater than one and one-half percent, the
14 question shall include, but not be limited to:

15 (a) The percentage increase of one-quarter percent or
16 one-half percent in the sales and use tax rate;

17 (b) A list of reductions or elimination of other taxes or
18 fees, if any;

19 (c) A description of the projects to be funded, in whole
20 or in part, from the revenue collected, along with any savings or
21 efficiencies resulting from the projects;

22 (d) The year or years within which the revenue will be
23 collected and, if bonds will be issued with some or all of the
24 revenue pledged for payment of such bonds, a statement that the
25 revenue will be collected until the payment in full of such bonds
26 and any refunding bonds; and

27 (e)(i) The percentage of revenue collected to be used for
1 the purposes of the interlocal agreement or joint public agency
2 agreement as provided in subdivision (2)(b)(ii) or subsection (3)
3 of section 77-27,142; (ii) a statement of the overall purpose
4 of the agreement which is the long-term development of unified

- 5 governance of public infrastructure projects, if applicable; and
 6 (iii) the name of any other political subdivision which is a party
 7 to the agreement.
 8 This subsection does not apply to the first one and
 9 one-half percent of a sales and use tax imposed by a municipality.
 10 Sec. 11. Original section 18-1208, Reissue Revised
 11 Statutes of Nebraska, and sections 77-27,142 and 77-27,142.01,
 12 Revised Statutes Cumulative Supplement, 2012, are repealed.
 13 2. Renumber the remaining section accordingly.

Senator Chambers filed the following amendment to LB613:

FA37

Amend AM467

1. Page 3, line 11 beginning with "provides" strike through "needs" on line 13 and insert: "generates sufficient revenue to fund essential state services and to meet spending needs".

Senator Carlson filed the following amendment to LB634:

AM738

(Amendments to Standing Committee amendments, AM298)

- 1 1. Strike amendments 1 and 2 and insert the following new
 2 amendments:
 3 1. Insert the following new section:
 4 Sec. 4. Since an emergency exists, this act takes effect
 5 when passed and approved according to law.
 6 2. On page 2, strike beginning with "(4)" in line 24
 7 through line 25.

Senator Krist filed the following amendment to LB620:

AM616

- 1 1. Insert the following new sections:
 2 Sec. 3. Section 85-122, Revised Statutes Cumulative
 3 Supplement, 2012, is amended to read:
 4 85-122 The several funds for the support of the
 5 university shall be constituted and designated as follows: (1) The
 6 Permanent Endowment Fund; (2) the Temporary University Fund; (3)
 7 the University Cash Fund; (4) the United States Morrill Fund; (5)
 8 the United States Experiment Station Fund; (6) the University Trust
 9 Fund; (7) the United States Agricultural Extension Fund; (8) the
 10 Veterinary School Fund; (9) the University of Nebraska at Omaha
 11 Cash Fund; (10) the University of Nebraska at Omaha Trust Fund;
 12 (11) the University of Nebraska at Kearney Cash Fund; (12) the
 13 University of Nebraska at Kearney Trust Fund; (13) the Agricultural
 14 Field Laboratory Fund; (14) the Animal Research and Diagnosis
 15 Revolving Fund; (15) the University Facility Improvement Fund;
 16 (16) the University of Nebraska Eppley Science Hall Construction
 17 Fund; ~~and~~ (17) the University Facilities Fund; and (18) the Group
 18 Health Trust Fund. No portion of the funds designated above derived
 19 from taxation shall be disbursed for mileage or other traveling

20 expenses except as authorized by sections 81-1174 to 81-1177. No
21 expenditures shall be made for or on behalf of the School of
22 Veterinary Medicine and Surgery except from money appropriated to
23 the Veterinary School Fund. Any money in the funds designated in
1 this section available for investment shall be invested by the
2 state investment officer pursuant to the Nebraska Capital Expansion
3 Act and the Nebraska State Funds Investment Act except as provided
4 in sections 85-125, 85-192, and 85-1,123.

5 Sec. 4. The Group Health Trust Fund is created and shall
6 initially consist of all of the funds held on the effective date of
7 this act by Wells Fargo Bank in the University of Nebraska Group
8 Health Trust Fund pursuant to a trust dated July 1, 1997. The Board
9 of Regents of the University of Nebraska shall transfer such funds
10 to the fund on the effective date of this act. The fund shall be
11 used only to provide health benefits to employees of the University
12 of Nebraska, including reasonable administrative costs related to
13 the provision of such benefits. All funds withheld from the pay
14 of University of Nebraska employees for health benefits, and all
15 contributions made by the University of Nebraska, from whatever
16 source, which the university chooses to contribute to provide
17 health benefits for university employees, shall be placed in the
18 fund. Any money in the fund available for investment shall be
19 invested by the state investment officer pursuant to the Nebraska
20 Capital Expansion Act and the Nebraska State Funds Investment Act.

21 Sec. 5. Section 85-128, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 85-128 The State Treasurer shall be the custodian of all
24 the funds of the university, including the Group Health Trust Fund.
25 Disbursements from the funds named in sections 85-124 to 85-127
26 and section 4 of this act shall be made in accordance with the
27 provisions of law relating to the disbursement of university funds
1 in the hands of the State Treasurer as provided by law.

2 Sec. 6. Section 85-129, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 85-129 The State Treasurer shall be the treasurer of the
5 state university and the custodian of all funds donated to the
6 university or to the Agricultural Research Division by the United
7 States, including the Morrill, Hatch, and Adams funds, all other
8 donations, gifts, and bequests, income from land and productive
9 funds, fees paid by students, the Group Health Trust Fund, and all
10 funds for the use of the university derived from any source, except
11 (1) funds created by taxation and paid into the state treasury as
12 taxes and (2) the University Trust Fund which shall be held and
13 managed in the manner provided by section 85-123.01.

14 Sec. 7. Original sections 85-128 and 85-129, Reissue
15 Revised Statutes of Nebraska, and section 85-122, Revised Statutes
16 Cumulative Supplement, 2012, are repealed.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 517A. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 517, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducer

Senator Conrad asked unanimous consent to add her name as cointroducer to LB543. No objections. So ordered.

VISITORS

Visitors to the Chamber were Ms. Kristinne Grigoryan, Legal Advisor to the Speaker of the National Assembly of Armenia, Mr. Artem Mkrtchyan, U.S. State Department Interpreter, Lisa Lee, Lincoln Council for International Visitors; Senator Harms' wife, Patricia, from Scottsbluff, and friend, Phyllis Busch, from Lincoln; Robin Stevens from Schuyler; Senator Carlson's wife, Margo, from Holdrege, Dennis Gustafson, Pat Bakke, and Darla Bergman from Holdrege; 33 fifth-grade students, teachers, and sponsors from Christ the King School, Omaha; Senator Watermeier's daughter, Kaitlyn, from Syracuse, and Domaniac Richardson, from Syracuse; Senator Bloomfield's wife, Dee, from Hoskins, his daughter, Christina Spethman, from Wayne, and his granddaughter, Shailynn Mundil, from Winside; and 100 fourth-grade students and teachers from Fire Ridge Elementary, Elkhorn.

ADJOURNMENT

At 12:05 p.m., on a motion by Senator Scheer, the Legislature adjourned until 9:00 a.m., Thursday, March 21, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 21, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 21, 2013

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

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

The roll was called and all members were present except Senator Hadley who was excused; and Senators Lautenbaugh and Price who were excused until they arrive.

SENATOR KRIST PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 595. Placed on General File with amendment.
AM695

- 1 1. Insert the following new section:
- 2 Sec. 8. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 2, line 23, after "911" insert "and to
- 5 contract with an independent third party to assist with the study".
- 6 3. On page 3, strike beginning with "commission" in line
- 7 2 through "not" in line 3 and insert "study shall include, but not
- 8 be"; and strike beginning with "Upon" in line 24 through "a" in
- 9 line 25 and insert "The independent third party shall submit an
- 10 initial report to the commission not later than January 31, 2014.
- 11 The independent third party shall complete the study and submit a
- 12 final report to the commission not later than April 1, 2014. The
- 13 commission shall submit the final".

14 4. On page 4, after line 1, insert the following new
15 subsections:

16 "(3) The initial report of the independent third party
17 shall include:

18 (a) An assessment of the statewide 911 network existing
19 on the effective date of this act, including, but not limited
20 to, the statutory and regulatory framework, the management and
21 sources of funding available to support 911 services, the broadband
22 and telephone infrastructure, and the equipment and software used
23 by the state, public safety answering points, and geographic
1 information systems;

2 (b) Examination of any efforts, projects, or initiatives
3 in progress or planned related to implementation of next-generation
4 911 in Nebraska and other states;

5 (c) Identification of the federal, state, and local
6 authorities, agencies, and governing bodies whose participation
7 and cooperation will be necessary for the implementation of
8 next-generation 911 in Nebraska; and

9 (d) Any other issues deemed necessary by the commission.

10 (4) The final report of the independent third party shall
11 include:

12 (a) The initial report of the independent third party as
13 outlined in subsection (3) of this section;

14 (b) Recommendations providing a variety of options for
15 the planning, development, phased-in implementation, and management
16 of next-generation 911 and the deployment, interconnection, and
17 management of emergency services Internet protocol networks,
18 including, but not limited to, necessary technological upgrades,
19 the timeline and cost of such phases of implementation, and
20 organizational structures with authority to oversee the recommended
21 options;

22 (c) Identification of any changes to the master street
23 address guide required for next-generation 911 and how geocoding
24 would integrate in the routing of next-generation 911;

25 (d) Identification of any equipment changes that would
26 be needed by public service answering points, including
27 customer-premise equipment, recording capabilities, and
1 computer-aided dispatching;

2 (e) An estimated cost of the necessary components for
3 planning, implementation, and management of next-generation 911 and
4 recommended sources of funding; and

5 (f) Any other necessary issues related to the planning,
6 implementation, and management of next-generation 911."

7 5. On page 6, strike beginning with the second "to" in
8 line 4 through "staff" in line 5 and insert "related to contracting
9 with an independent third party".

(Signed) Annette Dubas, Chairperson

Judiciary

LEGISLATIVE BILL 298. Placed on General File with amendment.
AM510

- 1 1. On page 20, line 17, strike "Naphthylpyrovalerone,"
- 2 show as stricken, and insert "Naphthylpyrovalerone."

(Signed) Brad Ashford, Chairperson

COMMITTEE REPORT

Transportation and Telecommunications

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.

Donna Hammack - Nebraska Information Technology Commission
Brad Moline - Nebraska Information Technology Commission

Aye: 7 Brasch, Dubas, Hadley, McCoy, Price, Smith, Watermeier. Nay: 0.
Absent: 1 Janssen. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

AMENDMENT - Print in Journal

Senator Dubas filed the following amendment to LB530:
AM739

(Amendments to E & R amendments, ER30)

- 1 1. On page 1, after line 9 insert the following new
- 2 subsection:
- 3 "(2) The Legislature further finds that Nebraska's foster
- 4 care system has begun to stabilize. In recognition of the essential
- 5 contributions of foster parents and foster care providers to
- 6 foster children in Nebraska, it is the intent of the Legislature
- 7 to continue existing contractual arrangements for payment to
- 8 ensure the continued stabilization of the foster care system
- 9 in Nebraska."; in line 10 strike "(2)" and insert "(3)"; in
- 10 line 18 strike "department" and insert "Department of Health
- 11 and Human Services"; and in line 21 strike "quality" and insert
- 12 "high-quality".
- 13 2. On page 3, strike beginning with the first "to"
- 14 in line 10 through "families" in line 16; in line 16 strike
- 15 "committee" and insert "Foster Care Reimbursement Rate Committee";
- 16 in line 17 strike "for the same purpose"; and in line 18 strike
- 17 "members of the".
- 18 3. On page 4, line 17, after "shall" insert "gather
- 19 and"; strike beginning with the first "and" in line 19 through

20 "commission" in line 20; in line 26 after the period insert "If the
 21 Nebraska Children's Commission has terminated, such appointments
 22 shall be made and vacancies filled by the Governor with the
 1 approval of a majority of the Legislature."; and in line 27 after
 2 "Committee" insert "appointed pursuant to section 3 of this act".
 3 4. On page 5, line 9, strike "current" and insert
 4 "then-current".
 5 5. On page 6, line 17, strike "written" and insert
 6 "electronic".
 7 6. On page 7, strike beginning with "Legislative" in line
 8 24 through the last comma in line 25, show as stricken, and insert
 9 "section 68-1212".

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>

GENERAL FILE

LEGISLATIVE BILL 203. Title read. Considered.

Committee AM334, found on page 514, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 464. Title read. Considered.

SENATOR GLOOR PRESIDING

Committee AM615, found on page 685, was offered.

SENATOR COASH PRESIDING

The committee amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator McGill's birthday.

COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 240. Placed on General File.

LEGISLATIVE BILL 260. Placed on General File.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 433. Placed on General File.

LEGISLATIVE BILL 224. Placed on General File with amendment.
AM711

- 1 1. On page 2, line 12, after "bidder" insert "if all
- 2 other factors are equal".
- 3 2. On page 3, line 1, after "individual" insert "(i)";
- 4 and in line 9 after "Defense" insert "and (ii) who owns and
- 5 controls a business (A) not less than fifty-one percent of which
- 6 is owned by one or more individuals described in subdivision (i)
- 7 of this subdivision or, in the case of a publicly owned business,
- 8 not less than fifty-one percent of the stock of which is owned
- 9 by one or more individuals described in subdivision (i) of this
- 10 subdivision and (B) the management and daily business operations
- 11 of which are controlled by one or more individuals described in
- 12 subdivision (i) of this subdivision".

(Signed) Bill Avery, Chairperson

Revenue

LEGISLATIVE BILL 574. Placed on General File with amendment.
AM446

- 1 1. Strike original sections 1, 2, 6, and 52.
- 2 2. Renumber the remaining sections and correct the
- 3 repealer accordingly.

(Signed) Galen Hadley, Chairperson

COMMITTEE REPORTS
Health and Human Services

The Health and Human Services 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.

Brian Buhlke - Nebraska Rural Health Advisory Commission
Mary Kent - Nebraska Rural Health Advisory Commission
Rebecca Schroeder - Nebraska Rural Health Advisory Commission

Avery Sides - Nebraska Rural Health Advisory Commission
 Michael Sitorius - Nebraska Rural Health Advisory Commission
 Roger Wells - Nebraska Rural Health Advisory Commission

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.
 Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

Ann Fiala - Board of Emergency Medical Services

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARING
 Natural Resources

Room 1525

Thursday, April 4, 2013 12:45 p.m.

Henry Rick Brandt - Nebraska Environmental Trust Board
 Gerry Lauritzen - Nebraska Environmental Trust Board
 Sherry Vinton - Nebraska Environmental Trust Board

(Signed) Tom Carlson, Chairperson

EXECUTIVE BOARD REPORT

Senator Wightman, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committee:

Children's Behavioral Health Oversight Committee

Members from Appropriations Committee:

Nordquist Bolz

Members from Health and Human Services Committee:

Campbell Crawford

Members from Judiciary Committee:

Coash McGill

Members from other than the above committees:

Avery Dubas Pirsch

(Signed) John Wightman, Chairperson
 Legislative Council, Executive Board

GENERAL FILE

LEGISLATIVE BILL 634. Title read. Considered.

Committee AM298, found on page 619, was offered.

Senator Carlson offered his amendment, AM738, found on page 800, to the committee amendment.

Pending.

SELECT FILE

LEGISLATIVE BILL 94. ER23, found on page 555, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 340. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 499. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 262. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 133. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 316. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 6. ER24, found on page 651, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 170. ER26, found on page 656, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 105. ER28, found on page 718, was adopted.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 393. Placed on General File with amendment.
AM640

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

3 Section 1. Section 60-6,279, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 60-6,279 A-(1) A person shall not operate a motorcycle or
6 moped on any highway in this state unless such person is wearing
7 eye protection.

8 (2) Except as otherwise provided in subsection (3) of
9 this section, a person shall not operate or be a passenger on a
10 motorcycle or moped on any highway in this state unless such person
11 is wearing a protective helmet of the type and design manufactured
12 for use by operators of such vehicles and unless such helmet is
13 secured properly on his or her head with a chin strap while the
14 vehicle is in motion. All such protective helmets shall be designed
15 to reduce injuries to the user resulting from head impacts and
16 shall be designed to protect the user by remaining on the user's
17 head, deflecting blows, resisting penetration, and spreading the
18 force of impact. Each such helmet shall consist of lining, padding,
19 and chin strap and shall meet or exceed the standards established
20 in the United States Department of Transportation's Federal Motor
21 Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
22 helmets.

23 (3) A person who is at least twenty-one years of age is
1 exempt from subsection (2) of this section.

2 (4) For purposes of this section, eye protection means
3 glasses that cover the orbital region of a person's face, a
4 protective face shield attached to a protective helmet, goggles,
5 or a windshield on the motorcycle or moped that protects the
6 operator's and passenger's horizontal line of vision in all
7 operating positions.

8 Sec. 2. Section 60-6,307, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-6,307 (1) Any person who operates a motorcycle shall
11 ride only upon a permanent and regular seat attached to the
12 motorcycle. A person operating a motorcycle shall not carry any
13 other person nor shall any other person ride on a motorcycle unless
14 such motorcycle is designed to carry more than one person, in which
15 event a passenger may ride upon the permanent and regular seat, if
16 designed for two persons, or upon another seat firmly attached to
17 the motorcycle to the rear or side of the operator. No person shall
18 operate a motorcycle on a highway in this state with a passenger
19 who is less than forty-eight inches tall unless the passenger is
20 sixteen years of age or older.

21 (2) A person shall ride upon a motorcycle only while

22 sitting astride the seat, facing forward.

23 (3) No person shall operate a motorcycle while carrying
24 any package, bundle, or other article which prevents him or her
25 from keeping both hands on the handlebars.

26 (4) No operator shall carry any person, nor shall any
27 person ride, in a position that interferes with the operation or
1 control of the motorcycle or the view of the operator.

2 (5) Any motorcycle which carries a passenger, other than
3 in a sidecar or enclosed cab, shall be equipped with footrests for
4 such passenger.

5 (6) No person shall operate any motorcycle with
6 handlebars more than fifteen inches above the mounting point of the
7 handlebars.

8 Sec. 3. Original sections 60-6,279 and 60-6,307, Reissue
9 Revised Statutes of Nebraska, are repealed.

(Signed) Annette Dubas, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 117. Introduced by Gloor, 35.

WHEREAS, the Grand Island Senior High School wrestling team won the 2013 Class A State Wrestling Championship, the Islanders' fifth straight team championship; and

WHEREAS, the Grand Island Senior High School wrestling team scored 180 points to win the state championship; and

WHEREAS, the Grand Island Senior High School wrestling team had eight individual medalists, including three individual state champions; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Grand Island Senior High School wrestling team on winning the 2013 Class A State Wrestling Championship.

2. That a copy of this resolution be sent to the Grand Island Senior High School wrestling team and Coach Mike Schadwinkel.

Laid over.

AMENDMENTS - Print in Journal

Senator McCoy filed the following amendment to LB528:
AM764

(Amendments to Standing Committee amendments, AM605)

- 1 1. On page 1, line 14, after the period insert "The
- 2 physician, physician assistant, nurse practitioner, or certified
- 3 nurse midwife shall at the same time provide written information

4 about chlamydia and gonorrhea to the patient for the patient to
 5 provide to the partner or partners.".

Senator McCoy filed the following amendment to LB528:
 AM765

(Amendments to Standing Committee amendments, AM605)

1 1. On page 1, line 6, strike "or gonorrhea".

Senator Kintner filed the following amendment to LB528:
 AM767

(Amendments to Standing Committee amendments, AM605)

1 1. Insert the following new section:
 2 Sec. 4. Section 71-504, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 71-504 The chief medical officer as designated in section
 5 81-3115, or local director of health, if a physician, or his or
 6 her agent, or any physician, upon consultation by any person as
 7 a patient, shall, with the consent of such person who is hereby
 8 granted the right of giving such consent, make or cause to be
 9 made a diagnostic examination for sexually transmitted diseases
 10 and prescribe for and treat such person for sexually transmitted
 11 diseases including prophylactic treatment for exposure to sexually
 12 transmitted diseases whenever such person is suspected of having
 13 a sexually transmitted disease or contact with anyone having a
 14 sexually transmitted disease. ~~All~~ Except as provided in section 1
 15 of this act, all such examinations and treatment may be performed
 16 without the consent of or notification to the parent, parents,
 17 guardian, or any other person having custody of such person. In
 18 any such case, the chief medical officer, or local director of
 19 health, if a physician, or his or her agent, or the physician
 20 shall incur no civil or criminal liability by reason of having made
 21 such diagnostic examination or rendered such treatment, but such
 22 immunity shall not apply to any negligent acts or omissions. The
 1 chief medical officer or local director of health, if a physician,
 2 or his or her agent, or the physician shall incur no civil or
 3 criminal liability by reason of any adverse reaction to medication
 4 administered if reasonable care is taken to elicit from any such
 5 person who is under twenty years of age any history of sensitivity
 6 or previous adverse reaction to medication. Parents shall be liable
 7 for expenses of such treatment to minors under their custody.
 8 In the event such person is affected with a sexually transmitted
 9 disease, the chief medical officer or local director of health
 10 may cause an interview of the person by a sexually transmitted
 11 disease investigator to secure the names of sexual contacts so that
 12 appropriate investigation can be made in an effort to locate and
 13 eliminate sources of infection.
 14 2. On page 2, line 2, after the period insert "The
 15 physician, physician assistant, nurse practitioner, or certified
 16 nurse midwife shall ask the age of the patient and any sexual

17 partners of the patient. If either the patient or the sexual
18 partner is under eighteen years of age, the physician, physician
19 assistant, nurse practitioner, or certified nurse midwife shall
20 notify the parent or guardian of such patient or partner that a
21 prescription antibiotic has been provided to the patient or partner
22 pursuant to this section.".
23 3. Renumber the remaining section and amend the repealer
24 accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Bolz asked unanimous consent to add her name as cointroducer to LB507. No objections. So ordered.

VISITORS

Visitors to the Chamber were 36 fourth-grade students, teachers, and sponsors from Lincoln Christian School; Sherman and Cynthia Berg, from Blair; 115 fourth-grade students and teachers from Crete Public School; Senator K. Haar's cousin, Kathy Carpenter, from Baltimore, MD and Joel Beckwith, from Baltimore, MD.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Lathrop, the Legislature adjourned until 10:00 a.m., Monday, March 25, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 25, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 25, 2013

PRAYER

The prayer was offered by Senator Brasch.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Christensen, Dubas, and Hadley who were excused; and Senators Chambers, Karpisek, Lathrop, and McCoy who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 613. Placed on Select File with amendment.
ER31

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. The Legislature finds that the economy is
- 4 continually changing, requiring the need to continually review and
- 5 update the state tax laws. Furthermore, the Legislature finds that
- 6 state, county, and other local tax policies are interdependent
- 7 and that there are consequences that need to be studied when
- 8 adjustments are made to the state tax laws. The Tax Modernization
- 9 Committee's purpose is to review and study the state's tax laws,
- 10 including, but not limited to, sales and use taxes, income taxes,
- 11 property taxes, and other miscellaneous taxes and credits.
- 12 Sec. 2. The Tax Modernization Committee is created as
- 13 a special legislative committee. The committee shall comprise the
- 14 following individuals:

15 (1) The members of the Revenue Committee of the
16 Legislature;

17 (2) The chairperson of the Appropriations Committee of
18 the Legislature;

19 (3) The chairperson of the Health and Human Services
20 Committee of the Legislature;

21 (4) The chairperson of the Education Committee of the
22 Legislature;

23 (5) The chairperson of the Agriculture Committee of the
1 Legislature; and

2 (6) The chairperson of the Legislature's Planning
3 Committee.

4 Sec. 3. The chairperson of the Revenue Committee of the
5 Legislature shall serve as the chairperson of the Tax Modernization
6 Committee. The committee shall meet as often as necessary to
7 accomplish the objectives established in sections 1 to 7 of this
8 act. At least one meeting shall be held concurrently with a
9 meeting of the Legislative Council called by the chairperson of the
10 Executive Board of the Legislative Council for such purpose.

11 Sec. 4. The Tax Modernization Committee shall consider,
12 but not be limited to, the following six elements for successful
13 tax modernization:

14 (1) Fairness. In order to formulate an equitable system
15 of taxation, the committee shall review and analyze the tax burden
16 created by sales and use taxes, income taxes, property taxes,
17 and other miscellaneous taxes imposed on families, businesses, and
18 sectors of industry within the state;

19 (2) Competitiveness. Any modification of the tax system
20 should be designed to ensure that such modification in no way
21 impedes or restricts the state's ability to attract well paying
22 jobs and investment while keeping and protecting existing jobs and
23 businesses. The committee also shall review and analyze how the
24 state compares to other states with reference to taxes imposed on
25 businesses and identify ways to enhance business competitiveness;

26 (3) Simplicity and compliance. The tax system should
27 be easy to understand and comply with. The committee shall
1 formulate recommendations designed to ensure ease of compliance
2 for individuals and businesses and efficient administration by the
3 state;

4 (4) Stability. A stable tax system has revenue that is
5 relatively reliable over time and not subject to unpredictable
6 fluctuations. The committee shall not only address the stability
7 of Nebraska's current tax system but shall also ensure that any
8 recommended changes will maintain or improve stability;

9 (5) Adequacy. The tax modernization process should create
10 a tax system that provides adequate revenue to fund critical state
11 services. The tax structure should allow revenue to keep pace with
12 spending needs; and

13 (6) Complementary tax systems. Updating of the tax system
 14 should address the interrelationships of tax systems within the
 15 state revenue system as a whole.

16 Sec. 5. The Legislature finds that community discourse
 17 and involvement is essential to the success of the Tax
 18 Modernization Committee. The committee shall engage the public in
 19 a variety of ways.

20 Sec. 6. The Tax Modernization Committee shall examine
 21 previous studies, including, but not limited to, the Tax Policy
 22 Reform Commission from 2005 to 2007 and the comprehensive tax
 23 study done by Syracuse University from 1986 to 1988, and ascertain
 24 which recommendations from such studies can be utilized in the
 25 committee's research. The committee may require any state agency
 26 or political subdivision to provide information relevant to the
 27 committee's work, and the state agency or political subdivision
 1 shall provide the information requested within thirty days after
 2 the request. The committee may hold public hearings and, pursuant
 3 to section 50-406 and the Rules of the Nebraska Unicameral
 4 Legislature, may exercise its authority to administer oaths, issue
 5 subpoenas, compel attendance of witnesses and the production of
 6 documents, and cause depositions of witnesses to be taken in the
 7 manner prescribed by law for taking depositions in civil actions
 8 in the district court. The committee shall issue a report to the
 9 Executive Board of the Legislative Council and the Governor by
 10 December 15, 2013, containing any recommendations to update state,
 11 county, and local tax policies and corresponding proposed language
 12 for legislation. The report submitted to the Legislature shall be
 13 submitted electronically. The committee shall also identify areas
 14 of concern that require further indepth analysis and study.

15 Sec. 7. Once the report required under section 6 of
 16 this act has been submitted, the Tax Modernization Committee shall
 17 continue meeting as necessary until December 31, 2015.

18 Sec. 8. Since an emergency exists, this act takes effect
 19 when passed and approved according to law.

20 2. On page 1, strike beginning with "create" in line
 21 1 through line 3 and insert "state findings; to create the Tax
 22 Modernization Committee; to provide powers and duties; to require a
 23 report; and to declare an emergency."

LEGISLATIVE BILL 203. Placed on Select File with amendment.
 ER32

- 1 1. On page 1, line 3, strike "define and redefine terms
- 2 relating to" and insert "redefine".

LEGISLATIVE BILL 464. Placed on Select File with amendment.
 ER33

- 1 1. Insert the following new section:
- 2 Sec. 9. Section 43-4203, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:

4 43-4203 (1) The Nebraska Children's Commission shall work
5 with administrators from each of the service areas designated
6 pursuant to section 81-3116, the teams created pursuant to section
7 28-728, local foster care review boards, child advocacy centers,
8 the teams created pursuant to the Supreme Court's Through the Eyes
9 of the Child Initiative, community stakeholders, and advocates for
10 child welfare programs and services to establish networks in each
11 of such service areas. Such networks shall permit collaboration
12 to strengthen the continuum of services available to child welfare
13 agencies and to provide resources for children and juveniles
14 outside the child protection system. Each service area shall
15 develop its own unique strategies to be included in the statewide
16 strategic plan. The Department of Health and Human Services shall
17 assist in identifying the needs of each service area.

18 (2)(a) The commission shall create a committee to examine
19 state policy regarding the prescription of psychotropic drugs for
20 children who are wards of the state and the administration of such
21 drugs to such children. Such committee shall review the policy and
22 procedures for prescribing and administering such drugs and make
23 recommendations to the commission for changes in such policy and
1 procedures.

2 (b) The commission shall create a committee to examine
3 the structure and responsibilities of the Office of Juvenile
4 Services as they exist on April 12, 2012. Such committee shall
5 review the role and effectiveness of the youth rehabilitation
6 and treatment centers in the juvenile justice system and make
7 recommendations to the commission on the future role of the
8 youth rehabilitation and treatment centers in the juvenile
9 justice continuum of care. Such committee shall also review the
10 responsibilities of the Administrator of the Office of Juvenile
11 Services, including oversight of the youth rehabilitation and
12 treatment centers and juvenile parole, and make recommendations
13 to the commission relating to the future responsibilities of the
14 administrator.

15 (c) The commission may organize committees as it
16 deems necessary. Members of the committees may be members of
17 the commission or may be appointed, with the approval of the
18 majority of the commission, from individuals with knowledge of
19 the committee's subject matter, professional expertise to assist
20 the committee in completing its assigned responsibilities, and the
21 ability to collaborate within the committee and with the commission
22 to carry out the powers and duties of the commission.

23 (d) If the One Hundred Second Legislature, Second
24 Session, 2012, creates the Title IV-E Demonstration Project
25 Committee or the Foster Care Reimbursement Rate Committee, or both,
26 such committees shall be under the jurisdiction of the commission.

27 (3) The commission shall work with the office of the
1 State Court Administrator, as appropriate, and entities which
2 coordinate facilitated conferencing as described in section

3 ~~43-247.01-5~~ of this act. Facilitated conferencing shall be
 4 included in statewide strategic plan discussions by the commission.
 5 Facilitated conferencing shall continue to be utilized and
 6 maximized, as determined by the court of jurisdiction, during
 7 the development of the statewide strategic plan. Funding and
 8 contracting of facilitated conferencing entities shall continue to
 9 be provided by the Department of Health and Human Services to at
 10 least the same extent as such funding and contracting are being
 11 provided on April 12, 2012.

12 (4) The commission shall gather information and
 13 communicate with juvenile justice specialists of the Office of
 14 Probation Administration and county officials with respect to any
 15 county-operated practice model participating in the Crossover Youth
 16 Program of the Center for Juvenile Justice Reform at Georgetown
 17 University.

18 (5) If the Nebraska Juvenile Service Delivery Project
 19 is enacted by the One Hundred Second Legislature, Second Session,
 20 2012, the commission shall coordinate and gather information about
 21 the progress and outcomes of the project.

22 2. On page 1, line 4; and page 19, line 12, strike
 23 "43-412" and insert "43-4203".

24 3. Renumber the remaining sections accordingly.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 94. Placed on Final Reading.
LEGISLATIVE BILL 133. Placed on Final Reading.
LEGISLATIVE BILL 262. Placed on Final Reading.
LEGISLATIVE BILL 295. Placed on Final Reading.
LEGISLATIVE BILL 316. Placed on Final Reading.
LEGISLATIVE BILL 340. Placed on Final Reading.
LEGISLATIVE BILL 363. Placed on Final Reading.
LEGISLATIVE BILL 363A. Placed on Final Reading.

LEGISLATIVE BILL 434. Placed on Final Reading.

ST9

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Price Amendment, AM672, on page 1, line 19, the period has been struck.

2. On page 1, line 4, "relating to emergency management registries; to provide for voluntary participation" has been inserted after "Agency"; and in line 5 "to provide for confidentiality of certain information; to provide a penalty;" has been inserted after the semicolon.

LEGISLATIVE BILL 499. Placed on Final Reading.

(Signed) John Murante, Chairperson

MOTION - Approve Appointment

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 789:

Nebraska Educational Telecommunications Commission
Kim Dinsdale

Voting in the affirmative, 35:

Adams	Coash	Hansen	Lautenbaugh	Schilz
Avery	Conrad	Harms	Mello	Schumacher
Bloomfield	Cook	Howard	Murante	Seiler
Bolz	Crawford	Johnson	Nelson	Smith
Brasch	Davis	Kintner	Nordquist	Sullivan
Campbell	Gloor	Kolowski	Price	Wallman
Carlson	Haar, K.	Krist	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Janssen	McGill	Watermeier
Harr, B.	Larson	Pirsch	

Excused and not voting, 7:

Chambers	Dubas	Karpisek	McCoy
Christensen	Hadley	Lathrop	

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 6A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 620. Senator Krist withdrew his amendment, AM616, found on page 800.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 634. Committee AM298, found on page 619 and considered on page 809, was renewed.

Senator Carlson renewed his amendment, AM738, found on page 800 and considered on page 809, to the committee amendment.

The Carlson amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 528. Title read. Considered.

Committee AM605, found on page 774, was offered.

Senator Kintner offered his amendment, AM767, found on page 812, to the committee amendment.

The Kintner amendment lost with 4 ayes, 21 nays, 16 present and not voting, and 8 excused and not voting.

Pending.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 366. Placed on General File with amendment. AM785 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 118. Introduced by Larson, 40.

WHEREAS, Jan Schiferl of Fordyce, Nebraska, was born the youngest of three children in rural South Dakota and grew up in a faith-based farm family; and

WHEREAS, Jan Schiferl along with her husband of thirty-one years, Greg Schiferl, established the WJ Ranch near Fordyce in 1981; and

WHEREAS, Jan Schiferl has degrees in business management and vocal music, serves on numerous church boards, volunteers with her local school and community, and sings in the professional vocal trio "SweetWater"; and

WHEREAS, Jan Schiferl enthusiastically promotes family and community events, advocates for understanding and appreciation of harmony with horses, and loves spending time with her four children and two grandsons; and

WHEREAS, Jan Schiferl was selected the 2013 Nebraska Mother of the Year.

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

1. That the Legislature congratulates Jan Schiferl on her selection as the 2013 Nebraska Mother of the Year.

2. That a copy of this resolution be sent to Jan Schiferl.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 362A. Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 362, One Hundred Third Legislature, First Session, 2013.

ANNOUNCEMENT

Senator Schilz announced the Agriculture Committee will meet Monday, March 25, 2013, at 1:30 p.m. in Room 2102.

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB613:
AM778

(Amendments to E & R amendments, ER31)

- 1 1. On page 3, strike beginning with "provides" in line 10
- 2 through "needs" in line 12 and insert "generates sufficient revenue
- 3 to fund essential state services and to meet spending needs".

VISITORS

Visitors to the Chamber were 61 fourth-grade students and teachers from Belair Elementary, Norfolk; 30 seniors from Northeast High School, Lincoln; 26 fourth-grade students, teacher, and sponsor from North Bend; Dede Pitts from St. Louis, MO; and 40 fourth-grade students and teachers from Paddock Lane Elementary, Beatrice.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Tuesday, March 26, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 26, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 26, 2013

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senator Hadley who was excused; and Senators Ashford, Bolz, Christensen, Cook, K. Haar, Price, and Schilz who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 269. Placed on General File with amendment.
AM678 is available in the Bill Room.

(Signed) Kathy Campbell, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 223. Placed on General File.

LEGISLATIVE BILL 85. Indefinitely postponed.

LEGISLATIVE BILL 387. Indefinitely postponed.

LEGISLATIVE BILL 617. Indefinitely postponed.

(Signed) Annette Dubas, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 6A. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 6. Placed on Final Reading.

ST10

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 6, "to provide operative dates;" has been inserted after the first semicolon; in line 7 "and" has been struck; and in line 8 "; and to declare an emergency" has been inserted after "2012".

LEGISLATIVE BILL 105. Placed on Final Reading.**LEGISLATIVE BILL 170.** Placed on Final Reading.**LEGISLATIVE BILL 620.** Placed on Final Reading.

(Signed) John Murante, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 153A. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 153, One Hundred Third Legislature, First Session, 2013.

MOTIONS - Approve Appointments

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 805:

Nebraska Information Technology Commission

Donna Hammack

Brad Moline

Voting in the affirmative, 29:

Adams	Crawford	Janssen	Mello	Smith
Avery	Davis	Johnson	Murante	Sullivan
Bloomfield	Dubas	Karpisek	Nelson	Wallman
Brasch	Hansen	Kintner	Pirsch	Watermeier
Campbell	Harms	Kolowski	Schumacher	Wightman
Carlson	Howard	Krist	Seiler	

Voting in the negative, 0.

Present and not voting, 12:

Chambers	Gloor	Lathrop	McGill
Coash	Harr, B.	Lautenbaugh	Nordquist
Conrad	Larson	McCoy	Scheer

Excused and not voting, 8:

Ashford	Christensen	Haar, K.	Price
Bolz	Cook	Hadley	Schilz

The appointments were confirmed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on pages 807 and 808:

Nebraska Rural Health Advisory Commission

Brian Buhlke
 Mary Kent
 Rebecca Schroeder
 Avery Sides
 Michael Sitorius
 Roger Wells

Voting in the affirmative, 34:

Adams	Coash	Janssen	McCoy	Seiler
Avery	Crawford	Johnson	McGill	Smith
Bloomfield	Dubas	Kintner	Mello	Sullivan
Brasch	Gloor	Kolowski	Murante	Wallman
Campbell	Hansen	Krist	Nelson	Watermeier
Carlson	Harms	Larson	Pirsch	Wightman
Chambers	Howard	Lautenbaugh	Schumacher	

Voting in the negative, 0.

Present and not voting, 8:

Conrad	Harr, B.	Lathrop	Price
Davis	Karpisek	Nordquist	Scheer

Excused and not voting, 7:

Ashford	Christensen	Haar, K.	Schilz
Bolz	Cook	Hadley	

The appointments were confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 808:

Board of Emergency Medical Services
Ann Fiala

Voting in the affirmative, 32:

Adams	Crawford	Kintner	Murante	Sullivan
Avery	Dubas	Kolowski	Nelson	Wallman
Bloomfield	Gloor	Krist	Nordquist	Watermeier
Brasch	Hansen	Larson	Pirsch	Wightman
Campbell	Howard	McCoy	Schumacher	
Carlson	Janssen	McGill	Seiler	
Chambers	Johnson	Mello	Smith	

Voting in the negative, 0.

Present and not voting, 10:

Coash	Davis	Harr, B.	Lathrop	Price
Conrad	Harms	Karpisek	Lautenbaugh	Scheer

Excused and not voting, 7:

Ashford	Christensen	Haar, K.	Schilz
Bolz	Cook	Hadley	

The appointment was confirmed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 530A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 528. Committee AM605, found on page 774 and considered on page 821, was renewed.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 119. Introduced by Scheer, 19.

WHEREAS, Newman Grove, Nebraska, is celebrating its 125th anniversary in 2013; and

WHEREAS, Newman Grove was founded by Scandinavian immigrants and incorporated on February 9, 1888. Since that time, Newman Grove has grown into a strong, vibrant community and a great place to live; and

WHEREAS, Newman Grove owes much of its 125 years of success to the hard-working and generous people of the Newman Grove community; and

WHEREAS, Newman Grove will celebrate its 125th anniversary during the Shell Creek Valley Days to be held June 7-9, 2013.

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

1. That the Legislature congratulates Newman Grove, Nebraska, on its 125th anniversary.

2. That a copy of this resolution be sent to Mayor Fawn Steiff on behalf of the citizens of Newman Grove.

Laid over.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 253. Placed on General File.

(Signed) Kate Sullivan, Chairperson

AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB79:
AM710

(Amendments to Standing Committee amendments, AM452)

- 1 1. On page 37, line 2, strike "any money in" and insert
- 2 "\$630,870 from"; and in line 9 after the period insert "The
- 3 State Treasurer shall transfer the balance of the Campaign Finance
- 4 Limitation Cash Fund to the Election Administration Fund on or
- 5 before July 5, 2013, or as soon thereafter as administratively
- 6 possible.".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 595A. Introduced by Price, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 595, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

LEGISLATIVE BILL 79A. Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 79, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 528. Senator McCoy offered his amendment, AM764, found on page 811, to the committee amendment.

SENATOR COASH PRESIDING

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

The McCoy amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator McCoy offered his amendment, AM765, found on page 812, to the committee amendment.

Senator McCoy withdrew his amendment.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 120. Introduced by Brasch, 16.

WHEREAS, Kristyn Schlickbernd of Wisner-Pilger High School won first place in Informative Speaking at the 2013 Class C-1 Nebraska State Speech Championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Kristyn Schlickbernd for placing first in Informative Speaking at the 2013 Class C-1 Nebraska State Speech Championship.

2. That a copy of this resolution be sent to Kristyn Schlickbernd.

Laid over.

AMENDMENTS - Print in Journal

Senator Dubas filed the following amendments to LB362:

AM820

(Amendments to Standing Committee amendments, AM455)

1 1. On page 2, line 9, strike "60-3,113".

AM821

(Amendments to Standing Committee amendments, AM455)

1 1. On page 2, line 10, strike "60-3,125, or 60-3,130".

2 and insert "or 60-3,125".

AM822

(Amendments to Standing Committee amendments, AM455)

1 1. On page 2, strike beginning with "buses" in line 10

2 through the last comma in line 11.

AM823

(Amendments to Standing Committee amendments, AM455)

1 1. On page 2, strike beginning with "trucks" in line 11

2 through "60-3,147," in line 13.

AM824

(Amendments to Standing Committee amendments, AM455)

1 1. On page 2, line 13, strike "vehicles registered under

2 section 60-3,149".

Senator McCoy filed the following amendment to LB528:

AM809

(Amendments to Standing Committee amendments, AM605)

1 1. Insert the following new section:

2 Sec. 2. A physician, physician assistant, nurse
 3 practitioner, or certified nurse midwife licensed under the
 4 Uniform Credentialing Act who prescribes, provides, or dispenses
 5 prescription oral antibiotic drugs pursuant to section 1 of this
 6 act or a pharmacist who provides or dispenses oral antibiotic
 7 drugs pursuant to section 1 of this act or who chooses not to
 8 prescribe, provide, or dispense such prescription oral antibiotic
 9 drugs, acting in good faith and with or without compensation, shall
 10 be immune from civil liability for such prescription, provision, or
 11 dispensation of or for the decision not to prescribe, provide, or
 12 dispense such oral antibiotic drugs.

- 13 2. On page 2, line 4, strike "section 1" and insert
14 "sections 1 and 2".
15 3. On page 2, line 14; page 3, line 13; and page 4, line
16 7, strike "and 2" and insert "to 3".
17 4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Nebraska McDonald's owners-operators; 33 fourth-grade students and teacher from Wildewood Elementary, Ralston; 85 Creighton University nursing students from Omaha and Hastings; 8 fourth-grade students, teacher, and sponsor from Bruning-Davenport Elementary; members from Delta Kappa Gamma Society International Professional Teachers from across the state; and Senator B. Harr's mother and father, Susan and Larry, from Omaha, sister and nephew, Sharyl and Zach Baca, from Omaha, brother, sister-in-law, niece, and nephew, Steven, Allison, Carolina, and Jackson, from New York, and aunt, Wynn Nuckolls, from Lincoln.

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 12:05 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Wednesday, March 27, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 27, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 27, 2013

PRAYER

The prayer was offered by Reverend Matthew Mortensen, Faith Lutheran Church, Humboldt.

ROLL CALL

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

The roll was called and all members were present except Senators Hadley and Krist who were excused; and Senators Ashford, Conrad, Kolowski, Murante, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 634. Placed on Select File with amendment.
ER34

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 3 of this act shall be known and
- 4 may be cited as the Wildfire Control Act of 2013.
- 5 Sec. 2. The Legislature finds that the State of
- 6 Nebraska's forests, pasture land, and rangeland have been destroyed
- 7 by catastrophic wildfires, primarily due to higher temperatures,
- 8 intense and prolonged drought, increased forest fuel-loads, and the
- 9 extensive spread of Eastern Red Cedar trees into forests, pasture
- 10 land, and rangeland. Because of these conditions, wildfires occur
- 11 more frequently, spread and grow very rapidly upon ignition, and
- 12 consume large tracts of productive land. These severe, fast-moving
- 13 wildfires put the lives of citizens, emergency responders, and
- 14 visitors at great risk, are difficult to control, quickly overwhelm

15 local suppression capacity, and cost enormous amounts of funds to
 16 suppress and control.

17 Sec. 3. Pursuant to the Wildfire Control Act of 2013,
 18 the Nebraska Forest Service shall (1) contract to place two
 19 single-engine air tankers to be located near Chadron, Nebraska,
 20 and near Valentine, Nebraska, for use in fighting wildfires, (2)
 21 thin forests to reduce forest fuel-loads in order to substantially
 22 reduce wildfire risk, intensity, and rate of the spreading of
 23 wildfires, (3) provide expanded training programs for volunteer
 1 firefighters, private landowners, and communities in Nebraska
 2 in fire suppression tactics of wildfires in order to increase
 3 suppression effectiveness and safety, (4) expand the federal excess
 4 property programs sponsored by the United States Department of
 5 Agriculture and the United States Department of Defense and managed
 6 by the Nebraska Forest Service in Nebraska, and (5) oversee
 7 the rehabilitation of forest lands that have been destroyed by
 8 wildfires.

9 Sec. 4. Since an emergency exists, this act takes effect
 10 when passed and approved according to law.

11 2. On page 1, strike beginning with "provide" in line 2
 12 through line 4 and insert "declare an emergency.".

LEGISLATIVE BILL 530A. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 624. Indefinitely postponed.

LEGISLATIVE BILL 649. Indefinitely postponed.

LEGISLATIVE BILL 650. Indefinitely postponed.

(Signed) Annette Dubas, Chairperson

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB6:
 AM818

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 Sec. 11. Section 38-2121, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 38-2121 The requirement to be licensed as a mental health
 5 practitioner pursuant to the Uniform Credentialing Act in order to
 6 engage in mental health practice shall not be construed to prevent:

7 (1) Qualified members of other professions who are
 8 licensed, certified, or registered by this state from practice
 9 of any mental health activity consistent with the scope of practice

10 of their respective professions;

11 (2) Alcohol and drug counselors who are licensed by the
12 Division of Public Health of the Department of Health and Human
13 Services and problem gambling counselors who are certified by the
14 Department of Health and Human Services prior to July 1, 2013, or
15 by the Nebraska Commission on Problem Gambling beginning on July
16 1, 2013, from practicing their profession. Such exclusion shall
17 include students training and working under the supervision of an
18 individual qualified under section 38-315;

19 (3) Any person employed by an agency, bureau, or division
20 of the federal government from discharging his or her official
21 duties, except that if such person engages in mental health
22 practice in this state outside the scope of such official duty
1 or represents himself or herself as a licensed mental health
2 practitioner, he or she shall be licensed;

3 (4) Teaching or the conduct of research related to mental
4 health services or consultation with organizations or institutions
5 if such teaching, research, or consultation does not involve the
6 delivery or supervision of mental health services to individuals
7 or groups of individuals who are themselves, rather than a third
8 party, the intended beneficiaries of such services;

9 (5) The delivery of mental health services by:

10 (a) Students, interns, or residents whose activities
11 constitute a part of the course of study for medicine, psychology,
12 nursing, school psychology, social work, clinical social work,
13 counseling, marriage and family therapy, or other health care or
14 mental health service professions; or

15 (b) Individuals seeking to fulfill postgraduate
16 requirements for licensure when those individuals are supervised by
17 a licensed professional consistent with the applicable regulations
18 of the appropriate professional board;

19 (6) Duly recognized members of the clergy from providing
20 mental health services in the course of their ministerial duties
21 and consistent with the codes of ethics of their profession if they
22 do not represent themselves to be mental health practitioners;

23 (7) The incidental exchange of advice or support by
24 persons who do not represent themselves as engaging in mental
25 health practice, including participation in self-help groups when
26 the leaders of such groups receive no compensation for their
27 participation and do not represent themselves as mental health
1 practitioners or their services as mental health practice;

2 (8) Any person providing emergency crisis intervention
3 or referral services or limited services supporting a service plan
4 developed by and delivered under the supervision of a licensed
5 mental health practitioner, licensed physician, or a psychologist
6 licensed to engage in the practice of psychology if such persons
7 are not represented as being licensed mental health practitioners
8 or their services are not represented as mental health practice; or

9 (9) Staff employed in a program designated by an agency

10 of state government to provide rehabilitation and support services
 11 to individuals with mental illness from completing a rehabilitation
 12 assessment or preparing, implementing, and evaluating an individual
 13 rehabilitation plan.

14 Sec. 12. Section 71-802, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 71-802 The purposes of the Nebraska Behavioral Health
 17 Services Act are to: (1) Reorganize statutes relating to the
 18 provision of publicly funded behavioral health services; (2)
 19 provide for the organization and administration of the public
 20 behavioral health system within the department; (3) rename mental
 21 health regions as behavioral health regions; (4) provide for
 22 the naming of regional behavioral health authorities and ongoing
 23 activities of regional governing boards; (5) reorganize and rename
 24 the State Mental Health Planning and Evaluation Council; ~~and the~~
 25 ~~State Alcoholism and Drug Abuse Advisory Committee; and the~~
 26 ~~Nebraska Advisory Commission on Compulsive Gambling;~~ (6) change
 27 and add provisions relating to development of community-based
 1 behavioral health services and funding for behavioral health
 2 services; and (7) authorize the closure of regional centers.

3 2. On page 1, line 2, after the first comma insert
 4 "38-2121, 71-802,".

5 3. On page 5, line 25, after "shall" insert
 6 "electronically".

7 4. On page 6, line 2, after the second comma insert
 8 "equipment, effects,"; in line 3 strike "July 1" and insert "June
 9 30"; in line 4 strike "such date" and insert "July 1, 2013"; in
 10 line 5 strike "by rule and regulation"; and in line 17 after "may"
 11 insert "adopt and promulgate rules and regulations and".

12 5. On page 7, line 3, after "of" insert "problem
 13 gambling"; and in line 18 after "division" insert "or commission".

14 6. On page 9, line 6, strike "upon thirty days' notice"
 15 and insert "according to its terms".

16 7. On page 22, line 1, strike "on July 14, 2006," and
 17 show as stricken.

18 8. On page 23, line 21, strike "13, and 14" and insert
 19 "12, 13, 15, and 16"; and in line 24 after "9-831," insert
 20 "38-2121, 71-802,".

21 9. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 153A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present
 and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 528. Senator McCoy offered his amendment,
 AM809, found on page 831, to the committee amendment.

Senator Schumacher moved the previous question. The question is, "Shall the debate now close?"

Senator Schumacher moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The motion to cease debate prevailed with 26 ayes, 8 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Christensen requested a record vote on the McCoy amendment.

Senator McCoy requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 15:

Bloomfield	Christensen	Janssen	Larson	Nelson
Brasch	Hansen	Johnson	McCoy	Price
Carlson	Harms	Kintner	Murante	Smith

Voting in the negative, 27:

Adams	Conrad	Haar, K.	McGill	Wallman
Avery	Cook	Harr, B.	Nordquist	Watermeier
Bolz	Crawford	Howard	Scheer	Wightman
Campbell	Davis	Karpisek	Schumacher	
Chambers	Dubas	Kolowski	Seiler	
Coash	Gloor	Lathrop	Sullivan	

Present and not voting, 2:

Mello	Pirsch
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Excused and not voting, 5:

Ashford	Hadley	Krist	Lautenbaugh	Schilz
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The McCoy amendment lost with 15 ayes, 27 nays, 2 present and not voting, and 5 excused and not voting.

Pending.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 495. Placed on General File with amendment.
AM804

- 1 1. On page 17, strike beginning with "A" in line 20
- 2 through "made" in line 22, show the old matter as stricken, and
- 3 insert "The department, in collaboration with the board of trustees
- 4 if an endowment agreement is in effect, shall provide a report
- 5 evaluating the programs".
- 6 2. On page 18, line 2, strike "programs" and insert
- 7 "grants"; and in line 4 strike the new matter and reinstate the
- 8 stricken matter.

LEGISLATIVE BILL 546. Placed on General File with amendment.
AM833

- 1 1. Strike original sections 1 and 2 and insert the
- 2 following new sections:
- 3 Section 1. Section 85-404, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 85-404 Either of the boards referred to in section 85-403
- 6 is hereby specifically authorized and empowered, by resolution
- 7 or agreement, to pledge all or any part of the revenue and
- 8 fees derived from the operation of the dormitories, residence
- 9 halls, single-dwelling or multiple-dwelling units, buildings, and
- 10 facilities for parking and other facilities for housing, boarding,
- 11 athletic purposes, medical care, and physical development and
- 12 other activities of students, faculties, or employees of such
- 13 institutions referred to in section 85-403, or any of them, erected
- 14 or acquired, or previously erected or acquired by such board,
- 15 and contract as to the care, insurance, management, and operation
- 16 of such buildings and facilities and the charges to be made and
- 17 the rights of the holders of the revenue bonds. When the board
- 18 contracts that the operation of any building or facility or part
- 19 thereof shall be performed other than by the board itself, the
- 20 board shall at all times maintain supervision thereof and control
- 21 over the fees and charges imposed for the use thereof.
- 22 When such board proposes to pledge all or any part
- 23 of the revenue and fees from buildings and facilities other
- 1 than the building or facility to be constructed, the plans for
- 2 such building or facility to be constructed, including financing
- 3 plans, shall ~~first be reviewed by the Coordinating Commission for~~
- 4 ~~Postsecondary Education as provided in section 85-1415 and approved~~
- 5 or disapproved by the Legislature or, if the Legislature is not
- 6 in session, the Executive Board of the Legislative Council, ~~as~~
- 7 ~~provided in such section.~~
- 8 Sec. 2. Section 85-408, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 85-408 The boards are authorized and directed to

11 establish and maintain such schedule of rates, fees, or charges for
 12 the use of the facilities afforded by the buildings constructed
 13 or acquired under sections 85-401 to 85-411 and other facilities
 14 controlled by such board, the revenue of which in whole or in
 15 part is pledged to the holder of the bonds, which shall be in
 16 an amount at least sufficient on the amortization plan to pay
 17 the operating and maintenance charges thereof and the principal
 18 and interest representing the indebtedness against the income and
 19 revenue therefrom and may be sufficient in amount to provide
 20 for such bond reserve, replacement, and surplus funds as the
 21 boards in their discretion shall determine. The amounts in such
 22 funds shall be expended for such purposes in connection with the
 23 facilities as the boards shall determine, and any amount in any
 24 surplus or replacement fund and any amounts received through the
 25 sale, condemnation, or destruction of any facilities may be used
 26 to construct, repair, or replace any of the types of facilities
 27 described in section 85-403. Any amounts in such funds are
 1 specifically appropriated to the purposes of such funds and shall
 2 at all times be subject to the orders of the boards accordingly.

3 Before any single expenditure in excess of five hundred
 4 thousand dollars is made from any such surplus or replacement fund,
 5 the board concerned shall first submit such proposed expenditure
 6 to ~~the Coordinating Commission for Postsecondary Education for~~
 7 ~~review as provided in section 85-1415~~ and secure the approval or
 8 disapproval of the Legislature or, if the Legislature is not in
 9 session, of the Executive Board of the Legislative Council, ~~as~~
 10 ~~provided in such section.~~

11 Sec. 3. All capital construction projects, including
 12 applicable financing plans, proposed by any nonprofit corporation
 13 created by the Board of Regents of the University of Nebraska
 14 or the Board of Trustees of the Nebraska State Colleges shall be
 15 submitted to the Legislature for review and approval or disapproval
 16 by the Legislature, or if the Legislature is not in session,
 17 the Executive Board of the Legislative Council, when (1) state
 18 general funds, (2) funds received by the University of Nebraska or
 19 any state college for the purposes of reimbursing overhead costs
 20 and expenses in connection with any federal or other grant or
 21 contract, (3) tuition, or (4) the state's operating investment pool
 22 investment income constitute all or any part of the funds used for
 23 the repayment of all or any part of the bonds of such nonprofit
 24 corporation.

25 2. Renumber the remaining sections accordingly.

(Signed) Kate Sullivan, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 121. Introduced by Gloor, 35.

WHEREAS, Grand Island Senior High School students formed a chapter of Students Against Destructive Decisions (SADD) five years ago to advocate healthy decisions to other youth and to the public; and

WHEREAS, Grand Island Senior High School SADD has worked collaboratively with Tobacco Free Hall County to create public service announcements on Tobacco Free Hall County's web site and its Facebook, Twitter, and YouTube pages; and

WHEREAS, Grand Island Senior High School SADD has been active in the Great American Smokeout, Kick Butts Day, No Limits Nebraska, and World No Tobacco Day to bring attention to the hazardous effects of tobacco in all its forms; and

WHEREAS, Grand Island Senior High School SADD created and displayed human billboards at the 2012 Nebraska State Fair encouraging fairgoers to choose smoke-free lifestyles and advocated that "clean air is healthy air"; and

WHEREAS, Grand Island Senior High School SADD participated in Red Ribbon Week by painting Second Street in downtown Grand Island red, visiting with individuals about being drug-free, and encouraging those individuals and their families to sign a banner pledging that "the best me is drug free"; and

WHEREAS, Grand Island Senior High School SADD created a large cigarette display for 2013 Kick Butts Day which represented the number of people who die from tobacco-related illnesses.

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

1. That the Legislature commends the members of Students Against Destructive Decisions at Grand Island Senior High School for their efforts in educating young people and the public regarding the dangers of tobacco use, for encouraging smoke-free lifestyles, and for promoting healthy decisions concerning drug use.

2. That a copy of this resolution be sent to the members of Students Against Destructive Decisions at Grand Island Senior High School, to their guidance counselor Dave Woods, and to Sandy Yager at Tobacco Free Hall County.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 528. Committee AM605, found on page 774 and considered on pages 821 and 829, as amended, was renewed.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 153A. Placed on Select File.

(Signed) John Murante, Chairperson

VISITORS

Visitors to the Chamber were 15 members from Bellevue Chamber Leadership Group; and 42 fourth-grade students and teachers from Avery Elementary, Bellevue.

RECESS

At 11:50 a.m., on a motion by Senator Lautenbaugh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Gloor presiding.

ROLL CALL

The roll was called and all members were present except Senators Hadley and Krist who were excused; and Senators Conrad, Lautenbaugh, McGill, and Watermeier who were excused until they arrive.

COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 568. Placed on General File with amendment.
AM812

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 10 of this act shall be known
- 4 and may be cited as the Health Insurance Exchange Navigator
- 5 Licensure Act.
- 6 Sec. 2. For purposes of the Health Insurance Exchange
- 7 Navigator Licensure Act:
- 8 (1) Director means the Director of Insurance;
- 9 (2) Exchange means any health insurance exchange
- 10 established or operating in this state, including any exchange
- 11 established or operated by the United States Department of Health
- 12 and Human Services; and

13 (3) Navigator means any individual or entity, other than
14 an insurance producer or consultant, that:

15 (a) Receives any funding, directly or indirectly, from an
16 exchange, the state, or the federal government to perform any of
17 the activities and duties identified in 42 U.S.C. 18031(i), as such
18 section existed on January 1, 2013;

19 (b) Facilitates enrollment of individuals or employers
20 in health plans or public insurance programs offered through an
21 exchange;

22 (c) Conducts public education or consumer assistance
23 activities for or on behalf of an exchange; or

1 (d) Is described or designated by an exchange, the state,
2 or the United States Department of Health and Human Services,
3 or could reasonably be described or designated as, a navigator,
4 an in-person assister, an enrollment assister, an application
5 assister, or an application counselor.

6 Sec. 3. (1) No individual or entity shall perform, offer
7 to perform, or advertise any service as a navigator in this state
8 unless licensed as a navigator by the director.

9 (2) A navigator may:

10 (a) Conduct public education activities to raise
11 awareness of the availability of qualified health plans offered
12 in the exchange and public insurance programs offered through the
13 exchange;

14 (b) Distribute fair and impartial general information
15 concerning enrollment in (i) all qualified health plans offered in
16 the exchange and the availability of the premium tax credits under
17 section 36B of the Internal Revenue Code of 1986 and cost-sharing
18 reductions under section 1402 of the federal Patient Protection
19 and Affordable Care Act and (ii) public insurance programs offered
20 through the exchange;

21 (c) Facilitate enrollment in (i) qualified health plans,
22 without suggesting that an individual select a particular plan, and
23 (ii) public insurance programs offered through the exchange;

24 (d) Provide referrals to appropriate state or federal
25 agencies for any enrollee with a grievance, complaint, or question
26 regarding their health plan, coverage, or a determination under
27 such plan coverage; or

1 (e) Provide information in a manner that is culturally
2 and linguistically appropriate to the needs of the population being
3 served by the exchange, including individuals with limited English
4 proficiency, and ensure accessibility and usability of navigator
5 tools and functions for individuals with disabilities in accordance
6 with the Americans with Disabilities Act and section 504 of the
7 Rehabilitation Act.

8 (3) A navigator shall not:

9 (a) Engage in any activities that would require an
10 insurance producer license;

11 (b) Offer advice about which health plan is better or

- 12 worse for a particular individual or employer;
 13 (c) Recommend or endorse a particular health plan or
 14 advise consumers about which health plan to choose;
 15 (d) Provide any information or services related to health
 16 plans or other products not offered in the exchange;
 17 (e) Accept any compensation or consideration that is
 18 dependent, in whole or in part, on whether a person enrolls in or
 19 purchases a qualified health plan; or
 20 (f) Fail to respond to any written inquiry from the
 21 director or request additional reasonable time to respond within
 22 fifteen working days.

23 Sec. 4. Except as otherwise permitted by law, only a
 24 person licensed as an insurance producer or consultant in this
 25 state can:

- 26 (1) Sell, solicit, or negotiate health insurance;
 27 (2) Provide advice concerning the benefits, terms, and
 1 features of a particular health plan or offer advice about which
 2 health plan is better or worse for a particular individual or
 3 employer; or
 4 (3) Recommend a particular health plan or advise
 5 consumers about which health plan to choose.

6 Sec. 5. (1) An individual applying for an individual
 7 navigator license shall make application to the director on a
 8 form developed by the director and which contains the information
 9 prescribed by the director and which, unless preempted by federal
 10 law, is accompanied by the initial individual license fee in
 11 an amount not to exceed fifty dollars as established by the
 12 director. The individual shall declare in the application under
 13 penalty of refusal, suspension, or revocation of the license that
 14 the statements made in the application are true, correct, and
 15 complete to the best of the individual's knowledge and belief.
 16 Before approving the application, the director shall find that the
 17 individual:

- 18 (a) Is at least eighteen years of age;
 19 (b) Has successfully passed the examination prescribed by
 20 the director, except that the director shall exempt an individual
 21 from the requirement for passage of an examination if the
 22 individual has successfully passed an examination prescribed by an
 23 exchange established or operating in this state. The director may
 24 make arrangements, including contracting with an outside testing
 25 service, for administering examinations and collecting fees imposed
 26 pursuant to the Health Insurance Exchange Navigator Licensure
 27 Act. Each individual applying for an examination shall remit a
 1 nonrefundable fee as prescribed by the director; and
 2 (c) Has identified any entity navigator with which he or
 3 she is affiliated and supervised.
 4 (2) An entity applying for an entity navigator license
 5 shall make application on a form developed by the director and
 6 which contains the information prescribed by the director and

7 which, unless preempted by federal law, is accompanied by the
8 initial entity license fee in an amount not to exceed one hundred
9 dollars as established by the director.

10 (3) The director may require any documents deemed
11 necessary to verify the information contained in an application
12 submitted in accordance with subsections (1) and (2) of this
13 section.

14 (4) Licensed entity navigators shall, in a manner
15 prescribed by the director, periodically provide the director with
16 a list of all individual navigators that it employs, supervises,
17 or is affiliated with.

18 Sec. 6. (1) An individual navigator's license shall
19 expire on the last day of the month of the navigator's birthday in
20 the first year after issuance in which his or her age is divisible
21 by two and an entity navigator's license shall expire on April 30
22 of each year after the year of issuance which is divisible by two.

23 (2) An individual navigator may file an application for
24 renewal of a license on a form developed by the director and,
25 unless preempted by federal law, shall pay the renewal fee in an
26 amount not to exceed fifty dollars as established by the director
27 and an entity navigator may file an application for renewal of a
1 license on a form developed by the director and, unless preempted
2 by federal law, shall pay the renewal fee in an amount not to
3 exceed one hundred dollars as established by the director. An
4 individual navigator who fails to file timely for license renewal,
5 unless preempted by federal law, shall pay the late fee in an
6 amount not to exceed seventy-five dollars as established by the
7 director and an entity navigator that fails to file timely for
8 license renewal, unless preempted by federal law, shall pay the
9 late fee in an amount not to exceed one hundred twenty-five dollars
10 as established by the director.

11 (3) Prior to the filing date for application for
12 renewal of a license, a licensed individual navigator shall comply
13 with ongoing training and continuing education requirements. Such
14 navigator shall file with the director, by a method prescribed
15 by the director, satisfactory certification of completion of the
16 continuing education requirements. Any failure to fulfill the
17 ongoing training and continuing education requirements shall result
18 in the expiration of the license.

19 Sec. 7. On contact with an individual who acknowledges
20 having existing health insurance coverage obtained through
21 a licensed insurance producer, a navigator shall inform the
22 individual that he or she may, but is not required to, seek further
23 assistance from that producer or another licensed producer for
24 information, assistance, and any other services.

25 Sec. 8. (1) The director may place on probation, suspend,
26 revoke, or refuse to issue, renew, or reinstate a navigator
27 license, or may levy a fine not to exceed one thousand dollars for
1 each violation, or any combination of actions, for violation of the

2 Health Insurance Exchange Navigator Licensure Act.
 3 (2) Except as otherwise provided by law, the director
 4 may examine and investigate the business affairs and records of
 5 any navigator to determine whether the navigator has engaged or is
 6 engaging in any violation of the act.

7 (3) An entity navigator license may be suspended or
 8 revoked, or renewal or reinstatement thereof may be refused, or
 9 a fine may be levied, with or without a suspension, revocation,
 10 or refusal to renew a license, if the director finds that an
 11 individual navigator's violation was known by the employing or
 12 supervising entity and the violation was not reported to the
 13 director and no corrective action was undertaken on a timely basis.

14 Sec. 9. The Health Insurance Exchange Navigator Licensure
 15 Act does not apply to any individual or entity licensed as an
 16 insurance producer in this state.

17 Sec. 10. The director may adopt and promulgate rules and
 18 regulations to carry out the Health Insurance Exchange Navigator
 19 Licensure Act.

20 Sec. 11. If any section in this act or any part of any
 21 section is declared invalid or unconstitutional, the declaration
 22 shall not affect the validity or constitutionality of the remaining
 23 portions.

24 Sec. 12. Since an emergency exists, this act takes effect
 25 when passed and approved according to law.

(Signed) Mike Gloor, Chairperson

GENERAL FILE

LEGISLATIVE BILL 97. Title read. Considered.

Committee AM572, found on page 708, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA39

Amend AM572

Page 2, strike subdivision (c); renumber.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

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

The Chair declared the call raised.

Senator Smith offered the following amendment to the committee amendment:

FA40

Amend AM572

Page 31, line 10, add "This Act terminates on January 1, 2019 unless extended by the Legislature."

Senator Smith withdrew his amendment.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Senator Smith offered the following amendment:

FA41

Page 11, line 10, insert (6) "A land bank may hold assets not to exceed twenty-five million dollars." Renumber remaining sections.

Senator Smith withdrew his amendment.

Pending.

COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 263. Placed on General File with amendment. AM835 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

Education

LEGISLATIVE BILL 585. Placed on General File with amendment. AM832 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

AMENDMENTS - Print in Journal

Senator Howard filed the following amendment to LB326:
AM456

(Amendments to Standing Committee amendments, AM434)

- 1 1. On page 10, after line 16, insert the following new
- 2 subsection:
- 3 "(9) A prescription is required for any controlled
- 4 substance dispensed from a long-term care automated pharmacy.";
- 5 and in line 17 strike "(9)" and insert "(10)".

Senator Larson filed the following amendment to LB57:
AM844

(Amendments to Standing Committee amendments, AM676)

- 1 1. On page 1, strike lines 17 through 23 and insert the
2 following new subsection:
3 "(8) The board shall require, in the contract between the
4 board and the grantee, that a grantee not sell, lease, transfer,
5 exchange, or encumber any portion or all of the real property
6 acquired by the grantee in whole or in part by trust funds without
7 the prior written approval of the board, which approval shall
8 not be unreasonably withheld. The grantee shall provide the board
9 in writing the details of any proposed sale, lease, transfer,
10 exchange, or encumbrance of the real property at least thirty days
11 in advance of the next scheduled board meeting and obtain written
12 approval of the board prior to executing any such transaction. If
13 the board does not provide written approval of the sale, lease,
14 transfer, exchange, or encumbrance, the grantee may repay the value
15 of the grant to the trust in order to be released from all further
16 obligations. If the board provides written approval of a sale,
17 transfer, or exchange, the real property shall be released from any
18 further restrictions regarding its sale, lease, transfer, exchange,
19 or encumbrance.
20 The board shall require, in the contract between the
21 board and the grantee, (a) that the grantee provide the board,
22 in advance of the distribution of trust funds, with written
1 confirmation on behalf of any financial institution that is to
2 provide the grantee with a portion of the funds for purchase of
3 real property to be acquired by the grantee in part by trust funds,
4 acknowledging that the grantee may not sell, lease, transfer,
5 exchange, or encumber any portion or all of the real property,
6 without the written approval of the board and (b) that the deed or
7 other instrument conveying title to real property acquired by the
8 grantee in whole or in part by trust funds shall contain express
9 provisions stating that the grantee may not sell, lease, transfer,
10 exchange, or encumber any portion or all of such real property
11 without the prior written approval of the board. Failure of such
12 deed or other instrument to contain the required statement shall
13 allow the grantee to sell, lease, transfer, exchange, or encumber
14 any portion or all of the real property without having to obtain
15 prior written approval of the board."
16 2. On page 2, strike line 1.

Senator Chambers filed the following amendment to LB97:
FA42

Amend AM572

Page 4, lines 10, 11 strike.

VISITORS

Visitors to the Chamber were Colleen and Michael Korzen from Chicago, IL; Terri and Lesli Lair from Lincoln; Katie Lesiak from Fullerton; and 35 fourth-grade students and teachers from Pershing Elementary, Lexington.

The Doctor of the Day was Dr. Jason Bespalec from Geneva.

ADJOURNMENT

At 5:02 p.m., on a motion by Senator Davis, the Legislature adjourned until 9:00 a.m., Thursday, March 28, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 28, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 28, 2013

PRAYER

The prayer was offered by Senator Kolowski.

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 Campbell, Hadley, Krist, and Murante who were excused; and Senators Ashford, Christensen, Janssen, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 528. Placed on Select File.

(Signed) John Murante, Chairperson

MESSAGE FROM THE GOVERNOR

March 27, 2013

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed

as the State Fire Marshal of the Nebraska State Fire Marshal's Office:

Jim Heine, 21911 Woodland Hills Circle, Eagle, NE 68347

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

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>

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 27, 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

Hladik, Johnathan
Center for Rural Affairs
Mainwaring, Brenda
Union Pacific Railroad (Withdrawn 03/27/2013)
Skala, Jennifer
Nebraska Children and Families Foundation

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 354A. Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 354, One Hundred Third Legislature, First Session, 2013.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 94.

A BILL FOR AN ACT relating to hunting permits; to amend sections 37-447, 37-450, and 37-455, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to eligibility for certain permits; to provide powers for the Game and Parks Commission; 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Ashford	Christensen	Janssen	Murante
Campbell	Hadley	Krist	

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

LEGISLATIVE BILL 105.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend section 71-1908, Reissue Revised Statutes of Nebraska; to require liability insurance as prescribed; to harmonize provisions; 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, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 6:

Ashford	Hadley	Krist
Campbell	Janssen	Murante

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

LEGISLATIVE BILL 133.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1401, Revised Statutes Cumulative Supplement, 2012; to establish priority of motor vehicle insurance policies for certain loaned motor vehicles; to harmonize provisions; 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	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Davis	Karpisek	Nelson	Sullivan
Brasch	Dubas	Kintner	Nordquist	Wallman
Carlson	Gloor	Kolowski	Pirsch	Watermeier
Chambers	Haar, K.	Larson	Price	Wightman
Christensen	Hansen	Lathrop	Scheer	
Coash	Harms	Lautenbaugh	Schilz	

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Hadley	Krist
Campbell	Janssen	Murante

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 LB170 with 38 ayes, 3 nays, 2 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 170.

A BILL FOR AN ACT relating to finance; to amend sections 85-1701, 85-1702, 85-1703, 85-1704, 85-1705, 85-1706, 85-1707, 85-1708, 85-1709, 85-1710, 85-1711, 85-1712, 85-1713, 85-1714, 85-1715, 85-1716, 85-1717, 85-1718, 85-1719, 85-1720, 85-1721, 85-1722, 85-1723, 85-1724, 85-1725, 85-1726, 85-1727, 85-1728, 85-1729, 85-1730, 85-1731, 85-1732, 85-1733, 85-1734, 85-1735, 85-1736, 85-1737, 85-1739, 85-1740, 85-1741, 85-1742, 85-1743, 85-1744, 85-1745, 85-1746, 85-1747, 85-1748, 85-1749, 85-1750, 85-1751, 85-1752, 85-1753, 85-1754, 85-1755, 85-1756, 85-1757, 85-1758, 85-1759, 85-1760, 85-1761, 85-1762, and 85-1763, Reissue Revised Statutes of Nebraska, and section 85-1738, Revised Statutes Cumulative Supplement, 2012; to rename the Nebraska Educational Finance Authority Act and the Nebraska Educational Finance Authority; to provide for financing for projects of private health care institutions and private social services institutions; to define and redefine terms; to change provisions relating to the authority, bonds, and the effect of name changes; 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, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Hadley	Krist
Campbell	Janssen	Murante

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 262.

A BILL FOR AN ACT relating to education; to amend section 79-2,104, Revised Statutes Cumulative Supplement, 2012; to provide duties relating to sharing of student data, records, and information; to provide for rules and regulations; 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	Harr, B.	McCoy	Schumacher
Ashford	Cook	Howard	McGill	Seiler
Avery	Crawford	Johnson	Mello	Smith
Bloomfield	Davis	Karpisek	Nelson	Sullivan
Bolz	Dubas	Kintner	Nordquist	Wallman
Brasch	Gloor	Kolowski	Pirsch	Watermeier
Carlson	Haar, K.	Larson	Price	Wightman
Chambers	Hansen	Lathrop	Scheer	
Coash	Harms	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Christensen

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 295. With Emergency Clause.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2705, Reissue Revised Statutes of Nebraska; to redefine a term; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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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 316.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-310, Reissue Revised Statutes of Nebraska; to redefine automobile liability policy; 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	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Davis	Karpisek	Nelson	Sullivan
Brasch	Dubas	Kintner	Nordquist	Wallman
Carlson	Gloor	Kolowski	Pirsch	Watermeier
Chambers	Haar, K.	Larson	Price	Wightman
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 340.

A BILL FOR AN ACT relating to public power; to amend section 70-1013, Revised Statutes Cumulative Supplement, 2012; to change a hearing requirement; 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	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Davis	Karpisek	Nelson	Sullivan
Brasch	Dubas	Kintner	Nordquist	Wallman
Carlson	Gloor	Kolowski	Pirsch	Watermeier
Chambers	Haar, K.	Larson	Price	Wightman
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 434.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend section 81-829.41, Reissue Revised Statutes of Nebraska; to provide duties for the Nebraska Emergency Management Agency relating to emergency management registries; to provide for voluntary participation; to provide for certain information not to be considered a public record; to provide for confidentiality of certain information; to provide a penalty; 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	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Davis	Karpisek	Nelson	Sullivan
Brasch	Dubas	Kintner	Nordquist	Wallman
Carlson	Gloor	Kolowski	Pirsch	Watermeier
Chambers	Haar, K.	Larson	Price	Wightman
Christensen	Hansen	Lathrop	Scheer	
Coash	Harms	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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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 LB499 with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 499.

A BILL FOR AN ACT relating to the Game Law; to amend sections

37-304, 37-321, 37-422, 37-4,107, 37-543, 37-546, and 37-604, Reissue Revised Statutes of Nebraska, and sections 37-314, 37-447, 37-448, 37-455, 37-490, 37-492, 37-501, 37-503, and 37-614, Revised Statutes Cumulative Supplement, 2012; to provide and change powers and duties of the Game and Parks Commission regarding rules and regulations; to authorize commission orders; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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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 620.

A BILL FOR AN ACT relating to government health insurance; to require presentations of plans to the Legislature.

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

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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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 94, 105, 133, 170, 262, 295, 316, 340, 434, 499, and 620.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 113, 114, 115, and 116 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 113, 114, 115, and 116.

GENERAL FILE

LEGISLATIVE BILL 517. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM603, found on page 724, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA45

Amend AM603

Page 2, line 4 place a period after "designee" and strike beginning with

"and" through the period in line 27.

SPEAKER ADAMS PRESIDING

SENATOR COASH PRESIDING

Pending.

MOTION - Print in Journal

Senator Chambers filed the following motion to LB266:

MO29

Place on General File pursuant to Rule 3, Sec. 20(b).

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 94, 105, 133, 170, 262, 295e, 316, 340, 434, 499, and 620.

(Signed) Charlie Janssen

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 28, 2013, at 9:58 a.m. were the following: LBs 94, 105, 133, 170, 262, 295e, 316, 340, 434, 499, and 620.

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 122. Introduced by Hansen, 42.

WHEREAS, November 2013 is National Family Caregivers Month; and

WHEREAS, about 250,000 people in Nebraska, 14 percent of the state's population, are 65 years of age and older, and that number is expected to increase in the next twenty years to 375,000 people, or 21 percent of the state's population in 2030; and

WHEREAS, an estimated 45,000 people in Nebraska, 2.5 percent of the state's population, are 85 years of age and older, and that number is expected to increase in the next twenty years to 60,000 people, or 3 percent of the state's population in 2030; and

WHEREAS, it is estimated that 37,000 people in Nebraska have Alzheimer's disease, and this number is expected to increase to 44,000 people by 2025 with an expected 70 percent of the people with Alzheimer's disease and other forms of dementia living at home; and

WHEREAS, 13 percent of those persons 62 years of age and older need some level of assistance with the activities of daily living, and there are an

estimated 200,000 adults in Nebraska providing paid and unpaid care to adult relatives or friends; and

WHEREAS, both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes; and

WHEREAS, the Department of Health and Human Services estimated that the paid caregiver workforce will increase by more than 50 percent by 2025; and

WHEREAS, the longer a senior is able to provide for his or her own care, the less the burden that is placed on public assistance offered by the state and federal governments.

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

1. That the Legislature recognizes the importance of caregiving and the caregiving profession and supports the private home health care industry and the efforts of family caregivers throughout Nebraska by encouraging individuals to provide care to family, friends, and neighbors.

2. That the Legislature encourages accessible and affordable care for seniors and supports the continuing review of state policies and current state programs which address the needs of seniors and their family caregivers.

3. That the Legislature encourages the Department of Health and Human Services to continue working to educate people in Nebraska on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

4. That the Legislature recognizes November 2013 as Nebraska Caregivers Month and encourages citizens to participate in activities related to National Family Caregivers Month.

5. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

LEGISLATIVE RESOLUTION 123. Introduced by Price, 3; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Brasch, 16; Carlson, 38; Coash, 27; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hansen, 42; Harms, 48; Howard, 9; Karpisek, 32; Kolowski, 31; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; Mello, 5; Nelson, 6; Nordquist, 7; Pirsch, 4; Scheer, 19; Schilz, 47; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, the month of April has been designated as Personal Security Awareness Month; and

WHEREAS, the mission of Personal Security Awareness Month is to raise awareness of personal security options and deliver valuable knowledge and life-saving advice; and

WHEREAS, throughout the month of April, personal protection experts and law enforcement professionals will partner to educate the public about

Personal Security Awareness Month and provide information to individuals about how to safeguard themselves and their family members.

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

1. That the Legislature recognizes April 2013 as Personal Security Awareness Month in Nebraska.

2. That during Personal Security Awareness Month, the Legislature encourages citizens to become aware of ways to avoid victimization and learn how to keep themselves and their families safe from crime.

Laid over.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 103. Placed on General File.

LEGISLATIVE BILL 267. Placed on General File.

LEGISLATIVE BILL 329. Placed on General File.

LEGISLATIVE BILL 106. Placed on General File with amendment.
AM95

- 1 1. On page 6, strike line 18 and insert "a conveyance of
- 2 or a lien on any interest in real estate;
- 3 (5) a power of attorney; or"; and in line 19 strike "(5)"
- 4 and insert "(6)".

LEGISLATIVE BILL 169. Placed on General File with amendment.
AM232

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. Section 25-1625, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 25-1625 (1) In each county of the State of Nebraska there
- 6 shall be a jury commissioner.
- 7 (2) In counties having a population of not more than
- 8 ~~fifty-seventy-five~~ thousand inhabitants, the clerk of the district
- 9 court shall be jury commissioner ex officio.
- 10 (3) In counties having a population of more than ~~fifty~~
- 11 seventy-five thousand, and not more than two hundred thousand
- 12 inhabitants, the jury commissioner shall be a separate office
- 13 in the county government or the duties may be performed, when
- 14 authorized by the judges of the district court within such
- 15 counties, by the election commissioner. The jury commissioner
- 16 shall receive an annual salary of not less than twelve hundred
- 17 dollars.
- 18 (4) In counties having a population in excess of two
- 19 hundred thousand inhabitants, the judges of the district court
- 20 within such counties shall determine whether the clerk of the

21 district court will perform the duties of jury commissioner without
 22 additional compensation or the election commissioner will be jury
 23 commissioner ex officio.

1 (5) In all counties the necessary expenses incurred in
 2 the performance of the duties of jury commissioner shall be paid by
 3 the county board of the county out of the general fund, upon proper
 4 claims approved by one of the district judges in the judicial
 5 district and duly filed with the county board.

6 (6) In all counties the jury commissioner shall prepare
 7 and file the annual inventory statement with the county board of
 8 the county of all county personal property in his or her custody or
 9 possession, as provided in sections 23-346 to 23-350.

10 Sec. 2. Original section 25-1625, Revised Statutes
 11 Cumulative Supplement, 2012, is repealed.

LEGISLATIVE BILL 277. Placed on General File with amendment.
 AM240

- 1 1. Strike original section 3.
- 2 2. On page 5, lines 2 and 3, strike "without completely";
- 3 and in line 3 after "is" insert "not".
- 4 3. On page 7, line 4, strike the first comma and insert
- 5 "and" and strike "and 68-945".
- 6 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 342. Placed on General File with amendment.
 AM490

- 1 1. Strike section 4.
- 2 2. On page 19, line 16, strike "not" and insert "have the
- 3 discretion as to whether or not to".
- 4 3. On page 25, line 24, strike "43-253".
- 5 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 415. Placed on General File with amendment.
 AM513

- 1 1. On page 5, after line 17, insert the following new
- 2 subdivision:
- 3 "(c) For purposes of this subsection, financial
- 4 institution means a bank, savings bank, building and loan
- 5 association, savings and loan association, or credit union whether
- 6 chartered by the United States, the Department of Banking and
- 7 Finance, or a foreign state agency.".
- 8 2. On page 11, after line 20, insert the following new
- 9 subdivision:
- 10 "(c) For purposes of this subsection, financial
- 11 institution means a bank, savings bank, building and loan
- 12 association, savings and loan association, or credit union whether
- 13 chartered by the United States, the Department of Banking and
- 14 Finance, or a foreign state agency.".

LEGISLATIVE BILL 538. Placed on General File with amendment.
AM301

- 1 1. On page 6, line 9, after the period insert "A
2 temporary physical, mental, or emotional incapacity shall not be
3 deemed to exist if a law enforcement officer remains employed as a
4 law enforcement officer, including employment as a law enforcement
5 officer in a restricted or limited duty status."; and strike
6 beginning with "The" in line 14 through the period in line 17.

LEGISLATIVE BILL 541. Placed on General File with amendment.
AM491

- 1 1. Strike original section 1 and insert the following new
2 section:
3 Section 1. Section 25-2602.01, Revised Statutes
4 Cumulative Supplement, 2012, is amended to read:
5 25-2602.01 (a) A written agreement to submit any existing
6 controversy to arbitration is valid, enforceable, and irrevocable
7 except upon such grounds as exist at law or in equity for the
8 revocation of any contract.
9 (b) A provision in a written contract to submit to
10 arbitration any controversy thereafter arising between the parties
11 is valid, enforceable, and irrevocable, except upon such grounds as
12 exist at law or in equity for the revocation of any contract, if
13 the provision is entered into voluntarily and willingly.
14 (c) The Uniform Arbitration Act applies to arbitration
15 agreements between employers and employees or between their
16 respective representatives.
17 (d) Contract provisions agreed to by the parties to a
18 contract control over contrary provisions of the act other than
19 subsections (e) and (f) of this section.
20 (e) Subsections (a) and (b) of this section do not apply
21 to a claim for workers' compensation.
22 (f) Subsection (b) of this section does not apply to:
23 (1) A claim arising out of personal injury based on tort;
1 (2) A claim under the Nebraska Fair Employment Practice
2 Act;
3 (3) Any agreement between parties covered by the Motor
4 Vehicle Industry Regulation Act; and
5 (4) Except as provided in section 44-811, any agreement
6 concerning or relating to an insurance policy other than a contract
7 between insurance companies including a reinsurance contract.
8 (g) When a claim involving disciplinary action against
9 a peace officer is submitted to arbitration under the Uniform
10 Arbitration Act, all proceedings shall be open to the public.
11 All documents and reports connected with the proceedings shall
12 be public records. Any decision rendered may be appealed to the
13 district court in the same manner as an appeal from the county
14 court.
15 ~~(g)~~(h) When a conflict exists, the Uniform Arbitration

16 Act shall not apply to the Uniform Act on Interstate Arbitration
 17 and Compromise of Death Taxes and sections 44-811, 44-4824, 54-404
 18 to 54-406, 60-2701 to 60-2709, and 70-1301 to 70-1329.

(Signed) Brad Ashford, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 93. Placed on General File with amendment.
 AM762 is available in the Bill Room.

(Signed) Annette Dubas, Chairperson

Education

LEGISLATIVE BILL 332. Placed on General File.

LEGISLATIVE BILL 497. Placed on General File with amendment.
 AM694

- 1 1. Insert the following new sections:
- 2 Sec. 5. Section 85-1920, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 85-1920 The Nebraska Opportunity Grant Fund is created.
- 5 Money in the fund shall include amounts transferred from the State
- 6 Lottery Operation Trust Fund pursuant to section 9-812 until June
- 7 30, 2016. All amounts accruing to the Nebraska Opportunity Grant
- 8 Fund shall be used to carry out the Nebraska Opportunity Grant Act.
- 9 Any money in the fund available for investment shall be invested
- 10 by the state investment officer pursuant to the Nebraska Capital
- 11 Expansion Act and the Nebraska State Funds Investment Act. ~~Any~~
- 12 ~~money in the Nebraska Scholarship Fund on July 1, 2010, shall be~~
- 13 ~~transferred to the Nebraska Opportunity Grant Fund on such date.~~
- 14 The Nebraska Opportunity Grant Fund terminates on June
- 15 30, 2016. Any money in the fund on such date shall be transferred
- 16 to the Nebraska Education Improvement Fund on such date.
- 17 Sec. 7. Since an emergency exists, this act takes effect
- 18 when passed and approved according to law.
- 19 2. On page 2, strike beginning with the first "the" in
- 20 line 20 through "the" in line 21, show the old matter as stricken,
- 21 and insert "(a) the"; and in line 23 after "Fund" insert "(b)
- 22 through June 30, 2016, to the Education Innovation Fund and the
- 23 Nebraska Opportunity Grant Fund, and (c) on and after July 1, 2016,
- 1 to the Nebraska Education Improvement Fund".
- 2 3. On page 3, line 22, strike the new matter and insert
- 3 "Nebraska Education Improvement Fund".
- 4 4. On page 4, line 2, after "Fund" insert "and beginning
- 5 July 1, 2016, to the Nebraska Education Improvement Fund".
- 6 5. On page 12, strike lines 1 through 4, show the old
- 7 matter as stricken, and insert

8 "(f) The Education Innovation Fund terminates on June 30,
 9 2016. Any money in the fund on such date shall be transferred to
 10 the Nebraska Education Improvement Fund on such date.
 11 (5) The Nebraska Education Improvement Fund is created.
 12 The fund shall consist of money transferred pursuant to subdivision
 13 (3)(b)(ii) of this section and any other funds appropriated by
 14 the Legislature. Any money in the fund available for investment
 15 shall be invested by the state investment officer pursuant to
 16 the Nebraska Capital Expansion Act and the Nebraska State Funds
 17 Investment Act."; in line 5 strike "(5)", show as stricken, and
 18 insert "(6)"; and in line 10 strike "(6)", show as stricken, and
 19 insert "(7)".
 20 6. Amend the repealer and renumber the remaining section
 21 accordingly.

(Signed) Kate Sullivan, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 429A. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 429, One Hundred Third Legislature, First Session, 2013.

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB99:
 AM782

(Amendments to Standing Committee amendments, AM34)

- 1 1. On page 3, line 8; and page 4, line 23, strike "and
 2 until January 1," and show as stricken and strike "2018,".
- 3 2. On page 5, lines 2 and 3, strike "and until April 1,"
 4 and show as stricken; in line 3 strike "2018"; and in line 19
 5 after "2004" insert an underscored period, strike ", until April
 6 1," and show as stricken, and strike "2018,".

GENERAL FILE

LEGISLATIVE BILL 517. The Chambers amendment, FA45, found in this day's Journal, to the committee amendment, was renewed.

Senator Chambers withdrew his amendment.

Committee AM603, found on page 724 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 517A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 331. Placed on General File with amendment. AM852

- 1 1. Strike original section 3 and insert the following new
2 sections:
3 Sec. 3. Section 85-2403, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:
5 85-2403 For purposes of the Postsecondary Institution
6 Act:
7 (1) Authorization to operate means either an
8 authorization to operate on a continuing basis or a recurrent
9 authorization to operate;
10 (2) Authorization to operate on a continuing basis
11 means approval by the commission to operate a postsecondary
12 institution in this state without a renewal requirement and
13 once such authorization has been issued it continues indefinitely
14 unless otherwise suspended, revoked, or terminated, including such
15 authorizations previously deemed to be effective as of May 5,
16 2011, pursuant to the Postsecondary Institution Act for private
17 and out-of-state public postsecondary institutions that had been
18 continuously offering four-year undergraduate programs with a
19 physical presence in the state for at least twenty academic
20 years and for Nebraska public postsecondary institutions;
21 (3) Commission means the Coordinating Commission for
22 Postsecondary Education;
23 (4)(a) Establishing a physical presence means:
1 (i) Offering a course for college credit or a degree
2 program in this state that leads to an associate, baccalaureate,
3 graduate, or professional degree, including:
4 (A) Establishing a physical location in this state where
5 a student may receive synchronous or asynchronous instruction; or
6 (B) Offering a course or program that requires students
7 to physically meet in one location for instructional purposes more
8 than once during the course term; or
9 (ii) Establishing an administrative office in this state,
10 including:

- 11 (A) Maintaining an administrative office in this state
12 for purposes of enrolling students, providing information to
13 students about the institution, or providing student support
14 services;
- 15 (B) Providing office space to staff, whether
16 instructional or noninstructional staff; or
- 17 (C) Establishing a mailing address in this state.
- 18 (b) Physical presence does not include:
- 19 (i) Course offerings in the nature of a short course or
20 seminar if instruction for the short course or seminar takes no
21 more than twenty classroom hours and the institution offers no more
22 than two courses as defined by the commission in a calendar year;
- 23 (ii) Course offerings on a military installation solely
24 for military personnel or civilians employed on such installation;
- 25 (iii) An educational experience arranged for an
26 individual student, such as a clinical, practicum, residency, or
27 internship; or
- 1 (iv) Courses offered online or through the United States
2 mail or similar delivery service which do not require the physical
3 meeting of a student with instructional staff;
- 4 (5) Executive director means the executive director of
5 the commission or his or her designee;
- 6 (6) Nebraska public postsecondary institution means
7 any public institution established, operated, and governed by
8 this state or any of its political subdivisions that provides
9 postsecondary education;
- 10 (7) Out-of-state public postsecondary institution means
11 any public institution with a physical presence in Nebraska that is
12 established, operated, and governed by another state or any of its
13 political subdivisions and that provides postsecondary education;
- 14 (8) Postsecondary institution means any private
15 postsecondary institution, out-of-state public postsecondary
16 institution, or Nebraska public postsecondary institution exempt
17 from the Private Postsecondary Career School Act;
- 18 (9) Private postsecondary institution means any Nebraska
19 or out-of-state nonpublic postsecondary institution with a physical
20 presence in Nebraska, including any for-profit or nonprofit
21 institution, that provides postsecondary education; and
- 22 (10) Recurrent authorization to operate means approval by
23 the commission to operate a postsecondary institution in this state
24 until a renewal of such authorization is required.
- 25 Sec. 4. Section 85-2405, Revised Statutes Cumulative
26 Supplement, 2012, is amended to read:
- 27 85-2405 The commission has the following powers and
1 duties:
- 2 (1) To establish levels for recurrent authorizations to
3 operate based on institutional offerings;
- 4 (2) To receive, investigate as it may deem necessary, and
5 act upon applications for a recurrent authorization to operate and

6 applications to renew a recurrent authorization to operate;
 7 (3) To establish reporting requirements by campus
 8 location either through the federal Integrated Postsecondary
 9 Education Data System, 20 U.S.C. 1094(a)(17), as such section
 10 existed on January 1, 2011, and 34 C.F.R. 668.14(b)(19), as
 11 such regulation existed on January 1, 2011, or directly to
 12 the commission for any postsecondary institution which has an
 13 authorization to operate;

14 (4) To maintain a list of postsecondary institutions
 15 which have authorization to operate, which list shall be made
 16 available to the public;

17 (5) To enter into interstate reciprocity agreements
 18 regarding the provision of postsecondary distance education,
 19 to administer such agreements, and to approve or disapprove,
 20 consistent with such agreements, participation in such agreements
 21 by postsecondary institutions that have their principal place
 22 of business in Nebraska and that choose to participate in such
 23 agreements;

24 ~~(5)-(6)~~ To establish a notification process when a
 25 postsecondary institution which has an authorization to operate
 26 changes its address or adds instructional sites within this state;

27 ~~(6)-(7)~~ To conduct site visits of postsecondary
 1 institutions to carry out the Postsecondary Institution Act;

2 ~~(7)-(8)~~ To establish fees for applications to a
 3 recurrent authorization to operate, ~~and~~ applications to renew
 4 or modify a recurrent authorization to operate, and applications
 5 to participate or continue participation in an interstate
 6 postsecondary distance education reciprocity agreement, which fees
 7 shall be not more than the cost of reviewing and evaluating the
 8 applications;

9 ~~(8)-(9)~~ To investigate any violations of the act by a
 10 postsecondary institution; and

11 ~~(9)-(10)~~ To adopt and promulgate rules, regulations, and
 12 procedures to administer the act.

13 Sec. 5. Original sections 85-1903, 85-1907, 85-2403,
 14 and 85-2405, Revised Statutes Cumulative Supplement, 2012, are
 15 repealed.

16 Sec. 6. Since an emergency exists, this act takes effect
 17 when passed and approved according to law.

(Signed) Kate Sullivan, Chairperson

VISITORS

Visitors to the Chamber were 25 fourth-grade students and teacher from Sutton; 30 fourth-grade students and teacher from Franklin Elementary, Omaha; and 75 fourth-grade students and teachers from Fairbury P.S. Jefferson Intermediate, Fairbury.

The Doctor of the Day was Dr. Daniel Rosenquist from Columbus.

ADJOURNMENT

At 12:39 p.m., on a motion by Senator Schilz, the Legislature adjourned until 10:00 a.m., Tuesday, April 2, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - APRIL 2, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 2, 2013

PRAYER

The prayer was offered by Senator Smith.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators B. Harr and Krist who were excused; and Senators Ashford, Conrad, Janssen, McCoy, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 368. Placed on General File with amendment.
AM816

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Legislature finds that:
- 4 (1) Work experience is necessary to obtain employment in
- 5 a competitive job market;
- 6 (2) Businesses find creating capacity to add employees
- 7 during a time of economic recovery challenging;
- 8 (3) Subsidized employment can benefit employers and
- 9 workers in need of experience;
- 10 (4) Increasing opportunities for public assistance
- 11 recipients to engage in meaningful workplace experience can
- 12 significantly contribute to their long-term employability;
- 13 (5) Providing subsidized employment can also help
- 14 businesses to grow; and
- 15 (6) States nationwide provide subsidized employment
- 16 to public assistance recipients in order to aid employers in

17 developing work placements for public assistance recipients.

18 Sec. 2. For purposes of sections 1 to 7 of this act:

19 (1) Aid to dependent children program means the program
20 described in section 43-512; and

21 (2) Participant means an individual who qualifies for
22 the aid to dependent children program services with a family
23 income equal to or less than two hundred percent of the Office of
1 Management and Budget income poverty guideline.

2 Sec. 3. (1) The Subsidized Employment Pilot Program is
3 created within the Department of Health and Human Services to
4 provide opportunities for employers and participants in the aid to
5 dependent children program to achieve subsidized employment.

6 (2) The department shall establish a partnership between
7 an entity which contracts with the department pursuant to section
8 68-1722 to provide case management services in the aid to dependent
9 children program and a nonprofit organization.

10 (3) The Department of Labor shall establish a partnership
11 with the nonprofit organization described in subsection (2) of this
12 section to assist in the recruitment of participants and employers
13 for the pilot program.

14 (4) The nonprofit organization described in subsection
15 (2) of this section shall:

16 (a) Establish an application process for employers to
17 participate in the pilot program. Such application process shall
18 include, but not be limited to, a requirement that employer
19 applicants submit a plan including, but not limited to, the
20 following criteria:

21 (i) Initial client assessment, job development, job
22 placement, and employment retention services;

23 (ii) A strategy to place participants in in-demand jobs;
24 and

25 (iii) Other program guidelines or criteria for the pilot
26 program as needed;

27 (b) Recruit participants for the pilot program, with
1 assistance from the Department of Health and Human Services,
2 the Department of Labor, and an entity which contracts with the
3 department pursuant to section 68-1722 to provide case management
4 services in the aid to dependent children program;

5 (c) Recruit employers for the pilot program, with
6 assistance from the Department of Labor;

7 (d) Determine participant eligibility for the pilot
8 program and assist with employer and employee matching;

9 (e) Ensure that the pilot program operates in both rural
10 and urban areas. To ensure that the pilot program operates in both
11 rural and urban areas, such nonprofit organization may enter into
12 subcontracts with other nonprofit entities;

13 (f) Gather the data and performance measures as described
14 in section 5 of this act; and

15 (g) Submit an electronic report on or before September
16 15 of each year to the Health and Human Services Committee of the
17 Legislature containing the data and performance measures described

18 in section 5 of this act.

19 Sec. 4. Subsidies under the Subsidized Employment Pilot
20 Program created pursuant to section 3 of this act shall be capped
21 at the prevailing wage and shall be provided for no more than
22 forty hours per week for not more than six months, on the following
23 scale:

24 (1) One hundred percent in months one and two;

25 (2) Seventy-five percent in month three;

26 (3) Fifty percent in months four and five; and

27 (4) Twenty-five percent in month six.

1 Sec. 5. The nonprofit organization described in
2 subsection (2) of section 3 of this act shall ensure the gathering
3 and reporting of the following performance measures:

4 (1) Number of employees participating in the Subsidized
5 Employment Pilot Program;

6 (2) Length of time each employee has participated in the
7 program;

8 (3) Wages paid to employees in the program;

9 (4) Employment status of each employee at completion of
10 his or her participation in the program, six months after such
11 completion, and twelve months after such completion;

12 (5) Wages of each employee at completion of his or her
13 participation in the program, six months after such completion, and
14 twelve months after such completion;

15 (6) Number of employers participating in the program; and

16 (7) Length of time each employer has participated in the
17 program.

18 Sec. 6. The Subsidized Employment Pilot Program created
19 under section 3 of this act terminates on July 1, 2018.

20 Sec. 7. The Department of Health and Human Services may
21 adopt and promulgate rules and regulations to carry out sections 1
22 to 6 of this act.

23 Sec. 8. It is the intent of the Legislature to
24 appropriate one million dollars each fiscal year for FY2014-15 to
25 FY2017-18 from funds available to the federal Temporary Assistance
26 for Needy Families program, 42 U.S.C. 601 et seq., as such sections
27 existed on January 1, 2013, to carry out sections 1 to 6 of this
1 act. Any of such funds which are unexpended on June 30, 2018,
2 shall lapse to the federal Temporary Assistance for Needy Families
3 program on such date.

4 Sec. 9. This act becomes operative on July 1, 2014.

LEGISLATIVE BILL 507. Placed on General File with amendment.
AM701 is available in the Bill Room.

LEGISLATIVE BILL 518. Indefinitely postponed.

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 429A. Title read. Considered.

Senator Crawford offered the following amendment:

AM863

- 1 1. On page 2, lines 11 and 12 and 13 and 14, strike "the
- 2 Medicaid Program 341 Administrative Fund" and insert "the Health
- 3 and Human Services Cash Fund".

The Crawford amendment was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

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

LEGISLATIVE BILL 299. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 417. Placed on General File.

LEGISLATIVE BILL 449. Placed on General File.

LEGISLATIVE BILL 219. Placed on General File with amendment.

AM840

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 32-616, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 32-616 (1) Any registered voter who was not a candidate
- 6 in the primary election and who was not registered to vote with a
- 7 party affiliation on or ~~before~~after March 1 and before the general
- 8 election in the calendar year of the general election may have his
- 9 or her name placed on the general election ballot for a partisan
- 10 office by filing petitions as prescribed in sections 32-617 to
- 11 32-621 or by nomination by political party convention or committee
- 12 pursuant to section 32-627 or 32-710.
- 13 (2) Any candidate who was defeated in the primary
- 14 election and any registered voter who was not a candidate in
- 15 the primary election may have his or her name placed on the general
- 16 election ballot if a vacancy exists on the ballot under subsection
- 17 (2) of section 32-625 and the candidate files for the office by
- 18 petition as prescribed in sections 32-617 and 32-618, files as a
- 19 write-in candidate as prescribed in section 32-615, or is nominated
- 20 by political party convention or committee pursuant to section

21 32-627 or 32-710.

22 Sec. 2. Original section 32-616, Revised Statutes

23 Cumulative Supplement, 2012, is repealed.

LEGISLATIVE BILL 565. Placed on General File with amendment.
AM810

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

3 Section 1. Section 32-942, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 ~~32-942 Any~~ (1) Except as otherwise provided in subsection
6 (2) of this section, a registered voter of this state who
7 anticipates being absent from the county of his or her residence
8 on the day of any election but who is present in the county
9 after ballots are available may appear in person before the
10 election commissioner or county clerk and obtain his or her ballot.
11 The registered voter shall vote in the office of the election
12 commissioner or county clerk or shall return the ballot to the
13 office not later than the closing of the polls on the day of the
14 election. A registered voter who is present in the county on the
15 day of the election and who chooses to vote on the day of the
16 election shall vote at the polling place assigned to the precinct
17 in which he or she resides unless he or she is returning a ballot
18 for early voting or voting pursuant to section 32-943.

19 (2) If a person registers to vote and requests a
20 ballot at the same time, he or she shall (a)(i) present a
21 photographic identification which is current and valid or a copy
22 of a utility bill, bank statement, government check, paycheck, or
23 other government document which is dated within the sixty days
1 immediately prior to the date of presentation and which shows
2 the same name and residence address of the person provided on
3 the registration application, (ii) provide his or her Nebraska
4 driver's license number or the last four digits of his or her
5 social security number and the election commissioner or county
6 clerk verifies the number provided pursuant to subsection (2) of
7 section 32-312.03, (iii) present proof that he or she is a member
8 of the armed forces of the United States who by reason of active
9 duty has been absent from his or her place of residence where the
10 member is otherwise eligible to vote, is a member of the United
11 States Merchant Marine who by reason of service has been away
12 from his or her place of residence where the member is otherwise
13 eligible to vote, is a spouse or dependent of a member of the
14 armed forces of the United States or United States Merchant Marine
15 who has been absent from his or her place of residence due to the
16 service of that member, or resides outside the United States and
17 but for such residence would be qualified to vote in the state if
18 the state was the last place in which the person was domiciled
19 before leaving the United States, or (iv) state that he or she is
20 elderly or handicapped and has requested to vote by alternative

21 means other than by casting a ballot at his or her polling place on
 22 election day or (b) vote a ballot which is placed in an envelope
 23 with the voters name and address and other necessary identifying
 24 information and kept securely for counting as provided in this
 25 subsection. This subsection does not extend the deadline for voter
 26 registration specified in section 32-302. A ballot cast pursuant to
 27 this subsection shall be rejected and shall not be counted if the
 1 acknowledgment of registration sent to the registrant pursuant to
 2 section 32-322 is returned as undeliverable for a reason other than
 3 clerical error within ten days after it is mailed, otherwise after
 4 such ten-day period, the ballot shall be counted.

5 Sec. 2. Original section 32-942, Revised Statutes
 6 Cumulative Supplement, 2012, is repealed.

LEGISLATIVE RESOLUTION 38. Reported to the Legislature for
 further consideration with the following amendment:
 AM758

1 1. Strike the original provisions and insert the
 2 following new provisions:
 3 WHEREAS, civil aviation plays a pivotal role in promoting
 4 cultural exchange, business, trade, and tourism; and
 5 WHEREAS, the development of international civil aviation
 6 in a safe and orderly manner is the supreme cause of the
 7 International Civil Aviation Organization (ICAO); and
 8 WHEREAS, with an excellent geographic location, Taiwan is
 9 a key aviation hub for regions in northeastern and southeastern
 10 Asia; and
 11 WHEREAS, the Taipei Flight Information Region (FIR),
 12 bordering the FIRs of Fukuoka, Manila, Hong Kong, and Shanghai,
 13 includes fourteen international airways and four domestic airways,
 14 providing services for more than one million flights per year; and
 15 WHEREAS, each year, forty million travelers enter, leave,
 16 or pass through the Taipei FIR, making Taiwan a key part of air
 17 navigation in East Asia; and
 18 WHEREAS, currently, more than fifty domestic and foreign
 19 airlines operate flights from Taiwan to one hundred ten cities
 20 in the world and the annual number of passengers on international
 21 flights is approximately thirty million; and
 22 WHEREAS, in 2010, the number of international passengers
 23 at Taiwan's largest airport - Taoyuan International Airport -
 1 ranked sixteenth worldwide while international cargo ranked ninth,
 2 making Taiwan one of the busiest airspaces in the world; and
 3 WHEREAS, without Taiwan's participation, the
 4 international flight plans, regulations, and procedures that the
 5 ICAO formulates will be incomplete and unsafe; and
 6 WHEREAS, Taiwan's request to participate in the ICAO
 7 is fully in line with the United States Government's policy of
 8 supporting Taiwan's meaningful participation in United Nations
 9 specialized agencies.

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

- 12 1. That the Legislature endorses Taiwan's participation
13 in the International Civil Aviation Organization as an observer.
14 2. That a copy of this resolution be sent to the
15 United States Secretary of State, the United States Secretary
16 of Transportation, each member of the Nebraska congressional
17 delegation, and the Director General of the Taipei Economic and
18 Cultural Office in Kansas City.

LEGISLATIVE BILL 235. Indefinitely postponed.

LEGISLATIVE BILL 418. Indefinitely postponed.

LEGISLATIVE BILL 576. Indefinitely postponed.

(Signed) Bill Avery, Chairperson

AMENDMENT - Print in Journal

Senator Kintner filed the following amendment to LB429:
AM720

(Amendments to Standing Committee amendments, AM390)

- 1 1. On page 4, line 2, after "funds" insert "in excess of
2 one thousand dollars".

GENERAL FILE

LEGISLATIVE BILL 57. Title read. Considered.

Committee AM676, found on page 764, was offered.

Senator Larson offered his amendment, AM844, found on page 847, to the committee amendment.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 517. Placed on Select File with amendment.
ER35

- 1 1. In the Standing Committee amendments, AM603:
2 a. On page 2, line 1, after "of" insert "the";
3 b. On page 3, strike beginning with "Corps" in line 4
4 through "Army" in line 5 and insert "United States Army Corps of
5 Engineers";
6 c. On page 4, line 12, strike "groundwater" and insert
7 "ground water"; and in line 14 strike "for" and insert "or"; and
8 d. On page 5, line 12, strike "and".
9 2. On page 1, strike beginning with "amend" in line 1

10 through line 6 and insert "state findings; to create the Water
 11 Funding Task Force; to provide powers and duties; to provide a
 12 termination date; and to declare emergency."

LEGISLATIVE BILL 517A. Placed on Select File.

LEGISLATIVE BILL 429A. Placed on Select File.

(Signed) John Murante, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 94, 105, 133, 170, 262, 295e, 316, 340, 434, 499, and 620.

(Signed) Galen Hadley

RESOLUTION

LEGISLATIVE RESOLUTION 124. Introduced by Johnson, 23; Bloomfield, 17; Davis, 43.

WHEREAS, Jon "Jake" Jacoby of the Cedar Bluffs, Nebraska, Volunteer Fire and Rescue Department was honored with the Nebraska EMT of the Year Award by the Nebraska Emergency Medical Services Association during its spring conference held March 15-17, 2013; and

WHEREAS, Jon Jacoby was also awarded the Cedar Bluffs Fire District EMT of the Year Award in March of 2013; and

WHEREAS, Jon Jacoby has more than 40 years of professional experience, beginning his fire and rescue career in 1970 in the Kansas City, Missouri, metropolitan area; and

WHEREAS, during the course of his fire and rescue career, Jon Jacoby has served in multiple capacities including as fire chief, firefighter, emergency medical technician, and chaplain.

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

1. That the Legislature congratulates Jon "Jake" Jacoby on being honored with the Nebraska EMT of the Year Award and recognizes his many years of leadership, dedication, and service as both a professional and volunteer firefighter and emergency medical technician.

2. That a copy of this resolution be sent to Jon "Jake" Jacoby.

Laid over.

VISITORS

Visitors to the Chamber were 30 fifth-grade students and teacher from Shell Creek Elementary, Columbus; and 3 fourth-grade Tree City USA essay

winners: Courtney Odens, Kambree Meeske, and Morayah Cupp from Chase County Schools, Imperial.

RECESS

At 12:03 p.m., on a motion by Senator Hansen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Gloor presiding.

ROLL CALL

The roll was called and all members were present except Senators B. Harr and Krist who were excused; and Senators Conrad and Johnson who was excused until they arrive.

SENATOR COASH PRESIDING

GENERAL FILE

LEGISLATIVE BILL 57. The Larson amendment, AM844, found on page 847 and considered in this day's Journal, to the committee amendment, was renewed.

The Larson amendment was adopted with 32 ayes, 2 nays, 11 present and not voting, and 4 excused and not voting.

Senator K. Haar offered the following motion:

MO30

Bracket until April 5, 2013.

Senator K. Haar moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The K. Haar motion to bracket failed with 8 ayes, 29 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Committee AM676, found on page 764 and considered in this day's Journal, as amended, was renewed.

Senator Larson offered the following amendment to the committee amendment:

AM871

(Amendments to AM844)

1 1. Strike amendments 1 and 2 and insert the following new
2 amendments:

3 1. On page 1, line 4, after "application" insert "from a
4 nonpublic grantee"; strike beginning with line 6 through "by" in
5 line 7 and insert "that will at any time be sold or transferred to
6 or exchanged with"; and strike lines 17 through 23 and insert the
7 following new subsection:

8 "(8) The board shall require, in the contract between
9 the board and a nonpublic grantee, that such grantee not sell,
10 transfer, or exchange, unless approved in the original grant, any
11 portion or all of the real property acquired by such grantee in
12 whole or in part by trust funds without the prior written approval
13 of the board. Such approval shall be granted if the sale, transfer,
14 or exchange is consistent with the purposes of the original grant.
15 Such grantee shall provide the board in writing the details of any
16 proposed sale, transfer, or exchange of the real property at least
17 thirty days in advance of the next scheduled board meeting and
18 obtain written approval of the board prior to executing any such
19 transaction. If the board does not provide written approval of the
20 sale, transfer, or exchange, such grantee may repay the value of
21 the grant to the trust in order to be released from all further
22 obligations. If the board provides written approval of a sale,
1 transfer, or exchange, the real property shall be released from any
2 further restrictions regarding its sale, transfer, or exchange.

3 The board shall require, in the contract between the
4 board and such grantee, (a) that such grantee provide the board,
5 in advance of the distribution of trust funds, with written
6 confirmation on behalf of any financial institution that is to
7 provide such grantee with a portion of the funds for purchase of
8 real property to be acquired by such grantee in part by trust
9 funds, acknowledging that such grantee may not sell, transfer,
10 or exchange, any portion or all of the real property, without
11 the written approval of the board and (b) that the deed or
12 other instrument conveying title to real property acquired by such
13 grantee in whole or in part by trust funds shall contain express
14 provisions stating that the grantee may not sell, transfer, or
15 exchange any portion or all of such real property without the
16 prior written approval of the board. Failure of such deed or
17 other instrument to contain the required statement shall allow such
18 grantee to sell, transfer, or exchange any portion or all of the
19 real property without having to obtain prior written approval of
20 the board."

21 2. On page 2, strike line 1.

SENATOR GLOOR PRESIDING

Senator Larson moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Chambers requested a roll call vote on the Larson amendment.

Voting in the affirmative, 34:

Adams	Conrad	Harms	Murante	Seiler
Bloomfield	Cook	Janssen	Nelson	Smith
Bolz	Davis	Karpisek	Pirsch	Sullivan
Brasch	Gloor	Kintner	Price	Wallman
Carlson	Haar, K.	Larson	Scheer	Watermeier
Christensen	Hadley	Lautenbaugh	Schilz	Wightman
Coash	Hansen	McCoy	Schumacher	

Voting in the negative, 1:

Avery

Present and not voting, 8:

Campbell	Crawford	Howard	Lathrop
Chambers	Dubas	Kolowski	Nordquist

Excused and not voting, 6:

Ashford	Johnson	McGill
Harr, B.	Krist	Mello

The Larson amendment was adopted with 34 ayes, 1 nay, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator Schilz filed the following amendment to LB57:

AM869

(Amendments to Standing Committee amendments, AM676)

- 1 1. On page 1, strike lines 17 through 23 and insert the
- 2 following new subsection:
- 3 "(8) The board shall require, in the contract between
- 4 the board and a nonpublic grantee, that such grantee not sell,
- 5 transfer, exchange, or encumber any portion or all of the real
- 6 property acquired by such grantee in whole or in part by trust
- 7 funds without the prior written approval of the board, which

8 approval shall not be unreasonably withheld. Such grantee shall
 9 provide the board in writing the details of any proposed sale,
 10 transfer, exchange, or encumbrance of the real property at least
 11 thirty days in advance of the next scheduled board meeting and
 12 obtain written approval of the board prior to executing any
 13 such transaction. If the board does not provide written approval
 14 of the sale, transfer, exchange, or encumbrance, such grantee
 15 may repay the value of the grant to the trust in order to
 16 be released from all further obligations. If the board provides
 17 written approval of a sale, transfer, or exchange, the real
 18 property shall be released from any further restrictions regarding
 19 its sale, transfer, exchange, or encumbrance.

20 The board shall require, in the contract between the
 21 board and such grantee, (a) that such grantee provide the board,
 22 in advance of the distribution of trust funds, with written
 1 confirmation on behalf of any financial institution that is to
 2 provide such grantee with a portion of the funds for purchase of
 3 real property to be acquired by such grantee in part by trust
 4 funds, acknowledging that such grantee may not sell, transfer,
 5 exchange, or encumber any portion or all of the real property,
 6 without the written approval of the board and (b) that the deed
 7 or other instrument conveying title to real property acquired by
 8 such grantee in whole or in part by trust funds shall contain
 9 express provisions stating that the grantee may not sell, transfer,
 10 exchange, or encumber any portion or all of such real property
 11 without the prior written approval of the board. Failure of such
 12 deed or other instrument to contain the required statement shall
 13 allow such grantee to sell, transfer, exchange, or encumber any
 14 portion or all of the real property without having to obtain prior
 15 written approval of the board."

16 2. On page 2, strike line 1.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Heine, Jim - State Fire Marshal, Nebraska State Fire Marshal's Office -
 Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
 Executive Board

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 90. Placed on General File.

LEGISLATIVE BILL 251. Placed on General File.

(Signed) Galen Hadley, Chairperson

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 299. Placed on Select File.

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 57. Senator Chambers offered the following motion:

MO31

Reconsider the vote taken on AM871.

SENATOR COASH PRESIDING

SENATOR GLOOR PRESIDING

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator K. Haar offered the following amendment to the committee amendment:

AM876

(Amendments to Standing Committee amendments, AM676)

- 1 1. On page 2, after "transaction" insert ". If the
- 2 board does not approve or deny such request for approval within
- 3 forty-five days after the request, such request shall be deemed
- 4 approved.
- 5 (9) Members of the board may participate in and vote on
- 6 issues at a regular or special meeting of the trust by telephone
- 7 conference call or videoconference as long as the chairperson or
- 8 vice-chairperson of the board conducts the meeting at a location
- 9 where the public is able to participate by attendance at that
- 10 location and the telephone conference call or videoconference
- 11 otherwise conforms to the requirements of subdivisions (2)(a)
- 12 through (e) of section 84-1411".
- 13 2. Renumber the remaining subsections accordingly.

The K. Haar amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Committee AM676, found on page 764 and considered in this day's Journal, as amended, was renewed.

SENATOR COASH PRESIDING

The committee amendment, as amended, was adopted with 28 ayes, 2 nays, 12 present and not voting, and 7 excused and not voting.

Senator Chambers offered the following motion:

MO32

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 13:

Avery	Conrad	Dubas	Kolowski	Sullivan
Chambers	Cook	Haar, K.	Lathrop	
Coash	Crawford	Harms	Nordquist	

Voting in the negative, 26:

Adams	Gloor	Kintner	Scheer	Watermeier
Bloomfield	Hadley	Larson	Schilz	Wightman
Brasch	Hansen	Lautenbaugh	Schumacher	
Carlson	Janssen	Nelson	Seiler	
Christensen	Johnson	Pirsch	Smith	
Davis	Karpisek	Price	Wallman	

Present and not voting, 3:

Bolz	Campbell	Howard
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Excused and not voting, 7:

Ashford	Krist	McGill	Murante
Harr, B.	McCoy	Mello	

The Chambers motion to indefinitely postpone failed with 13 ayes, 26 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO33

Recommit to committee.

Pending.

AMENDMENTS - Print in Journal

Senator Seiler filed the following amendment to LB158:
AM827 is available in the Bill Room.

Senator Coash filed the following amendment to LB23:
AM761 is available in the Bill Room.

VISITORS

Visitors to the Chamber were 26 fourth-grade students from Johnson County Central, Cook.

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 6:29 p.m., on a motion by Senator Christensen, the Legislature adjourned until 9:00 a.m., Wednesday, April 3, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - APRIL 3, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 3, 2013

PRAYER

The prayer was offered by Senator Christensen.

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 Bolz, Harms, Karpisek, Lathrop, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

MESSAGE FROM THE GOVERNOR

March 27, 2013

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Racing Commission:

Kristopher Covi, 6526 South 172 Ave., Omaha, NE 68135

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,

(Signed) Dave Heineman
Governor

Enclosures

GENERAL FILE

LEGISLATIVE BILL 57. Senator Chambers renewed his motion, MO33, found on page 884, to recommit to committee.

Senator Chambers moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Chambers requested a record vote on his motion to recommit to committee.

Voting in the affirmative, 7:

Avery	Conrad	Haar, K.	Nordquist
Chambers	Crawford	Kolowski	

Voting in the negative, 33:

Adams	Cook	Johnson	Nelson	Smith
Bloomfield	Davis	Karpisek	Pirsch	Sullivan
Bolz	Dubas	Kintner	Price	Wallman
Brasch	Gloor	Larson	Scheer	Watermeier
Campbell	Hadley	Lautenbaugh	Schilz	Wightman
Carlson	Hansen	McCoy	Schumacher	
Christensen	Janssen	Murante	Seiler	

Present and not voting, 7:

Ashford	Harms	Howard	McGill
Coash	Harr, B.	Krist	

Excused and not voting, 2:

Lathrop	Mello
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The Chambers motion to recommit to committee failed with 7 ayes, 33 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SPEAKER ADAMS PRESIDING

Senator K. Haar offered the following amendment:
FA46
Strike the enacting clause.

Senator Larson offered the following motion:

MO34

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Larson moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Larson requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 34:

Adams	Christensen	Howard	Murante	Seiler
Ashford	Coash	Janssen	Nelson	Smith
Bloomfield	Cook	Johnson	Pirsch	Sullivan
Bolz	Davis	Karpisek	Price	Wallman
Brasch	Gloor	Kintner	Scheer	Watermeier
Campbell	Hadley	Larson	Schilz	Wightman
Carlson	Hansen	Lautenbaugh	Schumacher	

Voting in the negative, 9:

Avery	Conrad	Dubas	Kolowski	Nordquist
Chambers	Crawford	Haar, K.	McGill	

Present and not voting, 4:

Harms	Harr, B.	Krist	McCoy
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Excused and not voting, 2:

Lathrop	Mello
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The Larson motion to invoke cloture prevailed with 34 ayes, 9 nays, 4 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the K. Haar amendment, FA46.

Voting in the affirmative, 8:

Avery	Conrad	Haar, K.	McGill
Coash	Cook	Kolowski	Nordquist

Voting in the negative, 30:

Adams	Chambers	Janssen	Murante	Schumacher
Ashford	Christensen	Johnson	Nelson	Seiler
Bloomfield	Gloor	Karpisek	Pirsch	Smith
Brasch	Hadley	Kintner	Price	Wallman
Campbell	Hansen	Larson	Scheer	Watermeier
Carlson	Harr, B.	Lautenbaugh	Schilz	Wightman

Present and not voting, 9:

Bolz	Davis	Harms	Krist	Sullivan
Crawford	Dubas	Howard	McCoy	

Excused and not voting, 2:

Lathrop	Mello
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The K. Haar amendment lost with 8 ayes, 30 nays, 9 present and not voting, and 2 excused and not voting.

Senator Larson requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 27:

Bloomfield	Hadley	Larson	Price	Wallman
Brasch	Hansen	Lautenbaugh	Scheer	Watermeier
Carlson	Janssen	McCoy	Schilz	Wightman
Christensen	Johnson	Murante	Schumacher	
Davis	Karpisek	Nelson	Seiler	
Gloor	Kintner	Pirsch	Smith	

Voting in the negative, 17:

Ashford	Coash	Dubas	Kolowski	Sullivan
Avery	Conrad	Haar, K.	Krist	
Bolz	Cook	Harms	McGill	
Chambers	Crawford	Harr, B.	Nordquist	

Present and not voting, 3:

Adams	Campbell	Howard
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Excused and not voting, 2:

Lathrop	Mello
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Advanced to Enrollment and Review Initial with 27 ayes, 17 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 117, 118, 119, and 120 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 117, 118, 119, and 120.

GENERAL FILE

LEGISLATIVE BILL 158. Title read. Considered.

SENATOR GLOOR PRESIDING

Committee AM470, found on page 613, was offered.

Senator Seiler offered his amendment, AM827, found on page 884, to the committee amendment.

The Seiler amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

VISITORS

Visitors to the Chamber were 37 fourth-grade students and teacher from Louisville; 7 students and professor from the American Government Class at York College; 42 fourth-grade students and teachers from Pine Creek Elementary, Bennington; and 29 fourth-grade students and teacher from Ponca.

RECESS

At 12:00 p.m., on a motion by Senator Campbell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Coash presiding.

ROLL CALL

The roll was called and all members were present except Senator Schilz who was excused; and Senators Ashford, Conrad, Gloor, Janssen, Kolowski, Murante, Sullivan, and Wallman who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 388. Title read. Considered.

Committee AM454, found on page 678, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

MESSAGE FROM THE GOVERNOR

April 3, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 94, 105, 133, 170, 262, 295e, 316, 340, 434, 499, and 620 were received in my office on March 28, 2013.

These bills were signed and delivered to the Secretary of State on April 3, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

GENERAL FILE

LEGISLATIVE BILL 271. Title read. Considered.

Senator Chambers offered the following amendment:
FA47
Page 2, line 4 reinstate stricken matter.

SENATOR MCGILL PRESIDING

Senator Lautenbaugh offered the following motion:
MO35
Bracket until June 3, 2013.

Senator Lautenbaugh withdrew his motion to bracket.

Senator Chambers offered the following motion:

MO36

Bracket until June 5, 2013.

SENATOR GLOOR PRESIDING

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Covi, Kristopher - State Racing Commission - General Affairs

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 125. Introduced by Howard, 9; Krist, 10; Lathrop, 12.

WHEREAS, Duchesne Academy of the Sacred Heart was established in Omaha, Nebraska, as a high school for young women in 1881; and

WHEREAS, Duchesne Academy emphasizes studies which nurture the desire for truth and is committed to educating young women to be well-informed, creative, critical thinkers; and

WHEREAS, Duchesne Academy fosters in its students a social awareness that impels them to action and creates young women poised to be leaders committed to service in their communities; and

WHEREAS, Duchesne Academy has educated some of Nebraska's finest young women.

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

1. That the Legislature recognizes the quality education Duchesne Academy of the Sacred Heart has provided to young women for more than a century and thanks Duchesne Academy for helping to create a highly educated citizenry.

2. That a copy of this resolution to sent to Duchesne Academy of the Sacred Heart.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 271. The Chambers motion, MO36, found in this day's Journal, to bracket until June 5, 2013, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 12:

Bolz	Cook	Haar, K.	Kolowski
Chambers	Crawford	Howard	Lathrop
Conrad	Davis	Karpisek	Nordquist

Voting in the negative, 29:

Adams	Coash	Harr, B.	Murante	Seiler
Avery	Dubas	Janssen	Nelson	Smith
Bloomfield	Gloor	Johnson	Pirsch	Sullivan
Brasch	Hadley	Kintner	Price	Wallman
Campbell	Hansen	Lautenbaugh	Scheer	Watermeier
Carlson	Harms	McCoy	Schumacher	

Excused and not voting, 8:

Ashford	Krist	McGill	Schilz
Christensen	Larson	Mello	Wightman

The Chambers motion to bracket failed with 12 ayes, 29 nays, and 8 excused and not voting.

The Chair declared the call raised.

The Chambers amendment, FA47, found in this day's Journal, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Chambers amendment lost with 7 ayes, 27 nays, 6 present and not voting, and 9 excused and not voting.

Senator Chambers offered the following motion:

MO37

Reconsider the vote taken on FA47.

The Chair declared the call raised.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB507 and LB625. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Sullivan withdrew her name as cointroducer to LB637.

VISITORS

Visitors to the Chamber were 200 social work students and faculty members from Chadron State College, Creighton University, Nebraska Wesleyan University - Lincoln, Nebraska Wesleyan - Omaha, Union College, University of Nebraska - Kearney, and UNO Grace Abbott School of Social Work; 55 fourth-grade students, teachers, and sponsors from Morton Elementary, Lexington; 17 fourth-grade students, teacher, and sponsors from Humphrey; and 14 fourth-grade students, teacher, and sponsors from Red Cloud.

ADJOURNMENT

At 6:11 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Thursday, April 4, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - APRIL 4, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 4, 2013

PRAYER

The prayer was offered by Senator Coash.

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 Senator Ashford who was excused; and Senators Christensen, B. Harr, Lathrop, Murante, Nordquist, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

GENERAL FILE

LEGISLATIVE BILL 629. Title read. Considered.

Committee AM641, found on page 748, was offered.

Senator Lautenbaugh offered the following amendment to the committee amendment:

FA48

Amend AM641

On page 4, line 26, strike "February" and insert "March".

Senator Lautenbaugh withdrew his amendment.

The committee amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 423. Title read. Considered.

Committee AM614, found on page 741, was offered.

SENATOR KRIST PRESIDING

The committee amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 1 nay, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 216. Title read. Considered.

Committee AM502, found on page 669, was offered.

Pending.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 57. Placed on Select File with amendment.
ER36

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 81-15,175, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 81-15,175 (1) The board may make an annual allocation
- 6 each fiscal year from the Nebraska Environmental Trust Fund to
- 7 the Nebraska Environmental Endowment Fund as provided in section
- 8 81-15,174.01. The board shall make annual allocations from the
- 9 Nebraska Environmental Trust Fund and may make annual allocations
- 10 each fiscal year from the Nebraska Environmental Endowment Fund
- 11 for projects which conform to the environmental categories of the
- 12 board established pursuant to section 81-15,176 and to the extent
- 13 the board determines those projects to have merit. The board
- 14 shall establish a calendar annually for receiving and evaluating
- 15 proposals and awarding grants. To evaluate the economic, financial,
- 16 and technical feasibility of proposals, the board may establish
- 17 subcommittees, request or contract for assistance, or establish
- 18 advisory groups. Private citizens serving on advisory groups shall
- 19 be reimbursed for their actual and necessary expenses pursuant to
- 20 sections 81-1174 to 81-1177.
- 21 (2) The board shall establish rating systems for ranking
- 22 proposals which meet the board's environmental categories and other
- 23 criteria. The rating systems shall include, but not be limited to,
 - 1 the following considerations:
 - 2 (a) Conformance with categories established pursuant to
 - 3 section 81-15,176;

4 (b) Amount of funds committed from other funding sources;
5 (c) Encouragement of public-private partnerships;
6 (d) Geographic mix of projects over time;
7 (e) Cost-effectiveness and economic impact;
8 (f) Direct environmental impact;
9 (g) Environmental benefit to the general public and the
10 long-term nature of such public benefit; and
11 (h) Applications recommended by the Director of Natural
12 Resources and submitted by the Department of Natural Resources
13 pursuant to subsection (7) of section 61-218 shall be awarded
14 fifty priority points in the ranking process for the 2011 grant
15 application if the Legislature has authorized annual transfers of
16 three million three hundred thousand dollars to the Water Resources
17 Cash Fund for each of fiscal years 2011-12 and 2012-13 and has
18 stated its intent to transfer three million three hundred thousand
19 dollars to the Water Resources Cash Fund in fiscal year 2013-14.
20 Priority points shall be awarded if the proposed programs set
21 forth in the grant application are consistent with the purposes
22 of reducing consumptive uses of water, enhancing streamflows,
23 recharging ground water, or supporting wildlife habitat in any
24 river basin determined to be fully appropriated pursuant to section
25 46-714 or designated as overappropriated pursuant to section
26 46-713.

27 (3) A grant awarded under this section pursuant to an
1 application made under subsection (7) of section 61-218 shall be
2 paid out in the following manner:

3 (a) The initial three million three hundred thousand
4 dollar installment shall be remitted to the State Treasurer for
5 credit to the Water Resources Cash Fund no later than fifteen
6 business days after the date that the grant is approved by the
7 board;

8 (b) The second three million three hundred thousand
9 dollar installment shall be remitted to the State Treasurer for
10 credit to the Water Resources Cash Fund no later than May 15, 2013;
11 and

12 (c) The third three million three hundred thousand dollar
13 installment shall be remitted to the State Treasurer for credit
14 to the Water Resources Cash Fund no later than May 15, 2014,
15 if the Legislature has authorized a transfer of three million
16 three hundred thousand dollars from the General Fund to the Water
17 Resources Cash Fund for fiscal year 2013-14.

18 (4) It is the intent of the Legislature that the
19 Department of Natural Resources apply for an additional three-year
20 grant from the Nebraska Environmental Trust Fund that would begin
21 in fiscal year 2014-15 and such application shall be awarded fifty
22 priority points in the ranking process as set forth in subdivision
23 (2)(h) of this section if the following criteria are met:

24 (a) The Natural Resources Committee of the Legislature
25 has examined options for water funding and has submitted a report

26 electronically to the Clerk of the Legislature and the Governor by
27 December 1, 2012, setting forth:

1 (i) An outline and priority listing of water management
2 and funding needs in Nebraska, including instream flows,
3 residential, agricultural, recreational, and municipal needs,
4 interstate obligations, water quality issues, and natural habitats
5 preservation;

6 (ii) An outline of statewide funding options which create
7 a dedicated, sustainable funding source to meet the needs set forth
8 in the report; and

9 (iii) Recommendations for legislation;

10 (b) The projects and activities funded by the department
11 through grants from the Nebraska Environmental Trust Fund under
12 this section have resulted in enhanced streamflows, reduced
13 consumptive uses of water, recharged ground water, supported
14 wildlife habitat, or otherwise contributed towards conserving,
15 enhancing, and restoring Nebraska's ground water and surface water
16 resources. On or before July 1, 2014, the department shall submit
17 electronically a report to the Natural Resources Committee of the
18 Legislature providing demonstrable evidence of the benefits accrued
19 from such projects and activities; and

20 (c) In addition to the grant reporting requirements of
21 the trust, on or before July 1, 2014, the department provides to
22 the board a report which includes documentation that:

23 (i) Expenditures from the Water Resources Cash Fund
24 made to natural resources districts have met the matching fund
25 requirements provided in subdivision (5)(a) of section 61-218;

26 (ii) Ten percent or less of the matching fund
27 requirements has been provided by in-kind contributions for
1 expenses incurred for projects enumerated in the grant application.

2 In-kind contributions shall not include land or land rights; and

3 (iii) All other projects and activities funded by the
4 department through grants from the Nebraska Environmental Trust
5 Fund under this section were matched not less than forty percent of
6 the project or activity cost by other funding sources.

7 (5) The board may establish a subcommittee to rate grant
8 applications. If the board uses a subcommittee, the meetings of
9 such subcommittee shall be subject to the Open Meetings Act. The
10 subcommittee shall (a) use the rating systems established by the
11 board under subsection (2) of this section, (b) assign a numeric
12 value to each rating criterion, combine these values into a total
13 score for each application, and rank the applications by the total
14 scores, (c) recommend an amount of funding for each application,
15 which amount may be more or less than the requested amount, and (d)
16 submit the ranked list and recommended funding to the board for its
17 approval or disapproval.

18 (6) The board may commit funds to multiyear projects,
19 subject to available funds and appropriations. No commitment shall
20 exceed three years without formal action by the board to renew the

21 grant or contract. Multiyear commitments may be exempt from the
22 rating process except for the initial application and requests to
23 renew the commitment.

24 (7) The board shall require a grant application from a
25 nonpublic grantee, which application proposes to use grant funds to
26 purchase real property that will at any time be sold or transferred
27 to or exchanged with a federal land management agency and cause
1 the removal of such property from its current county property tax
2 assessment, to provide for the replacement of property taxes to the
3 affected county in the grant contract between the board and the
4 grantee. Tax replacement methods that may be required in the grant
5 contract include, but are not limited to, payments in addition
6 to in lieu of taxes paid on the property to the county and the
7 establishment of a permanent endowment fund for use by the affected
8 county to offset the reduction in property taxes to the affected
9 county.

10 (8) The board shall require, in the contract between
11 the board and a nonpublic grantee, that such grantee not sell,
12 transfer, or exchange, unless approved in the original grant, any
13 portion or all of the real property acquired by such grantee in
14 whole or in part by trust funds without the prior written approval
15 of the board. Such approval shall be granted if the sale, transfer,
16 or exchange is consistent with the purposes of the original grant.
17 Such grantee shall provide the board in writing the details of any
18 proposed sale, transfer, or exchange of the real property at least
19 thirty days in advance of the next scheduled board meeting and
20 obtain written approval of the board prior to executing any such
21 transaction. If the board does not provide written approval of the
22 sale, transfer, or exchange, such grantee may repay the value of
23 the grant to the trust in order to be released from all further
24 obligations. If the board provides written approval of a sale,
25 transfer, or exchange, the real property shall be released from any
26 further restrictions regarding its sale, transfer, or exchange.

27 The board shall require, in the contract between the
1 board and such grantee, (a) that such grantee provide the board,
2 in advance of the distribution of trust funds, with written
3 confirmation on behalf of any financial institution that is to
4 provide such grantee with a portion of the funds for purchase of
5 real property to be acquired by such grantee in part by trust
6 funds, acknowledging that such grantee may not sell, transfer,
7 or exchange any portion or all of the real property without the
8 written approval of the board and (b) that the deed or other
9 instrument conveying title to real property acquired by such
10 grantee in whole or in part by trust funds shall contain express
11 provisions stating that the grantee may not sell, transfer, or
12 exchange any portion or all of such real property without the
13 prior written approval of the board. Failure of such deed or
14 other instrument to contain the required statement shall allow such
15 grantee to sell, transfer, or exchange any portion or all of the

16 real property without having to obtain prior written approval of
 17 the board. If the board does not approve or deny such request for
 18 approval within forty-five days after the request, such request
 19 shall be deemed approved.

20 (9) Members of the board may participate in and vote on
 21 issues at a regular or special meeting of the trust by telephone
 22 conference call or videoconference as long as the chairperson or
 23 vice-chairperson of the board conducts the meeting at a location
 24 where the public is able to participate by attendance at that
 25 location and the telephone conference call or videoconference
 26 otherwise conforms to the requirements of subdivisions (2)(a)
 27 through (e) of section 84-1411.

1 ~~(7)~~(10) The board shall adopt and promulgate rules and
 2 regulations and publish guidelines governing allocations from the
 3 fund. The board shall conduct annual reviews of existing projects
 4 for compliance with project goals and grant requirements.

5 ~~(8)~~(11) Every five years the board may evaluate the
 6 long-term effects of the projects it funds. The evaluation may
 7 assess a sample of such projects. The board may hire an independent
 8 consultant to conduct the evaluation and may report the evaluation
 9 findings to the Legislature and the Governor. The report submitted
 10 to the Legislature shall be submitted electronically.

11 Sec. 2. Original section 81-15,175, Revised Statutes
 12 Cumulative Supplement, 2012, is repealed.

13 2. On page 1, line 4, strike "allocations" and insert
 14 "grants; to provide requirements for telephone conferencing and
 15 videoconferencing as prescribed".

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator McGill filed the following amendment to LB216:
 AM879

1 1. In the Standing Committee amendment, AM502:

2 a. Strike amendment 2;

3 b. On page 1, line 21, after the period insert

4 "By December 15, 2015, the committee shall develop specific
 5 recommendations for expanding to or improving outcomes for similar
 6 groups of at-risk young adults."; and

7 c. Renumber the remaining amendments accordingly.

8 2. On page 2, line 1, strike "12" and insert "14"; strike
 9 lines 18 to 21; in line 22 strike "(5)" and insert "(3)"; and in
 10 line 24 strike "(6)" and insert "(4)".

11 3. On page 3, line 2, strike "(7)" and insert "(5)";

12 in line 5 strike "(8)" and insert "(6)"; in lines 6 and 10

13 strike "eighteen" and insert "nineteen"; and strike beginning with
 14 "Who" in line 11 through "living" in line 14 and insert "Who
 15 was adjudicated to be a juvenile described in subdivision (3)(a)

16 of section 43-247 and, upon attaining nineteen years of age, was
 17 in an out-of-home placement or had been discharged to independent
 18 living".

19 4. On page 14, line 13, before "began" insert "entered
 20 into a guardianship after January 1, 2014,"; and in line 14 after
 21 "older" insert an underscored comma.

22 5. On page 15, line 6 after "adult" insert "was adopted
 23 after January 1, 2014,"; and in line 7 after "older" insert an
 1 underscored comma.

2 6. On page 17, strike beginning with "During" in line 11
 3 through line 14.

4 7. On page 18, line 17, after "and" insert ", for
 5 eligible juveniles,".

6 8. On page 24, line 4, strike "The child" and insert "A
 7 child adjudicated to be a juvenile described in subdivision (3)(a)
 8 of section 43-247 and who is in an out-of-home placement"; and in
 9 line 17 strike "in foster care" and insert "who were adjudicated to
 10 be a juvenile described in subdivision (3)(a) of section 43-247 and
 11 who are in an out-of-home placement".

Senator Schumacher filed the following amendment to LB82:
 AM873

(Amendments to Standing Committee amendments, AM693)

1 1. On page 1, strike lines 16 through 23 and insert:
 2 "(3) For purposes of this section, program rate means the
 3 sum of (a) the lesser of the Treasury Yield Curve Rate, commonly
 4 referred to as Constant Maturity Treasury rate, for a ten-year
 5 maturity United States Government note on the last business day of
 6 the month in which the tax investment was made or five percent per
 7 annum, times the number of years, or fraction thereof, between the
 8 making of the tax investment and the claiming of the tax credit,
 9 plus (b) an inflation adjustment calculated by dividing the United
 10 States Department of Labor, Bureau of Labor Statistics, Consumer
 11 Price Index for All Urban Consumers, U.S. City Average, All Items
 12 factor, on June 30 of the year the credit is claimed by the
 13 Consumer Price Index for All Urban Consumers, U.S. City Average,
 14 All Items factor, for the month in which the tax investment was
 15 made. If the Consumer Price Index for All Urban Consumers is no
 16 longer published then the factor shall be determined by use of an
 17 index having similar function,".

18 2. On page 2, strike lines 1 through 7.

19 3. On page 3, line 11, strike "(3)(b)" and insert
 20 "(3)(a)"; and in line 13 strike "(3)(a)" and insert "(3)(b)".

VISITORS

Visitors to the Chamber were FFA students Ben Losehe and Michael Ksiazek from Columbus; 42 fourth-grade students and teachers from

Plattsmouth; and 52 fourth-grade students and teachers from Conestoga Magnet Elementary, Omaha.

RECESS

At 11:59 a.m., on a motion by Senator Brasch, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

ROLL CALL

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

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 634A. Introduced by Davis, 43; Brasch, 16; Carlson, 38; Christensen, 44; Crawford, 45; Hansen, 42; Harms, 48; Howard, 9; Kintner, 2; Nelson, 6; Nordquist, 7; Scheer, 19; Seiler, 33; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 634, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 271. Considered.

Senator Lautenbaugh offered the following amendment:

FA49

On page 4, line 8 strike "twenty-five" and insert "thirty", and do the same on page 3, lines 21 and 24.

The Lautenbaugh amendment was adopted with 30 ayes, 2 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 79. Title read. Considered.

SPEAKER ADAMS PRESIDING

Committee AM452, found on page 614, was offered.

Senator Avery offered his amendment, AM710, found on page 829, to the committee amendment.

The Avery amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Schumacher's birthday.

GENERAL FILE

LEGISLATIVE BILL 79A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 637. Title read. Considered.

SENATOR CARLSON PRESIDING

Senator Chambers offered the following amendment:

FA51

Page 2, strike lines 17-20.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 158. Placed on Select File with amendment.
ER38

- 1 1. On page 1, strike beginning with "section" in line
- 2 2 through line 5 and insert "sections 60-498.02, 60-4,118.06,
- 3 60-6,197.03, and 60-6,211.05, Revised Statutes Cumulative
- 4 Supplement, 2012; to change provisions relating to ignition

5 interlock devices; to provide an operative date; to repeal the
6 original sections; and to declare an emergency.".

LEGISLATIVE BILL 388. Placed on Select File with amendment.
ER37

1 1. On page 1, strike beginning with "public" in line
2 1 through line 12 and insert "electricity; to provide powers and
3 duties relating to electric transmission lines; and to define
4 terms.".

LEGISLATIVE BILL 629. Placed on Select File with amendment.
ER39

1 1. On page 1, strike beginning with "the" in line 1
2 through line 4 and insert "revenue; to amend section 81-125,
3 Reissue Revised Statutes of Nebraska, and section 77-382, Revised
4 Statutes Cumulative Supplement, 2012; to eliminate a reporting
5 requirement for the Department of Revenue; to change powers and
6 duties of the Governor regarding submission of the budget to the
7 Legislature; and to repeal the original sections.".

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator Crawford filed the following amendment to LB429:
AM925

(Amendments to Standing Committee amendments, AM390)

1 1. On page 4, line 21, after "redacted" insert "or
2 withheld".
3 2. On page 5, strike lines 6 through 10 and insert the
4 following new subdivisions:
5 "(c) The following contracts shall be exempt from the
6 requirements of subdivision (3)(a) of this section:
7 (i) Contracts entered into by the Department of Health
8 and Human Services that are letters of agreement for the purpose of
9 providing specific services to a specifically named individual and
10 his or her family;
11 (ii) Contracts entered into by the University of Nebraska
12 or any of the Nebraska state colleges for the purpose of providing
13 specific services or financial assistance to a specifically named
14 individual and his or her family;
15 (iii) Contracts entered into by the Department of
16 Veterans' Affairs under section 80-401 or 80-403 for the purpose
17 of providing aid to a specifically named veteran and his or her
18 family;
19 (iv) Contracts entered into by the State Energy Office
20 for the purpose of providing financing from the Dollar and Energy
21 Saving Loan program; and

- 22 (v) Contracts of employment for employees of any agency,
 1 board, commission, or department of the state. The exemption
 2 provided in this subdivision shall not apply to contracts entered
 3 into by any agency, board, commission, or department of the state
 4 to obtain the services of an independent contractor.
 5 (d) No agency, board, commission, or department of the
 6 state shall structure a contract to avoid any of the requirements
 7 of subdivision (3)(a) of this section."; and in line 11 strike
 8 "d" and insert "e".

Senator Krist filed the following amendment to LB13:

AM920

(Amendments to Standing Committee amendments, AM260)

- 1 1. On page 2, line 12, after the first semicolon insert
- 2 "and"; and strike beginning with the last semicolon in line 12
- 3 through line 13 and insert a period.

COMMITTEE REPORT

Natural Resources

The Natural Resources 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.

Henry Rick Brandt - Nebraska Environmental Trust Board
 Gerry Lauritzen - Nebraska Environmental Trust Board
 Sherry Vinton - Nebraska Environmental Trust Board

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 637. The Chambers amendment, FA51, found in this day's Journal, was renewed.

Senator Chambers withdrew his amendment.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 495A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 495, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

AMENDMENTS - Print in Journal

Senator Murante filed the following amendment to LB646:
AM894

(Amendments to Standing Committee amendments, AM613)

- 1 1. On page 2, line 1; and page 5, line 5, after "(2)"
- 2 insert "or (3)".
- 3 2. On page 3, strike lines 6 through 27 and insert the
- 4 following new subsections:
- 5 "(2)(a) The board of directors of a district with a
- 6 service area containing a city of the metropolitan class may amend
- 7 its charter to provide for the division of the territory of the
- 8 district into election subdivisions composed of substantially equal
- 9 population and compact and contiguous territory and number the
- 10 subdivisions consecutively and submit the maps to the Nebraska
- 11 Power Review Board.
- 12 (b) If the board of directors provides for eight election
- 13 subdivisions prior to January 1, 2014, the board of directors
- 14 shall assign each position on the board of directors to represent
- 15 a numbered election subdivision for the remainder of the term of
- 16 office for which the member is elected, regardless of whether the
- 17 member resides in the subdivision, and shall make such assignments
- 18 so that the terms of members representing election subdivisions
- 19 numbered one, two, and three expire in January 2015, the terms
- 20 of members representing election subdivisions numbered four and
- 21 five expire in January 2017, and the terms of members representing
- 22 election subdivisions six, seven, and eight expire in January 2019.
- 1 If possible, each member shall be assigned to represent an election
- 2 subdivision that corresponds to the end of the term he or she is
- 3 servng.
- 4 (c) A successor who resides in the numbered election
- 5 subdivision shall be nominated and elected at the statewide primary
- 6 and general elections held in the calendar year prior to the
- 7 expiration of the term of the member who represents such numbered
- 8 election subdivision.
- 9 (3) After each federal decennial census, the board of
- 10 directors of a district with a service area containing a city
- 11 of the metropolitan class shall create new boundaries for the
- 12 election subdivisions. In establishing the boundaries of the
- 13 election subdivisions, the board of directors shall follow county
- 14 lines wherever practicable, shall provide for the subdivisions
- 15 to be composed of substantially equal population and compact and
- 16 contiguous territory, and shall, as nearly as possible, follow the
- 17 precinct lines created by the election commissioner or county clerk
- 18 after each federal decennial census."
- 19 3. On page 4, strike lines 1 through 19; and in line 20

20 strike "(3)" and insert "(4)".

21 4. On page 6, line 21, strike "or (2)" and insert ", (2),

22 or (3)".

Senator Sullivan filed the following amendment to LB495:
AM921

1 1. On page 8, line 20; page 10, line 8; and page 11, line

2 21, after "Fund" insert "for use pursuant to section 79-1104.02".

Senator Chambers filed the following amendment to LB637:
FA52

Strike section 2.

GENERAL FILE

LEGISLATIVE BILL 230. Title read. Considered.

Committee AM355, found on page 589, was adopted with 28 ayes, 2 nays, 11 present and not voting, and 8 excused and not voting.

Senator Karpisek withdrew his amendment, AM249, found on page 454.

Advanced to Enrollment and Review Initial with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 612. Title read. Considered.

Committee AM321, found on page 560, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Senator Mello offered his amendment, AM598, found on page 676.

The Mello amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 263. Title read. Considered.

Committee AM835, found on page 846, was adopted with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

VISITORS

Visitors to the Chamber were 31 fourth-grade students and teachers from Centura Elementary, Cairo; 57 fourth-grade students, teachers, and sponsors from West Dodge Station Elementary, Elkhorn; Kylie Peter, McKenzie Crowe, Kylie Messersmith, and Cashous Bortner from McCook; and 50 fourth-grade students and teachers from Hawthorne Elementary, Hastings.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 5:43 p.m., on a motion by Senator Murante, the Legislature adjourned until 9:00 a.m., Friday, April 5, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 5, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, April 5, 2013

PRAYER

The prayer was offered by Senator Scheer.

ROLL CALL

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

The roll was called and all members were present except Senator Ashford who was excused; and Senators Bolz, Conrad, Cook, Karpisek, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 4, 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

LaSorte, Darren

National Rifle Association (Withdrawn 03/29/2013)

Radcliffe, Walter H. of Radcliffe and Associates

Peterson, Alan E.

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>

MOTION - Place LB266 on General File

Senator Chambers offered his motion, MO29, found on page 860, to place LB266 on General File pursuant to Rule 3, Sec. 20(b).

Pending.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Room 1507

Tuesday, April 16, 2013 9:30 a.m.

Jim Heine - State Fire Marshal

(Signed) Bill Avery, Chairperson

AMENDMENT - Print in Journal

Senator Lautenbaugh filed the following amendment to LB44:
AM874

(Amendments to Standing Committee amendments, AM151)

- 1 1. On page 1, line 7, strike "(1)"; in line 11 strike
- 2 "thirty" and insert "sixty"; and strike lines 12 through 23.
- 3 2. On page 2, strike lines 1 through 9.

SELECT FILE

LEGISLATIVE BILL 153. ER29, found on page 721, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 153A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 429. Senator Kintner withdrew his amendment, AM720, found on page 877.

Senator Crawford offered her amendment, AM925, found on page 906.

The Crawford amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 530. ER30, found on page 761, was adopted.

Senator Dubas offered her amendment, AM739, found on page 805.

The Dubas amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 530A. Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARING
Health and Human Services

Room 1510

Monday, April 22, 2013 9:00 a.m.

A briefing by invited presenters regarding IT issues relating to Medicaid, Access NE, and NFOCUS/child welfare.

(Signed) Kathy Campbell, Chairperson

AMENDMENT - Print in Journal

Senator Coash filed the following amendment to LB362:
AM850

(Amendments to Standing Committee amendments, AM455)

- 1 1. Strike amendments 1 and 2 and insert the following new
- 2 amendment:
- 3 1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 Section 1. Section 37-438, Revised Statutes Cumulative
- 6 Supplement, 2012, is amended to read:
- 7 37-438 (1) The commission shall devise permits in two
- 8 forms: Annual and temporary.
- 9 (2) The annual permit may be purchased by any person and
- 10 shall be valid through December 31 in the year for which the permit
- 11 is issued. The fee for the annual permit for a resident motor
- 12 vehicle shall be ~~not more than~~ twenty-five dollars per permit. The
- 13 fee for the annual permit for a nonresident motor vehicle shall not
- 14 be more than thirty dollars. The commission shall establish ~~such~~
- 15 fees for nonresidents by the adoption and promulgation of rules and
- 16 regulations.
- 17 (3) A temporary permit may be purchased by any person and
- 18 shall be valid until noon of the day following the date of issue.
- 19 The fee for the temporary permit for a resident motor vehicle
- 20 shall be not more than five dollars. The fee for the temporary

21 permit for a nonresident motor vehicle shall not be more than six
 22 dollars. The commission shall establish such fees by the adoption
 1 and promulgation of rules and regulations. The commission may issue
 2 temporary permits which are either valid for any area or valid for
 3 a single area.

4 Sec. 2. Section 37-440, Revised Statutes Cumulative
 5 Supplement, 2012, is amended to read:

6 37-440 (1) The commission shall prescribe the type and
 7 design of permits and the method for displaying permits on the
 8 driver's side of the windshield of motor vehicles. The commission
 9 may provide for the electronic issuance of permits and may enter
 10 into contracts to procure necessary services and supplies for the
 11 electronic issuance of permits.

12 (2) The permits may be procured from the Department
 13 of Motor Vehicles when registering a motor vehicle in person
 14 or electronically, from the central and district offices of the
 15 commission, at areas of the Nebraska state park system where
 16 commission offices are maintained, from self-service vending
 17 stations at designated park areas, from designated commission
 18 employees, through Internet sales from the commission's web
 19 site, from appropriate offices of county government, and from
 20 various private persons, firms, or corporations designated by the
 21 commission as permit agents. The department shall be entitled
 22 to retain two dollars of each fee collected for a permit as
 23 reimbursement for the clerical work and postage, if any, associated
 24 with issuing the permit and remitting the remainder of the fee to
 25 the State Treasurer. The commission and county offices or private
 26 persons, firms, or corporations designated by the commission as
 27 permit agents shall be entitled to collect and retain a fee of not
 1 more than one dollar, as established by the commission pursuant to
 2 section 37-327, for each permit as reimbursement for the clerical
 3 work of issuing the permits and remitting therefor. The commission
 4 shall be entitled to collect and retain a fee of one dollar for
 5 each permit sold through its web site as reimbursement for the
 6 clerical work and postage associated with issuing the permit.

7 Sec. 3. Section 37-445, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 37-445 ~~The~~ (1) Except as otherwise provided in subsection
 10 (2) of this section, the county clerks or permit agents entitled to
 11 issue permits as provided by sections 37-434 to 37-446 shall remit
 12 the fees for the permits to the commission in the manner and at the
 13 times prescribed by the rules and regulations of the commission.
 14 Any permit agent who receives permit fees under sections 37-434 to
 15 37-446 and who fails to remit the fees to the commission within
 16 a reasonable time after demand by the commission shall be liable
 17 to the commission in damages for double the amount of the funds
 18 wrongfully withheld. A permit agent who purposefully fails to remit
 19 such fees with the intention of converting them is guilty of theft.
 20 The penalty for such violation shall be determined by the amount

21 converted as specified in section 28-518.

22 (2) The Department of Motor Vehicles issuing permits as a
 23 part of the registration of motor vehicles shall remit the fees to
 24 the State Treasurer. The State Treasurer shall credit two dollars
 25 of each fee to the Department of Motor Vehicles Cash Fund and the
 26 remainder of each fee to the State Park Cash Revolving Fund.

27 Sec. 4. Section 37-446, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 37-446 The Except as otherwise provided in subsection (2)
 3 of section 37-440 and subsection (2) of section 37-445, the permit
 4 fees charged under sections 37-438 and 37-439 shall be credited to
 5 the State Park Cash Revolving Fund and shall be disbursed for the
 6 administration, improvement, operation, and maintenance of those
 7 areas, or portion of areas, of the state park system which are
 8 designated as permit areas.

9 Sec. 5. Section 60-1513, Reissue Revised Statutes of

10 Nebraska, is amended to read:

11 60-1513 The Department of Motor Vehicles Cash Fund is
 12 hereby created. The fund shall be administered by the Director
 13 of Motor Vehicles. The department shall use the money credited
 14 to the fund pursuant to subsection (2) of section 37-445 for
 15 point-of-collection activities associated with issuing state park
 16 motor vehicle entry permits pursuant to section 37-440. The
 17 remaining money in the fund shall be used by the Department
 18 of Motor Vehicles to carry out its duties as deemed necessary
 19 by the Director of Motor Vehicles, except that transfers from
 20 the fund to the General Fund may be made at the direction of
 21 the Legislature. Any money in the Department of Motor Vehicles
 22 Cash Fund available for investment shall be invested by the state
 23 investment officer pursuant to the Nebraska Capital Expansion Act
 24 and the Nebraska State Funds Investment Act.

25 Sec. 6. This act becomes operative on January 1, 2014.

26 Sec. 7. Original sections 37-445, 37-446, and 60-1513,
 27 Reissue Revised Statutes of Nebraska, and sections 37-438 and
 1 37-440, Revised Statutes Cumulative Supplement, 2012, are repealed.

GENERAL FILE

LEGISLATIVE BILL 216. Committee AM502, found on page 669 and considered on page 898, was renewed.

Senator Campbell moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The committee amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator McGill offered her amendment, AM879, found on page 902.

The McGill amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 495. Title read. Considered.

Committee AM804, found on page 838, was offered.

SENATOR COASH PRESIDING

The committee amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Sullivan offered her amendment, AM921, found on page 909.

The Sullivan amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 55. Title read. Considered.

SENATOR KRIST PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 265. Title read. Considered.

Committee AM415, found on page 623, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 126. Introduced by Seiler, 33.

WHEREAS, Matthew L. Schwab of Blue Hill, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and

outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Matthew has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Matthew, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Matthew L. Schwab on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Matthew L. Schwab.

Laid over.

LEGISLATIVE RESOLUTION 127. Introduced by Seiler, 33.

WHEREAS, Douglas M. Johnson of Clay Center, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Douglas has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Douglas, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Douglas M. Johnson on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Douglas M. Johnson.

Laid over.

LEGISLATIVE RESOLUTION 128. Introduced by Seiler, 33.

WHEREAS, Caleb Schlick of Fairfield, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Caleb has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Caleb, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Caleb Schlick on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Caleb Schlick.

Laid over.

LEGISLATIVE RESOLUTION 129. Introduced by Seiler, 33.

WHEREAS, Gage M. Haack of Hastings, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Gage has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Gage, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Gage M. Haack on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Gage M. Haack.

Laid over.

LEGISLATIVE RESOLUTION 130. Introduced by Seiler, 33.

WHEREAS, Shaun D. Eborn of Clay Center, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Shaun has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Shaun, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Shaun D. Eborn on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Shaun D. Eborn.

Laid over.

LEGISLATIVE RESOLUTION 131. Introduced by Seiler, 33.

WHEREAS, Collin Spilinek of Hastings, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to

advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Collin has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Collin, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Collin Spilinek on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Collin Spilinek.

Laid over.

LEGISLATIVE RESOLUTION 132. Introduced by Seiler, 33.

WHEREAS, Kyl Rouse of Blue Hill, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Kyl has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Kyl, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Kyl Rouse on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Kyl Rouse.

Laid over.

LEGISLATIVE RESOLUTION 133. Introduced by Seiler, 33.

WHEREAS, Kenneth A. Wochner of Sutton, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Kenneth has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Kenneth, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Kenneth A. Wochner on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Kenneth A. Wochner.

Laid over.

LEGISLATIVE RESOLUTION 134. Introduced by Seiler, 33.

WHEREAS, Joseph A. Matticks of Hastings, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Joseph has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Joseph, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Joseph A. Matticks on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Joseph A. Matticks.

Laid over.

LEGISLATIVE RESOLUTION 135. Introduced by Seiler, 33.

WHEREAS, Michael A. Cox II of Sutton, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Michael has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Michael, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Michael A. Cox II on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Michael A. Cox II.

Laid over.

LEGISLATIVE RESOLUTION 136. Introduced by Seiler, 33.

WHEREAS, Aaron J. Bono of Fairfield, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Aaron

has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Aaron, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Aaron J. Bono on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Aaron J. Bono.

Laid over.

LEGISLATIVE RESOLUTION 137. Introduced by Seiler, 33.

WHEREAS, Tyler J. Lantis of Upland, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Tyler has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Tyler, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Tyler J. Lantis on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Tyler J. Lantis.

Laid over.

LEGISLATIVE RESOLUTION 138. Introduced by Seiler, 33.

WHEREAS, Aaron G. Hemberger of Juniata, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Aaron has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Aaron, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Aaron G. Hemberger on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Aaron G. Hemberger.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 568A. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 568, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

VISITORS

Visitors to the Chamber were State Senator Mike Vehle from Mitchell, SD, former State Representative Ted Celeste from Columbus, OH, and Ilene Grossman of Council of State Governments from Chicago, IL; 9 FFA members from Gordon-Rushville; 6 eighth-grade students, teacher, and sponsor from Crofton; 50 fourth-grade students and teachers from York; 17 FFA students and advisors from Gordon-Rushville; 63 FFA students, advisors, and drivers from Hyannis, Cody-Kilgore, and Mullen; and 63 fourth-grade students and teachers from Falls City.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 1:11 p.m., on a motion by Senator Nordquist, the Legislature adjourned until 10:00 a.m., Monday, April 8, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 8, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 8, 2013

PRAYER

The prayer was offered by Father Timothy Lannon S. J., Creighton University, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senators Conrad, Cook, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 423. Placed on Select File with amendment. ER40 is available in the Bill Room.

LEGISLATIVE BILL 271. Placed on Select File with amendment. ER41

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 32-808, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 32-808 (1) Except as otherwise provided in section
- 6 32-939.02, ballots for early voting ~~and applications to be~~
- 7 mailed pursuant to section 32-941 shall be ready for delivery
- 8 to registered voters at least thirty-five days prior to each
- 9 statewide primary or general election and at least fifteen days
- 10 prior to all other elections.

11 (2) The election commissioner or county clerk shall not
 12 ~~forward mail or issue~~ any ballot for early voting if the election
 13 to which such ballot pertains has already been held.

14 ~~(2)-(3)~~ The election commissioner or county clerk shall
 15 publish in a newspaper of general circulation in the county an
 16 application form to be used by registered voters in making an
 17 application for a ballot for early voting after the ballots become
 18 available. The publication of the application shall not be required
 19 if the election is held by mail pursuant to sections 32-952 to
 20 32-959.

21 Sec. 2. Section 32-933, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 32-933 (1) Any person listed in this subsection shall be
 1 eligible as a new resident to vote for President and Vice President
 2 of the United States at the statewide general election but for no
 3 other offices:

4 (a) Any citizen of the United States who is at least
 5 the constitutionally prescribed age of a voter and who comes into
 6 Nebraska after the voter registration period is closed pursuant to
 7 section 32-302 for the purpose of making Nebraska his or her place
 8 of residence; and

9 (b) Any registered voter who moves from one county
 10 to another county within Nebraska after the close of the voter
 11 registration period.

12 (2) Any registered voter who moves from Nebraska to
 13 another state or to the District of Columbia for the purpose of
 14 making such new location his or her place of residence after the
 15 close of the voter registration period for such location shall
 16 be eligible as a former resident to vote for President and Vice
 17 President of the United States at the statewide general election
 18 but for no other offices.

19 (3) Any person described in subsection (1) of this
 20 section shall cast his or her ballot in the office of the election
 21 commissioner or county clerk at any time between the close of the
 22 voter registration period and the close of the polls on election
 23 day. Such ballots shall be available after the close of the voter
 24 registration period. Ballots for former residents under subsection
 25 (2) of this section shall be available ~~thirty-five~~ thirty days
 26 prior to the election. The ballots may be voted in the office
 27 of the election commissioner or county clerk at any time between
 1 ~~thirty-five~~ thirty days prior to the election and the close of
 2 the polls on election day, or the ballots may be mailed to the
 3 office and counted if they arrive before the close of the polls on
 4 election day.

5 Sec. 3. Section 32-942, Revised Statutes Cumulative
 6 Supplement, 2012, is amended to read:

7 32-942 Any registered voter of this state who anticipates
 8 being absent from the county of his or her residence on the day
 9 of any election ~~but who is present in the county after ballots are~~

10 ~~available~~ may appear in person before the election commissioner or
 11 county clerk not more than thirty days prior to the day of election
 12 and obtain his or her ballot. The registered voter shall vote in
 13 the office of the election commissioner or county clerk or shall
 14 return the ballot to the office not later than the closing of the
 15 polls on the day of the election. A registered voter who is present
 16 in the county on the day of the election and who chooses to vote
 17 on the day of the election shall vote at the polling place assigned
 18 to the precinct in which he or she resides unless he or she is
 19 returning a ballot for early voting or voting pursuant to section
 20 32-943.

21 Sec. 4. Original section 32-933, Reissue Revised Statutes
 22 of Nebraska, and sections 32-808 and 32-942, Revised Statutes
 23 Cumulative Supplement, 2012, are repealed.

LEGISLATIVE BILL 79. Placed on Select File with amendment.
 ER44

- 1 1. On page 1, line 4, strike "49-1458,"; and in line 6
- 2 strike "49-1478.01,".

LEGISLATIVE BILL 79A. Placed on Select File.

LEGISLATIVE BILL 230. Placed on Select File with amendment.
 ER42

- 1 1. On page 1, strike lines 2 through 4 and insert
- 2 "sections 53-124, 53-124.01, 53-162, and 53-304, Reissue Revised
- 3 Statutes of Nebraska, and section 53-123.15, Revised Statutes
- 4 Cumulative Supplement, 2012; to provide for and change provisions
- 5 relating to shipping licenses; to provide for fees and taxes; to
- 6 harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 612. Placed on Select File with amendment.
 ER43

- 1 1. On page 1, line 3, after the second comma insert
- 2 "77-3,116,"; and in line 6 after the semicolon insert "to change
- 3 the reporting date for an updated tax policy study; to eliminate
- 4 obsolete provisions;".

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 634A. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present
 and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 495A. Title read. Considered.

Senator Chambers offered the following motion:

MO38

Bracket until April 9, 2013.

Senator Chambers withdrew his motion to bracket.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 6A. Advanced to Enrollment and Review for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 139. Introduced by Larson, 40.

WHEREAS, Anna Creekmore from Hartington Public School won first place in Poetry Interpretation at the 2013 Class D-1 Nebraska State Speech Championship; and

WHEREAS, Anna Creekmore also placed second in Persuasive Speaking; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Anna Creekmore on her accomplishments at the 2013 Class D-1 Nebraska State Speech Championship.

2. That a copy of this resolution be sent to Anna Creekmore and her coaches, Linda Kathol and A. J. Johnson.

Laid over.

LEGISLATIVE RESOLUTION 140. Introduced by Larson, 40.

WHEREAS, Rachel Flaugh from Hartington Public School won first place in Informative Speaking at the 2013 Class D-1 Nebraska State Speech Championship; and

WHEREAS, Rachel Flaugh also placed fifth in Extemporaneous Speaking; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Rachel Flaugh on her accomplishments at the 2013 Class D-1 Nebraska State Speech Championship.

2. That a copy of this resolution be sent to Rachel Flaugh and her coaches, Linda Kathol and A. J. Johnson.

Laid over.

LEGISLATIVE RESOLUTION 141. Introduced by Larson, 40.

WHEREAS, the Hartington Public School speech team won the 2013 Class D-1 Nebraska State Speech Championship; and

WHEREAS, this victory marks the fourth time that the Hartington Public School speech team has placed first at the state speech contest; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Hartington Public School speech team on winning the 2013 Class D-1 Nebraska State Speech Championship.

2. That a copy of this resolution be sent to the Hartington Public School speech team and coaches Linda Kathol and A. J. Johnson.

Laid over.

LEGISLATIVE RESOLUTION 142. Introduced by Mello, 5; K. Haar, 21; Harms, 48.

WHEREAS, Earth Day is April 22, 2013; and

WHEREAS, Earth Day was founded by United States Senator Gaylord Nelson as an environmental teach-in held on April 22, 1970; and

WHEREAS, Earth Day has evolved into the largest civic observance in the world, with more than one billion people participating in Earth Day activities; and

WHEREAS, the Earth Day Network works with over twenty-two thousand partners in one hundred ninety-two countries to broaden, diversify, and mobilize the global environmental movement to encourage citizens to remember the importance of protecting and conserving our natural resources and environment; and

WHEREAS, the Earth Day Network provides civic engagement opportunities at the local, state, national, and global levels.

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

1. That the Legislature designates April 22, 2013, as Earth Day in the State of Nebraska.

2. That on this day, Nebraskans are encouraged to join the millions of other Earth Day participants in recycling, volunteering, and taking part in minimum-waste and sustainable initiatives.

3. That Nebraskans are also encouraged to continue to take part in activities that promote ecological sustainability in their communities year-round to ensure healthy environments for future generations.

Laid over.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 410. Placed on General File with amendment. AM882

- 1 1. Strike original sections 8 and 10.
- 2 2. On page 57, line 1, strike "December 13, 2010" and
- 3 insert "February 1, 2013".
- 4 3. On page 68, line 21, strike "79-605,"; and in line 24
- 5 strike "79-1003,".
- 6 4. Renumber the remaining sections accordingly.

(Signed) Kate Sullivan, Chairperson

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB97: AM926

- 1 1. In the Standing Committee amendments, AM572:
- 2 a. On page 1, strike beginning with "(1)" in line 3
- 3 through line 23 and insert the following new subsections:
- 4 "(1) If a land bank is created by a single municipality,
- 5 the board of such land bank shall meet the following requirements:
- 6 (a) The board shall consist of:
- 7 (i) Seven voting members appointed by the mayor of
- 8 the municipality that created the land bank and confirmed by a
- 9 two-thirds vote of the governing body of such municipality;
- 10 (ii) The planning director of the municipality that
- 11 created the land bank or his or her designee, as a nonvoting, ex
- 12 officio member; and
- 13 (iii) Such other nonvoting members as are appointed by
- 14 the mayor of the municipality that created the land bank;
- 15 (b) The seven voting members of the board shall be
- 16 residents of the municipality that created the land bank;
- 17 (c) If the governing body of the municipality creating
- 18 the land bank has any of its members elected by district or
- 19 ward, then at least one voting member of the board shall be
- 20 appointed from each such district or ward. Such voting members

21 shall represent, to the greatest extent possible, the racial and
22 ethnic diversity of the municipality creating the land bank;

23 (d) The seven voting members of the board shall have,
1 collectively, verifiable skills, expertise, and knowledge in
2 market-rate and affordable residential, commercial, industrial, and
3 mixed-use real estate development, financing, law, purchasing and
4 sales, asset management, economic and community development, and
5 the acquisition of tax sale certificates; and

6 (e) The seven voting members of the board shall include:

7 (i) At least one member representing realtors;

8 (ii) At least one member representing the banking

9 industry;

10 (iii) At least one member representing real estate
11 developers;

12 (iv) At least one member representing a chamber of
13 commerce;

14 (v) At least one member representing a nonprofit
15 corporation involved in affordable housing; and

16 (vi) At least one member representing owners of multiple
17 residential or commercial properties.

18 (2) If a land bank is created by more than one
19 municipality pursuant to an agreement under the Interlocal
20 Cooperation Act, the board of such land bank shall meet the
21 following requirements:

22 (a) The board shall consist of:

23 (i) An odd number of voting members, totaling at least
24 seven, appointed by the mayors of the municipalities that created
25 the land bank, as mutually agreed to by such mayors, and confirmed
26 by a two-thirds vote of the governing body of each municipality
27 that created the land bank;

1 (ii) The planning director of each municipality that
2 created the land bank or his or her designee, as nonvoting, ex
3 officio members; and

4 (iii) Such other nonvoting members as are appointed by
5 the mayors of the municipalities that created the land bank, as
6 mutually agreed to by such mayors;

7 (b) Each voting member of the board shall be a resident
8 of one of the municipalities that created the land bank, with at
9 least one voting member appointed from each such municipality;

10 (c) If the governing body of the largest municipality
11 creating the land bank has any of its members elected by district
12 or ward, then at least one voting member of the board shall be
13 appointed from each such district or ward. Such voting members
14 shall represent, to the greatest extent possible, the racial and
15 ethnic diversity of the largest municipality creating the land
16 bank;

17 (d) The voting members of the board shall have,
18 collectively, verifiable skills, expertise, and knowledge in
19 market-rate and affordable residential, commercial, industrial, and

20 mixed-use real estate development, financing, law, purchasing and
 21 sales, asset management, economic and community development, and
 22 the acquisition of tax sale certificates; and

23 (e) The voting members of the board shall include:

24 (i) At least one member representing realtors;

25 (ii) At least one member representing the banking
 26 industry;

27 (iii) At least one member representing real estate
 1 developers;

2 (iv) At least one member representing a chamber of
 3 commerce;

4 (v) At least one member representing a nonprofit
 5 corporation involved in affordable housing; and

6 (vi) At least one member representing owners of multiple
 7 residential or commercial properties."; and

8 b. On page 2, strike lines 1 through 16 and all
 9 amendments thereto.

10 2. Insert the following new sections:

11 Sec. 26. Section 77-2704.15, Revised Statutes Cumulative
 12 Supplement, 2012, is amended to read:

13 77-2704.15 (1)(a) Sales and use taxes shall not be
 14 imposed on the gross receipts from the sale, lease, or rental
 15 of and the storage, use, or other consumption in this state of
 16 purchases by the state, including public educational institutions
 17 recognized or established under the provisions of Chapter 85,
 18 or by any county, township, city, village, rural or suburban
 19 fire protection district, city airport authority, county airport
 20 authority, joint airport authority, drainage district organized
 21 under sections 31-401 to 31-450, land bank created under the
 22 Nebraska Municipal Land Bank Act, natural resources district,
 23 elected county fair board, housing agency as defined in section
 24 71-1575 except for purchases for any commercial operation that
 25 does not exclusively benefit the residents of an affordable housing
 26 project, cemetery created under section 12-101, or joint entity
 27 or agency formed by any combination of two or more counties,
 1 townships, cities, villages, or other exempt governmental units
 2 pursuant to the Interlocal Cooperation Act, the Integrated Solid
 3 Waste Management Act, or the Joint Public Agency Act, except
 4 for purchases for use in the business of furnishing gas, water,
 5 electricity, or heat, or by any irrigation or reclamation district,
 6 the irrigation division of any public power and irrigation
 7 district, or public schools or learning communities established
 8 under Chapter 79.

9 (b) For purposes of this subsection, purchases by the
 10 state or by a governmental unit listed in subdivision (a) of
 11 this subsection include purchases by a nonprofit corporation under
 12 a lease-purchase agreement, financing lease, or other instrument
 13 which provides for transfer of title to the property to the state
 14 or governmental unit upon payment of all amounts due thereunder.

15 If a nonprofit corporation will be making purchases under a
 16 lease-purchase agreement, financing lease, or other instrument
 17 as part of a project with a total estimated cost that exceeds
 18 the threshold amount, then such purchases shall qualify for an
 19 exemption under this section only if the question of proceeding
 20 with such project has been submitted at a primary, general, or
 21 special election held within the governmental unit that will be a
 22 party to the lease-purchase agreement, financing lease, or other
 23 instrument and has been approved by the voters of such governmental
 24 unit. For purposes of this subdivision, (i) project means the
 25 acquisition of real property or the construction of a public
 26 building and (ii) threshold amount means the greater of fifty
 27 thousand dollars or six-tenths of one percent of the total actual
 1 value of real and personal property of the governmental unit that
 2 will be a party to the lease-purchase agreement, financing lease,
 3 or other instrument as of the end of the governmental unit's prior
 4 fiscal year.

5 (2) The appointment of purchasing agents shall be
 6 recognized for the purpose of altering the status of the
 7 construction contractor as the ultimate consumer of building
 8 materials which are physically annexed to the structure and which
 9 subsequently belong to the state or the governmental unit. The
 10 appointment of purchasing agents shall be in writing and occur
 11 prior to having any building materials annexed to real estate in
 12 the construction, improvement, or repair. The contractor who has
 13 been appointed as a purchasing agent may apply for a refund of or
 14 use as a credit against a future use tax liability the tax paid
 15 on inventory items annexed to real estate in the construction,
 16 improvement, or repair of a project for the state or a governmental
 17 unit.

18 (3) Any governmental unit listed in subsection (1) of
 19 this section, except the state, which enters into a contract
 20 of construction, improvement, or repair upon property annexed to
 21 real estate without first issuing a purchasing agent authorization
 22 to a contractor or repairperson prior to the building materials
 23 being annexed to real estate in the project may apply to the Tax
 24 Commissioner for a refund of any sales and use tax paid by the
 25 contractor or repairperson on the building materials physically
 26 annexed to real estate in the construction, improvement, or repair.

27 Sec. 30. This act becomes operative on October 1, 2013.

1 3. On page 11, after line 9 insert the following new
 2 subsection:

3 "(6) A land bank shall not hold legal title at any one
 4 time to more than seven percent of the total number of parcels of
 5 real property located in the municipality or municipalities that
 6 created the land bank.".

7 4. On page 13, line 21, after the period insert "Such
 8 allocation of property tax revenue shall not occur if such taxes
 9 have been previously divided under section 18-2147 as part of a

10 redevelopment project under the Community Development Law, unless
 11 the authority, as defined in section 18-2103, enters into an
 12 agreement with the land bank for the remittance of such funds to
 13 the land bank."

14 5. Renumber the remaining sections, correct internal
 15 references, and correct the repealer accordingly.

GENERAL FILE

LEGISLATIVE BILL 44. Title read. Considered.

Committee AM151, found on page 590, was offered.

Senator Lautenbaugh offered his amendment, AM874, found on page 912, to the committee amendment.

Senator Coash requested a division of the question on the Lautenbaugh amendment.

The Chair sustained the division of the question.

The first Lautenbaugh amendment is as follows:

FA54

Amend AM151

On page 1, strike lines 12 through 23.

On page 2, strike lines 1 through 9.

The second Lautenbaugh amendment is as follows:

FA53

Amend AM151

On page 1, line 7, strike "(1)"; in line 11 strike "thirty" and insert "sixty"

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 143. Introduced by Krist, 10.

PURPOSE: The purpose of this resolution is to conduct a study of children's day health services, the care and support that children's day health services provide to families with children who have multiple disabilities, and the manner in which the services provided should be reimbursed and supported by the Division of Medicaid and Long-Term Care of the Department of Health and Human Services. This study shall include, but not be limited to, an examination of the following issues:

- (1) The nature and extent of children's day health services in Nebraska;
- (2) How children's day health services work as an alternative to institutional care;

(3) The value of children's day health services in keeping families together, allowing parents to have careers, and achieving a reasonable quality of life;

(4) How children's day health services are reimbursed and the advantages and disadvantages of combining the current piecemeal method of reimbursing children's day health services; and

(5) How children's day health services are reimbursed in other states where the same or similar services are offered.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Wightman has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

VISITORS

Visitors to the Chamber were 25 fourth-grade students and teachers from Seymour Elementary, Ralston; 18 fourth-grade students and teacher from St. Patrick School, Lincoln; and 50 fourth-grade students and teachers from York.

RECESS

At 12:02 p.m., on a motion by Senator Campbell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator McGill presiding.

ROLL CALL

The roll was called and all members were present except Senator Lautenbaugh who was excused; and Senators Adams, Campbell, Christensen, K. Haar, and Sullivan who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 153. Placed on Final Reading.**LEGISLATIVE BILL 153A.** Placed on Final Reading.**LEGISLATIVE BILL 429.** Placed on Final Reading.**LEGISLATIVE BILL 530.** Placed on Final Reading.**LEGISLATIVE BILL 530A.** Placed on Final Reading.

(Signed) John Murante, Chairperson

GENERAL FILE**LEGISLATIVE BILL 44.** Senator McCoy offered the first Lautenbaugh amendment, FA54, found in this day's Journal, to the committee amendment.**SPEAKER ADAMS PRESIDING**

Senator Coash moved the previous question. The question is, "Shall the debate now close?"

Senator Ashford moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Ashford requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

Adams	Coash	Haar, K.	Kintner	Nordquist
Ashford	Conrad	Hadley	Kolowski	Seiler
Avery	Cook	Harms	Krist	Sullivan
Bloomfield	Crawford	Harr, B.	Lathrop	Wallman
Bolz	Davis	Howard	McGill	
Campbell	Dubas	Johnson	Mello	
Christensen	Gloor	Karpisek	Murante	

Voting in the negative, 14:

Brasch	Hansen	Nelson	Scheer	Smith
Carlson	Larson	Pirsch	Schilz	Watermeier
Chambers	McCoy	Price	Schumacher	

Present and not voting, 1:

Wightman

Excused and not voting, 2:

Janssen Lautenbaugh

The motion to cease debate prevailed with 32 ayes, 14 nays, 1 present and not voting, and 2 excused and not voting.

The first Lautenbaugh amendment lost with 16 ayes, 27 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 553. Placed on General File with amendment. AM802 is available in the Bill Room.

LEGISLATIVE BILL 638. Indefinitely postponed.

LEGISLATIVE BILL 639. Indefinitely postponed.

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 263. Placed on Select File with amendment. ER48

- 1 1. In the Standing Committee amendments, AM835:
- 2 a. On page 6, line 26, strike the comma and show as
- 3 stricken;
- 4 b. On page 88, line 20, strike the first "interest" and
- 5 c. On page 105, line 18, strike "(i)", show as stricken,
- 6 and insert "(a)"; and in line 20 strike "(ii)", show as stricken,
- 7 and insert "(b)".
- 8 2. On page 1, strike beginning with "retirement" in
- 9 line 1 through line 16 and insert "government benefits; to
- 10 amend sections 16-1011, 23-2301, 23-2306, 23-2307, 23-2310.04,
- 11 23-2315, 23-2317, 23-2319, 23-2319.01, 79-917, 79-921, 79-962,
- 12 79-984, 79-991, 79-992, 79-996, 79-9,102, 80-401, 84-1308, and
- 13 84-1511.01, Reissue Revised Statutes of Nebraska, and sections
- 14 24-701, 24-703, 24-710.13, 79-902, 79-904.01, 79-947.06, 79-956,
- 15 79-958, 79-987, 79-990, 79-9,117, 81-2014, 81-2016, 81-2017,
- 16 81-2027.08, 81-2041, 84-1301, 84-1307, 84-1314, 84-1317, 84-1319,
- 17 84-1321, 84-1321.01, 84-1503, and 84-1511, Revised Statutes
- 18 Cumulative Supplement, 2012; to change provisions regarding police
- 19 officer disability payments; to define and redefine terms for
- 20 certain retirement systems; to change membership and contribution
- 21 provisions for certain retirement systems; to change provisions

22 relating to forfeited accounts, required distributions, interest,
 23 and compliance with federal law; to change provisions relating
 1 to annual benefit adjustments, repayment of benefits, application
 2 deadlines, termination of employment, and contract requirements;
 3 to change requirements for actuarial and auditing services; to
 4 change provisions relating to administering retirement system plans
 5 and fees for planning programs; to change provisions relating to
 6 the Nebraska Veterans' Aid Fund; to eliminate obsolete provisions;
 7 to harmonize provisions; to provide severability; to repeal the
 8 original sections; and to declare an emergency.".
 9 3. On page 2, strike lines 1 through 4.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARING

Education

Room 1525

Friday, April 19, 2013 8:00 a.m.

Nebraska Coordinating Commission for Postsecondary Education will provide the Education Committee with a Progress Toward Attainment of Higher Education Priorities Report (required pursuant to Section 85-1429)

(Signed) Kate Sullivan, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 144. Introduced by McGill, 26.

WHEREAS, Kenny Martin, a student at Lincoln Southwest High School, won the 145-pound weight class at the 2013 Class A State Wrestling Championship; and

WHEREAS, Kenny Martin finished the 2012-2013 wrestling season with a perfect 44-0 record; and

WHEREAS, Kenny Martin has demonstrated good character and dedication to his sport, his team, and his academics; and

WHEREAS, Kenny Martin demonstrated exceptional perseverance and determination in overcoming exceptional odds; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Kenny Martin on his state wrestling championship and his exceptional personal achievements.

2. That a copy of this resolution be sent to Kenny Martin and to Coach Aaron Finley of the Lincoln Southwest High School wrestling team.

Laid over.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 121, 122, and 123 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 121, 122, and 123.

GENERAL FILE

LEGISLATIVE BILL 44. Senator McCoy offered the second Lautenbaugh amendment, FA53, found in this day's Journal, to the committee amendment.

SENATOR GLOOR PRESIDING

Senator Lathrop moved the previous question. The question is, "Shall the debate now close?"

Senator Ashford moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Ashford requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:

Adams	Christensen	Hadley	Krist	Sullivan
Ashford	Coash	Harms	Lathrop	Wallman
Avery	Conrad	Harr, B.	McGill	
Bolz	Cook	Howard	Mello	
Brasch	Dubas	Johnson	Nordquist	
Campbell	Haar, K.	Kolowski	Seiler	

Voting in the negative, 18:

Bloomfield	Hansen	McCoy	Price	Smith
Chambers	Karpisek	Murante	Scheer	Watermeier
Davis	Kintner	Nelson	Schilz	
Gloor	Larson	Pirsch	Schumacher	

Present and not voting, 1:

Wightman

Excused and not voting, 4:

Carlson Crawford Janssen Lautenbaugh

The motion to cease debate prevailed with 26 ayes, 18 nays, 1 present and not voting, and 4 excused and not voting.

Senator McCoy requested a roll call vote, in reverse order, on the second Lautenbaugh amendment.

Voting in the affirmative, 21:

Adams	Hansen	Larson	Price	Watermeier
Bloomfield	Harms	McCoy	Scheer	
Brasch	Johnson	Murante	Schilz	
Gloor	Karpisek	Nelson	Schumacher	
Hadley	Kintner	Pirsch	Smith	

Voting in the negative, 23:

Ashford	Christensen	Dubas	Krist	Seiler
Avery	Coash	Haar, K.	Lathrop	Sullivan
Bolz	Conrad	Harr, B.	McGill	Wallman
Campbell	Cook	Howard	Mello	
Chambers	Davis	Kolowski	Nordquist	

Present and not voting, 1:

Wightman

Excused and not voting, 4:

Carlson Crawford Janssen Lautenbaugh

The second Lautenbaugh amendment lost with 21 ayes, 23 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Schumacher offered the following amendment to the committee amendment:

AM950

(Amendments to Standing Committee amendments, AM151)

- 1 1. On page 1, lines 14 and 15; and page 2, line 27,
- 2 strike "mitigating".

Pending.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 6A. Placed on Final Reading.

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator Campbell filed the following amendment to LB269:
AM922

(Amendments to Standing Committee amendments, AM678)

- 1 1. On page 1, line 13, after "including" insert "applying
- 2 for".
- 3 2. On page 5, line 25, strike "services" and insert
- 4 "coverage for health care and related services under medical
- 5 assistance in accordance with section 68-911".

Senator McCoy filed the following amendment to LB44:
AM951

(Amendments to Standing Committee amendments, AM151)

- 1 1. On page 1, line 11, before "minimum" insert
- 2 "mandatory".

VISITORS

Visitors to the Chamber were Bailey Quick from Blair; and 49 fourth-grade students and teachers from Twin River Public School, Genoa.

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

ADJOURNMENT

At 5:20 p.m., on a motion by Senator Mello, the Legislature adjourned until 9:00 a.m., Tuesday, April 9, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 9, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 9, 2013

PRAYER

The prayer was offered by Senator Carlson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senators Christensen, Conrad, Harms, Mello, Murante, Price, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 390. Placed on General File with amendment.
AM507

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 81-829.40, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-829.40 (1) The Governor shall be responsible for
- 6 meeting the dangers to the state and people presented by disasters,
- 7 emergencies, and civil defense emergencies, and in the event
- 8 of disaster, emergency, or civil defense emergency beyond local
- 9 control, he or she may assume direct operational control over
- 10 all or any part of the emergency management functions within this
- 11 state. He or she shall have general direction and control of
- 12 emergency management and the Nebraska Emergency Management Agency
- 13 and shall be responsible for carrying out the provisions of the
- 14 Emergency Management Act.
- 15 (2) In order to effect the policy and purposes of the

16 act, the Governor may issue proclamations and make, amend, and
17 rescind the necessary orders, rules, and regulations to carry out
18 the act.

19 (3) A state of emergency proclamation shall be issued
20 by the Governor if he or she finds that a disaster, emergency,
21 or civil defense emergency has occurred or that the occurrence or
22 threat thereof is imminent. All proclamations issued under this
23 subsection shall indicate the nature of the disaster, emergency,
1 or civil defense emergency, the area or areas threatened, and the
2 conditions which have brought about the state of emergency. All
3 proclamations shall be disseminated promptly by means calculated to
4 bring the contents to the attention of the general public and shall
5 be promptly filed with the Nebraska Emergency Management Agency,
6 the Secretary of State, and the clerks of the local governments
7 in the area to which it applies. The proclamation shall continue
8 in effect until the Governor finds that the threat or danger has
9 passed or the disaster, emergency, or civil defense emergency has
10 been dealt with to the extent that those conditions no longer exist
11 and terminates the proclamation by letter of notice to such agency,
12 the Secretary of State, and the clerks of the local governments in
13 the area to which it applies. The Legislature by resolution may
14 terminate a state of emergency proclamation at any time, whereupon
15 the Governor shall terminate the proclamation by letter of notice
16 to such agency, the Secretary of State, and the clerks of the local
17 governments in the area to which it applies.

18 (4) A state of emergency proclamation shall activate
19 state, city, village, county, and interjurisdictional emergency
20 management organizations and emergency operations plans applicable
21 to the local government or area in question and shall be the
22 authority for the deployment and use of any forces to which the
23 plan or plans apply and for use or distribution of any supplies,
24 equipment, materials, and facilities assembled, stockpiled, or
25 arranged to be made available pursuant to the act or any other
26 provision of law relating to disasters, emergencies, or civil
27 defense emergencies.

1 (5) During the continuance of any state of emergency
2 the Governor shall be commander in chief of the organized
3 and unorganized militia and of all other forces available for
4 emergency management duty. To the greatest extent practicable,
5 the Governor shall delegate or assign command authority by prior
6 arrangement embodied in appropriate proclamations, orders, rules,
7 and regulations, but nothing shall restrict his or her authority to
8 do so by orders issued at the time of the disaster, emergency, or
9 civil defense emergency.

10 (6) In addition to any other powers conferred upon the
11 Governor by law, he or she may:

12 (a) Suspend the provisions of any regulatory statute
13 prescribing the procedures for conduct of state business or the
14 orders, rules, or regulations of any state agency if strict

15 compliance with the provisions of any statute, order, rule, or
 16 regulation would in any way prevent, hinder, or delay necessary
 17 action in coping with the disaster, emergency, or civil defense
 18 emergency;

19 (b) Utilize all available resources of the state
 20 government and of each political subdivision of the state as are
 21 reasonably necessary to cope with the disaster, emergency, or civil
 22 defense emergency;

23 (c) Transfer the direction, personnel, or functions of
 24 state departments and agencies or units thereof for the purpose of
 25 performing or facilitating emergency management;

26 (d) Subject to any applicable requirements for
 27 compensation under section 81-829.57, commandeer or utilize any
 1 private property if he or she finds this necessary to cope with the
 2 disaster, emergency, or civil defense emergency;

3 (e) Direct and compel the evacuation of all or part of
 4 the population from any stricken or threatened area within the
 5 state if he or she deems this action necessary for the preservation
 6 of life or other emergency management;

7 (f) Prescribe routes, modes of transportation, and
 8 destinations in connection with evacuation;

9 (g) Control ingress and egress to and from a disaster
 10 area, the movement of persons within the area, and the occupancy of
 11 premises in the area;

12 (h) Suspend or limit the sale, dispensing, or
 13 transportation of alcoholic beverages, ~~firearms~~, explosives, and
 14 combustibles; and

15 (i) Make provisions for the availability and use of
 16 temporary emergency housing.

17 (7) In the event of a civil defense emergency the
 18 Governor shall assume direct operational control over all or any
 19 part of the emergency management functions within this state.

20 Sec. 2. Original section 81-829.40, Reissue Revised
 21 Statutes of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 216. Placed on Select File with amendment.
 ER45 is available in the Bill Room.

LEGISLATIVE BILL 495. Placed on Select File with amendment.
 ER46 is available in the Bill Room.

LEGISLATIVE BILL 55. Placed on Select File.

LEGISLATIVE BILL 265. Placed on Select File with amendment. ER47 is available in the Bill Room.

LEGISLATIVE BILL 634A. Placed on Select File.

LEGISLATIVE BILL 495A. Placed on Select File.

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 44. Senator Schumacher withdrew his amendment, AM950, found on page 943.

Senator McCoy withdrew his amendment, AM951, found on page 943.

Senator McCoy offered the following amendment to the committee amendment:

AM967

(Amendments to Standing Committee amendments, AM151)

- 1 1. On page 1, strike line 11 and insert "mandatory
- 2 minimum sentence of twenty-five years imprisonment.".

Pending.

NOTICE OF COMMITTEE HEARING

Business and Labor

Room 2102

Tuesday, April 16, 2013 1:00 p.m.

Sarah Pillen - Commission of Industrial Relations

(Signed) Steve Lathrop, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 145. Introduced by McCoy, 39; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McGill, 26; Mello, 5; Murante, 49; Nelson, 6; Nordquist, 7; Pirsch, 4; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, Jack Hoffman is a 7-year-old, life-long Husker football fan from Atkinson, Nebraska, and the inspiration for "Team Jack" with the University of Nebraska Husker football team; and

WHEREAS, for two years Jack has battled brain cancer and epileptic seizures, having undergone two surgeries and endured a 60-week chemotherapy regimen to remove and reduce his brain tumor; and

WHEREAS, Jack has received incredible support from many friends, including from Rex Burkhead and the entire University of Nebraska Husker football team; and

WHEREAS, on April 6, 2013, Jack ran 69 yards for a touchdown in the Husker spring scrimmage before a crowd of over 60,000 fans at Memorial Stadium in Lincoln and was the leading rusher for the game; and

WHEREAS, Jack's inspirational experience has helped raise awareness of pediatric brain cancer.

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

1. That the Legislature congratulates Jack Hoffman for his Husker spring football game touchdown and recognizes his courageous personal struggle with brain cancer.

2. That the Legislature extends its support to Jack's parents, Andy and Bri, and to the "Team Jack Legacy Fund" in partnership with CureSearch for Children's Cancer in their efforts to raise funding and find effective cures for pediatric brain cancer.

3. That a copy of this resolution be sent to Jack Hoffman and his family.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 44. The McCoy amendment, AM967, found in this day's Journal, to the committee amendment, was renewed.

Senator Schumacher moved the previous question. The question is, "Shall the debate now close?"

Senator Schumacher moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Schumacher requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 19:

Avery	Janssen	McCoy	Price	Smith
Bloomfield	Karpisek	Murante	Scheer	Wallman
Brasch	Kintner	Nelson	Schilz	Watermeier
Hansen	Lautenbaugh	Pirsch	Schumacher	

Voting in the negative, 29:

Adams	Christensen	Dubas	Howard	McGill
Ashford	Coash	Gloor	Johnson	Mello
Bolz	Conrad	Haar, K.	Kolowski	Nordquist
Campbell	Cook	Hadley	Krist	Seiler
Carlson	Crawford	Harms	Larson	Sullivan
Chambers	Davis	Harr, B.	Lathrop	

Present and not voting, 1:

Wightman

The motion to cease debate failed with 19 ayes, 29 nays, and 1 present and not voting.

The Chair declared the call raised.

SENATOR GLOOR PRESIDING

Senator Janssen moved the previous question. The question is, "Shall the debate now close?"

Senator Janssen moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Janssen requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 25:

Bloomfield	Hadley	Karpisek	Murante	Schilz
Brasch	Hansen	Kintner	Nelson	Schumacher
Carlson	Harms	Larson	Pirsch	Seiler
Christensen	Janssen	Lautenbaugh	Price	Smith
Gloor	Johnson	McCoy	Scheer	Watermeier

Voting in the negative, 20:

Adams	Campbell	Cook	Harr, B.	McGill
Ashford	Chambers	Crawford	Howard	Mello
Avery	Coash	Dubas	Kolowski	Nordquist
Bolz	Conrad	Haar, K.	Lathrop	Wallman

Present and not voting, 3:

Davis Krist Wightman

Excused and not voting, 1:

Sullivan

The motion to cease debate prevailed with 25 ayes, 20 nays, 3 present and not voting, and 1 excused and not voting.

Senator McCoy requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 23:

Bloomfield	Hansen	Kintner	Nelson	Schumacher
Brasch	Harms	Larson	Pirsch	Smith
Carlson	Janssen	Lautenbaugh	Price	Watermeier
Gloor	Johnson	McCoy	Scheer	
Hadley	Karpisek	Murante	Schilz	

Voting in the negative, 14:

Ashford	Chambers	Cook	Kolowski	Seiler
Avery	Coash	Crawford	McGill	Wallman
Campbell	Conrad	Haar, K.	Nordquist	

Present and not voting, 11:

Adams	Davis	Howard	Mello
Bolz	Dubas	Krist	Wightman
Christensen	Harr, B.	Lathrop	

Excused and not voting, 1:

Sullivan

The McCoy amendment lost with 23 ayes, 14 nays, 11 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Committee AM151, found on page 590 and considered on page 936, was renewed.

Senator Lautenbaugh offered the following motion:

MO41

Bracket until June 5, 2013.

Pending.

VISITORS

Visitors to the Chamber were Martha Spangler from Peru; 85 fourth-grade students and teachers from St. Wenceslaus School, Omaha; 45 sophomore students sponsored by the Nebraska Federation of Women's Clubs from across the state; and 31 fourth-grade students and teacher from Cody Elementary, Omaha.

RECESS

At 11:56 a.m., on a motion by Speaker Adams, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Coash presiding.

ROLL CALL

The roll was called and all members were present except Senator Janssen who was excused; and Senators Bolz, Conrad, Karpisek, Lautenbaugh, Mello, Price, and Sullivan who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 44. Senator McCoy withdrew the Lautenbaugh motion, MO41, found in this day's Journal, to bracket until June 5, 2013.

Senator Carlson offered the following amendment to the committee amendment:

FA55

Amend AM151

On Page 1, line 11, strike "thirty" and insert "forty"

Senator Lathrop moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

The Carlson amendment was adopted with 30 ayes, 3 nays, 13 present and not voting, and 3 excused and not voting.

Senator McCoy offered the following Lautenbaugh amendment to the committee amendment:

FA56

Amend AM151

Strike "thirty" on page 1, line 11, and insert "fifty"

Senator McCoy withdrew the Lautenbaugh amendment.

Committee AM151, found on page 590 and considered on page 936 and in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 31 ayes, 1 nay, 14 present and not voting, and 3 excused and not voting.

Pending.

LEGISLATIVE BILL 68. Title read. Considered.

Committee AM333, found on page 561, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

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

LEGISLATIVE BILL 205. Title read. Considered.

SENATOR MCGILL PRESIDING

Committee AM431, found on page 648, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 341. Title read. Considered.

Committee AM564, found on page 712, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 269. Title read. Considered.

Committee AM678, found on page 825, was offered.

Senator Campbell offered her amendment, AM922, found on page 943, to the committee amendment.

SPEAKER ADAMS PRESIDING

The Campbell amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 497. Title read. Considered.

Committee AM694, found on page 865, was offered.

SENATOR KRIST PRESIDING

The committee amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 595. Title read. Considered.

Committee AM695, found on page 803, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 595A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

MOTION - Print in Journal

Senator Chambers filed the following motion to LB44:
MO42

Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB495:
AM971

(Amendments to E and R amendments, ER46)

- 1 1. On page 7, line 24, after the semicolon insert "(vii)
- 2 the next ten thousand dollars shall be used to fund the Interstate
- 3 Compact on Educational Opportunity for Military Children;" and
- 4 strike "(vii)" and insert "(viii)".
- 5 2. On page 9, line 10, after the semicolon insert "(vi)
- 6 the next ten thousand dollars shall be used to fund the Interstate
- 7 Compact on Educational Opportunity for Military Children;" and
- 8 strike "(vi)" and insert "(vii)".
- 9 3. On page 10, line 20, strike "and (v)" and insert "(v)
- 10 the next ten thousand dollars shall be used to fund the Interstate

- 11 Compact on Educational Opportunity for Military Children; and
 12 (vi)".

Senator McCoy filed the following amendment to LB44:
 AM981

(Amendments to Standing Committee amendments, AM151)

- 1 1. On page 2, line 5, strike "shall" and insert "may" and
 2 strike "not be" and insert "is not".

Senator McCoy filed the following amendment to LB44:
 AM983

(Amendments to Standing Committee amendments, AM151)

- 1 1. On page 1, lines 14 and 15; and page 2, line 27,
 2 strike "mitigating".

GENERAL FILE

LEGISLATIVE BILL 585. Title read. Considered.

Committee AM832, found on page 846, was offered.

Pending.

AMENDMENT - Print in Journal

Senator Murante filed the following amendment to LB230:
 AM985

(Amendments to AM355)

- 1 1. On page 7, after line 22 insert the following new
 2 subsection:
 3 "(10) By July 1, 2014, the commission shall report to the
 4 General Affairs Committee of the Legislature the number of shipping
 5 licenses issued for license years 2013-14 and 2014-15. The report
 6 shall be made electronically.".

VISITORS

Visitors to the Chamber were Senator Brasch's husband, Lee, from Bancroft and son Dylan from Lincoln; and 85 fourth-grade students and teachers from Gretna.

ADJOURNMENT

At 6:21 p.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Wednesday, April 10, 2013.

Patrick J. O'Donnell
 Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 10, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 10, 2013

PRAYER

The prayer was offered by Senator Bloomfield.

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 Senator Lautenbaugh who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

GENERAL FILE

LEGISLATIVE BILL 585. Committee AM832, found on page 846 and considered on page 955, was renewed.

Senator Chambers offered the following motion:

MO43

Bracket until June 1, 2013.

Senator Chambers withdrew his motion to bracket.

The committee amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 97. Title read. Considered.

Senator Chambers offered his amendment, FA42, found on page 847.

SPEAKER ADAMS PRESIDING

Senator Chambers withdrew his amendment.

Senator Mello offered his amendment, AM926, found on page 932.

SENATOR GLOOR PRESIDING

The Mello amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 646. Title read. Considered.

Committee AM613, found on page 737, was offered.

Senator Murante offered his amendment, AM894, found on page 908, to the committee amendment.

The Murante amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 362. Title read. Considered.

Committee AM455, found on page 764, was offered.

Senator Dubas offered her amendment, AM820, found on page 831, to the committee amendment.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 146. Introduced by Schumacher, 22.

WHEREAS, Irene Hajek of Columbus, Nebraska, celebrated her 105th birthday on April 6, 2013; and

WHEREAS, Irene Hajek was born on April 6, 1908, and was the sixth of nine children raised on a farm near Leigh, Nebraska; and

WHEREAS, Irene Hajek was married in 1931 to Edward Hajek and raised two children and has five grandchildren and six great-grandchildren.

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

1. That the Legislature congratulates Irene Hajek on her 105th birthday.
2. That a copy of this resolution be sent to Irene Hajek.

Laid over.

LEGISLATIVE RESOLUTION 147. Introduced by McGill, 26.

WHEREAS, youth engagement strengthens our rural and urban communities through increased awareness of civic duties and community issues; and

WHEREAS, young people in the United States are volunteering more than any generation in history; and

WHEREAS, because our youth represent the future of our communities and civic society, their idealism, energy, creativity, and commitment should be fostered to prepare them to bring leadership to the challenges found in their communities; and

WHEREAS, there is a conclusive correlation between youth service and lifelong civic engagement, volunteerism, and philanthropy; and

WHEREAS, through community service, young people build character and learn valuable skills, including time management, teamwork, and leadership, all of which is sought by employers and their communities; and

WHEREAS, service learning, an innovative teaching method combining service to the community with curriculum-based learning, is a proven strategy to increase academic achievement and strengthen civic engagement and civic responsibility; and

WHEREAS, the State Board of Education recently approved new curriculum standards requiring community service as a part of the statewide social studies standards.

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

1. That the Legislature recognizes the critical importance that service learning and civic engagement plays in creating informed and engaged citizens in our democracy.
2. That the Legislature supports programs and initiatives to engage our youth through service learning and volunteerism in our community.

Laid over.

AMENDMENT - Print in Journal

Senator Kolowski filed the following amendment to LB299:
AM987

1. Insert the following new sections:
2. Section 1. Section 32-101, Revised Statutes Cumulative
3. Supplement, 2012, is amended to read:

4 32-101 Sections 32-101 to 32-1551 and section 2 of this
 5 act shall be known and may be cited as the Election Act.
 6 Sec. 2. The Secretary of State shall develop and publish
 7 guidelines for election workers appointed pursuant to sections
 8 32-220 to 32-240. The guidelines shall provide for the conduct
 9 of election workers with regard to the conduct of elections on
 10 election day. The guidelines may cover other conduct with regard
 11 to election workers and, in that regard, shall take into account
 12 variations in counties with regards to election workers appointed
 13 under sections 32-221 to 32-228 which apply to counties which have
 14 an election commissioner as provided in section 32-207 or 32-211
 15 and election workers appointed under sections 32-230 to 32-240
 16 which apply to counties which do not have an election commissioner.
 17 2. Renumber the remaining sections and correct the
 18 repealer accordingly.

VISITORS

Visitors to the Chamber were 68 fourth-grade students, teachers, and sponsors from Thomas Elementary, Gretna; and Jeffrey, Suzanne, Joseph, Sydney, and Stella Lepkowski from Papillion.

RECESS

At 11:54 a.m., on a motion by Senator Price, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Adams presiding.

ROLL CALL

The roll was called and all members were present except Senator Krist who was excused; and Senators Ashford, K. Haar, and Price who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 362. Senator Dubas renewed her amendment, AM820, found on page 831 and considered in this day's Journal, to the committee amendment.

SENATOR COASH PRESIDING

Pending.

COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 578. Placed on General File with amendment.
AM420

1 1. Strike original section 3 and insert the following new
2 section:
3 Section 1. Section 44-4225, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:
5 44-4225 (1) Following the close of each calendar year,
6 the board shall report the board's determination of the paid and
7 incurred losses for the year, taking into account investment income
8 and other appropriate gains and losses. The board shall distribute
9 copies of the report to the director, the Governor, and each member
10 of the Legislature. The report submitted to each member of the
11 Legislature shall be submitted electronically.

12 (2) The Comprehensive Health Insurance Pool Distributive
13 Fund is created. Commencing with the premium and related
14 retaliatory taxes for the taxable year ending December 31,
15 2001, and for each taxable year thereafter, any premium and
16 related retaliatory taxes imposed by section 44-150 or 77-908
17 paid by insurers writing health insurance in this state, except
18 as otherwise set forth in subdivisions (1) and (2) of section
19 77-912, shall be remitted to the State Treasurer for credit to
20 the fund. The fund shall be used for the operation of and payment
21 of claims made against the pool. Any money in the fund available
22 for investment shall be invested by the state investment officer
23 pursuant to the Nebraska Capital Expansion Act and the Nebraska
1 State Funds Investment Act.

2 (3) The board shall make periodic estimates of the amount
3 needed from the fund for payment of losses resulting from claims,
4 including a reasonable reserve, and administrative, organizational,
5 and interim operating expenses and shall notify the director of the
6 amount needed and the justification of the board for the request.

7 (4) The director shall approve all withdrawals from the
8 fund and may determine when and in what amount any additional
9 withdrawals may be necessary from the fund to assure the continuing
10 financial stability of the pool.

11 (5)(a) ~~No later than May 1, 2002, and each May 1~~
12 ~~thereafter, in 2013, 2014, and 2015, after funding of the~~
13 net loss from operation of the pool for the prior premium and
14 related retaliatory tax year, taking into account the policyholder
15 premiums, account investment income, claims, costs of operation,
16 and other appropriate gains and losses, the director shall transmit
17 any money remaining in the fund as directed by section 77-912,
18 disregarding the provisions of subdivisions (1) through (3) of such
19 section. Interest earned on money in the fund prior to May 1, 2015,
20 shall be credited proportionately in the same manner as premium and
21 related retaliatory taxes set forth in section 77-912.

22 (b) No later than May 1, 2016, and each May 1 thereafter,
 23 after funding of the net loss from operation of the pool for the
 24 prior premium and related retaliatory tax year, taking into account
 25 the policyholder premiums, account investment income, claims, costs
 26 of operation, and other appropriate gains and losses, the director
 27 shall transmit any money remaining in the fund to the State
 1 Treasurer for credit to the various funds as follows:
 2 (i) Fifty percent of the money remaining to the Insurance
 3 Tax Fund;
 4 (ii) Sixteen and one-half percent of the money remaining
 5 to the General Fund;
 6 (iii) Twenty-three and one-half percent of the money
 7 remaining to the Health Care Access and Support Fund; and
 8 (iv) Ten percent of the money remaining to the Mutual
 9 Finance Assistance Fund.
 10 Interest earned on money in the Comprehensive Health
 11 Insurance Pool Distributive Fund beginning May 1, 2015, shall
 12 be credited proportionately in the same manner as provided in
 13 subdivision (5)(b) of this section.
 14 2. On page 3, line 25, strike "68-901 and 77-912" and
 15 insert "44-4225 and 68-901".
 16 3. Renumber the remaining sections and correct internal
 17 references accordingly.

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 232. Title read. Considered.

Committee AM200, found on page 620, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 232A. Title read. Considered.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Ashford	Cook	Harms	Murante	Smith
Avery	Crawford	Harr, B.	Nordquist	Sullivan
Campbell	Davis	Howard	Pirsch	Watermeier
Chambers	Dubas	Johnson	Price	Wightman
Christensen	Gloor	Kolowski	Scheer	
Coash	Haar, K.	Lathrop	Schumacher	
Conrad	Hadley	McGill	Seiler	

Voting in the negative, 0.

Present and not voting, 9:

Adams	Brasch	Kintner	Nelson	Wallman
Bloomfield	Karpisek	McCoy	Schilz	

Excused and not voting, 8:

Bolz	Hansen	Krist	Lautenbaugh
Carlson	Janssen	Larson	Mello

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 66. Placed on General File with amendment. AM784 is available in the Bill Room.

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Coash filed the following amendment to LB362:
AM986

(Amendments to Standing Committee amendments, AM455)

- 1 1. Strike amendments 1 and 2 and insert the following new
- 2 amendment:
- 3 1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 Section 1. Section 37-438, Revised Statutes Cumulative
- 6 Supplement, 2012, is amended to read:
- 7 37-438 (1) The commission shall devise permits in two
- 8 forms: Annual and temporary.
- 9 (2) The annual permit may be purchased by any person and
- 10 shall be valid through December 31 in the year for which the permit
- 11 is issued. The fee for the annual permit for a resident motor

12 vehicle shall be ~~not more than~~ twenty-five dollars per permit. The
 13 fee for the annual permit for a nonresident motor vehicle shall not
 14 be more than thirty dollars. The commission shall establish ~~such~~
 15 fees for nonresidents by the adoption and promulgation of rules and
 16 regulations.

17 (3) A temporary permit may be purchased by any person and
 18 shall be valid until noon of the day following the date of issue.
 19 The fee for the temporary permit for a resident motor vehicle
 20 shall be not more than five dollars. The fee for the temporary
 21 permit for a nonresident motor vehicle shall not be more than six
 22 dollars. The commission shall establish such fees by the adoption
 1 and promulgation of rules and regulations. The commission may issue
 2 temporary permits which are either valid for any area or valid for
 3 a single area.

4 Sec. 2. Section 37-440, Revised Statutes Cumulative
 5 Supplement, 2012, is amended to read:

6 37-440 (1) The commission shall prescribe the type and
 7 design of permits and the method for displaying permits on the
 8 driver's side of the windshield of motor vehicles. The commission
 9 may provide for the electronic issuance of permits and may enter
 10 into contracts to procure necessary services and supplies for the
 11 electronic issuance of permits.

12 (2) The permits may be procured from the Department
 13 of Motor Vehicles when registering a motor vehicle in person,
 14 from the central and district offices of the commission, at
 15 areas of the Nebraska state park system where commission offices
 16 are maintained, from self-service vending stations at designated
 17 park areas, from designated commission employees, through Internet
 18 sales from the commission's web site, from appropriate offices
 19 of county government, and from various private persons, firms, or
 20 corporations designated by the commission as permit agents. The
 21 department shall be entitled to retain one dollar of each fee
 22 collected for a permit as reimbursement for the clerical work and
 23 postage, if any, associated with issuing the permit and remitting
 24 the remainder of the fee to the State Treasurer. The commission
 25 and county offices or private persons, firms, or corporations
 26 designated by the commission as permit agents shall be entitled
 27 to collect and retain a fee of not more than one dollar, as
 1 established by the commission pursuant to section 37-327, for
 2 each permit as reimbursement for the clerical work of issuing the
 3 permits and remitting therefor. The commission shall be entitled to
 4 collect and retain a fee of one dollar for each permit sold through
 5 its web site as reimbursement for the clerical work and postage
 6 associated with issuing the permit.

7 Sec. 3. Section 37-445, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 37-445 ~~The~~ (1) Except as otherwise provided in subsection
 10 (2) of this section, the county clerks or permit agents entitled to
 11 issue permits as provided by sections 37-434 to 37-446 shall remit

12 the fees for the permits to the commission in the manner and at the
 13 times prescribed by the rules and regulations of the commission.
 14 Any permit agent who receives permit fees under sections 37-434 to
 15 37-446 and who fails to remit the fees to the commission within
 16 a reasonable time after demand by the commission shall be liable
 17 to the commission in damages for double the amount of the funds
 18 wrongfully withheld. A permit agent who purposefully fails to remit
 19 such fees with the intention of converting them is guilty of theft.
 20 The penalty for such violation shall be determined by the amount
 21 converted as specified in section 28-518.

22 (2) The Department of Motor Vehicles issuing permits as
 23 a part of the registration of motor vehicles shall remit the fees
 24 to the State Treasurer. The State Treasurer shall credit one dollar
 25 of each fee to the Department of Motor Vehicles Cash Fund and the
 26 remainder of each fee to the State Park Cash Revolving Fund.

27 Sec. 4. Section 37-446, Reissue Revised Statutes of
 1 Nebraska, is amended to read:

2 ~~37-446~~ The Except as otherwise provided in subsection (2)
 3 of section 37-440 and subsection (2) of section 37-445, the permit
 4 fees charged under sections 37-438 and 37-439 shall be credited to
 5 the State Park Cash Revolving Fund and shall be disbursed for the
 6 administration, improvement, operation, and maintenance of those
 7 areas, or portion of areas, of the state park system which are
 8 designated as permit areas.

9 Sec. 5. Section 60-1513, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 60-1513 The Department of Motor Vehicles Cash Fund is
 12 hereby created. The fund shall be administered by the Director
 13 of Motor Vehicles. The department shall use the money credited
 14 to the fund pursuant to subsection (2) of section 37-445 for
 15 point-of-collection activities associated with issuing state park
 16 motor vehicle entry permits pursuant to section 37-440. The
 17 remaining money in the fund shall be used by the Department
 18 of Motor Vehicles to carry out its duties as deemed necessary
 19 by the Director of Motor Vehicles, except that transfers from
 20 the fund to the General Fund may be made at the direction of
 21 the Legislature. Any money in the Department of Motor Vehicles
 22 Cash Fund available for investment shall be invested by the state
 23 investment officer pursuant to the Nebraska Capital Expansion Act
 24 and the Nebraska State Funds Investment Act.

25 Sec. 6. This act becomes operative on January 1, 2014.

26 Sec. 7. Original sections 37-445, 37-446, and 60-1513,
 27 Reissue Revised Statutes of Nebraska, and sections 37-438 and
 1 37-440, Revised Statutes Cumulative Supplement, 2012, are repealed.

Senator Chambers filed the following amendment to LB362:

FA58

Amend AM455

Page 1, strike lines 13-16 and renumber.

Senator Christensen filed the following amendment to LB522:
AM978

(Amendments to Standing Committee amendments, AM709)

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. If the Department of Natural Resources issues
- 3 closing notices prohibiting surface water appropriators from
- 4 storing or diverting natural or instream flows for irrigation to
- 5 comply with an interstate compact or decree, then the department
- 6 shall provide reasonable compensation based on the acre feet of
- 7 water not stored or diverted for affected water users through the
- 8 affected irrigation districts. The irrigation districts shall use
- 9 such compensation to reasonably compensate surface water users who
- 10 have had to forgo the use of water. Funding for such compensation
- 11 shall be provided through the General Fund and shall not exceed a
- 12 total of ten million dollars for any fiscal year.
- 13 For purposes of this section, reasonable compensation
- 14 means the dollar amount of compensation for dry-year leases used
- 15 by the natural resources district in which the irrigation district
- 16 is located for the conversion of acres from irrigated acres to
- 17 dry-land acres for a period of one year, not to exceed three
- 18 hundred dollars per acre, or, if the irrigation district is located
- 19 in more than one natural resources district, the average dollar
- 20 amount of all such natural resources districts' compensation for
- 21 dry-year leases used by such natural resources districts for the
- 22 conversion of acres from irrigated acres to dry-land acres for a
- 1 period of one year, not to exceed three hundred dollars per acre.

GENERAL FILE

LEGISLATIVE BILL 306. Title read. Considered.

Committee AM457, found on page 620, was offered.

Senator Nordquist moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The committee amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Nordquist offered his amendment, AM624, found on page 706.

The Nordquist amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 589. Title read. Considered.

SPEAKER ADAMS PRESIDING

Senator Watermeier offered his amendment, AM348, found on page 789.

The Watermeier amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 242. Title read. Considered.

Senator Howard moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 203. ER32, found on page 817, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 528. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 158. ER38, found on page 905, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 388. ER37, found on page 906, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 629. ER39, found on page 906, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 271. ER41, found on page 927, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 79. ER44, found on page 929, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 79A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 612. ER43, found on page 929, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 263. ER48, found on page 939, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 55. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 265. ER47, found on page 948, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 230. ER42, found on page 929, was adopted.

Senator Murante offered his amendment, AM985, found on page 955.

The Murante amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 495. ER46, found on page 947, was adopted.

Senator Mello offered his amendment, AM971, found on page 954.

The Mello amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 495A. Senator Mello offered the following amendment:

AM990

- 1 1. On page 2, line 1, strike "\$50,000" and insert
- 2 "\$60,000"; in line 3 strike "\$150,000" and insert "\$160,000"; and
- 3 after line 8 insert:
- 4 "There is included in the amount shown for this program

5 \$10,000 Cash Funds for FY2013-14 and \$10,000 Cash Funds for
6 FY2014-15 to fund the Interstate Compact on Educational Opportunity
7 for Military Children."

The Mello amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB579:
AM997

1 1. On page 3, lines 8 through 12, strike the new matter
2 and all amendments thereto and insert ". The commission shall enter
3 into an agreement with the Nebraska State Patrol in which the
4 Nebraska State Patrol shall hire up to ten new patrol officers and,
5 from the entire Nebraska State Patrol, shall designate ten patrol
6 officers who will spend a majority of their time in administration
7 and enforcement of the Nebraska Liquor Control Act".

UNANIMOUS CONSENT - Add Cointroducer

Senator Mello asked unanimous consent to add his name as cointroducer to LB161. No objections. So ordered.

VISITOR

Visitor to the Chamber was Katie Lesiak from Fullerton.

ADJOURNMENT

At 5:18 p.m., on a motion by Senator Kolowski, the Legislature adjourned until 9:00 a.m., Thursday, April 11, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 11, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 11, 2013

PRAYER

The prayer was offered by Senator Brasch.

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 McCoy, McGill, and Price and who were excused; and Senators Ashford, Carlson, Conrad, Davis, Harms, Mello, Murante, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

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>

GENERAL FILE

LEGISLATIVE BILL 579. Title read. Considered.

Committee AM663, found on page 743, was adopted with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

Senator Karpisek offered his amendment, AM997, found on page 969.

SPEAKER ADAMS PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 124 and 125 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 124 and 125.

GENERAL FILE

LEGISLATIVE BILL 579. The Karpisek amendment, AM997, found on page 969 and in this day's Journal, was renewed.

SENATOR GLOOR PRESIDING

Pending.

COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 141. Placed on General File.

LEGISLATIVE BILL 476. Placed on General File with amendment. AM984

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 81-1201.21, Revised Statutes
- 4 Cumulative Supplement, 2012, is amended to read:
- 5 81-1201.21 (1) There is hereby created the Job Training
- 6 Cash Fund. The fund shall be under the direction of the Department
- 7 of Economic Development. Money may be transferred to the fund
- 8 pursuant to subdivision (1)(b)(iii) of section 48-621 and from
- 9 the Cash Reserve Fund at the direction of the Legislature. The
- 10 department shall establish a subaccount for all money transferred
- 11 from the Cash Reserve Fund to the Job Training Cash Fund on or
- 12 after July 1, 2005.
- 13 (2) The department shall use the Job Training Cash Fund
- 14 or the subaccount established in subsection (1) of this section (a)
- 15 to provide reimbursements for job training activities, including
- 16 employee assessment, preemployment training, on-the-job training,
- 17 training equipment costs, and other reasonable costs related to
- 18 helping industry and business locate or expand in Nebraska, (b)
- 19 to provide upgrade skills training of the existing labor force
- 20 necessary to adapt to new technology or the introduction of new
- 21 product lines, or (c) to provide ~~job training~~ grants pursuant to
- 22 section 81-1210.02.
- 23 (3) The department shall establish a subaccount within
- 1 the fund to provide training grants for training employees and

2 potential employees of businesses that (a) employ twenty-five or
 3 fewer employees on the application date, (b) employ, or train for
 4 potential employment, residents of rural areas of Nebraska, or
 5 (c) are located in or employ, or train for potential employment,
 6 residents of high-poverty areas as defined in section 81-1203.
 7 The department shall calculate the amount of prior year investment
 8 income earnings accruing to the fund and allocate such amount
 9 to the subaccount for training grants under this subsection. The
 10 subaccount shall also be used as provided in the Teleworker Job
 11 Creation Act and as provided in section 81-1210.02.

12 (4) Any money in the fund available for investment
 13 shall be invested by the state investment officer pursuant to
 14 the Nebraska Capital Expansion Act and the Nebraska State Funds
 15 Investment Act.

16 Sec. 2. Section 81-1210.01, Revised Statutes Cumulative
 17 Supplement, 2012, is amended to read:

18 81-1210.01 For purposes of sections 81-1210.01 to
 19 81-1210.03:

20 (1) Department means the Department of Economic
 21 Development;

22 ~~(2) Distressed area means a municipality, county with a~~
 23 ~~population of fewer than one hundred thousand inhabitants according~~
 24 ~~to the most recent federal decennial census, unincorporated area~~
 25 ~~within a county, or census tract in Nebraska that (a) has an~~
 26 ~~unemployment rate which exceeds the statewide average unemployment~~
 27 ~~rate, (b) has a per capita income below the statewide average per~~
 1 ~~capita income, or (c) had a population decrease between the two~~
 2 ~~most recent federal decennial censuses;~~

3 (3) Eligible company has the same meaning as qualified
 4 business in subsection (1) of section 77-5715;

5 ~~(4) Intern means any person who is working in a~~
 6 ~~professional environment for a limited period of time to gain~~
 7 ~~sufficient practical work experience in a professional or technical~~
 8 ~~position to allow for career decisionmaking and to provide~~
 9 ~~the employer valuable skills to accelerate short term business~~
 10 ~~objectives and who (a) is enrolled full time in a four year~~
 11 ~~college or university in Nebraska and has achieved junior or senior~~
 12 ~~status by such institution's criteria, (b) is enrolled full time~~
 13 ~~in a two year college in Nebraska and has successfully completed~~
 14 ~~a minimum of one half of the total credit hours required for an~~
 15 ~~associate degree, or (c) having residency in Nebraska, is enrolled~~
 16 ~~full time in a four year college or university in a state other~~
 17 ~~than Nebraska and has achieved junior or senior status by such~~
 18 ~~institution's criteria; and~~

19 ~~(5)-(2) Internship means any internship that did~~
 20 ~~not exist before June 1, 2011; employment of a student in a~~
 21 ~~professional or technical position for a limited period of time, by~~
 22 ~~a business in Nebraska, in which the student (a) gains valuable~~
 23 ~~work experience, (b) increases knowledge that assists with career~~

24 decisionmaking, and (c) assists the business in accelerating
 25 short-term business objectives; and

26 (3) Student means any person who:

27 (a) Is enrolled full-time in a college, university, or
 1 other institution of higher education in Nebraska;

2 (b) Has residency in Nebraska and is enrolled full-time
 3 in a college, university, or other institution of higher education
 4 in a state other than Nebraska; or

5 (c) Applies for an internship within six months following
 6 graduation from (i) a college, university, or other institution
 7 of higher education in Nebraska or (ii) a college, university,
 8 or other institution of higher education in a state other than
 9 Nebraska if such person had residency in Nebraska during his or her
 10 enrollment in such college, university, or institution.

11 Sec. 3. Section 81-1210.02, Revised Statutes Cumulative
 12 Supplement, 2012, is amended to read:

13 81-1210.02 (1) The intent of sections 81-1210.01 to
 14 81-1210.03 is to ~~connect Nebraska~~ provide students pursuing
 15 postsecondary degrees with targeted industries with valuable
 16 internship opportunities in order to retain such students and
 17 attract workers to Nebraska by assisting ~~companies~~ Nebraska
 18 businesses willing to provide paid internships.

19 (2) An eligible company ~~A business~~ may apply to the
 20 department for a ~~job training~~ grant to assist in the ~~hiring of an~~
 21 intern providing a student an internship if:

22 (a) The company ~~business~~ certifies that the internship
 23 meets the definition of internship in section 81-1210.01;

24 (b) The internship pays at least the federal minimum
 25 wage;

26 (c) The intern will work a minimum of two hundred hours
 27 in a twelve week period but no more than one thousand hours in a
 1 fifty week period; and

2 (d) The intern applies for the internship prior to
 3 graduation, even though the internship may be completed after
 4 graduation.

5 (b) The business will pay the student at least the
 6 federal minimum hourly wage for the internship;

7 (c) The internship will be completed within the State of
 8 Nebraska;

9 (d) The internship will be completed within a period of
 10 no more than twelve months; and

11 (e) The internship will be for a duration sufficient to
 12 allow the student to gain significant valuable work experience and
 13 knowledge.

14 (3) The department may provide a job training grant of
 15 grants for internships in the following amounts:

16 (a) If the student receiving the internship is a Federal
 17 Pell Grant recipient at the time of grant application, the grant
 18 may be up to the lesser of seventy-five percent of the cost

19 of the internship or seven thousand five hundred dollars. The
 20 business applying for the grant shall provide the department with
 21 documentation to prove that the student is a Federal Pell Grant
 22 recipient; and

23 (b) For all other students, the grant may be up to
 24 the lesser of forty-seven percent of the cost of the
 25 internship or three thousand five hundred dollars, except that if
 26 the internship is in a distressed area, the job training grant may
 27 be up to the lesser of sixty percent of the cost of the internship
 1 or five thousand dollars.

2 (4) An eligible company-A business may apply for no more
 3 than two job training grants for the same intern, student, shall
 4 not be awarded more than five job training grants at any one
 5 location in any twelve-month period, and shall not be awarded more
 6 than ten job training grants total in any twelve-month period.

7 (5) An eligible company-A business may allow an intern-a
 8 student to telecommute if the eligible company-business is located
 9 more than thirty miles from the college, or university, or other
 10 institution of higher education in which the intern-student is
 11 enrolled and if the college, or university, or other institution of
 12 higher education is in Nebraska.

13 (6) The department shall, to the extent possible, assure
 14 that the distribution of job training grants under sections
 15 81-1210.01 to 81-1210.03 provides equitable access to the grants by
 16 all geographic areas of the state.

17 (7) The department shall, to the extent possible, assure
 18 that the grants awarded pursuant to sections 81-1210.01 to
 19 81-1210.03 are for internships which provide valuable learning
 20 opportunities for students who will be seeking employment in a
 21 professional or technical field.

22 (7)-(8) The department shall not allocate more than one
 23 million five hundred thousand dollars in each of FY2011-12 and
 24 FY2012-13 any one fiscal year from the Job Training Cash Fund or
 25 its subaccounts for purposes of this section. The department may
 26 receive funds from public, private, or other sources for purposes
 27 of this section.

1 (9) The department shall develop a qualified action plan
 2 by January 1 of each even-numbered year. The plan shall, at
 3 a minimum, set forth the department's priorities and selection
 4 criteria for awarding grants for internships. In order to encourage
 5 students from across Nebraska to pursue internships, the plan shall
 6 also include strategies for affirmatively marketing internships
 7 to Nebraska students in high schools, colleges, universities,
 8 and other institutions of higher education in Nebraska. Such
 9 strategies shall place an emphasis on marketing to underserved
 10 student populations as defined by the department in the plan. The
 11 department shall submit the plan to the Governor for approval.

12 Sec. 4. Section 81-1210.03, Revised Statutes Cumulative
 13 Supplement, 2012, is amended to read:

14 81-1210.03 The department may adopt and promulgate rules
 15 and regulations to govern the award and disbursement of job
 16 ~~training grants under section 81-1210.02, pursuant to sections~~
 17 81-1210.01 to 81-1210.03.
 18 Sec. 5. This act becomes operative on October 1, 2013.
 19 Sec. 6. Original sections 81-1201.21, 81-1210.01,
 20 81-1210.02, and 81-1210.03, Revised Statutes Cumulative Supplement,
 21 2012, are repealed.

LEGISLATIVE BILL 536. Placed on General File with amendment.
 AM904

1 1. Strike original section 1 and insert the following new
 2 section:
 3 Section 1. The following sums of money, or so much
 4 thereof as may be required, are hereby appropriated from the
 5 General Fund or from other funds as indicated in the state
 6 treasury, not otherwise appropriated, for the payment of claims
 7 arising out of miscellaneous items of indebtedness owing by the
 8 State of Nebraska.
 9 \$72,808.58 for Miscellaneous Claim Number 2013-12559,
 10 against the State of Nebraska, pay to Nebraska Press Advertising
 11 Service, 845 "S" Street, Lincoln, NE 68508, out of the General
 12 Fund.
 13 \$302,461.44 for Miscellaneous Claim Number 2013-12852,
 14 against the Nebraska State Patrol, pay to Dornan, Lustgarten and
 15 Troia, PC, LLO, 1403 Farnam Street, Suite 232, Omaha, NE 68102, out
 16 of the General Fund.
 17 The claims included in this section shall be paid through
 18 Program 536 in Agency 65.
 19 For informational purposes only, the appropriations
 20 contained in this section and fund source:

21 <u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
22 <u>GENERAL FUND</u>	<u>\$375,270.02</u>
23 <u>CASH FUND</u>	<u>\$-0-</u>
1 <u>REVOLVING FUND</u>	<u>\$-0-</u>
2 <u>TOTAL</u>	<u>\$375,270.02</u>

3 2. On page 3, lines 6 and 17, strike "\$950,000.00" and
 4 insert "\$1,200,000.00"; and in line 19 strike "\$1,400,000.00" and
 5 insert "\$1,650,000.00".
 6 3. On page 5, line 13, strike "\$212.76" and insert
 7 "\$200.43"; and in line 25 strike "\$2,015,439.81" and insert
 8 "\$2,000,345.73".

(Signed) Steve Lathrop, Chairperson

Judiciary

LEGISLATIVE BILL 51. Placed on General File.

LEGISLATIVE BILL 233. Placed on General File.

LEGISLATIVE BILL 151. Placed on General File with amendment.
AM335

1 1. On page 3, line 3, strike "(5)", show as stricken, and
 2 insert "(5)(a)"; in line 15 strike the semicolon, show as stricken,
 3 and insert an underscored period; in line 16 strike "(6)" and
 4 insert "(b)"; in line 18 after "acquired" insert "in the regular
 5 course of business"; and in line 25 after "witness" insert ";
 6 Subdivision (5)(b) of this section shall not apply in any criminal
 7 proceeding".

8 2. On page 4, lines 1, 9, 15, and 18; page 5, lines 1,
 9 5, 12, 18, and 24; page 6, lines 4, 6, 9, 17, and 23; and page 7,
 10 lines 2, 4, 12, and 15, strike the new matter and reinstate the
 11 stricken matter.

12 3. On page 4, line 3, strike the new matter.

LEGISLATIVE BILL 161. Placed on General File with amendment.
AM399

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

3 Section 1. Section 14-415, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 14-415 The city, in addition to other remedies, may
 6 institute any appropriate action or proceedings to prevent
 7 an unlawful erection, construction, reconstruction, alteration,
 8 conversion, maintenance, or use of any building or structure
 9 in violation of any ordinance or regulations enacted or issued
 10 pursuant to sections 14-401 to 14-418, to restrain, correct,
 11 or abate such violation, to prevent the occupancy of ~~said the~~
 12 building, structure, or land, or to prevent any illegal act,
 13 conduct, business, or use in or about such premises. ~~Said The~~
 14 ordinance or regulations shall be enforced by the city as it
 15 may provide. In addition to and not in restriction of any other
 16 powers, the city may cause any building, structure, place, or
 17 premises to be inspected and examined and to order in writing the
 18 remedying of any condition found to exist therein or thereat in
 19 violation of any provision of the ordinance or regulations made
 20 under authority of ~~said such~~ sections. The owner, general agent,
 21 lessee, or tenant of a building or premises or of any part of
 22 such building or premises; where a violation of any provision of
 23 ~~said the ordinance or~~ regulations has been committed or shall
 1 exist; or the general agent, architect, builder, contractor, or
 2 any other person who commits, takes part, or assists in any such
 3 violation or who maintains any building or premises in which
 4 any such violation shall exist, shall be guilty of a Class IV
 5 misdemeanor ~~punishable by a fine of not less than ten dollars and~~
 6 ~~not more than one hundred dollars for each and every day that such~~
 7 ~~violation continues.~~ for a first or second violation and a Class
 8 II misdemeanor for a third or subsequent violation, if the third

9 or subsequent violation is committed within two years after the
 10 commission of the prior violation.

LEGISLATIVE BILL 483. Placed on General File with amendment.
 AM940

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

3 Section 1. (1) The Legislature finds that:

4 (a) Research reveals that children who have parents
 5 involved in their lives perform better academically and socially in
 6 school, experience fewer mental health and substance abuse issues,
 7 and are less likely to commit serious crime;

8 (b) Strategies to address family stability and
 9 intergenerational poverty are specifically needed for children with
 10 incarcerated parents; and

11 (c) Research reveals that family-based reentry planning,
 12 including relationship development and housing and employment
 13 strategies, results in lower recidivism and greater family economic
 14 stability.

15 (2) The Department of Correctional Services shall
 16 establish a two-year pilot program for the purpose of providing in
 17 Nebraska adult correctional facilities an evidence-based program of
 18 parent education, early literacy, relationship skills development,
 19 and reentry planning involving family members of incarcerated
 20 parents prior to their release. Incarcerated parents of children
 21 between birth and five years of age shall have priority for
 22 participation in the program. The department may award a contract
 23 to operate the pilot program. Such contract shall be based on
 1 competitive bids as provided in sections 73-101 to 73-105. The
 2 department shall track data related to program participation and
 3 recidivism.

4 (3) It is the intent of the Legislature to appropriate
 5 \$250,000 from the Correctional Industries Revolving Fund to the
 6 department in each of FY2013-14 and FY2014-15 for purposes of
 7 funding the pilot program required by this section.

8 Sec. 2. Section 83-150, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 83-150 All funds received by the Department of
 11 Correctional Services under sections 83-144 to 83-152 shall be
 12 remitted to the State Treasurer for credit to the Correctional
 13 Industries Revolving Fund, which fund is hereby created. The fund
 14 shall be administered by the Director of Correctional Services.
 15 The fund (1) shall be used to pay all proper expenses incident
 16 to the administration of sections 83-144 to 83-152 and (2) may be
 17 used to carry out section 1 of this act, except that transfers
 18 from the fund to the General Fund may be made at the direction of
 19 the Legislature. Any money in the Correctional Industries Revolving
 20 Fund available for investment shall be invested by the state
 21 investment officer pursuant to the Nebraska Capital Expansion Act

22 and the Nebraska State Funds Investment Act.
 23 Sec. 3. Original section 83-150, Reissue Revised Statutes
 24 of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

Agriculture

LEGISLATIVE BILL 647. Placed on General File.

LEGISLATIVE BILL 544. Placed on General File with amendment.

AM942

1 1. Insert the following new section:
 2 Section 1. Section 2-3812, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 2-3812 There is hereby created the Nebraska Agricultural
 5 Products Marketing Cash Fund. The fund shall consist of
 6 administrative costs collected under subsection (4) of section
 7 54-742 and money appropriated by the Legislature which is received
 8 as gifts or grants or collected as fees or charges from any source,
 9 including federal, state, public, and private. The fund shall be
 10 utilized for the purpose of carrying out the Nebraska Agricultural
 11 Products Marketing Act and for purposes of subsection (4) of
 12 section 54-742. Any money in such fund available for investment
 13 shall be invested by the state investment officer pursuant to
 14 the Nebraska Capital Expansion Act and the Nebraska State Funds
 15 Investment Act.

16 2. On page 3, strike line 25 and insert
 17 "(3) Any person who reasonably suspects that any beef
 18 or dairy breeding bull belonging to him or her or which he
 19 or she has in his or her possession or custody is infected
 20 with bovine trichomoniasis shall not sell or transport such
 21 animal, except for consignment directly to a licensed slaughter
 22 establishment, unless such person causes such animal to be tested
 23 for bovine trichomoniasis. Any person who owns or has possession
 1 or custody of a beef or dairy breeding bull, or who has a
 2 beef or dairy breeding bull belonging to another under his or
 3 her observation, for which a laboratory confirmed diagnosis of
 4 bovine trichomoniasis has been made, shall report such diagnosis
 5 to the department within five business days after receipt of
 6 the laboratory confirmation. Any such breeding bull for which a
 7 laboratory confirmation of bovine trichomoniasis has been made
 8 shall not be sold or transported except for consignment directly to
 9 a licensed slaughter establishment.

10 (4)(a) An owner or manager of any beef or dairy
 11 breeding bull for which a laboratory confirmed diagnosis of bovine
 12 trichomoniasis has been made shall notify each adjacent".

13 3. On page 4, strike line 1; in line 11 after "diagnosis"
 14 insert "and shall include the names of adjacent landowners or land

15 managers who were notified and their contact information"; strike
 16 lines 12 through 21 and insert the following new subdivision:
 17 "(c) If an owner or manager does not, within such
 18 fourteen-day period, submit the form or affidavit indicating
 19 that adjacent landowners or land managers have been notified
 20 as required under this subsection, the department shall notify each
 21 adjacent landowner or land manager of the diagnosis. The department
 22 shall assess the administrative costs of the department to notify
 23 the adjacent landowners or land managers against the owner or
 24 manager that failed to comply with this subsection. The department
 25 shall determine the definition of adjacent based on the disease
 26 characteristics and modes of transmission. The department shall
 27 remit any administrative costs collected under this subsection
 1 to the State Treasurer for credit to the Nebraska Agricultural
 2 Products Marketing Cash Fund."; and in line 22 strike "38-3330" and
 3 insert "2-3812, 38-3330".
 4 4. Renumber the remaining sections accordingly.

(Signed) Ken Schilz, Chairperson

Judiciary

LEGISLATIVE BILL 289. Placed on General File with amendment.
 AM571

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. This act shall be known and may be cited as
 4 the Commercial Real Estate Broker Lien Act.
 5 Sec. 2. For purposes of the Commercial Real Estate Broker
 6 Lien Act:
 7 (1) Commercial real estate means any real estate other
 8 than real estate containing no more than four residential units or
 9 real estate on which no buildings or structures are located and
 10 that is zoned for single-family residential use. Commercial real
 11 estate does not include single-family residential units such as
 12 condominiums, town houses, or homes in a subdivision when sold,
 13 leased, or otherwise conveyed on a unit-by-unit basis, even though
 14 these units may be a part of a larger building or parcel of real
 15 estate containing more than four residential units;
 16 (2) Commission means any and all compensation that may
 17 be due a commercial real estate broker for performance of licensed
 18 services; and
 19 (3) Commission agreement means a written agreement
 20 with a designated commercial real estate broker as required by
 21 subdivisions (2) through (6) of section 76-2422.
 22 Sec. 3. (1)(a) A commercial real estate broker shall
 23 have a lien upon commercial real estate or any interest in that
 1 commercial real estate that is the subject of a purchase, lease,
 2 or other conveyance to a buyer or tenant of an interest in the

3 commercial real estate in the amount of commissions that the
4 commercial real estate broker is due.

5 (b) The lien shall be available only to the commercial
6 real estate broker named in a commission agreement signed by an
7 owner, buyer, or tenant or their respective authorized agents as
8 applicable and is not available to an employee, agent, subagent, or
9 independent contractor of a commercial real estate broker.

10 (2) A lien under this section shall attach to commercial
11 real estate or any interest in the commercial real estate when:

12 (a) The commercial real estate broker is entitled to
13 a commission provided in a commission agreement signed by the
14 owner, buyer, tenant, or their respective authorized agents, as
15 applicable; and

16 (b) The commercial real estate broker records a notice
17 of lien in the office of the register of deeds of the county in
18 which the commercial real estate is located, prior to the actual
19 conveyance or transfer of the commercial real estate against which
20 the commercial real estate broker is claiming a lien, except as
21 provided in this section. The lien shall attach as of the date of
22 the recording of the notice of lien and shall not relate back to
23 the date of the commission agreement.

24 (3) In the case of a lease, including a sublease or an
25 assignment of a lease, the notice of lien shall be recorded not
26 later than ninety days after the tenant takes possession of the
27 leased premises. The lien shall attach as of the recording of
1 the notice of lien and shall not relate back to the date of the
2 commission agreement.

3 (4)(a) If a commercial real estate broker is due an
4 additional commission as a result of future actions, including, but
5 not limited to, the exercise of an option to expand the leased
6 premises or to renew or extend a lease pursuant to a commission
7 agreement signed by the then owner or tenant, the commercial real
8 estate broker may record its notice of lien at any time after
9 execution of the lease or other commission agreement which contains
10 such option, but not later than ninety days after the event or
11 occurrence on which the future commission is claimed occurs.

12 (b) In the event that the commercial real estate is
13 sold or otherwise conveyed prior to the date on which a future
14 commission is due, and if the commercial real estate broker
15 has filed a valid notice of lien prior to the sale or other
16 conveyance of the commercial real estate, then the purchaser or
17 transferee shall be deemed to have notice of and shall take title
18 to the commercial real estate subject to the notice of lien. If
19 a commercial real estate broker claiming a future commission fails
20 to record its notice of lien for future commission prior to the
21 recording of a deed conveying legal title to the commercial real
22 estate to the purchaser or transferee, then such commercial real
23 estate broker shall not claim a lien on the commercial real estate.
24 This subsection shall not limit or otherwise affect claims or

25 defenses a commercial real estate broker or owner or any other
26 party may have on any other basis, in law or in equity.

27 (5) If a commercial real estate broker has a commission
1 agreement as described in subdivision (4)(a) of this section with
2 a prospective buyer or tenant, then the lien shall attach upon the
3 prospective buyer purchasing or otherwise accepting a conveyance
4 or transfer of the commercial real estate and the recording of a
5 notice of lien by the commercial real estate broker in the office
6 of the register of deeds of the county in which the commercial
7 real estate, or any interest in the commercial real estate, is
8 located, within ninety days after the purchase or other conveyance
9 or transfer to the buyer or tenant. The lien shall attach as of the
10 date of the recording of the notice of lien and shall not relate
11 back to the date of the commission agreement.

12 Sec. 4. The commercial real estate broker shall, within
13 ten days after recording its notice of lien, either mail a copy of
14 the notice of lien to the owner of record of the commercial real
15 estate by registered or certified mail at the address of the owner
16 stated in the commission agreement on which the claim for lien is
17 based or, if no such address is given, then to the address of the
18 commercial real estate on which the claim of lien is based. Mailing
19 of the copy of the notice of lien is effective when deposited in
20 a United States mailbox with postage prepaid. The commercial real
21 estate broker's lien shall be unenforceable if mailing or service
22 of the copy of notice of lien does not occur at the time and in the
23 manner required by this section.

24 Sec. 5. The notice of lien shall state the name of
25 the commercial real estate broker, the name as reflected in
26 the commercial real estate broker's records of any person the
27 commercial real estate broker believes to be an owner of the
1 commercial real estate on which the lien is claimed, the name
2 as reflected in the commercial real estate broker's records of
3 any person whom the commercial real estate broker believes to be
4 obligated to pay the commission under the commission agreement, a
5 description legally sufficient for identification of the commercial
6 real estate upon which the lien is claimed, and the amount for
7 which the lien is claimed. The notice of lien shall recite that
8 the information contained in the notice is true and accurate to the
9 knowledge of the signatories. The notice of lien shall be signed
10 by the commercial real estate broker or by a person authorized to
11 sign on behalf of the commercial real estate broker and shall be
12 notarized.

13 Sec. 6. (1) Except as provided in subsections (2) and (3)
14 of this section, a lien that has become enforceable as provided
15 in section 3 of this act shall continue to be enforceable for two
16 years after the recording of the lien.

17 (2) Except as provided in subsection (3) of this section,
18 if an owner, holder of a security interest, mortgage, or trust
19 deed, or other person having an interest in the commercial real

20 estate gives the commercial real estate broker written demand to
21 institute a judicial proceeding within thirty days, the lien lapses
22 unless, within thirty days after receipt of the written demand, the
23 commercial real estate broker institutes judicial proceedings.

24 (3) If a judicial proceeding to enforce a lien is
25 instituted while a lien is effective under subsection (1) or (2)
26 of this section, the lien continues during the pendency of the
27 proceeding.

1 Sec. 7. (1) Recorded liens, mortgages, trust deeds, and
2 other encumbrances on commercial real estate, including a recorded
3 lien securing revolving credit and future advances for a loan,
4 recorded before the date the commercial real estate broker's lien
5 is recorded, shall have priority over the commercial real estate
6 broker's lien.

7 (2) A construction lien claim that is recorded after the
8 commercial real estate broker's notice of lien but that relates
9 back to a date prior to the recording date of the commercial real
10 estate broker's notice of lien has priority over the commercial
11 real estate broker's lien.

12 (3) A purchase-money lien executed by the buyer of
13 commercial real estate in connection with a loan for which any
14 part of the proceeds are used to pay the purchase price of the
15 commercial real estate has priority over a commercial real estate
16 broker's lien claimed for the commission owed by the buyer against
17 the commercial real estate purchased by the buyer.

18 Sec. 8. (1) Whenever a notice of a commercial real estate
19 broker's lien has been recorded, the record owner of the commercial
20 real estate, or the tenant in case of a lien upon the leasehold
21 estate, may have the lien released by depositing funds equal to
22 the full amount stated in the notice of lien plus fifteen percent
23 to be applied towards any lien under section 3 of this act. These
24 funds shall be held in escrow by such person and by such process
25 which may be agreed to by the parties, either in the commission
26 agreement or otherwise, for the payment to the commercial real
27 estate broker or otherwise for resolution for their dispute or,
1 in the absence of any such mutually agreed person or process, the
2 funds may be deposited with the district court by the filing of
3 an interpleader. Upon such deposit of funds by interpleader, the
4 commercial real estate shall be considered released from such lien
5 or claim of lien. Upon written notice to the commercial real estate
6 broker that the funds have been escrowed or an interpleader filed,
7 the commercial real estate broker shall, within ten business days,
8 record in the office of the register of deeds where the notice of
9 commercial real estate broker's lien was filed pursuant to section
10 3 of this act a document stating that the lien is released and the
11 commercial real estate released by an escrow established pursuant
12 to this section or by interpleader. If the commercial real estate
13 broker fails to file such document, the person holding the funds
14 may sign and file such document and deduct from the escrow the

15 reasonable cost of preparing and filing the document. Upon the
 16 filing of such document, the commercial real estate broker shall
 17 be deemed to have an equitable lien on the escrow funds pending a
 18 resolution of the commercial real estate broker's claim for payment
 19 and the funds shall not be paid to any person, except for such
 20 payment to the holder of the funds as set forth in this section,
 21 until a resolution of the commercial real estate broker's claim for
 22 payment has been agreed to by all necessary parties or ordered by
 23 a court having jurisdiction.

24 (2) Except as otherwise provided in this section,
 25 whenever a commercial real estate broker's lien has been recorded
 26 and an escrow account is established either from the proceeds from
 27 the transaction, conveyance, or any other source of funds computed
 1 as one-hundred-fifteen percent of the amount of the claim for
 2 lien, then the lien against the commercial real estate shall be
 3 extinguished and immediately become a lien on the funds contained
 4 in the escrow account. The requirement to establish an escrow
 5 account, as provided in this section, shall not be cause for any
 6 party to refuse to complete or close the transaction.

LEGISLATIVE BILL 441. Placed on General File with amendment.
 AM975

- 1 1. Strike original sections 1 and 2.
- 2 2. On page 9, strike beginning with the period in line 11
- 3 through "subsection" in line 14.
- 4 3. On page 12, strike line 25.
- 5 4. On page 13, strike lines 1 through 5; and in line 6
- 6 strike "(3)" and insert "(2)".
- 7 5. Renumber the remaining sections and correct internal
- 8 references and the repealer accordingly.

(Signed) Brad Ashford, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 148. Introduced by Johnson, 23; Bloomfield, 17; Davis, 43; Janssen, 15; Schumacher, 22.

WHEREAS, Rhonda Cerny was named the 2013 winner of the National Volunteer Fire Council Fire Prevention Award; and

WHEREAS, Rhonda Cerny has been a member and secretary of the Linwood, Nebraska, Volunteer Fire Department since 1990; and

WHEREAS, Rhonda Cerny travels throughout Nebraska stressing the importance of fire prevention to firefighters and community members; and

WHEREAS, this award recognizes Rhonda Cerny's exemplary service and outstanding commitment to strengthening the fire and emergency services in Nebraska and in her community.

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

1. That the Legislature congratulates Rhonda Cerny on winning the 2013 National Volunteer Fire Council Fire Prevention Award.
2. That a copy of this resolution be sent to Rhonda Cerny.

Laid over.

LEGISLATIVE RESOLUTION 149. Introduced by Lathrop, 12; Ashford, 20; Cook, 13; Crawford, 45; B. Harr, 8; Howard, 9; Krist, 10; Nordquist, 7; Pirsch, 4; Smith, 14.

WHEREAS, the Creighton University men's basketball team had yet another outstanding season; and

WHEREAS, the Bluejays won the 2013 Missouri Valley Conference Tournament by defeating Wichita State in a thrilling victory; and

WHEREAS, the victory marked the Bluejays' twelfth conference tournament championship and their eighth in the past fifteen seasons; and

WHEREAS, the Bluejays were led by Missouri Valley Conference Larry Bird Player of the Year and the tournament's Most Valuable Player Doug McDermott, who was joined on the All-Tournament Team by Gregory Echenique; and

WHEREAS, the championship earned the Bluejays an NCAA Men's Division I Basketball Tournament bid; and

WHEREAS, the Bluejays defeated Cincinnati 67-63 in an exciting second round match-up in the NCAA Tournament; and

WHEREAS, the Bluejays have an excellent coaching staff led by Head Coach Greg McDermott, who led them to twenty-eight wins this season.

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

1. That the Legislature congratulates the Creighton University men's basketball team for their outstanding achievements during the 2012-13 basketball season.
2. That a copy of this resolution be sent to Creighton University Athletic Director Bruce Rasmussen and Head Coach Greg McDermott.

Laid over.

LEGISLATIVE RESOLUTION 150. Introduced by Lathrop, 12; Ashford, 20; Cook, 13; Crawford, 45; B. Harr, 8; Howard, 9; Krist, 10; Nordquist, 7; Pirsch, 4; Smith, 14.

WHEREAS, the Creighton University women's basketball team had an exceptional 2012-13 basketball season; and

WHEREAS, the Bluejays finished with fifteen wins in the Missouri Valley Conference, tied for most in the league; and

WHEREAS, the Bluejays earned their fifth NCAA Women's Division I Basketball Tournament bid; and

WHEREAS, the Bluejays earned their first NCAA tournament victory since 1994 by defeating Syracuse 61-56; and

WHEREAS, the Bluejays finished the season with a record of 25-8, the seventh time in eleven seasons that they have won at least twenty games under Coach Jim Flanery and his outstanding coaching staff.

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

1. That the Legislature congratulates the Creighton University women's basketball team for their outstanding achievements during the 2012-13 basketball season.

2. That a copy of this resolution be sent to Creighton University Athletic Director Bruce Rasmussen and Head Coach Jim Flanery.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 44. Senator Chambers withdrew his motion, MO42, found on page 954.

Advanced to Enrollment and Review Initial with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 107. Placed on General File with amendment. AM870

- 1 1. On page 2, line 24, after "waived" insert "in
- 2 writing".
- 3 2. On page 3, lines 2 and 6, after "waived" insert "in
- 4 writing"; in line 5 after "if" insert "(i)"; in line 6 after the
- 5 comma insert "(ii)"; in line 8 after the comma insert "(iii)"; and
- 6 in line 9 after the second "and" insert "(iv)".

(Signed) Brad Ashford, Chairperson

VISITORS

Visitors to the Chamber were 51 fourth-grade students and teachers from St. Gerald School, Ralston; 22 fourth-grade students and teacher from Concordia Academy School, Omaha; and 16 fourth-grade students and teacher from Christ Lutheran School, Lincoln.

ADJOURNMENT

At 11:19 a.m., on a motion by Senator Wightman, the Legislature adjourned until 10:00 a.m., Tuesday, April 16, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 16, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 16, 2013

PRAYER

The prayer was offered by Pastor Paul Malcomson, Light of the World Gospel Ministries, Walthill.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senators Christensen, Karpisek, and Larson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 55. Placed on Final Reading.
LEGISLATIVE BILL 79. Placed on Final Reading.
LEGISLATIVE BILL 79A. Placed on Final Reading.
LEGISLATIVE BILL 158. Placed on Final Reading.
LEGISLATIVE BILL 203. Placed on Final Reading.
LEGISLATIVE BILL 230. Placed on Final Reading.
LEGISLATIVE BILL 263. Placed on Final Reading.
LEGISLATIVE BILL 265. Placed on Final Reading.
LEGISLATIVE BILL 271. Placed on Final Reading.
LEGISLATIVE BILL 388. Placed on Final Reading.
LEGISLATIVE BILL 495. Placed on Final Reading.
LEGISLATIVE BILL 495A. Placed on Final Reading.
LEGISLATIVE BILL 528. Placed on Final Reading.
LEGISLATIVE BILL 612. Placed on Final Reading.
LEGISLATIVE BILL 629. Placed on Final Reading.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 68. Placed on Select File with amendment. ER52 is available in the Bill Room.

LEGISLATIVE BILL 205. Placed on Select File with amendment. ER49

- 1 1. In the Standing Committee amendments, AM431:
- 2 a. On page 22, line 11, strike "all persons" and insert
- 3 "each person"; and in line 25 strike the comma; and
- 4 b. On page 24, line 22, strike the comma.
- 5 2. On page 1, strike lines 2 through 5 and insert
- 6 "sections 8-1108.01, 8-1111, and 8-1118, Reissue Revised Statutes
- 7 of Nebraska; to change penalty and liability provisions; to
- 8 provide an exemption from registration of securities; to harmonize
- 9 provisions; and to repeal the original sections."

LEGISLATIVE BILL 341. Placed on Select File with amendment. ER54 is available in the Bill Room.

LEGISLATIVE BILL 269. Placed on Select File with amendment. ER51 is available in the Bill Room.

LEGISLATIVE BILL 497. Placed on Select File with amendment. ER53 is available in the Bill Room.

LEGISLATIVE BILL 595. Placed on Select File with amendment. ER50

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 86-442, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 86-442 Sections 86-442 to 86-470 and sections 3, 4, and
- 6 5 of this act shall be known and may be cited as the Enhanced
- 7 Wireless 911 Services Act.
- 8 Sec. 2. Section 86-443, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 86-443 For purposes of the Enhanced Wireless 911 Services
- 11 Act, the definitions found in sections 86-444 to 86-456.01 and
- 12 section 4 of this act apply.
- 13 Sec. 3. The Legislature finds that consideration of
- 14 upgrades to emergency telephone communications is warranted. It
- 15 is the intent of the Legislature to authorize the use of the
- 16 Enhanced Wireless 911 Fund to fund a study of the implications,
- 17 costs, and consideration of next-generation emergency telephone
- 18 communications.

19 Sec. 4. Next-generation 911 means an
20 Internet-protocol-based system comprised of managed emergency
21 services Internet protocol networks, functional elements, and
22 data bases that replicate traditional E-911 service or enhanced
23 911 wireless service features and functions and that provide
1 additional capabilities.

2 Sec. 5. (1) The commission shall use the Enhanced
3 Wireless 911 Fund to conduct a study to examine issues surrounding
4 the statewide implementation of next-generation 911 and to contract
5 with an independent third party to assist with the study.
6 Next-generation 911 shall be designed to provide access to
7 emergency services from all connected communications sources and to
8 provide multimedia data capabilities for public safety answering
9 points and other emergency service organizations. The study shall
10 include, but not be limited to, an examination of the following
11 issues:

12 (a) Examination of the current statutory and regulatory
13 framework for the management and funding of E-911 service in
14 Nebraska;

15 (b) Examination and assessment of the current system of
16 E-911 service within Nebraska;

17 (c) Examination of the Federal Communications
18 Commission's open rulemaking regarding the deployment of
19 next-generation 911;

20 (d) Identification of the federal, state, and local
21 authorities, agencies, and governing bodies whose participation
22 and cooperation will be necessary for the implementation of
23 next-generation 911 in Nebraska;

24 (e) Examination of any efforts, projects, or initiatives
25 currently in progress or planned related to any portion of the
26 implementation of next-generation 911 in Nebraska;

27 (f) Examination of the plans and efforts of other states
1 regarding the implementation of next-generation 911; and

2 (g) Any other issues related to the planning and
3 implementation of next-generation 911.

4 (2) The independent third party shall submit an initial
5 report to the commission not later than January 31, 2014. The
6 independent third party shall complete the study and submit a
7 final report to the commission not later than April 1, 2014. The
8 commission shall submit the final report electronically to the
9 Transportation and Telecommunications Committee of the Legislature.

10 (3) The initial report of the independent third party
11 shall include:

12 (a) An assessment of the statewide 911 network existing
13 on the effective date of this act, including, but not limited
14 to, the statutory and regulatory framework, the management and
15 sources of funding available to support 911 services, the broadband
16 and telephone infrastructure, and the equipment and software used

17 by the state, public safety answering points, and geographic
 18 information systems;

19 (b) Examination of any efforts, projects, or initiatives
 20 in progress or planned related to implementation of next-generation
 21 911 in Nebraska and other states;

22 (c) Identification of the federal, state, and local
 23 authorities, agencies, and governing bodies whose participation
 24 and cooperation will be necessary for the implementation of
 25 next-generation 911 in Nebraska; and

26 (d) Any other issues deemed necessary by the commission.

27 (4) The final report of the independent third party shall
 1 include;

2 (a) The initial report of the independent third party as
 3 outlined in subsection (3) of this section;

4 (b) Recommendations providing a variety of options for
 5 the planning, development, phased-in implementation, and management
 6 of next-generation 911 and the deployment, interconnection, and
 7 management of emergency services Internet protocol networks,
 8 including, but not limited to, necessary technological upgrades,
 9 the timeline and cost of such phases of implementation, and
 10 organizational structures with authority to oversee the recommended
 11 options;

12 (c) Identification of any changes to the master street
 13 address guide required for next-generation 911 and how geocoding
 14 would integrate in the routing of next-generation 911;

15 (d) Identification of any equipment changes that would
 16 be needed by public service answering points, including
 17 customer-premise equipment, recording capabilities, and
 18 computer-aided dispatching;

19 (e) An estimated cost of the necessary components for
 20 planning, implementation, and management of next-generation 911 and
 21 recommended sources of funding; and

22 (f) Any other necessary issues related to the planning,
 23 implementation, and management of next-generation 911.

24 Sec. 6. Section 86-465, Reissue Revised Statutes of
 25 Nebraska, is amended to read:

26 86-465 (1) The commission shall, in consultation with the
 27 advisory board:

1 (a) Determine the costs to implement wireless automatic
 2 location identification;

3 (b) Determine the level of funding needed to trigger
 4 disbursements pursuant to the Enhanced Wireless 911 Services Act;

5 (c) Determine the percentage of the fund to be allocated
 6 to each funding purpose, including the percentage that shall be
 7 designated for funding 911 service under subdivision (2)(c) of this
 8 section;

9 (d) Determine how the funds distributed under
 10 subdivisions (2)(a) and (2)(c) of this section are to be allocated

11 among the wireless carriers and the public safety answering points;
12 and

13 (e) Establish a mechanism for determining the level
14 of funding available to each public safety answering point and
15 wireless carrier for costs determined to be eligible by the
16 commission under subsection (2) of this section.

17 (2) The commission shall, in consultation with the
18 advisory board, establish eligibility standards and criteria
19 for fund disbursement applications and standards and criteria
20 concerning the level of fund disbursement for each application. In
21 establishing such criteria and standards, the following purposes
22 may be eligible for funding:

23 (a) Costs incurred or to be incurred by wireless carriers
24 to implement enhanced wireless 911 service pursuant to a service
25 agreement with a public safety answering point or pursuant to a
26 request for service from a public safety answering point. Such
27 costs may include, but not be limited to, the portion of the costs
1 for new equipment used for providing enhanced wireless 911 service,
2 costs to lease another vendor's equipment or services to provide
3 enhanced wireless 911 service, costs to create or maintain any
4 data base or data base elements used solely for enhanced wireless
5 911 service, and other costs of establishing enhanced wireless 911
6 service. The portion of the costs of equipment or services used in
7 the wireless carrier's main infrastructure resulting in revenue to
8 the wireless carrier is not eligible for funding;

9 (b) Costs incurred or to be incurred by public safety
10 answering points to implement enhanced wireless 911 service may
11 include, but not be limited to, purchases of new equipment, costs
12 of upgrades, modification and personnel training used solely to
13 process the data elements of enhanced wireless 911 service, and
14 maintenance costs and license fees for new equipment;

15 (c) Costs incurred or to be incurred by public safety
16 answering points for the purchase, installation, maintenance, and
17 operation of telecommunications equipment and telecommunications
18 services required for the provision of enhanced wireless 911
19 service; ~~and~~

20 (d) Costs associated with the conduct of a study
21 regarding next-generation 911 as required by section 5 of this
22 act, including, but not limited to, costs related to contracting
23 with an independent third party for purposes of conducting the
24 study; and

25 ~~(d)-(e)~~ Expenses incurred by members of the advisory
26 board while performing duties required by the act.

27 (3) A wireless carrier receiving funds from the Enhanced
1 Wireless 911 Fund shall not directly assess any of the costs
2 associated with the implementation or provision of enhanced
3 wireless 911 service to any public safety answering point, county,
4 or municipality without the express consent of the commission.

5 (4) The commission shall have any powers necessary to
 6 carry out the intent and purposes of the act.
 7 Sec. 7. Original sections 86-442, 86-443, and 86-465,
 8 Reissue Revised Statutes of Nebraska, are repealed.
 9 Sec. 8. Since an emergency exists, this act takes effect
 10 when passed and approved according to law.
 11 2. On page 1, line 6, strike "and"; and in line 7 after
 12 "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 595A. Placed on Select File.

LEGISLATIVE BILL 585. Placed on Select File with amendment.
 ER56

1 1. In the Standing Committee amendments, AM832:
 2 a. On page 4, line 6, after the comma insert "for";
 3 b. On page 12, line 9, strike the second "the" and insert
 4 "this"; and
 5 c. On page 15, line 11, reinstate the stricken comma.
 6 2. On page 1, strike beginning with "sections" in line
 7 1 through line 15 and insert "section 79-2104.01, Reissue Revised
 8 Statutes of Nebraska, and sections 77-3442, 79-611, and 79-2104,
 9 Revised Statutes Cumulative Supplement, 2012; to provide authority
 10 for early childhood education programs for children in poverty; to
 11 change levy limits, free transportation qualifications, learning
 12 community coordinating council powers, and advisory committee
 13 duties; to provide a duty for the Revisor of Statutes; and to
 14 repeal the original sections."

LEGISLATIVE BILL 97. Placed on Select File with amendment.
 ER55 is available in the Bill Room.

LEGISLATIVE BILL 646. Placed on Select File with amendment.
 ER57

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 32-512, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 32-512 (1) After the selection of the original board of
 6 directors of a public power district as provided for in sections
 7 70-803 and 70-805 or a district as provided for in sections 70-604
 8 and 70-609, their successors shall be nominated and elected on the
 9 nonpartisan ballot, except that in districts receiving annual gross
 10 revenue of less than forty million dollars, the candidates for the
 11 board of directors shall not appear on the ballot in the primary
 12 election. The term of each elected director shall be not more than
 13 six years or until his or her successor is elected and qualified.
 14 Candidates for the board of directors shall meet the qualifications
 15 found in sections 70-610 and 70-619.

16 (2) Registered voters residing within the chartered
17 territory and registered voters duly certified in accordance with
18 section 70-604.03 shall be qualified to vote in the district as
19 certified pursuant to section 70-611. The registered voters of a
20 subdivision created under subsection (1) of section 70-612 may only
21 cast their ballots for candidates for directors to be elected from
22 such subdivision and for candidates for directors to be elected
23 at large from the whole district. The registered voters of a
1 subdivision created under subsection (2) or (3) of section 70-612
2 may only cast their ballots for candidates for directors to be
3 elected from such subdivision.

4 Sec. 2. Section 70-612, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 70-612 (1)(a) Subject to the provisions of Chapter 70,
7 article 6, and subject to the approval of the Nebraska Power
8 Review Board, the board of directors of a district, other than a
9 district with a service area containing a city of the metropolitan
10 class, may amend the petition for its creation to provide for
11 the division of the territory of such district into two or more
12 subdivisions for the nomination and election of some or all of the
13 directors. Each subdivision shall be composed of one or more voting
14 precincts, or divided voting precincts, and the total population of
15 each such subdivision shall be approximately the same. ~~Two~~ Except
16 in districts which contain a city of the metropolitan class, two
17 or more subdivisions may be combined for election purposes, and
18 members of the board of directors to be elected from such combined
19 subdivisions may be nominated and elected at large when not
20 less than seventy-five percent of the population of the combined
21 subdivisions is within the corporate limits of any city.

22 (b) In the event a district formed includes all
23 or part of two or more counties and is ~~(a)-(i)~~ engaged in
24 furnishing electric light and power and more than fifty percent
25 of its customers are rural customers or ~~(b)-(ii)~~ engaged in
26 furnishing electric light and power and in the business of owning
27 and operating irrigation works, then and in that event such
1 subdivisions may be formed by following precinct or county boundary
2 lines without regard to population if in the judgment of the
3 Nebraska Power Review Board the interests of the rural users
4 of electricity or of users of irrigation water service in such
5 district will not be prejudiced thereby.

6 (2)(a) The board of directors of a district with a
7 service area containing a city of the metropolitan class may amend
8 its charter to provide for the division of the territory of the
9 district into election subdivisions composed of substantially equal
10 population and compact and contiguous territory and number the
11 subdivisions consecutively and submit the maps to the Nebraska
12 Power Review Board.

13 (b) If the board of directors provides for eight election
14 subdivisions prior to January 1, 2014, the board of directors

15 shall assign each position on the board of directors to represent
 16 a numbered election subdivision for the remainder of the term of
 17 office for which the member is elected, regardless of whether the
 18 member resides in the subdivision, and shall make such assignments
 19 so that the terms of members representing election subdivisions
 20 numbered one, two, and three expire in January 2015, the terms
 21 of members representing election subdivisions numbered four and
 22 five expire in January 2017, and the terms of members representing
 23 election subdivisions six, seven, and eight expire in January 2019.
 24 If possible, each member shall be assigned to represent an election
 25 subdivision that corresponds to the end of the term he or she is
 26 serving.

27 (c) A successor who resides in the numbered election
 1 subdivision shall be nominated and elected at the statewide primary
 2 and general elections held in the calendar year prior to the
 3 expiration of the term of the member who represents such numbered
 4 election subdivision.

5 (3) After each federal decennial census, the board of
 6 directors of a district with a service area containing a city
 7 of the metropolitan class shall create new boundaries for the
 8 election subdivisions. In establishing the boundaries of the
 9 election subdivisions, the board of directors shall follow county
 10 lines wherever practicable, shall provide for the subdivisions
 11 to be composed of substantially equal population and compact and
 12 contiguous territory, and shall, as nearly as possible, follow the
 13 precinct lines created by the election commissioner or county clerk
 14 after each federal decennial census.

15 (2)-(4) Any public power district or public power and
 16 irrigation district owning and operating irrigation works may, with
 17 approval of the Nebraska Power Review Board, add representation
 18 on its board of directors from any county which is outside its
 19 chartered territory but in which is located some or all of such
 20 irrigation works.

21 Sec. 3. Section 70-615, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 70-615 (1) In addition to the events listed in section
 24 32-560, a vacancy on the board of directors shall exist in the
 25 event of the (a) removal from the chartered area of any director,
 26 (b) removal from the subdivision from which such director was
 27 elected except as otherwise provided in subsection (2) or (3) of
 1 section 70-612, (c) elimination or detachment from the chartered
 2 area of the territory in which a director or directors reside, or
 3 (d) expiration of the term of office of a director and failure
 4 to elect a director to fill such office at the preceding general
 5 election. After notice and hearing, a vacancy shall also exist
 6 in the event of the absence of any director from more than two
 7 consecutive regular meetings of the board, unless such absences are
 8 excused by a majority of the remaining board members.

9 (2) In the event of a vacancy from any of such causes,
10 or otherwise, such vacancy or vacancies shall, except in districts
11 having within their chartered area twenty-five or more cities
12 and villages, be filled by the board of directors. In districts
13 having within their chartered area twenty-five or more cities and
14 villages, vacancies shall be filled by the Governor.

15 (3) If a vacancy occurs during the term of any director
16 prior to the deadline for filing and the unexpired term extends
17 beyond the first Thursday after the first Tuesday in January
18 following the next general election, an appointment shall be until
19 the first Thursday after the first Tuesday in January following the
20 next general election, and candidates may file nomination papers
21 as provided by law for the placing of their names upon the ballot
22 for election to the unexpired term. If a vacancy occurs during the
23 term of any director after the deadline for filing for election,
24 an appointment shall be until the first Thursday after the first
25 Tuesday in January following the next general election for which
26 candidates may file nomination papers as provided by law.

27 (4) At any time a vacancy is to be filled by election,
1 the secretary of the district shall give notice to the public
2 by publishing the notice of vacancy, length of term, and the
3 deadline for filing, once in a newspaper or newspapers of general
4 circulation within the district.

5 (5) Any appointment shall be filed with the Secretary of
6 State by certified mail.

7 Sec. 4. Section 70-619, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 70-619 (1) The corporate powers of the district shall be
10 vested in and exercised by the board of directors of the district.
11 No person shall be qualified to hold office as a member of the
12 board of directors unless ~~(4)-(a)~~ he or she is a registered voter
13 ~~(a)-(i)~~ of such chartered territory, ~~(b)-(ii)~~ of the subdivision
14 from which a director is to be elected if such chartered territory
15 is subdivided for election purposes as provided in subsection
16 (1), (2), or (3) of section 70-612, or ~~(c)-(iii)~~ of one of the
17 combined subdivisions from which directors are to be elected at
18 large as provided in section 70-612 or ~~(2)-(b)~~ he or she is a
19 retail customer duly certified in accordance with subsection (3) of
20 section 70-604.03.

21 (2) No person who is a full-time or part-time employee
22 of the district shall be eligible to serve as a member of the
23 board of directors unless such person resigns or assumes an unpaid
24 leave of absence for the term as a member. The district shall
25 grant such leave of absence when requested by any employee for
26 the purpose of the employee serving as a member of the board of
27 directors. No person shall be qualified to be a member of more than
1 one such district board, except that a director of a rural public
2 power district may serve as a director of another public power
3 district formed or organized for the purpose of generating electric

4 energy or transmitting electric energy exclusively for resale to
 5 some other public power districts, rural electric cooperatives, and
 6 membership associations or municipalities. No member of a governing
 7 body of any one of the municipalities within the areas of the
 8 district shall be qualified to serve on the original board of
 9 directors under sections 70-603 to 70-609.
 10 Sec. 5. Original sections 32-512, 70-612, 70-615, and
 11 70-619, Reissue Revised Statutes of Nebraska, are repealed.
 12 2. On page 1, line 2, strike "70-612" and insert "32-512,
 13 70-612, 70-615,".

LEGISLATIVE BILL 232. Placed on Select File.

LEGISLATIVE BILL 232A. Placed on Select File with amendment.
 ER58

1 1. On page 3, line 10, strike "Workers" and insert
 2 "Nebraska Workers".

LEGISLATIVE BILL 306. Placed on Select File with amendment.
 ER59 is available in the Bill Room.

LEGISLATIVE BILL 589. Placed on Select File.

LEGISLATIVE BILL 242. Placed on Select File.

LEGISLATIVE BILL 44. Placed on Select File with amendment.
 ER60

1 1. On page 1, strike beginning with "offenses" in line 1
 2 through line 5 and insert "punishment; to amend sections 28-101 and
 3 83-1,135, Revised Statutes Cumulative Supplement, 2012; to change
 4 penalty provisions with respect to Class IA felonies committed by
 5 persons under eighteen years of age; to change parole procedures
 6 with respect to offenses committed by persons under eighteen
 7 years of age; to harmonize provisions; and to repeal the original
 8 sections.".

(Signed) John Murante, Chairperson

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 561. Placed on General File with amendment.
 AM734 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

GENERAL FILE**LEGISLATIVE BILL 577.** Title read. Considered.

Senator Campbell offered the following amendment:

AM1011

1 1. On page 7, line 7, after the period insert "If the
2 federal medical assistance percentage under such section falls
3 below ninety percent for the new medicaid adult group described
4 in this subdivision (11), the Legislature in the first regular
5 legislative session following such reduction in the federal medical
6 assistance percentage shall determine whether to affirm, amend, or
7 repeal the eligibility of such group or take other action allowed
8 under the medical assistance program to reduce state expenditures
9 for the medical assistance program.
10 This subdivision (11) terminates on June 30, 2020, unless
11 extended by the Legislature.".

Pending.

MESSAGES FROM THE GOVERNOR

March 27, 2013

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Enclosed with this letter is the corrected certificate for the reappointment of Robert Batt to the Nebraska Liquor Control Commission for an additional term until May 24, 2019. The previous certificate that was submitted on March 1, 2013 indicated a five year term and by statute the term is for six years.

Contingent upon your approval, the following individual is being reappointed to the Nebraska Liquor Control Commission:

Robert Batt, 9820 Nottingham Dr., Omaha, NE 68114

The aforementioned appointee is respectfully submitted for your consideration. Copies of the corrected certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

April 11, 2013

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being
reappointed to the Motor Vehicle Industry Licensing Board:

Blake Dillon, 1444 N. Nye Ave., Fremont, NE 68025
William Reeg, 1023 Hillcrest Road, Wayne, NE 68787

The aforementioned appointees are respectfully submitted for your
consideration. Copies of the certificates and background information are
included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

VISITORS

Visitors to the Chamber were 43 fourth-grade students and teachers from St. Wenceslaus Elementary, Wahoo; and 36 fourth-grade students and teachers from Fort Calhoun.

RECESS

At 11:57 a.m., on a motion by Speaker Adams, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Carlson presiding.

ROLL CALL

The roll was called and all members were present except Senators Ashford, Bolz, Conrad, Larson, Lautenbaugh, Mello, Murante, Sullivan, and Wightman who were excused until they arrive.

COMMITTEE REPORT

Government, Military and Veterans Affairs

The Government, Military and Veterans 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.

Jim Heine, State Fire Marshal - Nebraska State Fire Marshal's Office

Aye: 6 Avery, Bloomfield, Karpisek, Price, Scheer, Wallman. Nay: 0.
Absent: 2 Lautenbaugh, Murante. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

GENERAL FILE

LEGISLATIVE BILL 577. Senator Campbell renewed her amendment, AM1011, found in this day's Journal.

Senator McCoy requested a division of the question on the Campbell amendment.

The Chair sustained the division of the question.

The first Campbell amendment is as follows:
AM1028

- 1 1. On page 7, line 7, after the period insert "If the
- 2 federal medical assistance percentage under such section falls
- 3 below ninety percent for the new medicaid adult group described
- 4 in this subdivision (11), the Legislature in the first regular
- 5 legislative session following such reduction in the federal medical
- 6 assistance percentage shall determine whether to affirm, amend, or
- 7 repeal the eligibility of such group or take other action allowed
- 8 under the medical assistance program to reduce state expenditures
- 9 for the medical assistance program.".

The second Campbell amendment is as follows:
AM1029

- 1 1. On page 7, line 7, after the period insert the
- 2 following new paragraph:
- 3 "This subdivision (11) terminates on June 30, 2020,
- 4 unless extended by the Legislature.".

The first Campbell amendment, AM1028, found in this day's Journal, was offered.

SENATOR COASH PRESIDING

Senator Wallman moved the previous question. The question is, "Shall the debate now close?"

Senator Campbell moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The motion to cease debate prevailed with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

The first Campbell amendment was adopted with 30 ayes, 12 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following motion:

MO44

Reconsider the vote taken on AM1028.

SENATOR KRIST PRESIDING

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 151. Introduced by Nordquist,7; Ashford, 20; Crawford, 45; Lathrop, 12; McGill, 26; Mello, 5; Pirsch, 4.

WHEREAS, Doug McDermott, a member of the Creighton University men's basketball team, achieved outstanding success during the 2012-2013 season; and

WHEREAS, in the 2012-2013 season, Doug averaged 23.2 points per game, averaged 7.7 rebounds, shot 54.8 percent from the field and 49 percent from three-point range, and led the nation with 284 field goals made and 834 points scored; and

WHEREAS, Doug was selected for first-team All-American honors by the Associated Press, the United States Basketball Writers Association, the National Association of Basketball Coaches, and the Basketball Times; and

WHEREAS, Doug was named as a finalist for the Oscar Robertson Trophy, Wooden Award, and Naismith Award; and

WHEREAS, Doug became the eighth player in Missouri Valley Conference history to repeat as Missouri Valley Conference Player of the Year, and the second player in Missouri Valley Conference Tournament history to repeat as Most Outstanding Player; and

WHEREAS, Doug received first-team all-conference honors for the third season in a row; and

WHEREAS, Doug led the Creighton University men's basketball team to the NCAA Men's Division I Basketball Tournament for the second straight season; and

WHEREAS, the success of Doug McDermott and the Creighton University men's basketball team are a source of great pride to Creighton University students, faculty, and alumni, the city of Omaha, and the people of the State of Nebraska.

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

1. That the Legislature congratulates Doug McDermott for his outstanding accomplishments in the 2012-2013 basketball season.
2. That a copy of this resolution be sent to Doug McDermott.

Laid over.

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB99:
AM1021

(Amendments to Standing Committee amendments, AM34)

- 1 1. On page 3, line 8, strike "and until January 1," and
2 show as stricken and strike "2018".
- 3 2. On page 4, line 23, strike "until January 1," show as
4 stricken, and insert an underscored comma, and strike "2018".
- 5 3. On page 5, lines 2 and 3, strike "and until April 1,"
6 and show as stricken; in line 3 strike "2018"; and in line 19
7 after "2004" insert an underscored period, strike ", until April
8 1," and show as stricken, and strike "2018".
- 9 4. On page 6, line 23, strike "three", show as stricken,
10 and insert "five".

VISITORS

Visitors to the Chamber were 41 fourth-grade students, teachers, and sponsors from Ravenna; and 25 third- and fourth-grade students, teachers, and sponsors from St. Joan of Arc School, Omaha.

ADJOURNMENT

At 5:14 p.m., on a motion by Senator Price, the Legislature adjourned until 9:00 a.m., Wednesday, April 17, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIRST DAY - APRIL 17, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 17, 2013

PRAYER

The prayer was offered by Senator Harms.

ROLL CALL

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

The roll was called and all members were present except Senators Hansen, Karpisek, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixtieth day was approved.

GENERAL FILE

LEGISLATIVE BILL 577. Senator McCoy renewed his motion, MO44, found on page 1002, to reconsider the vote taken on AM1028.

Senator Howard moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 12 nays, and 12 not voting.

The McCoy motion to reconsider failed with 17 ayes, 26 nays, 4 present and not voting, and 2 excused and not voting.

The second Campbell amendment, AM1029, found on page 1001, was offered.

Senator Hadley offered the following amendment to the second Campbell amendment:

AM1045

(Amendments to AM1029)

- 1 On page 1, line 3, strike "June 30, 2020" and insert
- 2 "December 31, 2016".

SENATOR CARLSON PRESIDING

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 152. Introduced by Pirsch, 4; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Murante, 49; Nelson, 6; Nordquist, 7; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, on April 15, 2013, two bombs exploded near the finish line of the Boston Marathon; and

WHEREAS, the bombs killed at least three people and wounded more than one hundred seventy people; and

WHEREAS, this tragic event has shocked and saddened people throughout the nation.

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

1. That the Legislature extends its deepest sympathy to the victims of the bombings at the Boston Marathon and their families.

2. That the Legislature expresses its support to both the city of Boston and the entire state of Massachusetts during this difficult time.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Dillon, Blake - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Reeg, William - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

(Signed) John Wightman, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 577. The Hadley amendment, AM1045, found in this day's Journal, to the second Campbell amendment, was renewed.

Pending.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 407. Placed on General File with amendment. AM1018

- 1 1. Insert the following new section:
- 2 Sec. 12. Section 79-1017.01, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 79-1017.01 (1) For state aid calculated for school
- 5 fiscal years prior to school fiscal year 2012-13, local system
- 6 formula resources includes retirement aid determined under section
- 7 79-1028.03, allocated income tax funds determined for each such
- 8 district pursuant to the provisions of section 79-1005.01, and
- 9 adjustments pursuant to section 79-1008.02.
- 10 (2) For state aid calculated for school fiscal ~~years~~
- 11 ~~2012-13 and 2013-14, year 2012-13,~~ local system formula resources
- 12 includes retirement aid determined under section 79-1028.03,
- 13 allocated income tax funds determined for each district pursuant to
- 14 section 79-1005.01, and adjustments pursuant to section 79-1008.02,
- 15 and is reduced by amounts paid by the district in the most recently
- 16 available complete data year as property tax refunds pursuant to or
- 17 in the manner prescribed by section 77-1736.06.
- 18 (3) For state aid calculated for school fiscal year
- 19 2013-14, local system formula resources includes retirement
- 20 aid determined under section 79-1028.03, teacher education aid
- 21 determined for each district pursuant to subdivision (4) of section
- 22 79-1007.25, allocated income tax funds determined for each district
- 23 pursuant to section 79-1005.01, and adjustments pursuant to section
- 1 79-1008.02 and is reduced by amounts paid by the district in the
- 2 most recently available complete data year as property tax refunds
- 3 pursuant to or in the manner prescribed by section 77-1736.06.
- 4 (4) For state aid calculated for school fiscal year
- 5 2014-15, local system formula resources includes teacher education
- 6 aid determined for each district pursuant to subdivision (4) of
- 7 section 79-1007.25, allocated income tax funds determined for each
- 8 district pursuant to section 79-1005.01, and adjustments pursuant
- 9 to section 79-1008.02 and is reduced by amounts paid by the
- 10 district in the most recently available complete data year as
- 11 property tax refunds pursuant to or in the manner prescribed by
- 12 section 77-1736.06.
- 13 (5) For state aid calculated for school fiscal year
- 14 2014-15-2015-16 and each school fiscal year thereafter, local

15 system formula resources includes allocated income tax funds
 16 determined for each district pursuant to section 79-1005.01 and
 17 adjustments pursuant to section 79-1008.02 and is reduced by
 18 amounts paid by the district in the most recently available
 19 complete data year as property tax refunds pursuant to or in the
 20 manner prescribed by section 77-1736.06.

21 2. On page 3, strike line 8, show as stricken, and insert
 22 "allowance, (b) for school fiscal years 2013-14 and 2014-15, the
 23 difference of the general fund operating expenditures as calculated
 24 pursuant to subdivision (22) of this section increased by the
 25 cost growth factor calculated pursuant to section 79-1007.10,
 26 minus the transportation allowance, special receipts allowance,
 27 poverty allowance, limited English proficiency allowance, distance
 1 education and telecommunications allowance, elementary site
 2 allowance, summer school allowance, teacher education allowance,
 3 and focus school and program allowance, and (c) for school fiscal
 4 year 2015-16 and each school".

5 3. On page 7, line 19, strike the colon and show as
 6 stricken.

7 4. On page 9, line 8, strike the paragraphing and "(a)
 8 For", show the old matter as stricken, and insert "for" and after
 9 the stricken "years" insert "year"; and in line 9 strike the new
 10 matter and reinstate the stricken matter; in line 12 strike "(i)",
 11 show as stricken, and insert "(a)"; and in line 21 strike "(ii)",
 12 show as stricken, and insert "(b)".

13 5. On page 10, line 1, strike "(iii)", show as stricken,
 14 and insert "(c)"; in line 3 strike "(iv)", show as stricken, and
 15 insert "(d)"; in line 5 strike "(v)", show as stricken, and insert
 16 "(e)"; in line 8 strike the first "or" and show as stricken; in
 17 line 10 strike "(vi)(A)", show as stricken, and insert "or, to
 18 the extent that a district has demonstrated to the State Board of
 19 Education pursuant to section 79-1028.01 that the agreement will
 20 result in a net savings in salary and benefit costs to the school
 21 district over a five-year period, occurring on or after the first
 22 day of the 2013-14 school year, (f)(i)"; in lines 10, 11, 16,
 23 17, 24, and 25, strike the new matter and reinstate the stricken
 24 matter; in line 16 strike "(B)", show as stricken, and insert
 25 "(ii)"; and in line 23 strike "(vii)", show as stricken, and insert
 26 "(g)";.

27 6. On page 11, strike lines 1 through 25.

1 7. On page 12, strike lines 1 through 16.

2 8. On page 20, line 13, strike "and that are not included
 3 in other allowances" and in line 15 after "year" insert "and that
 4 are not included in other allowances".

5 9. On page 30, line 10, strike beginning with the first
 6 "year" through "thereafter", show as stricken, and insert "years
 7 2013-14 and 2014-15"; in line 16 reinstate the stricken "teacher
 8 education allowance,"; after line 22 insert the following new
 9 subsection:

10 "(3) Except as otherwise provided in this section, for
11 school fiscal year 2015-16 and each school fiscal year thereafter,
12 each school district's formula need shall equal the difference of
13 the sum of the school district's basic funding, poverty allowance,
14 limited English proficiency allowance, focus school and program
15 allowance, summer school allowance, special receipts allowance,
16 transportation allowance, elementary site allowance, distance
17 education and telecommunications allowance, new learning community
18 transportation adjustment, student growth adjustment, any positive
19 student growth adjustment correction, and new school adjustment,
20 minus the sum of the limited English proficiency allowance
21 correction, poverty allowance correction, and any negative student
22 growth adjustment correction."; in line 24, strike "(3)" and insert
23 "(4)"; and in line 25 reinstate the stricken matter.

24 10. On page 31, line 1, strike the new matter and
25 reinstate the stricken matter; in line 17, strike "(4)" and insert
26 "(5)"; and in lines 18 and 19 strike the new matter and reinstate
27 the stricken matter.

1 11. On page 32, line 17; and page 33, lines 6 and 9,
2 strike the new matter and reinstate the stricken matter.

3 12. On page 39, line 15, strike "2012-13" and insert
4 "2014-15".

5 13. On page 40, line 3, strike "A", show as stricken,
6 and insert "For school fiscal years prior to 2013-14, a"; in line
7 8 strike "and" and show as stricken; in line 9 strike "The", show
8 as stricken, and insert "For school fiscal years prior to 2013-14,
9 the"; and after line 15 after "zero" insert "; and

10 (4) For school fiscal years 2013-14 and 2014-15, the
11 teacher education allowance for each district shall equal the
12 product of thirty million dollars multiplied by the ratio of
13 teacher education points calculated for the district divided by the
14 aggregate teacher education points calculated for all districts.
15 Fifty percent of the teacher education allowance calculated
16 pursuant to this subsection for each school district shall be paid
17 to such school district as teacher education aid for the school
18 fiscal year for which aid is being calculated".

19 14. On page 44, line 8, strike the first "or" and show
20 as stricken; and in line 10, after "year" insert ", or, to the
21 extent that a district demonstrates to the State Board of Education
22 pursuant to subsection (3) of this section that the agreement will
23 result in a net savings in salary and benefit costs to the school
24 district over a five-year period, occurring on or after the first
25 day of the 2013-14 school year".

26 15. Amend the repealer and renumber the remaining
27 sections accordingly.

(Signed) Kate Sullivan, Chairperson

AMENDMENTS - Print in Journal

Senators Sullivan, Scheer, and Seiler filed the following amendment to LB407:

AM1044

(Amendments to Standing Committee amendments, AM1018)

- 1 1. Insert the following new amendments:
- 2 2. On page 2, lines 14 and 15, strike "one and one-half"
- 3 and insert "two".
- 4 15. On page 42, line 3, strike "years" through "2014-15"
- 5 and insert "year 2013-14"; and after line 17 insert the following
- 6 new subsection:
- 7 "(5) For school fiscal year 2014-15: (a) For state aid
- 8 certified pursuant to section 79-1022, the local effort rate shall
- 9 be the maximum levy, for the school fiscal year for which aid
- 10 is being certified, authorized pursuant to subdivision (2)(a)
- 11 of section 77-3442 less two and one-half cents; (b) for the
- 12 final calculation of state aid pursuant to section 79-1065, the
- 13 local effort rate shall be the rate which, when multiplied by
- 14 the total adjusted valuation of all taxable property in local
- 15 systems receiving equalization aid pursuant to the Tax Equity and
- 16 Educational Opportunities Support Act, will produce the amount
- 17 needed to support the total formula need of such local systems when
- 18 added to state aid appropriated by the Legislature and other actual
- 19 receipts of local systems described in section 79-1018.01; and (c)
- 20 the local effort rate yield for such school fiscal years shall
- 21 be determined by multiplying each local system's total adjusted
- 22 valuation by the local effort rate.".
- 1 2. On page 1, after line 1, insert the following new
- 2 section:
- 3 Sec. 11. Section 79-1009, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 79-1009 (1)(a) A district shall receive net option
- 6 funding if option students as defined in section 79-233 (i)
- 7 were actually enrolled in the school year immediately preceding the
- 8 school year in which the aid is to be paid or (ii) will be enrolled
- 9 in the school year in which the aid is to be paid as converted
- 10 contract option students.
- 11 (b) The determination of the net number of option
- 12 students shall be based on (i) the number of students enrolled
- 13 in the district as option students and the number of students
- 14 residing in the district but enrolled in another district as option
- 15 students as of the day of the fall membership count pursuant to
- 16 section 79-528, for the school fiscal year immediately preceding
- 17 the school fiscal year in which aid is to be paid, and (ii) the
- 18 number of option students that will be enrolled in the district or
- 19 enrolled in another district as converted contract option students
- 20 for the fiscal year in which the aid is to be paid.
- 21 (c) Net number of option students means the difference of

22 the number of option students enrolled in the district minus the
 23 number of students residing in the district but enrolled in another
 24 district as option students.

25 (2) For purposes of this section: ~~net option funding~~
 26 ~~shall be the sum of~~

27 (a) For all school fiscal years except 2013-14, net
 1 option funding for each district shall equal the product of the net
 2 number of option students multiplied by the statewide average basic
 3 funding per formula student; and -

4 (b) For school fiscal year 2013-14, net option funding
 5 for each district shall equal the product of the net number of
 6 option students multiplied by the statewide average basic funding
 7 per formula student reduced proportionately such that the total
 8 aggregate net option funding to be paid to all districts is equal
 9 to \$58,985,386.46.

10 (3) A district's net option funding shall be zero if the
 11 calculation produces a negative result.

12 Payments made under this section shall be made from the
 13 funds to be disbursed under section 79-1005.01.

14 Such payments shall go directly to the option school
 15 district but shall count as a formula resource for the local
 16 system.

17 3. On page 5, line 18, after "calculated" insert ";".
 18 Teacher education aid payments made pursuant to this subsection
 19 shall be made from appropriations made by the Legislature to fund
 20 the Tax Equity and Educational Opportunities Support Act".

21 4. Renumber the amendments accordingly.

Senators Sullivan, Scheer, and Seiler filed the following amendment to
 LB407:

AM1047

(Amendments to Standing Committee amendments, AM1018)

1 1. Insert the following new amendments:

2 12. On page 36, line 9, strike "(2)"; in line 10 strike
 3 "(a)"; in line 13 strike "(b)"; in line 16, strike "(3)" and show
 4 as stricken; and in line 20, strike "(4)" and show as stricken.

5 13. On page 37, after line 15, insert the following new
 6 subsection:

7 "(2) For school fiscal year 2015-16 and each school
 8 fiscal year thereafter, the department shall calculate an averaging
 9 adjustment for districts if the basic funding per formula student
 10 is less than the averaging adjustment threshold and the general
 11 fund levy for the school fiscal year immediately preceding the
 12 school fiscal year for which aid is being calculated was at
 13 least one dollar per one hundred dollars of taxable valuation.
 14 For school districts that are members of a learning community,
 15 the general fund levy for purposes of this section includes both
 16 the common general fund levy and the school district general fund
 17 levy authorized pursuant to subdivisions (2)(b) and (2)(c) of

18 section 77-3442. The averaging adjustment shall equal the product
 19 of fifty percent of the difference between the averaging adjustment
 20 threshold minus such district's basic funding per formula student
 21 multiplied by the district's formula students. The averaging
 22 adjustment threshold shall equal the aggregate basic funding for
 1 all districts with nine hundred or more formula students divided by
 2 the aggregate formula students for all districts with nine hundred
 3 or more formula students for the school fiscal year for which aid
 4 is being calculated."

5 2. On page 4, line 18, after the first comma insert
 6 "averaging adjustment,".

7 3. On page 5, line 18, after "calculated" insert "."
 8 Teacher education aid payments made pursuant to this subsection
 9 shall be made from appropriations made by the Legislature to fund
 10 the Tax Equity and Educational Opportunities Support Act".

11 4. Renumber the remaining amendments accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Johnson asked unanimous consent to add his name as cointroducer to LR149 and LR150. No objections. So ordered.

VISITORS

Visitors to the Chamber were 27 fourth-grade students and teachers from Weeping Water; 12 twelfth-grade students and teacher from Lyons-Decatur Northeast High School, Lyons; 40 twelfth-grade students and teacher from Wilber-Clatonia High School, Wilber; and 60 fourth-grade students, teachers, and sponsors from Wahoo.

RECESS

At 11:58 a.m., on a motion by Senator Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Adams presiding.

ROLL CALL

The roll was called and all members were present except Senator McCoy who was excused; and Senators Ashford and Lautenbaugh who were excused until they arrive.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 144, and 145 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 144, and 145.

GENERAL FILE

LEGISLATIVE BILL 577. The Hadley amendment, AM1045, found and considered in this day's Journal, to the second Campbell amendment, was renewed.

SENATOR COASH PRESIDING**SPEAKER ADAMS PRESIDING**

Pending.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

EASE

The Legislature was at ease from 3:57 p.m. until 4:19 p.m.

SENATOR KRIST PRESIDING**AMENDMENTS - Print in Journal**

Senator Watermeier filed the following amendment to LB577:
AM885

- 1 1. On page 6, line 6, strike "Patient Protection and
- 2 Affordable Care" and insert "Social Security".

Senator Hansen filed the following amendment to LB577:
AM982

- 1 1. On page 6, strike beginning with "habilitative" in
- 2 line 12 through line 15 and insert "habilitative services which
- 3 means medically necessary services provided in order for a person
- 4 to attain or maintain a skill or function never learned or acquired
- 5 due to a disabling condition:".

GENERAL FILE

LEGISLATIVE BILL 579. Senator Karpisek withdrew his amendment, AM997, found on page 969.

Senator Karpisek offered the following amendment:
AM1032

- 1 1. On page 3, lines 8 through 12, strike the new matter
- 2 and all amendments thereto and insert "The commission shall
- 3 enter into an agreement with the Nebraska State Patrol in which
- 4 the Nebraska State Patrol shall hire six new patrol officers and,
- 5 from the entire Nebraska State Patrol, shall designate a minimum
- 6 of six patrol officers who will spend a majority of their time in
- 7 administration and enforcement of the Nebraska Liquor Control Act".

The Karpisek amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 153. Introduced by Crawford, 45; Ashford, 20; Cook, 13; B. Harr, 8; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7.

WHEREAS, Johnny Torres, Assistant Coach of the Creighton University men's soccer team, was named the National Soccer Coaches Association of America's Assistant Men's Coach of the Year; and

WHEREAS, Johnny Torres received the Midwest Region Assistant Coach of the Year award for a second consecutive season; and

WHEREAS, the 2012 Creighton University men's soccer team reached the NCAA Men's College Cup for the fifth time in school history and in back-to-back seasons for the first time in program history; and

WHEREAS, the 2012 Creighton University men's soccer team, led by Assistant Coach Johnny Torres, performed over 330 hours of community service this academic year for the Omaha community.

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

1. That the Legislature congratulates Assistant Coach Johnny Torres for receiving national recognition for his work as a coach, mentor, and friend of the Creighton University and Omaha communities.

2. That a copy of this resolution be sent to Johnny Torres.

Laid over.

VISITORS

Visitors to the Chamber were 59 fourth-grade students, teachers, and sponsors from Longfellow Elementary, Hastings.

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

ADJOURNMENT

At 5:22 p.m., on a motion by Senator Nelson, the Legislature adjourned until 9:00 a.m., Thursday, April 18, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SECOND DAY - APRIL 18, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SIXTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 18, 2013

PRAYER

The prayer was offered by Pastor Stephen Floyd, Church of the Nazarene, Falls City.

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 Senator McCoy who was excused; and Senators Coash, Cook, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1000, line 11, strike "Dillion" and insert "Dillon".
The Journal for the sixtieth day was approved as corrected.

The Journal for the sixty-first day was approved.

MOTION - Print in Journal

Senator Smith filed the following motion to LB577:
MO49
Bracket until April 1, 2014.

MOTION - Approve Appointment

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1001:

Nebraska State Fire Marshal's Office
Jim Heine - State Fire Marshal

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 4:

Krist	Nelson	Scheer	Watermeier
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Excused and not voting, 4:

Coash	Cook	Lautenbaugh	McCoy
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The appointment was confirmed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB153 with 41 ayes, 1 nay, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 153.

A BILL FOR AN ACT relating to the Civic and Community Center Financing Act; to amend sections 13-2701, 13-2702, 13-2703, 13-2704, 13-2705, 13-2707, and 13-2709, Reissue Revised Statutes of Nebraska; to provide for additional uses of grants under the act; to change provisions relating to the use of a fund, the evaluation of grants, and reports; to define a term; to eliminate obsolete provisions; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Coash Cook Lautenbaugh McCoy

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 153A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 153, 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	Christensen	Harms	Larson	Scheer
Ashford	Conrad	Harr, B.	Lathrop	Schilz
Avery	Crawford	Howard	McGill	Schumacher
Bloomfield	Davis	Janssen	Mello	Seiler
Bolz	Dubas	Johnson	Murante	Smith
Brasch	Gloor	Karpisek	Nelson	Sullivan
Campbell	Haar, K.	Kintner	Nordquist	Wallman
Carlson	Hadley	Kolowski	Pirsch	Watermeier
Chambers	Hansen	Krist	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Coash Cook Lautenbaugh McCoy

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 55. With Emergency Clause.

A BILL FOR AN ACT relating to county assessment duties; to amend section 77-1340.04, Reissue Revised Statutes of Nebraska; to change a provision relating to assumption of contractual requirements; 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	Christensen	Harms	Larson	Scheer
Ashford	Conrad	Harr, B.	Lathrop	Schilz
Avery	Crawford	Howard	McGill	Schumacher
Bloomfield	Davis	Janssen	Mello	Seiler
Bolz	Dubas	Johnson	Murante	Smith
Brasch	Gloor	Karpisek	Nelson	Sullivan
Campbell	Haar, K.	Kintner	Nordquist	Wallman
Carlson	Hadley	Kolowski	Pirsch	Watermeier
Chambers	Hansen	Krist	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Coash Cook Lautenbaugh McCoy

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 LB79 with 38 ayes, 3 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 79. With Emergency Clause.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 28-915.01, 49-1413, 49-1415, 49-1433.01, 49-1445, 49-1446, 49-1446.04, 49-1447, 49-1455, 49-1456, 49-1457, 49-1459, 49-1461.01, 49-1463, 49-1463.01, 49-1464, 49-1467, 49-1469, 49-1469.05, 49-1469.06, 49-1469.07, 49-1469.08, 49-1477, 49-1479.02, 49-1488.01,

49-14,122, 49-14,123, 49-14,124, 49-14,124.01, 49-14,124.02, 49-14,125, 49-14,129, 49-14,132, 49-14,133, and 49-14,141, Reissue Revised Statutes of Nebraska, and sections 49-14,126 and 49-14,140, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to filing campaign statements and reports; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1605, 32-1606, 32-1606.01, 32-1607, 32-1608.01, 32-1608.02, 32-1608.03, 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and 77-27,119.04, Reissue Revised Statutes of Nebraska, and section 32-1608, Revised Statutes Cumulative Supplement, 2012; 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	Harms	Larson	Scheer
Ashford	Conrad	Harr, B.	Lathrop	Schilz
Avery	Crawford	Howard	McGill	Schumacher
Bloomfield	Davis	Janssen	Mello	Seiler
Bolz	Dubas	Johnson	Murante	Smith
Brasch	Gloor	Karpisek	Nelson	Sullivan
Campbell	Haar, K.	Kintner	Nordquist	Wallman
Carlson	Hadley	Kolowski	Pirsch	Watermeier
Chambers	Hansen	Krist	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Coash Cook Lautenbaugh McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 79A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 79, One Hundred Third Legislature, First Session, 2013; 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	Harms	Larson	Scheer
Ashford	Conrad	Harr, B.	Lathrop	Schilz
Avery	Crawford	Howard	McGill	Schumacher
Bloomfield	Davis	Janssen	Mello	Seiler
Bolz	Dubas	Johnson	Murante	Smith
Brasch	Gloor	Karpisek	Nelson	Sullivan
Campbell	Haar, K.	Kintner	Nordquist	Wallman
Carlson	Hadley	Kolowski	Pirsch	Watermeier
Chambers	Hansen	Krist	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Coash	Cook	Lautenbaugh	McCoy
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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 LB158 with 39 ayes, 2 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 158. With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,197.01, Reissue Revised Statutes of Nebraska, and sections 60-498.02, 60-4,118.06, 60-6,197.03, and 60-6,211.05, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to ignition interlock devices; to provide an operative date; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Coash Cook Lautenbaugh McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 203.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1502, Reissue Revised Statutes of Nebraska; to redefine solid waste; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Coash Cook Lautenbaugh McCoy

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 LB230 with 39 ayes, 4 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 230.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-124, 53-124.01, 53-162, and 53-304, Reissue Revised Statutes of Nebraska, and section 53-123.15, Revised Statutes Cumulative Supplement, 2012; to provide for and change provisions relating to shipping licenses; to provide for fees and taxes; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

Howard Larson

Excused and not voting, 3:

Coash Lautenbaugh McCoy

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 LB263 with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 263. With Emergency Clause.

A BILL FOR AN ACT relating to government benefits; to amend sections 16-1011, 23-2301, 23-2306, 23-2307, 23-2310.04, 23-2315, 23-2317, 23-2319, 23-2319.01, 79-917, 79-921, 79-962, 79-984, 79-991, 79-992, 79-996, 79-9,102, 80-401, 84-1308, and 84-1511.01, Reissue Revised Statutes of Nebraska, and sections 24-701, 24-703, 24-710.13, 79-902, 79-904.01, 79-947.06, 79-956, 79-958, 79-987, 79-990, 79-9,117, 81-2014, 81-2016, 81-2017, 81-2027.08, 81-2041, 84-1301, 84-1307, 84-1314, 84-1317, 84-1319, 84-1321, 84-1321.01, 84-1503, and 84-1511, Revised Statutes Cumulative Supplement, 2012; to change provisions regarding police officer disability payments; to define and redefine terms for certain retirement systems; to change membership and contribution provisions for certain retirement systems; to change provisions relating to forfeited accounts, required distributions, interest, and compliance with federal law; to change provisions relating to annual benefit adjustments, repayment of benefits, application deadlines, termination of employment, and contract requirements; to change requirements for actuarial and auditing services; to change provisions relating to administering retirement system plans and fees for planning programs; to change provisions relating to the Nebraska Veterans' Aid Fund; to eliminate obsolete provisions; to harmonize provisions; to provide severability; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Harms

Excused and not voting, 3:

Coash Lautenbaugh McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 271.

A BILL FOR AN ACT relating to elections; to amend section 32-933, Reissue Revised Statutes of Nebraska, and sections 32-808 and 32-942, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to voting early; 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, 33:

Adams	Carlson	Hansen	Lathrop	Seiler
Ashford	Christensen	Harms	McGill	Smith
Avery	Crawford	Harr, B.	Nelson	Sullivan
Bloomfield	Davis	Janssen	Pirsch	Watermeier
Bolz	Dubas	Johnson	Price	Wightman
Brasch	Gloor	Kintner	Scheer	
Campbell	Hadley	Kolowski	Schumacher	

Voting in the negative, 8:

Chambers	Cook	Howard	Murante
Conrad	Haar, K.	Karpisek	Wallman

Present and not voting, 5:

Krist	Larson	Mello	Nordquist	Schilz
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Excused and not voting, 3:

Coash Lautenbaugh McCoy

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

LEGISLATIVE BILL 388.

A BILL FOR AN ACT relating to electricity; to provide powers and duties relating to electric transmission lines; and to define terms.

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

Voting in the negative, 0.

Present and not voting, 2:

Chambers Watermeier

Excused and not voting, 3:

Coash Lautenbaugh McCoy

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 LB495 with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 495. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 9-812 and 79-1104.02, Reissue Revised Statutes of Nebraska, and section 79-1103, Revised Statutes Cumulative Supplement, 2012; to change allocations of the Education Innovation Fund; to state intent; to change provisions relating to the Early Childhood Education Grant Program; to eliminate obsolete

provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 79-1102.01, Revised Statutes Cumulative Supplement, 2012; 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.	McGill	Seiler
Ashford	Cook	Howard	Mello	Smith
Avery	Crawford	Janssen	Murante	Sullivan
Bolz	Davis	Johnson	Nelson	Wallman
Brasch	Dubas	Karpisek	Nordquist	Watermeier
Campbell	Gloor	Kintner	Pirsch	Wightman
Carlson	Haar, K.	Kolowski	Price	
Chambers	Hadley	Krist	Scheer	
Christensen	Hansen	Larson	Schilz	
Coash	Harms	Lathrop	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

Lautenbaugh McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 495A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 495, One Hundred Third Legislature, First Session, 2013; 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	Lathrop	Schumacher
Ashford	Conrad	Harr, B.	McGill	Seiler
Avery	Cook	Howard	Mello	Smith
Bloomfield	Crawford	Janssen	Murante	Sullivan
Bolz	Davis	Johnson	Nelson	Wallman
Brasch	Dubas	Karpisek	Nordquist	Watermeier
Campbell	Gloor	Kintner	Pirsch	Wightman
Carlson	Haar, K.	Kolowski	Price	
Chambers	Hadley	Krist	Scheer	
Christensen	Hansen	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Lautenbaugh McCoy

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 528.

A BILL FOR AN ACT relating to public health; to amend section 71-503.01, Reissue Revised Statutes of Nebraska; to provide for treatment relating to certain sexually transmitted diseases as prescribed; to provide for rules and regulations; to provide for confidentiality and exemptions as prescribed; to harmonize provisions; 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, 37:

Adams	Conrad	Harr, B.	McGill	Smith
Ashford	Cook	Howard	Mello	Sullivan
Avery	Crawford	Johnson	Murante	Wallman
Bolz	Davis	Karpisek	Nordquist	Watermeier
Campbell	Dubas	Kolowski	Scheer	Wightman
Carlson	Gloor	Krist	Schilz	
Chambers	Haar, K.	Larson	Schumacher	
Coash	Hadley	Lathrop	Seiler	

Voting in the negative, 9:

Bloomfield	Christensen	Harms	Kintner	Price
Brasch	Hansen	Janssen	Nelson	

Present and not voting, 1:

Pirsch

Excused and not voting, 2:

Lautenbaugh McCoy

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 LB612 with 36 ayes, 5 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 612. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,195, 77-5807, and 77-5907, Reissue Revised Statutes of Nebraska, and sections 77-385, 77-3,116, 77-4110, 77-4933, 77-5542, and 77-5731, Revised Statutes Cumulative Supplement, 2012; to require the Department of Revenue to present certain reports to legislative committees; to change the reporting date for an updated tax policy study; to eliminate obsolete provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Lautenbaugh McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 629.

A BILL FOR AN ACT relating to revenue; to amend section 81-125, Reissue Revised Statutes of Nebraska, and section 77-382, Revised Statutes Cumulative Supplement, 2012; to eliminate a reporting requirement for the Department of Revenue; to change powers and duties of the Governor regarding submission of the budget to the Legislature; 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	Lathrop	Schumacher
Ashford	Conrad	Harr, B.	McGill	Seiler
Avery	Cook	Howard	Mello	Smith
Bloomfield	Crawford	Janssen	Murante	Sullivan
Bolz	Davis	Johnson	Nelson	Wallman
Brasch	Dubas	Karpisek	Nordquist	Watermeier
Campbell	Gloor	Kintner	Pirsch	Wightman
Carlson	Haar, K.	Kolowski	Price	
Chambers	Hadley	Krist	Scheer	
Christensen	Hansen	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Lautenbaugh McCoy

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 153, 153A, 55, 79, 79A, 158, 203, 230, 263, 271, 388, 495, 495A, 528, 612, and 629.

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 553. Title read. Considered.

Committee AM802, found on page 939, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 2013, at 10:43 a.m. were the following: LBs 153, 153A, 55e, 79e, 79Ae, 158e, 203, 230, 263e, 271, 388, 495e, 495Ae, 528, 612e, and 629.

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

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 579. Placed on Select File.

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator Cook filed the following amendment to LB265:
AM989 is available in the Bill Room.

Senator Chambers filed the following amendment to LB538:
AM1051

(Amendments to Standing Committee amendments, AM301)

- 1 1. Strike amendment 1 and insert the following new
- 2 amendments:
- 3 1. On page 2, line 21, after "factors" insert ".
- 4 Incapacity does not exist if a law enforcement officer remains
- 5 employed as a law enforcement officer, including employment as a
- 6 law enforcement officer in a restricted or limited duty status".
- 7 2. On page 6, lines 5 and 6, reinstate the stricken
- 8 matter; strike beginning with "If" in line 6 through "to" in line
- 9 20; and in line 23 after the period insert "When a law enforcement
- 10 officer is separated from his or her agency due to a physical,
- 11 mental, or emotional incapacity, the law enforcement agency shall
- 12 report the separation to the council, and the officer's law
- 13 enforcement certificate shall be suspended pursuant to rules and
- 14 regulations adopted and promulgated by the council until such time
- 15 as the officer demonstrates to the council that the incapacity no

16 longer prevents the officer from performing the essential duties of
17 a law enforcement officer."

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 579A. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 579, One Hundred Third Legislature, First Session, 2013.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 153, 153A, 55, 79e, 79Ae, 158e, 203, 230, 263e, 271, and 388.

(Signed) Colby Coash

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senators Bloomfield and Kolowski have filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 553. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 240. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 23. Title read. Considered.

Pending.

VISITORS

Visitors to the Chamber were 20 fourth-grade students, teacher, and sponsors from Karen Western Elementary, Omaha; 21 fourth-grade students and teacher from Southern Elementary, Blue Springs; and Troy Stickels from Blue Hill.

RECESS

At 11:58 a.m., on a motion by Senator Howard, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Gloor presiding.

ROLL CALL

The roll was called and all members were present except Senator McCoy who was excused; and Senators Lautenbaugh, McGill, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 23. Committee AM538, found on page 666, was offered.

Senator Coash offered his amendment, AM761, found on page 885, to the committee amendment.

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

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

SENATOR COASH PRESIDING

LEGISLATIVE BILL 487. Title read. Considered.

Committee AM508, found on page 690, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 563. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 3. Title read. Considered.

Committee AM351, found on page 500, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 99. Title read. Considered.

Committee AM34, found on page 592, was offered.

Senator Mello withdrew his amendment, AM782, found on page 866.

Senator Mello offered his amendment, AM1021, found on page 1003, to the committee amendment.

Senator Mello withdrew his amendment.

Senator Chambers offered the following amendment to the committee amendment:

FA59

Amend AM34

1. On page 3, line 8, strike "and until January 1," and show as stricken and strike "2018,".
2. On page 4, line 23, strike "until January 1," show as stricken, and insert an underscored comma, and strike "2018,".
3. On page 5, lines 2 and 3, strike "and until April 1," and show as stricken; in line 3 strike "2018,"; and in line 19 after "2004" insert an underscored period, strike ", until April 1," and show as stricken, and strike "2018,".
4. On page 6, line 23, strike "three", show as stricken, and insert "five".

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 38:

Adams	Conrad	Harms	Larson	Schilz
Ashford	Cook	Harr, B.	Lathrop	Seiler
Avery	Crawford	Howard	Mello	Smith
Bolz	Davis	Johnson	Murante	Sullivan
Campbell	Dubas	Karpisek	Nordquist	Wallman
Carlson	Gloor	Kintner	Pirsch	Wightman
Chambers	Haar, K.	Kolowski	Price	
Christensen	Hadley	Krist	Scheer	

Voting in the negative, 0.

Present and not voting, 6:

Bloomfield	Coash	Schumacher
Brasch	Nelson	Watermeier

Excused and not voting, 5:

Hansen	Janssen	Lautenbaugh	McCoy	McGill
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The Chambers amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Schumacher offered the following amendment to the committee amendment:

FA60

Amend AM34

Page 5 at end of line 12 after the period add "Any law enforcement officer, prosecutor, defense attorney, or probation officer, unless restricted by privilege who becomes aware of incidents of racial profiling by a law enforcement agency shall report the same to the commission within 30 days of becoming aware of such practice"

The Schumacher amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

AMENDMENT - Print in Journal

Senator Lathrop filed the following amendment to LB103:
AM86

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. Section 24-734, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 24-734 (1) A judge of any court ~~of this state,~~
- 6 established under the laws of the State of Nebraska, ~~at chambers~~
- 7 ~~anywhere within the state,~~ shall, in any case in which that judge
- 8 is authorized to act, have power to exercise the powers conferred
- 9 upon ~~a the judge and upon a court,~~ and specifically to:
- 10 (a) Upon the stipulation of the parties to an action,
- 11 hear and determine any matter, including the trial of an equity

12 case or case at law in which a jury has been waived;

13 (b) Hear and determine pretrial and posttrial matters
14 in civil cases not involving testimony of witnesses by oral
15 examination;

16 (c) With the consent of the defendant, receive pleas of
17 guilty and pass sentences in criminal cases;

18 (d) With the consent of the defendant, hear and determine
19 pretrial and posttrial matters in criminal cases;

20 (e) Hear and determine cases brought by petition in error
21 or appeal not involving testimony of witnesses by oral examination;

22 (f) Hear and determine any matter in juvenile cases with
23 the consent of the guardian ad litem or attorney for the minor,
1 the other parties to the proceedings, and the attorneys for those
2 parties, if any; and

3 (g) Without notice, make any order and perform any act
4 which may lawfully be made or performed by him or her ex parte in
5 ~~open court~~ in any action or proceeding which is on file in any
6 district of this state; ~~and~~

7 ~~(h) Render any judgment or make any order at any location
8 even though the action is pending in a county other than the place
9 in which the judge is physically present.~~

10 (2) A judgment or order made pursuant to this section
11 shall be deemed effective when the judgment is entered in
12 accordance with the provisions of subsection (3) of section
13 25-1301.

14 (3) The judge, in his or her discretion, may in
15 any proceeding authorized by the provisions of this section
16 not involving testimony of witnesses by oral examination, use
17 telephonic, videoconferencing, or similar methods to conduct
18 such proceedings. The court may require the parties to make
19 reimbursement for any ~~telephone~~ charges incurred.

20 (4) A judge, in any case with the consent of the parties,
21 may permit any witness who is to be examined by oral examination to
22 appear by telephonic, videoconferencing, or similar methods, with
23 any costs thereof to be taxed as costs.

24 ~~(4)-(5)~~ The enumeration of the powers in subsections (1),
25 (2), and (3) of this section shall not be construed to deny the
26 right of a party to trial by jury in the county in which the action
27 was first filed if such right otherwise exists.

1 ~~(5)-(6)~~ Nothing in this section shall be construed to
2 exempt proceedings under this section from the provisions of the
3 Guidelines for Use by Nebraska Courts in Determining When and Under
4 What Conditions a Hearing Before Such Court May Be Closed in Whole
5 or in Part to the Public, adopted by the Supreme Court of the
6 State of Nebraska September 8, 1980, and any amendments to those
7 provisions.

8 Sec. 2. Section 43-278, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 43-278 Except as provided in sections 43-254.01 and

11 43-277.01, all cases filed under subdivision (3) of section 43-247
12 shall have an adjudication hearing not more than ninety days after
13 a petition is filed. Upon a showing of good cause, the court may
14 continue the case beyond the ninety-day period. The court shall
15 also review every case filed under such subdivision which has
16 been adjudicated or transferred to it for disposition not less
17 than once every six months. All communications, notices, orders,
18 authorizations, and requests authorized or required in the Nebraska
19 Juvenile Code; all nonevidentiary hearings; and any evidentiary
20 hearings approved by the court and by stipulation of all parties
21 may be heard by the court telephonically or by videoconferencing in
22 a manner that ensures the preservation of an accurate record. All
23 of the orders generated by way of a telephonic or videoconference
24 hearing shall be recorded as if the judge were conducting a hearing
25 on the record. ~~Telephonic and videoconference hearings allowed~~
26 ~~under this section shall not be in conflict with section 24-734.~~

27 Sec. 3. Original section 24-734, Reissue Revised Statutes
1 of Nebraska, and section 43-278, Revised Statutes Cumulative
2 Supplement, 2012, are repealed.

WITHDRAW - Cointroducer

Senator Krist withdrew his name as cointroducer to LB577 and LB578.

VISITOR

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 5:18 p.m., on a motion by Senator Ashford, the Legislature adjourned until 9:00 a.m., Friday, April 19, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-THIRD DAY - APRIL 19, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SIXTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, April 19, 2013

PRAYER

The prayer was offered by Pastor Dan Delzell, Wellspring Lutheran Church, Papillion.

ROLL CALL

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

The roll was called and all members were present except Senators McGill and Smith who were excused; and Senators Harms, Mello, Price, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-second day was approved.

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>

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 18, 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

Amack, Angela K.

Nebraska Commission on Public Advocacy, The (Withdrawn 04/15/2013)
O'Hara Lindsay & Associates, Inc.
American Communications Group, Inc.

GENERAL FILE

LEGISLATIVE BILL 243. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 208. Title read. Considered.

Senator B. Harr offered his amendment, AM153, found on page 685.

The B. Harr amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 377. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 42. Title read. Considered.

Committee AM268, found on page 473, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

SENATOR COASH PRESIDING

LEGISLATIVE BILL 59. Title read. Considered.

Committee AM198, found on page 473, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 493. Title read. Considered.

Committee AM292, found on page 490, was offered.

Senator Carlson offered the following amendment to the committee amendment:

AM1057

(Amendments to Standing Committee amendments, AM292)

- 1 1. On page 1, strike beginning with "After" in line 6
- 2 through the first "the" in line 7 and insert "The".

The Carlson amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 345. Title read. Considered.

SENATOR CARLSON PRESIDING

Committee AM350, found on page 501, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 172. Title read. Considered.

Committee AM182, found on page 503, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 643. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 386. Title read. Considered.

Committee AM275, found on page 550, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 153, 153A, 55e, 79e, 79Ae, 158e, 203, 230, 263e, 271, 388, 495e, 495Ae, 612e, and 629.

(Signed) Beau McCoy

AMENDMENTS - Print in Journal

Senator Schilz filed the following amendment to LB423:
AM1056

(Amendments to E & R amendments, ER40)

- 1 1. On page 4, line 3, after "metropolitan" insert "or
- 2 primary".
- 3 2. On page 7, line 9, after "owner" insert "or
- 4 custodian"; strike beginning with "experiencing" in line 26
- 5 through "is" in line 27; and in line 27 after "severely" insert
- 6 "emaciated".
- 7 3. On page 10, line 3, strike "person" and insert "owner
- 8 or custodian".
- 9 4. On page 11, line 5, after "owner" insert "or
- 10 custodian"; and in line 20 after "metropolitan" insert "or
- 11 primary".

Senator Schilz filed the following amendment to LB68:
AM575

- 1 1. Strike section 11 and insert the following new
- 2 section:
- 3 Sec. 11. (1) License fees for the Plant Protection and
- 4 Plant Pest Act due on January 1, 2014, shall be the amount in
- 5 column A of subsection (3) of this section.
- 6 (2) The license fees due January 1, 2015, and each
- 7 January 1 thereafter shall be set by the director on or before July
- 8 1 of each year. The director may raise or lower such fees each
- 9 year to meet the criteria in this subsection, but the fee shall not
- 10 be greater than the amount in column B of subsection (3) of this
- 11 section. The same percentage shall be applied to each category for
- 12 all fee increases or decreases. The director shall use the fees in
- 13 column A of subsection (3) of this section as a base for future fee
- 14 increases or decreases. The director shall determine the fees based
- 15 on estimated annual revenue and fiscal year-end cash fund balances
- 16 as follows:
- 17 (a) The estimated annual revenue shall not be greater
- 18 than one hundred seven percent of program cash fund appropriations
- 19 allocated for the Plant Protection and Plant Pest Act; and
- 20 (b) The estimated fiscal year-end cash fund balance
- 21 shall not be greater than seventeen percent of program cash fund

22 appropriations allocated for the act.

23 (3) License Fees.

	<u>A</u>	<u>B</u>
1 <u>License Fees</u>		
2 <u>Nursery stock</u>		
3 <u>distributor license</u>		
4 <u>as set forth in</u>		
5 <u>section 2-1091.01</u>		
6 <u>for the first acre</u>	<u>\$115</u>	<u>\$140</u>
7 <u>Fee for additional acres</u>	<u>\$5.00 per acre</u>	<u>\$6.00 per acre</u>
8 <u>Distributing without</u>	<u>25% of the fee</u>	
9 <u>obtaining a nursery</u>	<u>per month up to</u>	
10 <u>stock distributor</u>	<u>100% of the</u>	
11 <u>license fee</u>	<u>license fee</u>	

12 (4) Other fees for the Plant Protection and Plant Pest

13 Act under subsection (5) of this section in effect on January
 14 1, 2014, shall be the amount in column A of such subsection.

15 The department may increase or decrease such fees by rules
 16 or regulations adopted and promulgated by the department. Such
 17 increases shall not result in fees greater than the amount in
 18 column B of subsection (5) of this section.

19 (5) Other Fees.

	<u>A</u>	<u>B</u>
20 <u>Other Fees</u>		
21 <u>Certification fee for</u>		
22 <u>nursery stock growing</u>		
23 <u>acres as set forth in</u>	<u>Included in</u>	
24 <u>section 2-1095</u>	<u>license fee</u>	
25 <u>Late applications for</u>		
1 <u>certification of nursery</u>	<u>\$24 per hour</u>	<u>\$27 per hour</u>
2 <u>stock growing acres</u>	<u>\$0.42 per mile</u>	<u>\$0.50 per mile</u>
3 <u>Reinspections or</u>		
4 <u>requested inspections</u>	<u>\$24 per hour</u>	<u>\$27 per hour</u>
5 <u>for nursery stock</u>	<u>\$0.42 per mile</u>	<u>\$0.50 per mile</u>
6 <u>Phytosanitary or</u>	<u>\$30 per certificate</u>	<u>\$40 per</u>
7 <u>export certificates</u>	<u>and \$7 for taking</u>	<u>certificate and</u>
8 <u>set forth in</u>	<u>an application</u>	<u>\$10 for taking</u>
9 <u>section 2-1091</u>	<u>by telephone</u>	<u>an application</u>
10		<u>by telephone</u>
11 <u>Phytosanitary or</u>		
12 <u>export certificate</u>		
13 <u>inspections and</u>	<u>\$24 per hour</u>	<u>\$27 per hour</u>
14 <u>reinspections</u>	<u>\$0.42 per mile</u>	<u>\$0.50 per mile</u>
15 <u>European corn borer</u>		
16 <u>quarantine certification</u>		
17 <u>license set forth in</u>	<u>\$50 per license,</u>	<u>\$65 per license,</u>
18 <u>section 2-1091</u>	<u>annually</u>	<u>annually</u>
19 <u>European corn borer</u>	<u>\$6.25 for</u>	<u>\$10.00 for</u>
20 <u>certificate</u>	<u>packet of 25</u>	<u>packet of 25</u>

21	<u>Quarantine compliance</u>		
22	<u>agreements as set</u>	<u>\$50 per agreement</u>	<u>\$65 per agreement</u>
1	<u>forth in section 2-1091</u>	<u>annually</u>	<u>annually</u>
2	<u>Quarantine compliance</u>		
3	<u>agreement inspections</u>	<u>\$24 per hour</u>	<u>\$27 per hour</u>
4	<u>and reinspections</u>	<u>\$0.42 per mile</u>	<u>\$0.50 per mile</u>

5 (6) Any fee remaining unpaid for more than one month
6 shall be considered delinquent and the person owing the fee shall
7 pay an additional administrative fee of twenty-five percent of the
8 delinquent amount for each month it remains unpaid, not to exceed
9 one hundred percent of the original amount due. The department may
10 waive the additional administrative fee based upon the existence
11 and extent of any mitigating circumstances that have resulted
12 in the late payment of such fee. The purpose of the additional
13 administrative fee is to cover the administrative costs associated
14 with collecting fees and all money collected as an additional
15 administrative fee shall be remitted to the State Treasurer for
16 credit to the Plant Protection and Plant Pest Cash Fund.

17 2. On page 9, strike beginning with "The" in line 1
18 through line 3 and insert "The license fees are set forth in
19 section 11 of this act.".

20 3. On page 11, line 16, strike "of actual costs assessed
21 to the applicant"; and strike beginning with "Such" in line 17
22 through line 18.

Senator Mello filed the following amendment to LB242:
AM789

- 1 1. Insert the following new sections:
- 2 Section 1. Section 81-8,245, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 81-8,245 The Public Counsel shall have the power to:
- 5 (1) Investigate, on complaint or on his or her own
- 6 motion, any administrative act of any administrative agency;
- 7 (2) Prescribe the methods by which complaints are to be
- 8 made, received, and acted upon; determine the scope and manner
- 9 of investigations to be made; and, subject to the requirements
- 10 of sections 81-8,240 to 81-8,254, determine the form, frequency,
- 11 and distribution of his or her conclusions, recommendations, and
- 12 proposals;
- 13 (3) Conduct inspections of the premises, or any parts
- 14 thereof, of any administrative agency or any property owned,
- 15 leased, or operated by any administrative agency as frequently as
- 16 is necessary, in his or her opinion, to carry out duties prescribed
- 17 under sections 81-8,240 to 81-8,254;
- 18 (4) Request and receive from each administrative agency,
- 19 and such agency shall provide, the assistance and information
- 20 the counsel deems necessary for the discharge of his or her
- 21 responsibilities; inspect and examine the records and documents
- 22 of all administrative agencies notwithstanding any other provision

23 of law; and enter and inspect premises within any administrative
1 agency's control;

2 (5) Issue a subpoena, enforceable by action in an
3 appropriate court, to compel any person to appear, give sworn
4 testimony, or produce documentary or other evidence deemed relevant
5 to a matter under his or her inquiry. A person thus required
6 to provide information shall be paid the same fees and travel
7 allowances and shall be accorded the same privileges and immunities
8 as are extended to witnesses in the district courts of this state
9 and shall also be entitled to have counsel present while being
10 questioned;

11 (6) Undertake, participate in, or cooperate with general
12 studies or inquiries, whether or not related to any particular
13 administrative agency or any particular administrative act, if he
14 or she believes that they may enhance knowledge about or lead to
15 improvements in the functioning of administrative agencies;

16 (7) Make investigations, reports, and recommendations
17 necessary to carry out his or her duties under the State Government
18 Effectiveness Act; ~~and~~

19 (8) Carry out his or her duties under the Office of
20 Inspector General of Nebraska Child Welfare Act. If any of
21 the provisions of sections 81-8,240 to 81-8,254 conflict with
22 provisions of the Office of Inspector General of Nebraska Child
23 Welfare Act, the provisions of such act shall control; ~~and-~~

24 (9) Investigate allegations of violation of subdivision
25 (2) of section 84-908 by an administrative agency pursuant to a
26 complaint made to his or her office and make a determination as
27 to whether such administrative agency has violated the act. The
1 Public Counsel shall report his or her determination in writing to
2 the Governor, the Secretary of State, the Attorney General, the
3 Executive Board of the Legislative Council, and the director or
4 chief executive officer of the agency.

5 Sec. 3. Section 84-908, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 84-908 (1) No adoption, amendment, or repeal of any
8 rule or regulation shall become effective until the same has been
9 approved by the Governor and filed with the Secretary of State
10 after a hearing has been set on such rule or regulation pursuant to
11 section 84-907. When determining whether to approve the adoption,
12 amendment, or repeal of any rule or regulation relating to an issue
13 of unique interest to a specific geographic area, the Governor's
14 considerations shall include, but not be limited to: ~~(1)-(a)~~
15 Whether adequate notice of hearing was provided in the geographic
16 area affected by the rule or regulation. Adequate notice shall
17 include, but not be limited to, the availability of copies of the
18 rule or regulation at the time notice was given pursuant to section
19 84-907; and ~~(2)-(b)~~ whether reasonable and convenient opportunity
20 for public comment was provided for the geographic area affected by
21 the rule or regulation. If a public hearing was not held in the

- 22 affected geographic area, reasons shall be provided by the agency
 23 to the Governor. Any rule or regulation properly adopted by any
 24 agency shall be filed with the Secretary of State.
 25 (2) No agency shall utilize, enforce, or attempt to
 26 enforce any rule or regulation or proposed rule or regulation
 27 unless the rule, regulation, or proposed rule or regulation has
 1 been approved by the Governor and filed with the Secretary of State
 2 after a hearing pursuant to section 84-907.
 3 2. Amend the repealer and renumber the remaining sections
 4 accordingly.

GENERAL FILE

LEGISLATIVE BILL 166. Title read. Considered.

Committee AM188, found on page 562, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 192. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 458. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

SENATOR COASH PRESIDING

LEGISLATIVE BILL 459. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 549. Title read. Considered.

Committee AM427, found on page 619, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 435. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 361. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 420. Title read. Considered.

Committee AM555, found on page 671, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 154. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 477. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 442. Title read. Considered.

Committee AM570, found on page 682, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 303. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 349. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 222. Title read. Considered.

Committee AM244, found on page 734, was adopted with 34 ayes, 0 nays,

13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 344. Title read. Considered.

Committee AM549, found on page 747, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 500. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 223. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 103. Title read. Considered.

Senator Lathrop offered his amendment, AM86, found on page 1036.

The Lathrop amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 329. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 169. Title read. Considered.

Committee AM232, found on page 862, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 277. Title read. Considered.

Committee AM240, found on page 863, was adopted with 27 ayes, 0 nays,

18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 538. Title read. Considered.

Committee AM301, found on page 864, was offered.

Senator Chambers offered his amendment, AM1051, found on page 1032, to the committee amendment.

The Chambers amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 332. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 141. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 647. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

SENATOR CARLSON PRESIDING

LEGISLATIVE BILL 107. Title read. Considered.

Committee AM870, found on page 986, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 69. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 323. Indefinitely postponed.

LEGISLATIVE BILL 416. Indefinitely postponed.

LEGISLATIVE BILL 506. Indefinitely postponed.

LEGISLATIVE BILL 640. Indefinitely postponed.

LEGISLATIVE BILL 645. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

AMENDMENTS - Print in Journal

Senator Hadley filed the following amendment to LB407:
AM1034 is available in the Bill Room.

Senator Karpisek filed the following amendment to LB407:
AM1055

(Amendments to Standing Committee amendments, AM1018)

- 1 1. Insert the following new amendment:
- 2 15. On page 45, line 25, after "(3)", insert "For school
- 3 fiscal year 2013-14 and each school fiscal year thereafter, a
- 4 Class II, III, IV, V, or VI school district may exceed its budget
- 5 authority for the general fund budget of expenditures as calculated
- 6 pursuant to section 79-1023 for such school fiscal year by an
- 7 amount not to exceed two percent over the previous school year
- 8 if such increase is approved by a seventy-five percent majority
- 9 vote of the school board of such district. Such increase shall not
- 10 be included in the general fund operating expenditures for such
- 11 district.
- 12 (4)".
- 13 2. Renumber the remaining amendment accordingly.

Senators K. Haar and Kolowski filed the following amendment to LB407:
AM1036

(Amendments to Standing Committee amendments, AM1018)

- 1 1. On page 1, strike line 1 and insert "1. Strike
- 2 original section 10 and insert the following new sections:
- 3 Sec. 10. Section 79-1007.25, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 79-1007.25 (1) For school fiscal year 2010-11 and
- 6 each school fiscal year thereafter, years through 2012-13, the
- 7 department shall calculate a teacher education allowance for each
- 8 district as follows:

9 ~~(1)-(a)~~ Teacher education points shall be calculated for
 10 each district by the department based upon data from the fall
 11 personnel report required pursuant to section 79-804 for the school
 12 fiscal year immediately preceding the school fiscal year in which
 13 aid is to be paid. Each full-time equivalent teacher shall ~~(a)-(i)~~
 14 be under contract with a school district as required pursuant to
 15 section 79-818 and ~~(b)-(ii)~~ only be counted one time in awarding
 16 any points pursuant to this section. Each district shall receive
 17 one point for each full-time equivalent teacher who has earned and
 18 been awarded a master's degree or an education specialist's degree
 19 and two points for each full-time equivalent teacher who has earned
 20 and been awarded a doctoral degree;

21 ~~(2)-(b)~~ A teacher education index shall be calculated for
 22 each district by dividing the ratio of teacher education points for
 1 the district divided by the number of full-time equivalent teachers
 2 in the district by the ratio of teacher education points for all
 3 districts divided by the number of full-time equivalent teachers in
 4 all districts; and

5 ~~(3)-(c)~~ The teacher education allowance for each district
 6 shall equal eight and one-half percent of the statewide average
 7 general fund operating expenditures per formula student multiplied
 8 by the district's formula students and multiplied by the difference
 9 of the product of the district's teacher education index minus one,
 10 except that if the result is less than zero, the teacher education
 11 allowance shall equal zero.

12 (2) For school fiscal year 2013-14, the department shall
 13 calculate a teacher education allowance for each district as
 14 follows:

15 (a) Teacher education points shall be calculated for each
 16 district by the department based upon data from the fall personnel
 17 report required pursuant to section 79-804 for the school fiscal
 18 year immediately preceding the school fiscal year in which aid is
 19 to be paid. Each full-time equivalent teacher shall (i) be under
 20 contract with a school district as required pursuant to section
 21 79-818 and (ii) only be counted one time in awarding any points
 22 pursuant to this section. Each district shall receive one point for
 23 each full-time equivalent teacher who has earned and been awarded a
 24 master's degree or an education specialist's degree and two points
 25 for each full-time equivalent teacher who has earned and been
 26 awarded a doctoral degree;

27 (b) A teacher education ratio shall be calculated for
 1 each district by dividing the teacher education points for the
 2 district by the total teacher education points for all districts;
 3 and

4 (c) The teacher education allowance for each district
 5 shall equal the teacher education ratio multiplied by twenty-five
 6 million dollars, except that if the result is less than zero, the
 7 teacher education allowance shall equal zero.

8 (3) For school fiscal year 2014-15 and each school fiscal

9 year thereafter, the department shall calculate a teacher education
10 allowance for each district as follows:

11 (a) Teacher education points shall be calculated for each
12 district by the department based upon data from the fall personnel
13 report required pursuant to section 79-804 for the school fiscal
14 year immediately preceding the school fiscal year in which aid is
15 to be paid. Each full-time equivalent teacher shall (i) be under
16 contract with a school district as required pursuant to section
17 79-818 and (ii) only be counted one time in awarding any points
18 pursuant to this section;

19 (b) Each district shall receive:

20 (i) One point for each full-time equivalent teacher who
21 has attained an advanced degree in his or her subject area field;

22 (ii) 1.10 points for each full-time equivalent teacher
23 with eighteen additional credit hours of postsecondary education in
24 his or her endorsed subject area;

25 (iii) 1.125 points for each full-time equivalent teacher
26 with eighteen additional credit hours of postsecondary education in
27 his or her endorsed subject area in a teacher shortage area;

1 (iv) 1.15 points for each full-time equivalent teacher
2 with twenty-seven additional credit hours of postsecondary
3 education in his or her endorsed subject area;

4 (v) 1.175 points for each full-time equivalent teacher
5 with twenty-seven additional credit hours of postsecondary
6 education in his or her endorsed subject area in a teacher shortage
7 area;

8 (vi) 1.20 points for each full-time equivalent teacher
9 with a master's degree in his or her endorsed subject area;

10 (vii) 1.225 points for each full-time equivalent teacher
11 with a master's degree in his or her endorsed subject area in a
12 teacher shortage area;

13 (viii) 1.25 points for each full-time equivalent teacher
14 with a master's degree with nine additional credit hours of
15 postsecondary education in his or her endorsed subject area;

16 (ix) 1.275 points for each full-time equivalent teacher
17 with a master's degree with nine additional credit hours of
18 postsecondary education in his or her endorsed subject area in a
19 teacher shortage area;

20 (x) 1.30 points for each full-time equivalent teacher
21 with a master's degree with eighteen additional credit hours of
22 postsecondary education in his or her endorsed subject area;

23 (xi) 1.325 points for each full-time equivalent teacher
24 with a master's degree with eighteen additional credit hours of
25 postsecondary education in his or her endorsed subject area in a
26 teacher shortage area;

27 (xii) 1.35 points for each full-time equivalent teacher
1 with a master's degree with twenty-seven additional credit hours of
2 postsecondary education in his or her endorsed subject area;

3 (xiii) 1.375 points for each full-time equivalent teacher

- 4 with a master's degree with twenty-seven additional credit hours of
 5 postsecondary education in his or her endorsed subject area in a
 6 teacher shortage area;
 7 (xiv) 1.40 points for each full-time equivalent teacher
 8 with a master's degree and thirty-six additional credit hours of
 9 postsecondary education in his or her endorsed subject area;
 10 (xv) 1.425 points for each full-time equivalent teacher
 11 with a master's degree and thirty-six additional credit hours of
 12 postsecondary education in his or her endorsed subject area in a
 13 teacher shortage area; and
 14 (xvi) 1.45 points for each full-time equivalent teacher
 15 with a doctorate degree;
 16 (c) A teacher education ratio shall be calculated for
 17 each district by dividing the weighted teacher education points for
 18 the district by the total weighted teacher education points for all
 19 districts; and
 20 (d) The teacher education allowance for each district
 21 shall equal twenty-five million dollars multiplied by the teacher
 22 education ratio, except that if the result is less than zero, the
 23 teacher education allowance shall equal zero.
 24 2. Strike amendments 12 and 13 and renumber the remaining
 25 amendments accordingly.
 26 3. On page 1, strike beginning with "teacher" in line 20
 27 through the comma in line 22.
 1 4. On page 2, strike beginning with "teacher" in line 5
 2 through the comma in line 7.
 3 5. On page 4, line 16, after the second comma insert
 4 "teacher education allowance,".

Senator Kolowski filed the following amendment to LB407:
 AM1039

- (Amendments to Standing Committee amendments, AM1018)
 1 1. Strike line 1 and insert "1. Strike original section 9
 2 and insert the following new sections:
 3 Sec. 9. Section 79-1007.23, Revised Statutes Cumulative
 4 Supplement, 2012, is amended to read:
 5 79-1007.23 (1) For state aid calculated for school fiscal
 6 ~~year 2009-10 and each school fiscal year thereafter; years through~~
 7 2012-13:
 8 ~~(4)~~(a) The department shall calculate an instructional
 9 time allowance for each district which submits the information
 10 required for the calculation on a form prescribed by the department
 11 on or before October 15 of the school fiscal year preceding
 12 the school fiscal year for which aid is being calculated. The
 13 instructional time allowance shall be equal to the product of the
 14 formula students of such district multiplied by the instructional
 15 time factor for such district multiplied by eighty-five percent
 16 of the statewide average general fund operating expenditures per
 17 formula student;

18 ~~(2)~~(b) The instructional time factor shall equal the
 19 difference of the ratio of the district's average hours of
 20 instruction for each full-time student during the regular school
 21 year for the most recently available complete data year divided
 22 by: ~~(a)~~(i) For state aid calculated for school fiscal year
 1 2009-10, the comparison group average hours of instruction for
 2 each full-time student during the regular school year for the
 3 most recently available complete data year minus one; or ~~(b)~~
 4 (ii) for state aid calculated for school fiscal year 2010-11 ~~and~~
 5 ~~each through~~ school fiscal year ~~thereafter, 2012-13,~~ the statewide
 6 average hours of instruction for each full-time student during the
 7 regular school year for the most recently available complete data
 8 year minus one, except that if the result is less than zero, the
 9 instructional time factor shall equal zero;

10 ~~(3)~~(c) For school fiscal years 2009-10 and 2010-11,
 11 the comparison group average hours of instruction for each
 12 full-time student shall be an average of the averages for all
 13 school districts in the comparison group. The average hours of
 14 instruction shall be defined by the department and shall not
 15 include extracurricular activities outside of the regular school
 16 day or time designated for students to eat lunch. The statewide
 17 average hours of instruction for each full-time student shall be an
 18 average of the averages for all school districts; and

19 ~~(4)~~(d) For school fiscal ~~year years~~ 2011-12 and ~~each~~
 20 ~~school fiscal year thereafter, 2012-13,~~ the average hours of
 21 instruction shall be defined by the department and shall be
 22 based on scheduled time for courses and the number of students
 23 participating in such courses as reported to the department for the
 24 most recently available complete data year. Hours of instruction
 25 shall not include extracurricular activities outside of the regular
 26 school day or time designated for students to eat lunch. The
 27 statewide average hours of instruction for each student shall be an
 1 average of the averages for all school districts.

2 (2) For state aid calculated for school fiscal year
 3 2013-14 and each school fiscal year thereafter:

4 (a) The department shall calculate an instructional time
 5 allowance for each district which submits the information required
 6 for the calculation on a form prescribed by the department on or
 7 before October 15 of the school fiscal year preceding the school
 8 fiscal year for which aid is being calculated. The instructional
 9 time allowance shall equal the product of the formula students
 10 multiplied by the instructional time factor for such district
 11 multiplied by one and one-half percent of the statewide average
 12 general fund operating expenditures per formula student;

13 (b) The instructional time factor shall equal the ratio
 14 of the district's days of instruction for each full-time student
 15 during the regular school year for the most recently available
 16 complete data year divided by one hundred seventy-five, except that
 17 if the result is less than one, the instructional time factor shall

18 equal zero;

19 (c) The average days of instruction shall not exceed the
 20 amount published in student or parent handbooks indicating bell
 21 schedule and student calendar days for the most recently available
 22 complete data year. Districts shall update the bell schedule and
 23 student calendar with adjustments made during the year noted on the
 24 district's web site; and

25 (d) Day of instruction means any day students are in
 26 session for their fully scheduled class time.

27 2. On page 3, line 2, after the second comma insert
 1 "instructional time allowance."; in line 4 after the quotation mark
 2 insert "; and in lines 15 and 16 reinstate the stricken matter".

3 3. On page 4, strike beginning with "in" in line 7
 4 through the semicolon in line 8 and insert "in lines 15 and 16
 5 reinstate the stricken matter;"; and in line 16 after the second
 6 comma insert "instructional time allowance.".

Senator Bolz filed the following amendment to LB407:
 AM1038

(Amendments to Standing Committee amendments, AM1018)

1 1. Insert the following new sections:
 2 Sec. 2. Section 79-804, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 79-804 (1) Each teacher or administrator shall register
 5 his or her certificate with the public, private, denominational,
 6 or parochial school in which the teacher or administrator is
 7 employed. The superintendent or administrator of the school shall
 8 endorse upon the certificate that it has been registered and the
 9 date of registration. Such registration shall be without fee. No
 10 employment of a teacher or administrator shall be valid until the
 11 certificate is so registered. On or before September 15 of each
 12 year, the public, private, denominational, and parochial schools
 13 shall file with the State Department of Education a fall personnel
 14 report which shall specify the names of all individuals employed
 15 by the school who are required by law to hold a certificate,
 16 the information required by subsection (2) of this section, for
 17 public schools, and such other information as the Commissioner of
 18 Education directs. The superintendent or administrator of ~~the each~~
 19 public, private, denominational, or parochial school shall transmit
 20 within ten days to the State Department of Education the name of
 21 the teacher or administrator to be employed, together with the
 22 position to which employed, if the teacher or administrator is
 1 employed after the submission of the fall personnel report. The
 2 Commissioner of Education shall certify to the school the name of
 3 any teacher or administrator who has not been issued a certificate
 4 or given evidence of application to the State Department of
 5 Education and qualification for a certificate or permit. The
 6 teacher or administrator shall not be reimbursed for any services
 7 to the school after the date of receipt of notification by the
 8 school.
 9 (2) For public schools, the fall personnel report shall
 10 also include:

11 (a) For each teacher employed by the school district, the
 12 name, salary not including extra-duty salary, years of experience
 13 in the school district, benefits, highest postsecondary education
 14 degree level attained, and hours of postsecondary education earned
 15 past that degree level; and

16 (b) For each instructional paraprofessional employed by
 17 the school district, the name, total years of experience as an
 18 instructional paraprofessional, years of experience in the district
 19 as an instructional paraprofessional, and highest postsecondary
 20 degree level attained.

21 ~~(2)~~ (3) The Commissioner of Education shall notify the
 22 county treasurer to withhold all school money belonging to any
 23 district employing an uncertificated teacher or administrator until
 24 the teacher or administrator has obtained a certificate or has been
 25 dismissed by the board employing such teacher or administrator. The
 26 county treasurer shall withhold such money.

27 Sec. 5. Section 79-1007.04, Revised Statutes Cumulative
 1 Supplement, 2012, is amended to read:

2 79-1007.04 (1) For school fiscal years 2008-09 through
 3 2012-13, the department shall determine the elementary class size
 4 allowance for each school district from information submitted by a
 5 school district on a form prescribed by the department on or before
 6 October 15 of the school fiscal year preceding the school fiscal
 7 year for which aid is being calculated.

8 (2) For school fiscal year 2008-09, the allowance shall
 9 equal the statewide average general fund operating expenditures per
 10 formula student multiplied by 0.20 then multiplied by the number of
 11 students in the school district in kindergarten through grade eight
 12 who qualify for free or reduced-price lunches and who spend at
 13 least fifty percent of the school day in a classroom with a minimum
 14 of ten students and a maximum of twenty students as reported on
 15 the fall membership report from the school fiscal year immediately
 16 preceding the school fiscal year in which the aid is to be paid.

17 (3) For school fiscal years 2009-10 through 2012-13, the
 18 allowance shall equal the statewide average general fund operating
 19 expenditures per formula student multiplied by twenty percent of
 20 the number of students in the school district in kindergarten
 21 through grade three who spend at least fifty percent of the school
 22 day in one or more classrooms with a minimum of ten students and
 23 a maximum of twenty students as reported on the fall membership
 24 report from the school fiscal year immediately preceding the
 25 school fiscal year in which the aid is to be paid for state aid
 26 certified pursuant to section 79-1022 and as reported on the annual
 27 statistical summary report from the school fiscal year immediately
 1 preceding the school fiscal year in which the aid was paid for the
 2 final calculation of state aid pursuant to section 79-1065.

3 (4) On or before November 15, 2013, and on or before each
 4 November 15 thereafter, the State Department of Education shall
 5 make an elementary class size report for all school districts and
 6 school buildings in the state. The report shall include:

7 (a) The average number of students in each classroom in
 8 which the students spend at least fifty percent of the school day
 9 for grades kindergarten through three, reported by grade level; and

10 (b) The years of experience in the district, total

11 years of experience, and the highest postsecondary degree attained
 12 for each certificated teacher providing instruction and each
 13 instructional paraprofessional providing instructional assistance
 14 to students in kindergarten through grade three.

15 2. Amend the repealer and renumber the remaining sections
 16 accordingly.

Senator Krist filed the following amendment to LB407:
 AM1041

(Amendments to Standing Committee amendments, AM1018)

1 1. Insert the following new section:
 2 Sec. 11. Section 79-1008.02, Revised Statutes Cumulative
 3 Supplement, 2012, is amended to read:
 4 79-1008.02 A minimum levy adjustment shall be calculated
 5 and applied to any local system that has a general fund common
 6 levy for the fiscal year during which aid is certified that is
 7 less than the maximum levy, for such fiscal year for such local
 8 system, allowed pursuant to subdivision (2)(a) or (b) of section
 9 77-3442 without a vote pursuant to section 77-3444 less five cents
 10 ~~for learning communities and less ten cents for all other all local~~
 11 systems. To calculate the minimum levy adjustment, the department
 12 shall subtract the local system general fund common levy for such
 13 fiscal year for such local system from the maximum levy allowed
 14 pursuant to subdivision (2)(a) or (b) of section 77-3442 without
 15 a vote pursuant to section 77-3444 less five cents for ~~learning~~
 16 ~~communities and less ten cents for all other all local systems~~
 17 and multiply the result by the local system's adjusted valuation
 18 divided by one hundred. The minimum levy adjustment shall be added
 19 to the formula resources of the local system for the determination
 20 of equalization aid pursuant to section 79-1008.01. If the minimum
 21 levy adjustment is greater than or equal to the allocated income
 22 tax funds calculated pursuant to section 79-1005.01, the local
 1 system shall not receive allocated income tax funds. If the
 2 minimum levy adjustment is less than the allocated income tax funds
 3 calculated pursuant to section 79-1005.01, the local system shall
 4 receive allocated income tax funds in the amount of the difference
 5 between the allocated income tax funds calculated pursuant to
 6 section 79-1005.01 and the minimum levy adjustment. This section
 7 does not apply to the calculation of aid for a local system
 8 containing a learning community for the first school fiscal year
 9 for which aid is calculated for such local system.
 10 2. Amend the repealer and renumber the remaining sections
 11 accordingly.

GENERAL FILE

LEGISLATIVE BILL 281. Title read. Considered.

Senator Pirsch moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Pirsch requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 15:

Bloomfield	Conrad	Hansen	Lathrop	Pirsch
Brasch	Gloor	Johnson	McCoy	Scheer
Christensen	Hadley	Kintner	Nelson	Seiler

Voting in the negative, 8:

Adams	Crawford	Karpisek	Wallman
Chambers	Davis	Krist	Wightman

Present and not voting, 13:

Avery	Coash	Haar, K.	Kolowski	Schumacher
Campbell	Cook	Harms	Lautenbaugh	
Carlson	Dubas	Howard	Nordquist	

Excused and not voting, 13:

Ashford	Janssen	Mello	Schilz	Watermeier
Bolz	Larson	Murante	Smith	
Harr, B.	McGill	Price	Sullivan	

Due to a voting error, the corrected vote on the advancement of LB281 is as follows:

Voting in the affirmative, 15:

Bloomfield	Conrad	Hansen	Lathrop	Pirsch
Brasch	Gloor	Johnson	McCoy	Scheer
Christensen	Hadley	Kintner	Nelson	Seiler

Voting in the negative, 7:

Adams	Crawford	Karpisek	Wallman
Chambers	Davis	Krist	

Present and not voting, 13:

Avery	Coash	Haar, K.	Kolowski	Schumacher
Campbell	Cook	Harms	Lautenbaugh	
Carlson	Dubas	Howard	Nordquist	

Excused and not voting, 14:

Ashford	Janssen	Mello	Schilz	Watermeier
Bolz	Larson	Murante	Smith	Wightman
Harr, B.	McGill	Price	Sullivan	

Failed to advance to Enrollment and Review Initial with 15 ayes, 7 nays, 13 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

MOTION - Print in Journal

Senator Krist filed the following motion to LB474:
MO51
Recommit to the Revenue Committee.

VISITORS

Visitors to the Chamber were 40 fourth- and fifth-grade students and teachers from Juniata; 60 fourth-grade students and teachers, and Senator McCoy's daughter, Audrey, from Life Gate Christian School, Omaha; 21 fourth- and fifth-grade students and teachers from Lewiston; David and Sharon Kay from Pennsylvania; the Beal's family from Johnstown, recipients of the Leopold Conservation Award; 15 third- and fourth-grade students and sponsors from Zion Lutheran, Pierce; and 12 fourth-grade students and sponsors from Zion Lutheran, Hastings.

ADJOURNMENT

At 2:16 p.m., on a motion by Senator McCoy, the Legislature adjourned until 10:00 a.m., Monday, April 22, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FOURTH DAY - APRIL 22, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SIXTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 22, 2013

PRAYER

The prayer was offered by Father Paul Rutten, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senator Murante who was excused; and Senators Chambers, B. Harr, Lautenbaugh, McGill, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-third day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 553. Placed on Select File with amendment.
ER62

- 1 1. In the Standing Committee amendments, AM802:
- 2 a. On page 37, strike beginning with "Except" in line
- 3 11 through "final" in line 12 and insert "Final"; and in line 13
- 4 strike "By" and insert "Except as provided in subdivision (3)(b) of
- 5 this section, by";
- 6 b. On page 43, line 3, after "thereafter" insert an
- 7 underscored comma; in line 15 strike "section 79-9,103₂" and show
- 8 the old matter as stricken; in line 16 reinstate the stricken "this
- 9 section."; and in line 21 strike the comma; and
- 10 c. On page 44, strike line 1 and insert "to this
- 11 section."; in line 20 strike "section 79-9,103₂" and show the old
- 12 matter as stricken; and in line 21 reinstate the stricken "this
- 13 section.".
- 14 2. On page 1, strike beginning with "the" in line
- 15 1 through line 13 and insert "retirement; to amend sections

16 79-966.01, 79-9,100, 79-9,103, and 79-9,105, Reissue Revised
 17 Statutes of Nebraska, and sections 24-703, 79-901, 79-902, 79-916,
 18 79-947.06, 79-954, 79-958, 79-966, 79-9,113, 79-1003, 79-1028.01,
 19 and 81-2017, Revised Statutes Cumulative Supplement, 2012; to
 20 change provisions relating to actuarial valuations of retirement
 21 systems and funds; to redefine terms; to change eligibility
 22 provisions for participation in school retirement systems and for
 23 disability benefits for beneficiaries; to change annual benefit
 1 cost-of-living adjustment provisions, state deposits, employer and
 2 employee contributions, and monthly formula retirement annuity
 3 provisions; to change provisions relating to state aid calculations
 4 for schools; to eliminate obsolete provisions; to harmonize
 5 provisions; to provide an operative date; to provide severability;
 6 to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 240. Placed on Select File.

LEGISLATIVE BILL 23. Placed on Select File with amendment.
 ER61 is available in the Bill Room.

LEGISLATIVE BILL 487. Placed on Select File.

LEGISLATIVE BILL 563. Placed on Select File.

LEGISLATIVE BILL 3. Placed on Select File with amendment.
 ER63

- 1 1. On page 1, strike beginning with "real" in line 1
- 2 through line 2 and insert "liens; to amend sections 52-1901 and
- 3 52-1902, Reissue Revised Statutes of Nebraska, and section 28-101,
- 4 Revised Statutes Cumulative Supplement, 2012; to create the offense
- 5 of fraudulently filing a financing statement, lien, or document;
- 6 to provide a penalty; to provide and change provisions relating to
- 7 nonconsensual common-law liens; to harmonize provisions; to repeal
- 8 the original sections; and to declare an emergency.".

LEGISLATIVE BILL 99. Placed on Select File with amendment.
 ER64

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following 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 a 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
 12 would 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,~~ the Nebraska
 9 State Patrol, the county sheriffs, all city and village police

10 departments, and any other law enforcement agency in this state
 11 shall record and retain the following information using the form
 12 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,~~ the Nebraska State Patrol, the
 24 county sheriffs, all city and village police departments, and all
 25 other law enforcement agencies in this state shall provide to the
 26 ~~commission,~~ Nebraska Commission on Law Enforcement and Criminal
 27 Justice, in such form as the commission prescribes, a summary
 1 report of the information recorded pursuant to subsection ~~(2)~~(3)
 2 of this section.

3 ~~(6)-(7)~~ On and after January 1, 2002, ~~and until April~~
 4 ~~1, 2014, the commission may, the Nebraska Commission on Law~~
 5 ~~Enforcement and Criminal Justice shall,~~ within the limits of
 6 its existing appropriations, including any grant funds which the
 7 commission is awarded for such purpose, provide for a review and
 8 analysis of the prevalence and disposition of motor vehicle stops
 9 based on racial profiling and allegations of racial profiling
 10 involved in other detentions reported pursuant to this section.
 11 After the review and analysis, the commission may, when it deems
 12 warranted, inquire into and study individual law enforcement agency
 13 circumstances in which the raw data collected and analyzed raises
 14 at least some issue or appearance of possible racial profiling. Any
 15 law enforcement officer, prosecutor, defense attorney, or probation
 16 officer, unless restricted by privilege, who becomes aware of
 17 incidents of racial profiling by a law enforcement agency shall
 18 report the same to the commission within thirty days of becoming
 19 aware of such practice. The commission may make recommendations
 20 to any such law enforcement agency for the purpose of improving
 21 prevention measures against racial profiling or the appearance of
 22 racial profiling. The results of such review, analysis, inquiry,
 23 and study and any recommendations by the commission to any law
 24 enforcement agency shall be reported annually to the Governor and
 25 the Legislature beginning on or before April 1, 2004, ~~until April~~
 26 ~~1, 2014.~~ The report submitted to the Legislature shall be submitted
 27 electronically.

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

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

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

17 20-506 (1) The Racial Profiling Advisory Committee is
 18 created.

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

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

- 23 (ii) The Superintendent of Law Enforcement and Public
 24 Safety or his or her designee;
- 25 (iii) The director of the Commission on Latino-Americans
 26 or his or her designee; and
- 27 (iv) The executive director of the Commission on Indian
 1 Affairs or his or her designee.
- 2 (b) The committee shall also consist of the following
 3 persons, each appointed by the Governor from a list of ~~three~~five
 4 names submitted to the Governor for each position:
- 5 (i) A representative of the Fraternal Order of Police;
- 6 (ii) A representative of the Nebraska County Sheriffs
 7 Association;
- 8 (iii) A representative of the Police Officers Association
 9 of Nebraska;
- 10 (iv) A representative of the American Civil Liberties
 11 Union of Nebraska;
- 12 (v) A representative of the AFL-CIO;
- 13 (vi) A representative of the Police Chiefs Association of
 14 Nebraska;
- 15 (vii) A representative of the Nebraska branches of the
 16 National Association for the Advancement of Colored People; and
- 17 (viii) A representative of the Nebraska State Bar
 18 Association appointed by the Governor from a list of attorneys
 19 submitted by the executive council of the Nebraska State Bar
 20 Association.
- 21 (3) The committee shall meet and organize within thirty
 22 days after the appointment of the members. The committee shall meet
 23 semiannually at a time and place to be fixed by the committee.
 24 Special meetings may be called by the chairperson or at the request
 25 of two or more members of the committee.
- 26 (4) The committee shall advise the commission and its
 27 executive director of the commission in the conduct of ~~his or~~
 1 ~~her~~ their duties regarding (a) the completeness and acceptability
 2 of written racial profiling policies submitted by individual law
 3 enforcement agencies as required by subsection (1) of section
 4 20-504, (b) the collection of data by law enforcement agencies,
 5 any needed additional data, and any needed additional analysis,
 6 investigation, or inquiry as to the data provided pursuant to
 7 subsection (3) of section 20-504, (c) the review, analysis,
 8 inquiry, study, and recommendations required pursuant to subsection
 9 ~~(6)-(7)~~ of section 20-504, ~~provide~~ including an analysis of the
 10 review, analysis, inquiry, study, and recommendations, and (d)
 11 ~~and make~~ policy recommendations of the committee with respect to
 12 the prevention of racial profiling and the need, if any, for
 13 enforcement by the Department of Justice of the prohibitions found
 14 in section 20-502.
- 15 Sec. 6. Original sections 20-501, 20-502, 20-504, 20-505,

16 and 20-506, Reissue Revised Statutes of Nebraska, are repealed.
17 2. On page 1, strike beginning with "civil" in line 1
18 through line 5 and insert "racial profiling; to amend sections
19 20-501, 20-502, 20-504, 20-505, and 20-506, Reissue Revised
20 Statutes of Nebraska; to change provisions relating to prohibited
21 conduct and racial profiling prohibition policies; to require a
22 racial profiling prevention policy; to eliminate a termination date
23 regarding maintenance of certain records; to change powers and
24 duties of the Nebraska Commission on Law Enforcement and Criminal
25 Justice; to change appointment provisions and duties for the Racial
26 Profiling Advisory Committee; to harmonize provisions; and to
27 repeal the original sections."

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 407. Title read. Considered.

Committee AM1018, found on page 1007, was offered.

Senator Sullivan offered the Sullivan et al. amendment, AM1044, found on page 1010, to the committee amendment.

Pending.

VISITORS

Visitors to the Chamber were 42 fourth-grade students and teachers from Lincoln Elementary, Beatrice; 52 fourth-grade students, teachers, and sponsors from Standing Bear Elementary, Omaha; 48 fourth-grade students, teachers, and sponsors from Birchcrest Elementary, Bellevue; and 11 third- and fourth-grade students and teacher from Nebraska Christian Elementary, Central City.

RECESS

At 11:58 a.m., on a motion by Speaker Adams, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Heidemann presiding.

ROLL CALL

The roll was called and all members were present except Senators Murante and Smith who were excused; and Senators Ashford, Chambers, Conrad, Lautenbaugh, and McGill who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 407. Senator Sullivan renewed the Sullivan et al. amendment, AM1044, found on page 1010 and considered in this day's Journal, to the committee amendment.

SENATOR COASH PRESIDING

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 154. Introduced by Krist, 10.

WHEREAS, the Legislature will feature on its web site a video created by Justin Myers and William Scheopner, finalists in the 2011 National History Day competition, about United States Senator George Norris' contributions to Nebraska in its civic education efforts; and

WHEREAS, Justin Myers and William Scheopner, both from Omaha, Nebraska, won the Group Documentary - Junior Division award for their video "The Revolutionary Reaper" at the 2012 National History Day competition held in College Park, Maryland; and

WHEREAS, Justin Myers and William Scheopner won the Center for Great Plains Studies Award - Junior Division at the 2012 National History Day competition held at Nebraska Wesleyan University in Lincoln, Nebraska; and

WHEREAS, the Legislature recognizes the outstanding achievements of Nebraska residents.

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

1. That the Legislature congratulates Justin Myers and William Scheopner on winning the 2012 Group Documentary - Junior Division award and the 2012 Center for Great Plains Studies Award - Junior Division and being named finalists for the 2011 Group Documentary - Junior Division award at the National History Day competition.

2. That the Legislature thanks Justin Myers and William Scheopner for allowing the Legislature's use of a video featuring United States Senator George Norris' contributions to Nebraska in order that it be shared with students throughout the state.

3. That a copy of this resolution be sent to Justin Myers and William Scheopner.

Laid over.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Tuesday, May 7, 2013 1:00 p.m.

Blake Dillon - Motor Vehicle Industry Licensing Board
William Reeg - Motor Vehicle Industry Licensing Board

(Signed) Annette Dubas, Chairperson

COMMITTEE REPORTS
Education

LEGISLATIVE BILL 9. Indefinitely postponed.
LEGISLATIVE BILL 274. Indefinitely postponed.
LEGISLATIVE BILL 466. Indefinitely postponed.
LEGISLATIVE BILL 467. Indefinitely postponed.
LEGISLATIVE BILL 469. Indefinitely postponed.
LEGISLATIVE BILL 496. Indefinitely postponed.
LEGISLATIVE BILL 511. Indefinitely postponed.
LEGISLATIVE BILL 566. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB3:
AM1067

(Amendments to Standing Committee amendments, AM351)

- 1 1. Insert the following new sections:
- 2 Sec. 7. Sections 7 to 14 of this act shall be known and
- 3 may be cited as the Commercial Real Estate Broker Lien Act.
- 4 Sec. 8. For purposes of the Commercial Real Estate Broker
- 5 Lien Act:
- 6 (1) Commercial real estate means any real estate other
- 7 than real estate containing no more than four residential units or
- 8 real estate on which no buildings or structures are located and
- 9 that is zoned for single-family residential use. Commercial real
- 10 estate does not include single-family residential units such as
- 11 condominiums, town houses, or homes in a subdivision when sold,
- 12 leased, or otherwise conveyed on a unit-by-unit basis, even though
- 13 these units may be a part of a larger building or parcel of real
- 14 estate containing more than four residential units;
- 15 (2) Commission means any and all compensation that may
- 16 be due a commercial real estate broker for performance of licensed
- 17 services; and
- 18 (3) Commission agreement means a written agreement

19 with a designated commercial real estate broker as required by
20 subdivisions (2) through (6) of section 76-2422.

21 Sec. 9. (1)(a) A commercial real estate broker shall
22 have a lien upon commercial real estate or any interest in that
1 commercial real estate that is the subject of a purchase, lease,
2 or other conveyance to a buyer or tenant of an interest in the
3 commercial real estate in the amount of commissions that the
4 commercial real estate broker is due.

5 (b) The lien shall be available only to the commercial
6 real estate broker named in a commission agreement signed by an
7 owner, buyer, or tenant or their respective authorized agents as
8 applicable and is not available to an employee, agent, subagent, or
9 independent contractor of a commercial real estate broker.

10 (2) A lien under this section shall attach to commercial
11 real estate or any interest in the commercial real estate when:

12 (a) The commercial real estate broker is entitled to
13 a commission provided in a commission agreement signed by the
14 owner, buyer, tenant, or their respective authorized agents, as
15 applicable; and

16 (b) The commercial real estate broker records a notice
17 of lien in the office of the register of deeds of the county in
18 which the commercial real estate is located, prior to the actual
19 conveyance or transfer of the commercial real estate against which
20 the commercial real estate broker is claiming a lien, except as
21 provided in this section. The lien shall attach as of the date of
22 the recording of the notice of lien and shall not relate back to
23 the date of the commission agreement.

24 (3) In the case of a lease, including a sublease or an
25 assignment of a lease, the notice of lien shall be recorded not
26 later than ninety days after the tenant takes possession of the
27 leased premises. The lien shall attach as of the recording of
1 the notice of lien and shall not relate back to the date of the
2 commission agreement.

3 (4)(a) If a commercial real estate broker is due an
4 additional commission as a result of future actions, including, but
5 not limited to, the exercise of an option to expand the leased
6 premises or to renew or extend a lease pursuant to a commission
7 agreement signed by the then owner or tenant, the commercial real
8 estate broker may record its notice of lien at any time after
9 execution of the lease or other commission agreement which contains
10 such option, but not later than ninety days after the event or
11 occurrence on which the future commission is claimed occurs.

12 (b) In the event that the commercial real estate is
13 sold or otherwise conveyed prior to the date on which a future
14 commission is due, and if the commercial real estate broker
15 has filed a valid notice of lien prior to the sale or other
16 conveyance of the commercial real estate, then the purchaser or
17 transferee shall be deemed to have notice of and shall take title
18 to the commercial real estate subject to the notice of lien. If

19 a commercial real estate broker claiming a future commission fails
20 to record its notice of lien for future commission prior to the
21 recording of a deed conveying legal title to the commercial real
22 estate to the purchaser or transferee, then such commercial real
23 estate broker shall not claim a lien on the commercial real estate.
24 This subsection shall not limit or otherwise affect claims or
25 defenses a commercial real estate broker or owner or any other
26 party may have on any other basis, in law or in equity.

27 (5) If a commercial real estate broker has a commission
1 agreement as described in subdivision (4)(a) of this section with
2 a prospective buyer or tenant, then the lien shall attach upon the
3 prospective buyer purchasing or otherwise accepting a conveyance
4 or transfer of the commercial real estate and the recording of a
5 notice of lien by the commercial real estate broker in the office
6 of the register of deeds of the county in which the commercial
7 real estate, or any interest in the commercial real estate, is
8 located, within ninety days after the purchase or other conveyance
9 or transfer to the buyer or tenant. The lien shall attach as of the
10 date of the recording of the notice of lien and shall not relate
11 back to the date of the commission agreement.

12 Sec. 10. The commercial real estate broker shall, within
13 ten days after recording its notice of lien, either mail a copy of
14 the notice of lien to the owner of record of the commercial real
15 estate by registered or certified mail at the address of the owner
16 stated in the commission agreement on which the claim for lien is
17 based or, if no such address is given, then to the address of the
18 commercial real estate on which the claim of lien is based. Mailing
19 of the copy of the notice of lien is effective when deposited in
20 a United States mailbox with postage prepaid. The commercial real
21 estate broker's lien shall be unenforceable if mailing or service
22 of the copy of notice of lien does not occur at the time and in the
23 manner required by this section.

24 Sec. 11. The notice of lien shall state the name of
25 the commercial real estate broker, the name as reflected in
26 the commercial real estate broker's records of any person the
27 commercial real estate broker believes to be an owner of the
1 commercial real estate on which the lien is claimed, the name
2 as reflected in the commercial real estate broker's records of
3 any person whom the commercial real estate broker believes to be
4 obligated to pay the commission under the commission agreement, a
5 description legally sufficient for identification of the commercial
6 real estate upon which the lien is claimed, and the amount for
7 which the lien is claimed. The notice of lien shall recite that
8 the information contained in the notice is true and accurate to the
9 knowledge of the signatories. The notice of lien shall be signed
10 by the commercial real estate broker or by a person authorized to
11 sign on behalf of the commercial real estate broker and shall be
12 notarized.

13 Sec. 12. (1) Except as provided in subsections (2) and

14 (3) of this section, a lien that has become enforceable as provided
15 in section 9 of this act shall continue to be enforceable for two
16 years after the recording of the lien.

17 (2) Except as provided in subsection (3) of this section,
18 if an owner, holder of a security interest, mortgage, or trust
19 deed, or other person having an interest in the commercial real
20 estate gives the commercial real estate broker written demand to
21 institute a judicial proceeding within thirty days, the lien lapses
22 unless, within thirty days after receipt of the written demand, the
23 commercial real estate broker institutes judicial proceedings.

24 (3) If a judicial proceeding to enforce a lien is
25 instituted while a lien is effective under subsection (1) or (2)
26 of this section, the lien continues during the pendency of the
27 proceeding.

1 Sec. 13. (1) Recorded liens, mortgages, trust deeds, and
2 other encumbrances on commercial real estate, including a recorded
3 lien securing revolving credit and future advances for a loan,
4 recorded before the date the commercial real estate broker's lien
5 is recorded, shall have priority over the commercial real estate
6 broker's lien.

7 (2) A construction lien claim that is recorded after the
8 commercial real estate broker's notice of lien but that relates
9 back to a date prior to the recording date of the commercial real
10 estate broker's notice of lien has priority over the commercial
11 real estate broker's lien.

12 (3) A purchase-money lien executed by the buyer of
13 commercial real estate in connection with a loan for which any
14 part of the proceeds are used to pay the purchase price of the
15 commercial real estate has priority over a commercial real estate
16 broker's lien claimed for the commission owed by the buyer against
17 the commercial real estate purchased by the buyer.

18 Sec. 14. (1) Whenever a notice of a commercial real
19 estate broker's lien has been recorded, the record owner of the
20 commercial real estate, or the tenant in case of a lien upon
21 the leasehold estate, may have the lien released by depositing
22 funds equal to the full amount stated in the notice of lien plus
23 fifteen percent to be applied towards any lien under section 9
24 of this act. These funds shall be held in escrow by such person
25 and by such process which may be agreed to by the parties, either
26 in the commission agreement or otherwise, for the payment to the
27 commercial real estate broker or otherwise for resolution for their
1 dispute or, in the absence of any such mutually agreed person
2 or process, the funds may be deposited with the district court
3 by the filing of an interpleader. Upon such deposit of funds
4 by interpleader, the commercial real estate shall be considered
5 released from such lien or claim of lien. Upon written notice to
6 the commercial real estate broker that the funds have been escrowed
7 or an interpleader filed, the commercial real estate broker shall,
8 within ten business days, record in the office of the register of

9 deeds where the notice of commercial real estate broker's lien was
 10 filed pursuant to section 9 of this act a document stating that
 11 the lien is released and the commercial real estate released by
 12 an escrow established pursuant to this section or by interpleader.
 13 If the commercial real estate broker fails to file such document,
 14 the person holding the funds may sign and file such document and
 15 deduct from the escrow the reasonable cost of preparing and filing
 16 the document. Upon the filing of such document, the commercial real
 17 estate broker shall be deemed to have an equitable lien on the
 18 escrow funds pending a resolution of the commercial real estate
 19 broker's claim for payment and the funds shall not be paid to
 20 any person, except for such payment to the holder of the funds as
 21 set forth in this section, until a resolution of the commercial
 22 real estate broker's claim for payment has been agreed to by all
 23 necessary parties or ordered by a court having jurisdiction.

24 (2) Except as otherwise provided in this section,
 25 whenever a commercial real estate broker's lien has been recorded
 26 and an escrow account is established either from the proceeds from
 27 the transaction, conveyance, or any other source of funds computed
 1 as one-hundred-fifteen percent of the amount of the claim for
 2 lien, then the lien against the commercial real estate shall be
 3 extinguished and immediately become a lien on the funds contained
 4 in the escrow account. The requirement to establish an escrow
 5 account, as provided in this section, shall not be cause for any
 6 party to refuse to complete or close the transaction.

7 2. Renumber the remaining sections accordingly.

Senator Christensen filed the following amendment to LB522:
 AM1071

(Amendments to Standing Committee amendments, AM709)

1 1. Strike section 1 and insert the following new
 2 sections:
 3 Section 1. If the Department of Natural Resources issues
 4 closing notices prohibiting surface water appropriators from
 5 storing or diverting natural or instream flows for irrigation to
 6 comply with an interstate compact or decree, then the department
 7 shall provide reasonable compensation based on the acre-feet of
 8 water not stored or diverted for affected water users through the
 9 affected irrigation districts. The irrigation districts shall use
 10 such compensation to reasonably compensate surface water users who
 11 have had to forgo the use of water. Funding for such compensation
 12 shall be provided through the General Fund and shall not exceed a
 13 total of ten million dollars for any fiscal year.

14 For purposes of this section, reasonable compensation
 15 means the dollar amount of compensation for dry-year leases used
 16 by the natural resources district in which the irrigation district
 17 is located for the conversion of acres from irrigated acres to
 18 dry-land acres for a period of one year, not to exceed three
 19 hundred dollars per acre, or, if the irrigation district is located

20 in more than one natural resources district, the average dollar
21 amount of all such natural resources districts' compensation for
22 dry-year leases used by such natural resources districts for the
1 conversion of acres from irrigated acres to dry-land acres for a
2 period of one year, not to exceed three hundred dollars per acre.

3 Sec. 2. Section 61-218, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 61-218 (1) The Water Resources Cash Fund is created. The
6 fund shall be administered by the Department of Natural Resources.
7 Any money in the fund available for investment shall be invested
8 by the state investment officer pursuant to the Nebraska Capital
9 Expansion Act and the Nebraska State Funds Investment Act.

10 (2) The State Treasurer shall credit to the fund such
11 money as is (a) transferred to the fund by the Legislature, (b)
12 paid to the state as fees, deposits, payments, and repayments
13 relating to the fund, both principal and interest, (c) donated as
14 gifts, bequests, or other contributions to such fund from public or
15 private entities, (d) made available by any department or agency of
16 the United States if so directed by such department or agency, and
17 (e) allocated pursuant to section 81-15,175.

18 (3) The fund shall be expended by the department (a)
19 to aid management actions taken to reduce consumptive uses of
20 water or to enhance streamflows or ground water recharge in river
21 basins, subbasins, or reaches which are deemed by the department
22 overappropriated pursuant to section 46-713 or fully appropriated
23 pursuant to section 46-714 or are bound by an interstate compact or
24 decree or a formal state contract or agreement, (b) for purposes
25 of projects or proposals described in the grant application as
26 set forth in subdivision (2)(h) of section 81-15,175, ~~and~~(c)
27 for purposes of providing reasonable compensation to irrigation
1 districts pursuant to section 1 of this act, and (d) to the extent
2 funds are not expended pursuant to subdivisions (a), ~~and~~(b), and
3 (c) of this subsection, the department may conduct a statewide
4 assessment of short-term and long-term water management activities
5 and funding needs to meet statutory requirements in sections 46-713
6 to 46-718 and 46-739 and any requirements of an interstate compact
7 or decree or formal state contract or agreement. The fund shall not
8 be used to pay for administrative expenses or any salaries for the
9 department or any political subdivision.

10 (4) It is the intent of the Legislature that three
11 million three hundred thousand dollars be transferred each fiscal
12 year from the General Fund to the Water Resources Cash Fund for
13 FY2011-12 through FY2018-19, except that ~~for~~ (a) in FY2012-13 it
14 is the intent of the Legislature that four million seven hundred
15 thousand dollars be transferred from the General Fund to the
16 Water Resources Cash Fund, (b) in FY2013-14 it is the intent of
17 the Legislature that five million dollars be transferred from the
18 General Fund to the Water Resources Cash Fund, and (c) in FY2014-15
19 it is the intent of the Legislature that five million dollars be

20 transferred from the General Fund to the Water Resources Cash Fund.

21 (5)(a) Expenditures from the Water Resources Cash
22 Fund may be made to natural resources districts eligible under
23 subsection (3) of this section for activities to either achieve a
24 sustainable balance of consumptive water uses or assure compliance
25 with an interstate compact or decree or a formal state contract
26 or agreement and shall require a match of local funding in an
27 amount equal to or greater than forty percent of the total cost
1 of carrying out the eligible activity. The department shall, no
2 later than August 1 of each year, beginning in 2007, determine the
3 amount of funding that will be made available to natural resources
4 districts from the Water Resources Cash Fund and notify natural
5 resources districts of this determination. The department shall
6 adopt and promulgate rules and regulations governing application
7 for and use of the Water Resources Cash Fund by natural resources
8 districts. Such rules and regulations shall, at a minimum, include
9 the following components:

10 (i) Require an explanation of how the planned activity
11 will achieve a sustainable balance of consumptive water uses or
12 will assure compliance with an interstate compact or decree or a
13 formal state contract or agreement as required by section 46-715
14 and the controls, rules, and regulations designed to carry out the
15 activity; and

16 (ii) A schedule of implementation of the activity or its
17 components, including the local match as set forth in subdivision
18 (5)(a) of this section.

19 (b) Any natural resources district that fails to
20 implement and enforce its controls, rules, and regulations as
21 required by section 46-715 shall not be eligible for funding
22 from the Water Resources Cash Fund until it is determined by the
23 department that compliance with the provisions required by section
24 46-715 has been established.

25 (6) The Department of Natural Resources shall submit
26 electronically an annual report to the Legislature no later than
27 October 1 of each year, beginning in the year 2007, that shall
1 detail the use of the Water Resources Cash Fund in the previous
2 year. The report shall provide:

3 (a) Details regarding the use and cost of activities
4 carried out by the department; and

5 (b) Details regarding the use and cost of activities
6 carried out by each natural resources district that received funds
7 from the Water Resources Cash Fund.

8 (7)(a) Prior to the application deadline for fiscal year
9 2011-12, the Department of Natural Resources shall apply for a
10 grant of nine million nine hundred thousand dollars from the
11 Nebraska Environmental Trust Fund, to be paid out in three annual
12 installments of three million three hundred thousand dollars. The
13 purposes listed in the grant application shall be consistent with
14 the uses of the Water Resources Cash Fund provided in this section

15 and shall be used to aid management actions taken to reduce
16 consumptive uses of water, to enhance streamflows, to recharge
17 ground water, or to support wildlife habitat in any river basin
18 determined to be fully appropriated pursuant to section 46-714 or
19 designated as overappropriated pursuant to section 46-713.

20 (b) If the application is granted, funds received from
21 such grant shall be remitted to the State Treasurer for credit to
22 the Water Resources Cash Fund for the purpose of supporting the
23 projects set forth in the grant application. The department shall
24 include in its grant application documentation that the Legislature
25 has authorized a transfer of three million three hundred thousand
26 dollars from the General Fund into the Water Resources Cash Fund
27 for each of fiscal years 2011-12 and 2012-13 and has stated its
1 intent to transfer three million three hundred thousand dollars to
2 the Water Resources Cash Fund for fiscal year 2013-14.

3 (c) It is the intent of the Legislature that the
4 department apply for an additional three-year grant that would
5 begin in fiscal year 2014-15 if the criteria established in
6 subsection (4) of section 81-15,175 are achieved.

7 (8) The department shall establish a subaccount within
8 the Water Resources Cash Fund for the accounting of all money
9 received as a grant from the Nebraska Environmental Trust Fund as
10 the result of an application made pursuant to subsection (7) of
11 this section. At the end of each calendar month, the department
12 shall calculate the amount of interest earnings accruing to the
13 subaccount and shall notify the State Treasurer who shall then
14 transfer a like amount from the Water Resources Cash Fund to the
15 Nebraska Environmental Trust Fund.

16 Sec. 3. The State Treasurer shall transfer \$1,700,000
17 from the General Fund to the Water Resources Cash Fund on the
18 effective date of this act.

19 Sec. 4. The State Treasurer shall transfer \$1,700,000
20 from the General Fund to the Water Resources Cash Fund no later
21 than July 15, 2014.

22 Sec. 5. Original section 61-218, Revised Statutes
23 Cumulative Supplement, 2012, is repealed.

GENERAL FILE

LEGISLATIVE BILL 407. The Sullivan et al. amendment, AM1044, found on page 1010 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Sullivan moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Sullivan requested a roll call vote, in reverse order, on the Sullivan et al. amendment.

Voting in the affirmative, 23:

Adams	Christensen	Johnson	Scheer	Wallman
Ashford	Davis	Kintner	Schilz	Watermeier
Bloomfield	Dubas	Larson	Schumacher	Wightman
Brasch	Hansen	McCoy	Seiler	
Carlson	Harms	Mello	Sullivan	

Voting in the negative, 14:

Coash	Crawford	Hadley	Kolowski	Lautenbaugh
Conrad	Gloor	Harr, B.	Krist	Nelson
Cook	Haar, K.	Karpisek	Lathrop	

Present and not voting, 9:

Avery	Campbell	Howard	Nordquist	Price
Bolz	Chambers	Janssen	Pirsch	

Excused and not voting, 3:

McGill	Murante	Smith
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The Sullivan et al. amendment lost with 23 ayes, 14 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Avery offered the following motion:

MO52

Reconsider the vote taken on AM1044.

SENATOR CARLSON PRESIDING

Senator Avery moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Avery requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 22:

Adams	Carlson	Harms	Scheer	Watermeier
Ashford	Christensen	Janssen	Schilz	Wightman
Avery	Davis	Johnson	Schumacher	
Bloomfield	Dubas	Larson	Seiler	
Brasch	Hansen	Mello	Sullivan	

Voting in the negative, 13:

Coash	Gloor	Harr, B.	Lathrop	Nordquist
Conrad	Haar, K.	Karpisek	Lautenbaugh	
Cook	Hadley	Kolowski	Nelson	

Present and not voting, 11:

Bolz	Crawford	Krist	Price
Campbell	Howard	McCoy	Wallman
Chambers	Kintner	Pirsch	

Excused and not voting, 3:

McGill	Murante	Smith
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The Avery motion to reconsider failed with 22 ayes, 13 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Sullivan offered the Sullivan et al. amendment, AM1047, found on page 1011, to the committee amendment.

Senator Sullivan requested a ruling of the Chair on whether the Sullivan et al. amendment would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Sullivan et al. amendment is substantially the same as LB640, which was indefinitely postponed by the Education Committee, and would, therefore, require 30 votes.

Senator Lautenbaugh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Lautenbaugh motion to overrule the Chair failed with 11 ayes, 24 nays, 9 present and not voting, and 5 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Pending.

RESOLUTION**LEGISLATIVE RESOLUTION 155.** Introduced by Chambers, 11.

WHEREAS, the economy is continually changing, creating the need to continually review and update the state's tax laws; and

WHEREAS, state, county, and other local tax policies are interdependent, and a study should be undertaken of possible consequences when adjustments are made to state tax laws; and

WHEREAS, the purpose of such a study is to review and evaluate the state's tax laws regarding, but not limited to, sales and use taxes, income taxes, property taxes, and other miscellaneous taxes and credits and incentives; and

WHEREAS, community discourse and involvement are essential to the success of a study, and the public shall be provided with opportunities to be engaged in a variety of ways.

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

1. The Tax Modernization Committee is created as a special legislative committee and shall comprise:

- (a) The members of the Revenue Committee;
- (b) The chairperson of the Appropriations Committee;
- (c) The chairperson of the Health and Human Services Committee;
- (d) The chairperson of the Education Committee;
- (e) The chairperson of the Agriculture Committee; and
- (f) The chairperson of the Legislature's Planning Committee.

2. The chairperson of the Revenue Committee shall serve as the chairperson of the Tax Modernization Committee, which shall meet as often as is deemed necessary in order to accomplish the objectives enumerated in this resolution. At least one meeting shall be held concurrently with a meeting of the Legislative Council convened by the chairperson of the Executive Board.

3. The Tax Modernization Committee shall consider, but not be limited to, the following elements:

(a) Fairness. In order to formulate an equitable system of taxation, the committee shall review and analyze the tax burden created by sales and use taxes, income taxes, property taxes, and other miscellaneous taxes imposed on families, businesses, and sectors of industry within the state;

(b) Competitiveness. Any modification of the tax system should be designed to ensure that such modification in no way impedes or restricts the state's ability to attract well paying jobs and investment while keeping and protecting existing jobs and businesses. The committee also shall review and analyze how the state compares to other states with reference to taxes imposed on businesses and identify ways to enhance business competitiveness;

(c) Simplicity and compliance. The tax system should be easy to understand and comply with. The committee shall formulate

recommendations designed to ensure ease of compliance for individuals and businesses and efficient administration by the state;

(d) Stability. A stable tax system generates revenue that is relatively dependable and not prone to unpredictable fluctuations. The committee shall ensure that any recommended changes will maintain or improve stability;

(e) Adequacy. The tax modernization process should create a tax system that generates adequate revenue to fund essential state services and obligations. The tax structure should ensure that revenue will meet spending needs; and

(f) Complementary tax systems. Updating of the tax system should address the interrelationships among tax systems within the state revenue system as a whole.

4. The Tax Modernization Committee shall examine previous studies, including but not limited to, the Tax Policy Reform Commission from 2005 to 2007 and the comprehensive tax study conducted by Syracuse University from 1986 to 1988 and ascertain findings and recommendations contained in the studies that can be of assistance to the committee in carrying out its charge under this resolution.

5. The Tax Modernization Committee may require any state agency or political subdivision to provide information relevant to the committee's work, and the state agency or political subdivision shall provide the information requested within thirty days after the request. The committee may hold public hearings and, pursuant to section 50-406 and the rules of the Legislature, may exercise its authority to administer oaths, issue subpoenas, compel attendance of witnesses and the production of documents, and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

6. The Tax Modernization Committee shall issue a report to the Executive Board and to the Governor not later than December 15, 2013, containing any recommendations to update state, county and local tax policies, and proposed language for any needed legislation. The report to the Legislature shall be submitted electronically. The committee shall identify areas requiring further study and analysis.

Laid over.

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB613:
AM1077

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert:
- 3 Section 1. Section 77-27,142, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 77-27,142 ~~(4)~~ Any incorporated municipality by ordinance
- 6 of its governing body is hereby authorized to impose a sales and
- 7 use tax of one-half percent, one percent, or one and one-half
- 8 percent, ~~one and three-quarters percent, or two percent~~ upon the
- 9 same transactions that are sourced under the provisions of sections

10 77-2703.01 to 77-2703.04 within such incorporated municipality on
11 which the State of Nebraska is authorized to impose a tax pursuant
12 to the Nebraska Revenue Act of 1967, as amended from time to time.
13 No sales and use tax shall be imposed pursuant to this section
14 until an election has been held and a majority of the qualified
15 electors have approved such tax pursuant to sections 77-27,142.01
16 and 77-27,142.02.

17 ~~(2)(a) Any incorporated municipality that proposes to~~
18 ~~impose a municipal sales and use tax at a rate greater than one~~
19 ~~and one half percent or increase a municipal sales and use tax~~
20 ~~to a rate greater than one and one half percent shall submit the~~
21 ~~question of such tax or increase at a primary or general election~~
22 ~~held within the incorporated municipality. The question shall be~~
23 ~~submitted upon an affirmative vote by at least seventy percent~~
1 ~~of all of the members of the governing body of the incorporated~~
2 ~~municipality.~~

3 ~~(b) Any rate greater than one and one half percent shall~~
4 ~~be used as follows:~~

5 ~~(i) In a city of the metropolitan class, the proceeds~~
6 ~~from the first one quarter percent of the rate greater than one and~~
7 ~~one half percent shall be used to reduce other taxes, the proceeds~~
8 ~~from the next one eighth percent of the rate greater than one and~~
9 ~~one half percent shall be used for public infrastructure projects,~~
10 ~~and the proceeds from the next one eighth percent of the rate~~
11 ~~greater than one and one half percent shall be used for purposes of~~
12 ~~the interlocal agreement or joint public agency agreement described~~
13 ~~in subsection (3) of this section;~~

14 ~~(ii) In a city of the primary class, up to fifteen~~
15 ~~percent of the proceeds from the rate in excess of one and one half~~
16 ~~percent may be used for non public infrastructure projects of~~
17 ~~an interlocal agreement or joint public agency agreement with~~
18 ~~another political subdivision within the municipality or the~~
19 ~~county in which the municipality is located, and the remaining~~
20 ~~proceeds shall be used for public infrastructure projects or~~
21 ~~voter approved infrastructure related to an economic development~~
22 ~~program as defined in section 18-2705; and~~

23 ~~(iii) In any incorporated municipality other than a city~~
24 ~~of the metropolitan or primary class, the proceeds from the rate~~
25 ~~in excess of one and one half percent shall be used for public~~
26 ~~infrastructure projects or voter approved infrastructure related to~~
27 ~~an economic development program as defined in section 18-2705.~~

1 For purposes of this section, public infrastructure
2 project means and includes, but is not limited to, any of the
3 following projects, or any combination thereof: Public highways and
4 bridges and municipal roads, streets, bridges, and sidewalks; solid
5 waste management facilities; wastewater, storm water, and water
6 treatment works and systems, water distribution facilities, and
7 water resources projects, including, but not limited to, pumping
8 stations, transmission lines, and mains and their appurtenances;

9 hazardous waste disposal systems; resource recovery systems;
 10 airports; port facilities; buildings and capital equipment used
 11 in the operation of municipal government; convention and tourism
 12 facilities; redevelopment projects as defined in section 18-2103;
 13 mass transit and other transportation systems, including parking
 14 facilities; and equipment necessary for the provision of municipal
 15 services.

16 (c) Any rate greater than one and one-half percent shall
 17 terminate no more than ten years after its effective date or, if
 18 bonds are issued and the local option sales and use tax revenue is
 19 pledged for payment of such bonds, upon payment of such bonds and
 20 any refunding bonds, whichever date is later, except as provided in
 21 subdivision (2)(d) of this section.

22 (d) If a portion of the rate greater than one and
 23 one-half percent is stated in the ballot question as being imposed
 24 for the purpose of the interlocal agreement or joint public agency
 25 agreement described in subdivision (2)(b)(ii) or subsection (3) of
 26 this section, and such portion is at least one-eighth percent,
 27 there shall be no termination date for the rate representing such
 1 portion rounded to the next higher one-quarter or one-half percent.

2 (e) Sections 13-518 to 13-522 apply to the revenue from
 3 any such tax or increase.

4 (3)(a) No municipal sales and use tax shall be imposed
 5 at a rate greater than one and one-half percent or increased to a
 6 rate greater than one and one-half percent unless the municipality
 7 is a party to an interlocal agreement pursuant to the Interlocal
 8 Cooperation Act or a joint public agency agreement pursuant to the
 9 Joint Public Agency Act with a political subdivision within the
 10 municipality or the county in which the municipality is located
 11 creating a separate legal or administrative entity relating to a
 12 public infrastructure project.

13 (b) Except as provided in subdivision (2)(b)(ii)
 14 of this section, such interlocal agreement or joint public
 15 agency agreement shall contain provisions, including benchmarks,
 16 relating to the long-term development of unified governance
 17 of public infrastructure projects with respect to the parties.
 18 The Legislature may provide additional requirements for such
 19 agreements, including benchmarks, but such additional requirements
 20 shall not apply to any debt outstanding at the time the
 21 Legislature enacts such additional requirements. The separate legal
 22 or administrative entity created shall not be one that was in
 23 existence for one calendar year preceding the submission of the
 24 question of such tax or increase at a primary or general election
 25 held within the incorporated municipality.

26 (c) Any other public agency as defined in section 13-803
 27 may be a party to such interlocal cooperation agreement or joint
 1 public agency agreement.

2 (d) A municipality is not required to use all of the
 3 additional revenue generated by a sales and use tax imposed at a

4 rate greater than one and one half percent or increased to a rate
 5 greater than one and one half percent under this subsection for the
 6 purposes of the interlocal cooperation agreement or joint public
 7 agency agreement set forth in this subsection.

8 (4) The provisions of subsections (2) and (3) of this
 9 section do not apply to the first one and one half percent of a
 10 sales and use tax imposed by a municipality.

11 (5) Notwithstanding any provision of any municipal
 12 charter, any incorporated municipality or interlocal agency or
 13 joint public agency pursuant to an agreement as provided in
 14 subsection (3) of this section may issue bonds in one or more
 15 series for any municipal purpose and pay the principal of
 16 and interest on any such bonds by pledging receipts from the
 17 increase in the municipal sales and use taxes authorized by such
 18 municipality. Any municipality which has or may issue bonds under
 19 this section may dedicate a portion of its property tax levy
 20 authority as provided in section 77-3442 to meet debt service
 21 obligations under the bonds. For purposes of this subsection, bond
 22 means any evidence of indebtedness, including, but not limited to,
 23 bonds, notes including notes issued pending long term financing
 24 arrangements, warrants, debentures, obligations under a loan
 25 agreement or a lease purchase agreement, or any similar instrument
 26 or obligation.

27 Sec. 2. Section 77-27,142.01, Revised Statutes Cumulative
 Supplement, 2012, is amended to read:

2 77-27,142.01 (4) The governing body of any incorporated
 3 municipality may submit the question of changing any terms
 4 and conditions of a sales and use tax previously authorized
 5 under section 77-27,142. Except as otherwise provided by section
 6 77-27,142, the ~~The~~ question of modification shall be submitted to
 7 the voters at any primary or general election or at a special
 8 election if the governing body submits a certified copy of the
 9 resolution proposing modification to the election commissioner or
 10 county clerk within the time prior to the primary, general, or
 11 special election prescribed in section 77-27,142.02.

12 (2) ~~If the change imposes a sales and use tax at a~~
 13 ~~rate greater than one and one half percent or increases the sales~~
 14 ~~and use tax to a rate greater than one and one half percent, the~~
 15 ~~question shall include, but not be limited to:~~

16 (a) ~~The percentage increase of one quarter percent or~~
 17 ~~one half percent in the sales and use tax rate;~~

18 (b) ~~A list of reductions or elimination of other taxes or~~
 19 ~~fees, if any;~~

20 (c) ~~A description of the projects to be funded, in whole~~
 21 ~~or in part, from the revenue collected, along with any savings or~~
 22 ~~efficiencies resulting from the projects;~~

23 (d) ~~The year or years within which the revenue will be~~
 24 ~~collected and, if bonds will be issued with some or all of the~~
 25 ~~revenue pledged for payment of such bonds, a statement that the~~

26 revenue will be collected until the payment in full of such bonds
 27 and any refunding bonds; and

1 (e)(i) ~~The percentage of revenue collected to be used for~~
 2 ~~the purposes of the interlocal agreement or joint public agency~~
 3 ~~agreement as provided in subdivision (2)(b)(ii) or subsection (3)~~
 4 ~~of section 77-27,142; (ii) a statement of the overall purpose~~
 5 ~~of the agreement which is the long term development of unified~~
 6 ~~governance of public infrastructure projects, if applicable; and~~
 7 ~~(iii) the name of any other political subdivision which is a party~~
 8 ~~to the agreement.~~

9 This subsection does not apply to the first one and
 10 one half percent of a sales and use tax imposed by a municipality.

11 Sec. 3. Section 77-27,142.02, Revised Statutes Cumulative
 12 Supplement, 2012, is amended to read:

13 77-27,142.02 ~~Except as otherwise provided by subsection~~
 14 ~~(2) of section 77-27,142, the~~ The power granted by section
 15 77-27,142 shall not be exercised unless and until the question
 16 has been submitted at a primary, general, or special election held
 17 within the incorporated municipality and in which all qualified
 18 electors shall be entitled to vote on such question. The officials
 19 of the incorporated municipality shall order the submission of
 20 the question by submitting a certified copy of the resolution
 21 proposing the tax to the election commissioner or county clerk
 22 by March 1 for a primary election, by September 1 for a general
 23 election, or at least fifty days before a special election. ~~Except~~
 24 ~~as otherwise provided by subsection (2) of section 77-27,142.01,~~
 25 ~~the~~ The question may include any terms and conditions set forth
 26 in the resolution proposing the tax, such as a termination date
 27 or the specific project or program for which the revenue received

1 from such tax will be allocated, and shall include the following
 2 language: Shall the governing body of the incorporated municipality
 3 impose a sales and use tax upon the same transactions within such
 4 municipality on which the State of Nebraska is authorized to impose
 5 a tax? If a majority of the votes cast upon such question shall be
 6 in favor of such tax, then the governing body of such incorporated
 7 municipality shall be empowered as provided by section 77-27,142
 8 and shall forthwith proceed to impose a tax pursuant to the Local
 9 Option Revenue Act. If a majority of those voting on the question
 10 shall be opposed to such tax, then the governing body of the
 11 incorporated municipality shall not impose such a tax.

12 Sec. 4. Original sections 77-27,142, 77-27,142.01, and
 13 77-27,142.02, Revised Statutes Cumulative Supplement, 2012, are
 14 repealed.

SENATOR COASH PRESIDING

GENERAL FILE

LEGISLATIVE BILL 407. The Sullivan et al. amendment, AM1047, found on page 1011 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

AMENDMENT - Print in Journal

Senators Gloor and Hadley filed the following amendment to LB407:
AM1060

(Amendments to Standing Committee amendments, AM1018)

1 1. On page 1, strike line 1 and insert
2 1. Strike section 8 and insert the following new
3 sections:
4 Sec. 8. Section 79-1007.18, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:
6 79-1007.18 (1) The department shall calculate an
7 averaging adjustment for districts if the basic funding per formula
8 student is less than the averaging adjustment threshold and the
9 general fund levy for the school fiscal year immediately preceding
10 the school fiscal year for which aid is being calculated was at
11 least one dollar per one hundred dollars of taxable valuation.
12 For school districts that are members of a learning community,
13 the general fund levy for purposes of this section includes both
14 the common general fund levy and the school district general
15 fund levy authorized pursuant to subdivisions (2)(b) and (2)(c)
16 of section 77-3442. The averaging adjustment shall equal the
17 district's formula students multiplied by the percentage specified
18 in this section for such district of the difference between the
19 averaging adjustment threshold minus such district's basic funding
20 per formula student.

21 ~~(2)(a) For school fiscal year 2010-11, the averaging~~
22 ~~adjustment threshold shall equal the lesser of (i) the averaging~~
1 ~~adjustment threshold for the school fiscal year immediately~~
2 ~~preceding the school fiscal year for which aid is being calculated~~
3 ~~increased by the sum of the basic allowable growth rate plus~~
4 ~~five tenths of one percent or (ii) the statewide average basic~~
5 ~~funding per formula student for the school fiscal year for which~~
6 ~~aid is being calculated.~~

7 ~~(b) For school fiscal year 2011-12, the averaging~~
8 ~~adjustment threshold shall equal ninety-five percent of the lesser~~
9 ~~of (i) the averaging adjustment threshold for school fiscal year~~
10 ~~2010-11 increased by the basic allowable growth rate or (ii) the~~
11 ~~statewide average basic funding per formula student for school~~
12 ~~fiscal year 2011-12.~~

13 ~~(e)(2)(a) For school fiscal year 2012-13, and each~~
14 ~~school fiscal year thereafter, the averaging adjustment threshold~~

15 shall equal the lesser of (i) the averaging adjustment threshold
 16 for the school fiscal year immediately preceding the school fiscal
 17 year for which aid is being calculated increased by the basic
 18 allowable growth rate or (ii) the statewide average basic funding
 19 per formula student for the school fiscal year for which aid is
 20 being calculated.

21 (b) For school fiscal year 2013-14 and each school fiscal
 22 year thereafter, the averaging adjustment threshold shall equal the
 23 aggregate basic funding for all districts with nine hundred or more
 24 formula students divided by the aggregate formula students for all
 25 districts with nine hundred or more formula students for the school
 26 fiscal year for which aid is being calculated.

27 (3) The percentage to be used in the calculation of an
 1 averaging adjustment shall be based on the general fund levy for
 2 the school fiscal year immediately preceding the school fiscal year
 3 for which aid is being calculated.

4 (4) The percentages to be used in the calculation of
 5 averaging adjustments shall be as follows:

6 (a) If such levy was at least one dollar per one hundred
 7 dollars of taxable valuation but less than one dollar and one cent
 8 per one hundred dollars of taxable valuation, the percentage shall
 9 be fifty percent;

10 (b) If such levy was at least one dollar and one cent per
 11 one hundred dollars of taxable valuation but less than one dollar
 12 and two cents per one hundred dollars of taxable valuation, the
 13 percentage shall be sixty percent;

14 (c) If such levy was at least one dollar and two
 15 cents per one hundred dollars of taxable valuation but less than
 16 one dollar and three cents per one hundred dollars of taxable
 17 valuation, the percentage shall be seventy percent;

18 (d) If such levy was at least one dollar and three cents
 19 per one hundred dollars of taxable valuation but less than one
 20 dollar and four cents per one hundred dollars of taxable valuation,
 21 the percentage shall be eighty percent; and

22 (e) If such levy was at least one dollar and four cents
 23 per one hundred dollars of taxable valuation, the percentage shall
 24 be ninety percent.

25 2. On page 4, line 8, after the semicolon insert "in line
 26 17 reinstate the stricken matter;"; and in line 17 after the comma
 27 insert "averaging adjustment".

1 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 483. Title read. Considered.

Committee AM940, found on page 978, was offered.

SENATOR MCGILL PRESIDING

Senator Bolz offered the following amendment to the committee amendment:

FA61

Amend AM940

On page 2, line 5 strike "Correctional Industries Revolving Fund" and insert "General Fund"

SENATOR COASH PRESIDING

Senator Bolz moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Bolz amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 545. Title read. Considered.

Committee AM422, found on page 614, was offered.

Senator Dubas moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The committee amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

VISITORS

Visitors to the Chamber were 29 fourth-grade students and teacher from Stanton; and 40 fourth-grade students and teachers from Grant Elementary, Norfolk.

ADJOURNMENT

At 7:52 p.m., on a motion by Senator Harms, the Legislature adjourned until 9:00 a.m., Tuesday, April 23, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIFTH DAY - APRIL 23, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 23, 2013

PRAYER

The prayer was offered by Pastor Penny Schulz, Dunbar/Auburn Presbyterian Church, Dunbar.

ROLL CALL

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

The roll was called and all members were present except Senator Smith who was excused; and Senators Conrad, Johnson, McCoy, McGill, Scheer, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fourth day was approved.

GENERAL FILE

LEGISLATIVE BILL 623. Title read. Considered.

Committee AM518, found on page 678, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 522. Title read. Considered.

Committee AM709, found on page 788, was offered.

Senator Christensen withdrew his amendment, AM978, found on page 966.

Senator Christensen offered his amendment, AM1071, found on page 1073, to the committee amendment.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 243. Placed on Select File.

LEGISLATIVE BILL 208. Placed on Select File.

LEGISLATIVE BILL 377. Placed on Select File.

LEGISLATIVE BILL 42. Placed on Select File with amendment.

ER68

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 38-2401, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 38-2401 Sections 38-2401 to 38-2425 and sections 3 and 7
- 6 of this act shall be known and may be cited as the Nursing Home
- 7 Administrator Practice Act.
- 8 Sec. 2. Section 38-2402, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 38-2402 For purposes of the Nursing Home Administrator
- 11 Practice Act and elsewhere in the Uniform Credentialing Act, unless
- 12 the context otherwise requires, the definitions found in sections
- 13 38-2403 to 38-2416 and section 3 of this act apply.
- 14 Sec. 3. Facility operated primarily for caring for
- 15 persons with head injuries and associated disorders means a nursing
- 16 home in which all or a majority of the persons served by the
- 17 nursing home have head injuries and associated disorders.
- 18 Sec. 4. Section 38-2418, Reissue Revised Statutes of
- 19 Nebraska, is amended to read:
- 20 38-2418 Each nursing home within the state shall be
- 21 operated under the supervision of an administrator duly licensed
- 22 in the manner provided in the Nursing Home Administrator Practice
- 23 Act. Each facility within the state operated primarily for caring
- 24 for persons with head injuries and associated disorders shall be
- 25 operated under the supervision of an administrator duly licensed in
- 26 the manner provided in the Nursing Home Administrator Practice Act.
- 27 If there is a vacancy in the position of licensed administrator
- 28 of a nursing home, the owner, governing body, or other appropriate
- 29 authority of the nursing home may select a person to apply for a
- 30 provisional license in nursing home administration to serve as the
- 31 administrator of such facility.
- 32 Sec. 5. Section 38-2419, Reissue Revised Statutes of
- 33 Nebraska, is amended to read:
- 34 38-2419 (1) The department shall issue a license to
- 35 an applicant who submits (a) satisfactory evidence of completion
- 36 of (i) an associate degree which includes the core educational
- 37 requirements and an administrator-in-training program under a
- 38 certified preceptor, (ii) a degree or an advanced degree and a
- 39 mentoring program under a certified preceptor, (iii) a nursing
- 40 degree, previous work experience in health care administration,

18 and a mentoring program under a certified preceptor, (iv) a
19 degree or an advanced degree in health care and previous work
20 experience in health care administration, or (v) an associate
21 degree which includes the core educational requirements, previous
22 work experience, and a mentoring program under a certified
23 preceptor, and (b) evidence of successful passage of the National
24 Association of Boards of Examiners for Nursing Home Administration
25 written examination.

26 (2) The department shall license administrators in
27 accordance with the Nursing Home Administrator Practice Act and
1 standards, rules, and regulations adopted and promulgated by the
2 department, with the recommendation of the board. The license shall
3 not be transferable or assignable.

4 (3) Each administrator shall be responsible for
5 and oversee the operation of only one licensed facility or
6 one integrated system, except that an administrator may make
7 application to the department for approval to be responsible
8 for and oversee the operations of a maximum of three licensed
9 facilities if such facilities are located within two hours' travel
10 time of each other or to act in the dual role of administrator
11 and department head but not in the dual role of administrator and
12 director of nursing. In reviewing the application, the department
13 may consider the proximity of the facilities and the number
14 of licensed beds in each facility. An administrator responsible
15 for and overseeing the operations of any integrated system is
16 subject to disciplinary action against his or her license for any
17 regulatory violations within each system.

18 (4)(a) ~~Notwithstanding the provisions of the Nursing
19 Home Administrator Practice Act, the department shall issue a
20 license as a nursing home administrator to an applicant who will
21 function as the administrator of a facility caring primarily for
22 persons with head injuries and associated disorders who submits
23 satisfactory evidence that he or she (i) has at least two
24 years of experience working with persons with head injuries or
25 severe physical disabilities, at least one of which was spent
26 in an administrative capacity, (ii) is (A) a psychologist with
27 at least a master's degree in psychology from an accredited
1 college or university and has specialized training or one year
2 of experience working with persons with traumatic head injury or
3 severe physical disability, (B) a physician licensed under the
4 Uniform Credentialing Act to practice medicine and surgery or
5 psychiatry and has specialized training or one year of experience
6 working with persons with traumatic head injury or severe physical
7 disability, (C) an educator with at least a master's degree
8 in education from an accredited college or university and has
9 specialized training or one year of experience working with persons
10 with traumatic head injury or severe physical disability, or (D)
11 a certified social worker, a certified master social worker, or a
12 licensed mental health practitioner certified or licensed under the~~

13 Uniform Credentialing Act and has at least three years of social
 14 work or mental health practice experience and specialized training
 15 or one or more years of experience working with persons who
 16 have experienced traumatic head injury or are severely physically
 17 disabled, and (iii) is of good moral character. The applicant shall
 18 also provide his or her social security number.

19 (b) ~~A license issued pursuant to this subsection shall
 20 be issued without examination and without the requirement of
 21 completion of an administrator-in-training or mentoring program.
 22 Such license may be renewed without the completion of any
 23 continuing competency requirements.~~

24 Sec. 6. Section 38-2420, Reissue Revised Statutes of
 25 Nebraska, is amended to read:

26 38-2420 (1) Except as provided in subdivision (1)(a)(iv)
 27 ~~and subsection (4)~~ of section 38-2419 and section 7 of

1 this act, in order for a person to become licensed as a
 2 nursing home administrator, he or she shall complete an
 3 administrator-in-training program or a mentoring program. The
 4 administrator-in-training program shall occur in a nursing home
 5 under the direct supervision of a certified preceptor, and it may
 6 be gained as an internship which is part of an approved associate
 7 degree. A mentoring program shall occur in a nursing home under
 8 the supervision of a certified preceptor. The certified preceptor
 9 in a mentoring program need not be at such facility during the
 10 period of such supervision but shall be available to assist with
 11 questions or problems as needed. A mentoring program may be gained
 12 as an internship which is part of a degree or advanced degree. A
 13 person in a mentoring program may apply for a provisional license
 14 as provided in section 38-2423.

15 (2) An applicant may begin his or her
 16 administrator-in-training or mentoring program upon application
 17 to the department with the required fee, evidence that he or she
 18 has completed at least fifty percent of the core educational
 19 requirements, and evidence of an agreement between the certified
 20 preceptor and the applicant for at least six hundred forty hours
 21 of training and experience, to be gained in not less than four
 22 months. Such training shall occur in a Nebraska-licensed nursing
 23 home under a certified preceptor.

24 (3) The certified preceptor shall submit a report to
 25 the department by the fifth day of each month for the duration
 26 of the administrator-in-training or mentoring program, describing
 27 the nature and extent of training completed to date. At the
 1 conclusion of the program, the certified preceptor shall report to
 2 the department whether the applicant has successfully completed the
 3 board's approved course for such program. With the concurrence of
 4 the certified preceptor, the applicant may remain in such program
 5 until successfully completed or may reapply to enter another
 6 administrator-in-training or mentoring program.

7 (4)(a) The administrator-in-training or mentoring program
8 shall occur under the supervision of a certified preceptor. An
9 applicant to become a certified preceptor shall (i) be currently
10 licensed as a nursing home administrator in the State of Nebraska,
11 (ii) have three years of experience as a nursing home administrator
12 in the five years immediately preceding certification, and (iii)
13 complete a preceptor training course approved by the board.

14 (b) All preceptor certificates shall expire on December
15 31 of every fourth year beginning December 31, 2000. Before
16 acting on an application for renewal, the board shall review the
17 performance of the applicant. Such review may include consideration
18 of survey and complaint information, student evaluations, and
19 any other related information deemed relevant by the board. The
20 board may deny an application for renewal upon a finding that
21 the applicant's performance has been unsatisfactory based on such
22 review.

23 Sec. 7. (1) In order to qualify to function as the
24 administrator of a facility operated primarily for caring for
25 persons with head injuries and associated disorders, an individual
26 shall be licensed as a nursing home administrator if he or she
27 meets the requirements of this section. A license issued under this
1 section permits the holder to serve as a nursing home administrator
2 only in a facility operated primarily for caring for persons with
3 head injuries and associated disorders.

4 (2) To receive a credential to practice nursing home
5 administration for a facility operated primarily for caring for
6 persons with head injuries and associated disorders, an individual
7 shall:

8 (a) Have at least four years of experience working with
9 persons with head injuries or severe physical disabilities, at
10 least two of which were spent in an administrative capacity; and

11 (b) Either:

12 (i) Hold a credential as:

13 (A) A psychologist pursuant to the Uniform Credentialing
14 Act, with at least a master's degree in psychology from an
15 accredited college or university;

16 (B) A physician licensed pursuant to the Uniform
17 Credentialing Act to practice medicine and surgery or psychiatry;

18 (C) An educator with at least a master's degree in
19 education from an accredited college or university;

20 (D) A certified social worker, a certified master social
21 worker, or a licensed mental health practitioner pursuant to the
22 Uniform Credentialing Act;

23 (E) A physical therapist, an occupational therapist, or
24 a speech-language pathologist pursuant to the Uniform Credentialing
25 Act; or

26 (F) An administrator or executive of a health care
27 facility as defined in section 71-413 who is a member in good
1 standing with an organization that offers voluntary certification

2 for the purpose of demonstrating managerial knowledge and
 3 experience for health care managers; or
 4 (ii) Have at least eight years of experience working
 5 with persons with head injuries or severe physical disabilities,
 6 at least five of which were spent in an administrative capacity
 7 in a facility operated primarily for caring for persons with head
 8 injuries or severe physical disabilities.

9 (3) A license issued pursuant to this section shall
 10 be issued without examination and without the requirement of
 11 completion of an administrator-in-training or mentoring program.
 12 Such license may be renewed without the completion of any
 13 continuing competency requirements.

14 Sec. 8. Original sections 38-2401, 38-2402, 38-2418,
 15 38-2419, and 38-2420, Reissue Revised Statutes of Nebraska, are
 16 repealed.

17 2. On page 1, line 2, after the first comma insert
 18 "38-2402."; in line 3 after the semicolon insert "to define a
 19 term."; and in line 5 after "facility" insert "operated primarily
 20 for caring".

LEGISLATIVE BILL 59. Placed on Select File.

LEGISLATIVE BILL 493. Placed on Select File.

LEGISLATIVE BILL 345. Placed on Select File with amendment.
 ER66

1 1. On page 1, strike beginning with "transfer" in line 1
 2 through line 6 and insert "real estate transfers; to amend sections
 3 76-2,126 and 76-3409, Revised Statutes Cumulative Supplement, 2012;
 4 to change requirements for transfer on death deeds and certain real
 5 estate filings; to provide operative dates; to repeal the original
 6 sections; and to declare an emergency.".

LEGISLATIVE BILL 172. Placed on Select File with amendment.
 ER69

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 30-2601, Revised Statutes Cumulative
 4 Supplement, 2012, is amended to read:
 5 30-2601 Unless otherwise apparent from the context, in
 6 the Nebraska Probate Code:
 7 (1) Incapacitated person means any person who is impaired
 8 by reason of mental illness, mental deficiency, physical illness
 9 or disability, chronic use of drugs, chronic intoxication, or
 10 other cause (except minority) to the extent that the person
 11 lacks sufficient understanding or capacity to make or communicate
 12 responsible decisions concerning himself or herself;
 13 (2) A protective proceeding is a proceeding under the
 14 provisions of section 30-2630 to determine that a person cannot
 15 effectively manage or apply his or her estate to necessary ends,

16 either because the person lacks the ability or is otherwise
17 inconvenienced, or because the person is a minor, and to secure
18 administration of the person's estate by a conservator or other
19 appropriate relief;

20 (3) A protected person is a minor or other person for
21 whom a conservator has been appointed or other protective order has
22 been made;

23 (4) A ward is a person for whom a guardian has been
1 appointed. A minor ward is a minor for whom a guardian has been
2 appointed solely because of minority;

3 (5) Full guardianship means the guardian has been granted
4 all powers which may be conferred upon a guardian by law;

5 (6) Limited guardianship means any guardianship which is
6 not a full guardianship; and

7 (7) For purposes of article 26 of the Nebraska Probate
8 Code, interested person means children, spouses, those persons
9 who would be the heirs if the ward or person alleged to be
10 incapacitated died without leaving a valid ~~last will and testament~~
11 who are adults and any trustee of any trust executed by the ward
12 or person alleged to be incapacitated. After the death of a ward,
13 interested person also includes the personal representative of a
14 deceased ward's estate, the deceased ward's heirs in an intestate
15 estate, and the deceased ward's devisees in a testate estate. The
16 meaning of interested person as it relates to particular persons
17 may vary from time to time and must be determined according to the
18 particular purposes of, and matter involved in, any proceeding. If
19 there are no persons identified as interested persons above, then
20 interested person shall also include any person or entity named as
21 a devisee in the most recently executed ~~last will and testament~~ of
22 the ward or person alleged to be incapacitated.

23 Sec. 2. Section 30-2628, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 30-2628 (a) Except as limited by section 30-2620, a
26 guardian of an incapacitated person has the same powers, rights,
27 and duties respecting the guardian's ward that a parent has
1 respecting the parent's unemancipated minor child, except that a
2 guardian is not liable to third persons for acts of the ward solely
3 by reason of the parental relationship. In particular, and without
4 qualifying the foregoing, a guardian has the following powers and
5 duties, except as may be specified by order of the court:

6 (1) To the extent that it is consistent with the terms
7 of any order by a court of competent jurisdiction relating to
8 detention or commitment of the ward, a guardian is entitled to
9 custody of the person of his or her ward and may establish the
10 ward's place of abode within this state or, with court permission,
11 outside of this state. When establishing the ward's place of abode,
12 a guardian shall make every reasonable effort to ensure that the
13 placement is the least restrictive alternative. A guardian shall
14 authorize a placement to a more restrictive environment only after

15 careful evaluation of the need for such placement. The guardian may
 16 obtain a professional evaluation or assessment that such placement
 17 is in the best interest of the ward.

18 (2) If entitled to custody of his or her ward, a guardian
 19 shall make provision for the care, comfort, and maintenance of
 20 his or her ward and, whenever appropriate, arrange for the ward's
 21 training and education. Without regard to custodial rights of the
 22 ward's person, a guardian shall take reasonable care of his or her
 23 ward's clothing, furniture, vehicles, and other personal effects
 24 and commence protective proceedings if other property of his or her
 25 ward is in need of protection.

26 (3) A guardian may give any consents or approvals
 27 that may be necessary to enable the ward to receive medical,
 1 psychiatric, psychological, or other professional care, counsel,
 2 treatment, or service. When making such medical or psychiatric
 3 decisions, the guardian shall consider and carry out the intent of
 4 the ward expressed prior to incompetency to the extent allowable
 5 by law. Notwithstanding this provision or any other provision of
 6 the Nebraska Probate Code, the ward may authorize the release
 7 of financial, medical, and other confidential records pursuant to
 8 sections 20-161 to 20-166.

9 (4) If no conservator for the estate of the ward has been
 10 appointed, a guardian shall, within thirty days after appointment,
 11 prepare and file with the appointing court a complete inventory of
 12 the ward's estate together with the guardian's oath or affirmation
 13 that the inventory is complete and accurate so far as the guardian
 14 is informed. The guardian shall mail a copy thereof by first-class
 15 mail to the ward, if the ward can be located and has attained
 16 the age of fourteen years, and to all other interested persons
 17 as defined in section 30-2601. The guardian shall file with the
 18 court a certificate of mailing showing that copies were sent to all
 19 interested persons by first-class mail along with a form to send
 20 back to the court that indicates if such person wants to continue
 21 receiving notifications about the proceedings. The guardian shall
 22 keep suitable records of the guardian's administration and exhibit
 23 the same on request of any interested person. To the extent a
 24 guardian, who has not been named a conservator, has possession or
 25 control of the ward's estate, the guardian shall file with the
 26 court an updated inventory every year along with ~~an affidavit of~~
 27 ~~mailing a certificate of mailing~~ showing that copies were sent to
 1 all interested persons and, if a bond has been required, to the
 2 bonding company by first-class mail, ~~along with a form to send~~
 3 ~~back to the court that indicates if such person wants to continue~~
 4 ~~receiving notifications about the proceedings.~~

5 (5) If no conservator for the estate of the ward has been
 6 appointed, a guardian may:

7 (i) Institute proceedings to compel any person under a
 8 duty to support the ward or to pay sums for the welfare of the ward
 9 to perform such person's duty;

10 (ii) Receive money and tangible property deliverable to
11 the ward and apply the money and property for support, care, and
12 education of the ward; but a guardian may not use funds from his
13 or her ward's estate for room and board which the guardian or the
14 guardian's spouse, parent, or child has furnished the ward unless a
15 charge for the service is approved by order of the court made upon
16 notice to at least one of the next of kin of the ward, if notice is
17 possible. A guardian must exercise care to conserve any excess for
18 the ward's needs; and

19 (iii) Exercise a settlor's powers with respect to
20 revocation, amendment, or distribution of trust property when
21 authorized by a court acting under the authority of subsection (f)
22 of section 30-3854. In acting under the authority of subsection (f)
23 of section 30-3854, the court shall proceed in the same manner as
24 provided under subdivision (3) of section 30-2637.

25 (6) A guardian is required to report the condition of
26 his or her ward and of the estate which has been subject to
27 the guardian's possession or control, at least every year and as
1 required by the court or court rule. The court shall receive from
2 any interested person, for a period of thirty days after the filing
3 of the guardian's report, any comments with regard to the need for
4 continued guardianship or amendment of the guardianship order. If
5 the court has reason to believe that additional rights should be
6 returned to the ward or assigned to the guardian, the court shall
7 set a date for a hearing and may provide all protections as set
8 forth for the original finding of incapacity and appointment of a
9 guardian.

10 (7) If a conservator has been appointed, all of the
11 ward's estate received by the guardian in excess of those funds
12 expended to meet current expenses for support, care, and education
13 of the ward must be paid to the conservator for management as
14 provided in the Nebraska Probate Code, and the guardian must
15 account to the conservator for funds expended.

16 (b) Any guardian of one for whom a conservator also has
17 been appointed shall control the custody and care of the ward and
18 is entitled to receive reasonable sums for the guardian's services
19 and for room and board furnished to the ward as agreed upon between
20 the guardian and the conservator if the amounts agreed upon are
21 reasonable under the circumstances. The guardian may request the
22 conservator to expend the ward's estate by payment to third persons
23 or institutions for the ward's care and maintenance.

24 (c) Nothing in subdivision (a)(3) of this section or in
25 any other part of this section shall be construed to alter the
26 decisionmaking authority of an attorney in fact designated and
27 authorized under sections 30-3401 to 30-3432 to make health care
1 decisions pursuant to a power of attorney for health care.

2 Sec. 3. Section 30-2647, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 30-2647 Within thirty days after appointment, every

5 conservator shall prepare and file with the appointing court a
 6 complete inventory of the estate of the protected person together
 7 with the conservator's oath or affirmation that the inventory
 8 is complete and accurate so far as he or she is informed. The
 9 conservator shall mail a copy thereof by first-class mail to the
 10 protected person, if the protected person can be located and has
 11 attained the age of fourteen years, and to all other interested
 12 persons as defined in section 30-2601. The conservator shall file
 13 with the court a certificate of mailing showing that copies were
 14 sent to all interested persons by first-class mail along with a
 15 form to send back to the court that indicates if such person
 16 wants to continue receiving notifications about the proceedings.
 17 Every conservator shall file an updated inventory with the annual
 18 accounting required under section 30-2648. The conservator shall
 19 keep suitable records of his or her administration and exhibit the
 20 same on request of any interested person.

21 Sec. 4. Original sections 30-2601, 30-2628, and 30-2647,
 22 Revised Statutes Cumulative Supplement, 2012, are repealed.

23 2. On page 1, line 2, strike "30-2628" and insert
 24 "30-2601, 30-2628,"; and in line 3 after the semicolon insert "to
 25 redefine a term;".

LEGISLATIVE BILL 643. Placed on Select File with amendment.
 ER67

- 1 1. On page 7, line 6, after "notice" insert an
- 2 underscored comma.

LEGISLATIVE BILL 386. Placed on Select File.

LEGISLATIVE BILL 166. Placed on Select File with amendment.
 ER65

- 1 1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "section" insert "; and to declare an emergency".
- 3 2. On page 8, line 13, strike "(5)"; and in line 14
- 4 strike "section" and insert "subdivision".

LEGISLATIVE BILL 192. Placed on Select File.

LEGISLATIVE BILL 458. Placed on Select File.

LEGISLATIVE BILL 459. Placed on Select File.

LEGISLATIVE BILL 549. Placed on Select File with amendment.
 ER72

- 1 1. On page 1, line 4, strike "the tire disposal fee" and
- 2 insert "certain grant allocations".

LEGISLATIVE BILL 435. Placed on Select File.

LEGISLATIVE BILL 361. Placed on Select File.

LEGISLATIVE BILL 420. Placed on Select File with amendment.
ER71

- 1 1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 154. Placed on Select File.

LEGISLATIVE BILL 477. Placed on Select File.

LEGISLATIVE BILL 442. Placed on Select File with amendment.
ER78

- 1 1. On page 5, line 20, strike "herein" and insert "in
- 2 this subsection".
- 3 2. On page 7, lines 13 and 14, strike "sections 76-825
- 4 to 86-894"; show as stricken, and insert "the Nebraska Condominium
- 5 Act".
- 6 3. On page 8, line 19, after "against" insert "the".
- 7 4. On page 10, line 19, strike "(1)" and insert "(a)";
- 8 and in line 24 strike "(2)" and insert "(b)".
- 9 5. On page 11, line 11, strike "(3)" and insert "(c)"; in
- 10 line 17 strike "(4)" and insert "(d)"; in line 21 strike "(5)" and
- 11 insert "(e)"; and in line 23 strike "herein" and insert "in this
- 12 section".

LEGISLATIVE BILL 303. Placed on Select File with amendment.
ER70

- 1 1. On page 3, line 3, strike ". Three", show as stricken,
- 2 and insert ", and three"; and in line 12 strike the comma and show
- 3 as stricken.

LEGISLATIVE BILL 349. Placed on Select File.

LEGISLATIVE BILL 222. Placed on Select File with amendment.
ER73 is available in the Bill Room.

LEGISLATIVE BILL 344. Placed on Select File.

LEGISLATIVE BILL 500. Placed on Select File.

LEGISLATIVE BILL 223. Placed on Select File.

LEGISLATIVE BILL 103. Placed on Select File with amendment.
ER77

- 1 1. In the Lathrop amendment, AM86, on page 2, line 25,
- 2 strike "and" and show as stricken and after "(3)" insert ", and
- 3 (4)".
- 4 2. On page 1, line 4, after "judges" insert "general";
- 5 and strike beginning with "at" in line 4 through "prescribed" in
- 6 line 6.

LEGISLATIVE BILL 329. Placed on Select File.

LEGISLATIVE BILL 169. Placed on Select File with amendment.
ER74

- 1 1. On page 1, strike beginning with "provide" in line
- 2 2 through line 3 and insert "change provisions relating to jury
- 3 commissioners".

LEGISLATIVE BILL 277. Placed on Select File with amendment.
ER76

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-935, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 68-935 For purposes of the False Medicaid Claims Act:
- 6 (1) Attorney General means the Attorney General, the
- 7 office of the Attorney General, or a designee of the Attorney
- 8 General;
- 9 ~~(2) Claim means any request or demand, whether under~~
- 10 ~~a contract or otherwise, for money or property that is made to~~
- 11 ~~a contractor, grantee, provider, or other recipient if the state~~
- 12 ~~provides any portion of the money or property that is requested~~
- 13 ~~or demanded or if the government will reimburse the contractor,~~
- 14 ~~grantee, or other recipient for any portion of the money or~~
- 15 ~~property that is requested or demanded, whether or not the state~~
- 16 ~~pays any portion of such request or demand;~~
- 17 (2) Claim means any request or demand, whether under a
- 18 contract or otherwise, for money or property, and whether or not
- 19 the state has title to the money or property, that:
- 20 (a) Is presented to an officer, employee, or agent of the
- 21 state; or
- 22 (b) Is made to a contractor, grantee, or other recipient,
- 23 if the money or property is to be spent or used on the state's
- 1 behalf or to advance a state program or interest, and if the state:
- 2 (i) Provides or has provided any portion of the money or
- 3 property requested or demanded; or
- 4 (ii) Will reimburse such contractor, grantee, or other
- 5 recipient for any portion of the money or property which is
- 6 requested or demanded;
- 7 (3) Good or service includes (a) any particular item,
- 8 device, medical supply, or service claimed to have been provided
- 9 to a recipient and listed in an itemized claim for payment and (b)
- 10 any entry in the cost report, books of account, or other documents
- 11 supporting such good or service;
- 12 ~~(4)-(4)(a) Knowing or and knowingly means that a person,~~
- 13 ~~with respect to information:~~
- 14 ~~(a)-(i) Has actual knowledge of such the information;~~
- 15 ~~(b)-(ii) Acts in deliberate ignorance of the truth or~~
- 16 ~~falsity of such the information; or~~

17 ~~(e)-(iii)~~ Acts in reckless disregard of the truth or
18 falsity of ~~such the~~ information;

19 (b) Acts committed in a knowing manner or committed
20 knowingly shall not require proof of a specific intent to defraud;

21 (5) Material means having a natural tendency to influence
22 or be capable of influencing the payment or receipt of money or
23 property;

24 (6) Obligation means an established duty, whether or
25 not fixed, arising from (a) an express or implied contractual,
26 grantor-grantee, or licensor-licensee relationship, (b) a fee-based
27 or similar relationship, (c) statute or rule or regulation, or (d)

1 the retention of any overpayment;

2 ~~(5)-(7)~~ Person means any body politic or corporate,
3 society, community, the public generally, individual, partnership,
4 limited liability company, joint-stock company, or association; and

5 ~~(6)-(8)~~ Recipient means an individual who is eligible to
6 receive goods or services for which payment may be made under the
7 medical assistance program.

8 Sec. 2. Section 68-936, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 68-936 (1) A person presents a false medicaid claim and
11 is subject to civil liability if such person:

12 (a) Knowingly presents, or causes to be presented, ~~to an~~
13 ~~officer or employee of the state,~~ a false or fraudulent claim for
14 payment or approval;

15 (b) Knowingly makes, ~~or~~ uses, or causes to be made or
16 used, a false record or statement material to obtain payment or
17 approval by the state of a false or fraudulent claim;

18 (c) ~~Conspires to defraud the state by obtaining payment~~
19 ~~or approval by the state of a false or fraudulent claim;~~ commit a
20 violation of the False Medicaid Claims Act;

21 (d) Has possession, custody, or control of property or
22 money used, or ~~that will to~~ be used, by the state and; intending
23 to defraud the state or willfully conceal the property, delivers,
24 or causes to be delivered, less property than the amount for which
25 such person receives a certificate or receipt; knowingly delivers,
26 or causes to be delivered, less than all of the money or property;

27 (e) Is authorized to make or deliver a document
1 certifying receipt of property used, or to be used, by the state
2 and, intending to defraud the state, makes or delivers the receipt
3 knowing that the information on the receipt is not true;

4 (f) Knowingly buys, ~~(e)~~ Buys, or receives as a pledge of
5 an obligation or debt, public property from any officer or employee
6 of the state ~~knowing that such officer or employee who~~ may not
7 lawfully sell or pledge such property; or

8 ~~(f)-(g)~~ Knowingly makes, uses, or causes to be made or
9 used, a false record or statement ~~with the intent to conceal,~~
10 ~~avoid, or decrease an obligation to pay or transmit money or~~
11 property to the state. material to an obligation to pay or transmit

12 money or property to the state or knowingly conceals, avoids, or
 13 decreases an obligation to pay or transmit money or property to the
 14 state.

15 (2) A person who ~~presents a false medicaid claim under~~
 16 ~~subsection (1) of this section~~ commits a violation of the False
 17 Medicaid Claims Act is subject to, in addition to any other
 18 remedies that may be prescribed by law, a civil penalty of not more
 19 than ten thousand dollars. In addition to any civil penalty, ~~a any~~
 20 ~~such person who presents a false medicaid claim under subsection~~
 21 ~~(1) of this section~~ may be subject to damages in the amount of
 22 three times the amount of the false claim ~~submitted to the state~~
 23 ~~due to the act of such person, because of the act of that person.~~

24 (3) If the state is the prevailing party in an action
 25 under the False Medicaid Claims Act, the defendant, in addition to
 26 penalties and damages, shall pay the state's costs and attorney's
 27 fees for the civil action brought to recover penalties or damages
 1 under the act.

2 (4) Liability under this section is joint and several for
 3 any act committed by two or more persons.

4 Sec. 3. Original sections 68-935 and 68-936, Reissue
 5 Revised Statutes of Nebraska, are repealed.

6 2. On page 1, strike lines 2 through 6 and insert
 7 "sections 68-935 and 68-936, Reissue Revised Statutes of Nebraska;
 8 to define and redefine terms; to change provisions relating to
 9 presentation of a false medicaid claim; and to repeal the original
 10 sections.".

LEGISLATIVE BILL 538. Placed on Select File with amendment.
 ER75

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

3 Section 1. Section 81-1401, Revised Statutes Cumulative
 4 Supplement, 2012, is amended to read:

5 81-1401 For purposes of sections 81-1401 to 81-1414.10,
 6 unless the context otherwise requires:

7 (1) Commission means the Nebraska Commission on Law
 8 Enforcement and Criminal Justice;

9 (2) Council means the Nebraska Police Standards Advisory
 10 Council;

11 (3) Director means the director of the Nebraska Law
 12 Enforcement Training Center;

13 (4) Felony means a crime punishable by imprisonment for a
 14 term of more than one year or a crime committed outside of Nebraska
 15 which would be punishable by imprisonment for a term of more than
 16 one year if committed in Nebraska;

17 ~~(4)(5)~~ Handgun means any firearm with a barrel less than
 18 sixteen inches in length or any firearm designed to be held and
 19 fired by the use of a single hand;

20 (6) Incapacity means incapable of or lacking the
21 ability to perform or carry out the usual duties of a law
22 enforcement officer in accordance with the standards established
23 by the commission due to physical, mental, or emotional factors.
1 Incapacity does not exist if a law enforcement officer remains
2 employed as a law enforcement officer, including employment as a
3 law enforcement officer in a restricted or limited-duty status;

4 ~~(5)-(7)~~ Law enforcement agency means the police
5 department or the town marshal in incorporated municipalities, the
6 office of sheriff in unincorporated areas, and the Nebraska State
7 Patrol;

8 ~~(6)(a)-(8)(a)~~ Law enforcement officer means any person
9 who is responsible for the prevention or detection of crime or
10 the enforcement of the penal, traffic, or highway laws of the
11 state or any political subdivision of the state for more than one
12 hundred hours per year and is authorized by law to make arrests and
13 includes, but is not limited to:

14 (i) A full-time or part-time member of the Nebraska State
15 Patrol;

16 (ii) A county sheriff;

17 (iii) A full-time, part-time, or reserve employee of a
18 county sheriff's office;

19 (iv) A full-time, part-time, or reserve employee of a
20 municipal or village police agency;

21 (v) A full-time or part-time Game and Parks Commission
22 conservation officer;

23 (vi) A full-time or part-time deputy state sheriff; or

24 (vii) A full-time employee of an organized and paid
25 fire department of any city of the metropolitan class who is
26 an authorized arson investigator and whose duties consist of
27 determining the cause, origin, and circumstances of fires or
1 explosions while on duty in the course of an investigation;

2 (b) Law enforcement officer does not include employees of
3 the Department of Correctional Services, probation officers under
4 the Nebraska Probation System, parole officers appointed by the
5 Parole Administrator, or employees of the Department of Revenue
6 under section 77-366; and

7 (c) A law enforcement officer shall possess a valid law
8 enforcement officer certificate or diploma, as established by the
9 council, in order to be vested with the authority of this section,
10 but this subdivision does not prohibit an individual from receiving
11 a conditional appointment as an officer pursuant to subsection (2)
12 of section 81-1414;

13 ~~(7)-(9)~~ Training academy means the training center or
14 such other council-approved law enforcement training facility
15 operated and maintained by a law enforcement agency which offers
16 certification training that meets or exceeds the certification
17 training curriculum of the training center;

18 ~~(8)-(10)~~ Training center means the Nebraska Law
 19 Enforcement Training Center; and
 20 ~~(9)-(11)~~ Training school means a public or private
 21 institution of higher education, including the University of
 22 Nebraska, the Nebraska state colleges, and the community colleges
 23 of this state, that offers training in a council-approved
 24 pre-certification course.

25 Sec. 2. Section 81-1403, Revised Statutes Cumulative
 26 Supplement, 2012, is amended to read:

27 81-1403 Subject to review and approval by the commission,
 1 the council shall:

2 (1) Adopt and promulgate rules and regulations for law
 3 enforcement pre-certification, certification, continuing education,
 4 and training requirements. Such rules and regulations may include
 5 the authority to impose a fine on any individual, political
 6 subdivision, or agency who or which violates sections 81-1401 to
 7 81-1414.10 or any of such rules and regulations. The fine for each
 8 separate violation of sections 81-1401 to 81-1414.10 or of any
 9 rule or regulation adopted and promulgated by the council pursuant
 10 to such sections shall not exceed either (a) a one-time maximum
 11 fine of five hundred dollars or (b) a maximum fine of one hundred
 12 dollars per day until the individual, political subdivision, or
 13 agency complies with such rules or regulations. All fines collected
 14 pursuant to this subdivision shall be remitted to the State
 15 Treasurer for distribution in accordance with Article VII, section
 16 5, of the Constitution of Nebraska;

17 (2) Adopt and promulgate rules and regulations for the
 18 operation of the training center;

19 (3) Recommend to the executive director of the commission
 20 the names of persons to be appointed to the position of director of
 21 the training center;

22 (4) Establish requirements for satisfactory completion
 23 of pre-certification programs, certification programs, and advanced
 24 training programs;

25 (5) Issue certificates or diplomas attesting satisfactory
 26 completion of pre-certification programs, certification programs,
 27 and advanced training programs;

1 (6) Revoke or suspend such certificates or diplomas
 2 according to rules and regulations adopted and promulgated by the
 3 council pursuant to sections 81-1401 to 81-1414.10 for reasons
 4 which shall include, but not be limited to, (a) incompetence, (b)
 5 neglect of duty, (c) physical, mental, or emotional incapacity, and
 6 (d) final conviction of or pleading guilty or nolo contendere to a
 7 felony. The rules and regulations shall provide for the revocation
 8 of a certificate or diploma without a hearing upon the certificate
 9 or diploma holder's final conviction of or pleading guilty or
 10 nolo contendere to a felony. ~~For purposes of this subdivision,~~
 11 ~~felony means a crime punishable by imprisonment for a term of~~
 12 ~~more than one year or a crime committed outside of Nebraska which~~

13 ~~would be punishable by imprisonment for a term of more than one~~
14 ~~year if committed in Nebraska.~~ When a law enforcement officer
15 is separated from his or her agency due to physical, mental,
16 or emotional incapacity, the law enforcement agency shall report
17 the separation to the council, and the officer's law enforcement
18 certificate shall be suspended pursuant to rules and regulations
19 adopted and promulgated by the council until such time as the
20 officer demonstrates to the council that the incapacity no longer
21 prevents the officer from performing the essential duties of a law
22 enforcement officer. The council shall adopt and promulgate rules
23 and regulations ~~shall to~~ include a procedure for hearing appeals of
24 any person who feels that the revocation or suspension of his or
25 her certificate or diploma was in error;

26 (7) Set the tuition and fees for the training center
27 and all officers of other training academies not employed by
1 that training academy's agency. The tuition and fees set for the
2 training center pursuant to this subdivision shall be adjusted
3 annually pursuant to the training center budget approved by the
4 Legislature. All other tuition and fees shall be set in order to
5 cover the costs of administering sections 81-1401 to 81-1414.10.

6 All tuition and fees shall be remitted to the State Treasurer for
7 credit to the Nebraska Law Enforcement Training Center Cash Fund;

8 (8) Annually certify any training academies providing
9 a basic course of law enforcement training which complies with
10 the qualifications and standards promulgated by the council and
11 offering training that meets or exceeds training that is offered
12 by the training center. The council shall set the maximum
13 and minimum applicant enrollment figures for training academies
14 training non-agency officers;

15 (9) Extend the programs of the training center throughout
16 the state on a regional basis;

17 (10) Establish the qualifications, standards, and
18 continuing education requirements and provide the training required
19 by section 81-1439; and

20 (11) Do all things necessary to carry out the purpose of
21 the training center, except that functional authority for budget
22 and personnel matters shall remain with the commission.

23 Any administrative fine imposed under this section shall
24 constitute a debt to the State of Nebraska which may be collected
25 by lien foreclosure or sued for and recovered in any proper form
26 of action by the office of the Attorney General in the name
27 of the State of Nebraska in the district court of the county
1 where the final agency action was taken. All fines imposed by the
2 council shall be remitted to the State Treasurer for distribution
3 in accordance with Article VII, section 5, of the Constitution of
4 Nebraska.

5 Sec. 3. This act becomes operative on January 1, 2014.

6 Sec. 4. Original sections 81-1401 and 81-1403, Revised
7 Statutes Cumulative Supplement, 2012, are repealed.

LEGISLATIVE BILL 332. Placed on Select File.

LEGISLATIVE BILL 141. Placed on Select File.

LEGISLATIVE BILL 647. Placed on Select File with amendment.

ER79

- 1 1. On page 1, line 4, after the semicolon insert "to
- 2 harmonize provisions;".
- 3 2. On page 2, line 24, strike "tuberculous" and insert
- 4 "tuberculosis".

LEGISLATIVE BILL 107. Placed on Select File.

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 522. The Christensen amendment, AM1071, found on page 1073 and considered in this day's Journal, to the committee amendment, was renewed.

The Christensen amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Committee AM709, found on page 788 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR155 was referred to the Reference Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 156. Introduced by Crawford, 45; Price, 3.

WHEREAS, Jerry Mosser was the men's basketball coach for Bellevue University for twenty years, and as head coach led the Bruins to more than 200 wins; and

WHEREAS, Jerry Mosser also served as athletic director for Bellevue University for thirty-five years, and was instrumental in the formation of the Midlands Collegiate Athletic Conference; and

WHEREAS, on April 20, 2013, Jerry Mosser was inducted into the Bellevue University Athletics Hall of Fame.

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

1. That the Legislature congratulates Jerry Mosser on being the first honoree inducted into the Bellevue University Athletics Hall of Fame, and recognizes his years of service to Bellevue University and the Bellevue community.

2. That a copy of this resolution be sent to Jerry Mosser.

Laid over.

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB99:
AM1075

1 1. Strike the original sections and all amendments
2 thereto and insert the following 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~~ her or
10 her skin or ~~their~~ her apparent nationality or ethnicity ~~are~~
11 the victims is the victim of a 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 prevention 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
 12 would 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 racial profiling prevention policy for use by law
 3 enforcement agencies, but the commission shall not mandate the
 4 adoption of the model policy except for any particular law
 5 enforcement agency which fails to timely create and provide to the
 6 commission a policy for the agency in conformance with the minimum
 7 standards set forth in this section.

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

14 (a) The number of motor vehicle stops;

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

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

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

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

4 ~~(3)-(4)~~ The Nebraska Commission on Law Enforcement and

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

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

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

5 ~~(6) On and after January 1, 2002, and until April 1,~~
 6 ~~2014, the commission may, (7) The Nebraska Commission on Law~~
 7 Enforcement and Criminal Justice shall, within the limits of
 8 its existing appropriations, including any grant funds which the
 9 commission is awarded for such purpose, provide for a-an annual
 10 review and analysis of the prevalence and disposition of motor
 11 vehicle stops based on racial profiling and allegations of racial
 12 profiling involved in other detentions reported pursuant to this
 13 section. After the review and analysis, the commission may, when it
 14 deems warranted, inquire into and study individual law enforcement
 15 agency circumstances in which the raw data collected and analyzed
 16 raises at least some issue or appearance of possible racial
 17 profiling. The commission may make recommendations to any such
 18 law enforcement agency for the purpose of improving measures to
 19 prevent racial profiling or the appearance of racial profiling.
 20 The results of such review, analysis, inquiry, and study and
 21 any recommendations by the commission to any law enforcement
 22 agency shall be reported annually to the Governor and the
 23 Legislature, beginning on or before April 1, 2004, until April
 24 1, 2014. The report submitted to the Legislature shall be submitted
 25 electronically.

26 (8) Any law enforcement officer, prosecutor, defense
attorney, or probation officer, unless restricted by privilege, who

27 becomes aware of incidents of racial profiling by a law enforcement
 1 agency, shall report such incidents to the Nebraska Commission
 2 on Law Enforcement and Criminal Justice within thirty days after
 3 becoming aware of such practice.

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

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

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

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

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

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

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

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

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

5 (b) The committee shall also consist of the following
 6 persons, each appointed by the Governor from a list of ~~three~~five
 7 names submitted to the Governor for each position:

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

9 (ii) A representative of the Nebraska County Sheriffs
 10 Association;

11 (iii) A representative of the Police Officers Association
 12 of Nebraska;

13 (iv) A representative of the American Civil Liberties
 14 Union of Nebraska;

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

16 (vi) A representative of the Police Chiefs Association of
 17 Nebraska;

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

20 (viii) A representative of the Nebraska State Bar

21 Association appointed by the Governor from a list of attorneys

22 submitted by the executive council of the Nebraska State Bar
23 Association.

24 (3) The committee shall meet and organize within thirty
25 days after the appointment of the members. The committee shall meet
26 semiannually at a time and place to be fixed by the committee.
27 Special meetings may be called by the chairperson or at the request
1 of two or more members of the committee.

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

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

VISITORS

Visitors to the Chamber were 30 fourth-grade students from St. Bonaventure, Columbus; 6 seventh- and eighth-grade students from Zion Lutheran, Pierce; 45 fourth-grade students from Loveland Elementary, Omaha; 13 seventh- and eighth-grade students and teachers from Sioux County School, Harrison; and 7 twelfth-grade students and teacher from Sutherland.

RECESS

At 11:50 a.m., on a motion by Senator Crawford, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Heidemann presiding.

ROLL CALL

The roll was called and all members were present except Senator Smith who was excused; and Senators Ashford, Bolz, Conrad, and Davis who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 583. Title read. Considered.

Committee AM664, found on page 757, was offered.

Senator McCoy offered the following amendment to the committee amendment:

AM1082

(Amendments to Standing Committee amendments, AM664)

- 1 1. On page 1, strike lines 4 through 9 and insert "on
- 2 current water availability and drought conditions in Nebraska;
- 3 and".

Senator McCoy withdrew his amendment.

Senator McCoy offered the following amendment to the committee amendment:

FA62

Amend AM664

On line 4 after the word "on" add the word "cyclical."

Senator McCoy moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The McCoy amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

Senator Larson offered the following amendment:

AM1089

- 1 1. Strike original section 1.
- 2 2. On page 4, strike lines 15 through 21.
- 3 3. Amend the repealer and renumber the remaining sections
- 4 accordingly.

SENATOR KRIST PRESIDING

Senator Larson withdrew his amendment.

Senator Larson offered the following amendment:

FA63

Strike original section 1.

Add the word cyclical before climate change on lines 16 and 21 on page 4.

Senator Larson moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Larson amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Schumacher filed the following amendment to LB82:
AM1078

(Amendments to Standing Committee amendments, AM693)

- 1 1. Strike section 4.
- 2 2. On page 1, line 13, strike "77-2703"; in line 14
- 3 strike the comma; and strike lines 16 through 23 and insert the
- 4 following new subsection:
- 5 "(3) For purposes of this section, program rate means the
- 6 sum of (a) the lesser of the Treasury Yield Curve Rate, commonly
- 7 referred to as Constant Maturity Treasury rate, for a ten-year
- 8 maturity United States Government note on the last business day
- 9 of the month in which the tax investment was made or five percent
- 10 per annum, times the number of years, or fraction thereof, between
- 11 the making of the tax investment and the claiming of the tax
- 12 credit, plus (b) an inflation adjustment calculated by dividing
- 13 the United States Department of Labor, Bureau of Labor Statistics,
- 14 Consumer Price Index for All Urban Consumers, United States City
- 15 Average, All Items factor, on June 30 of the year the credit is
- 16 claimed by the Consumer Price Index for All Urban Consumers, United
- 17 States City Average, All Items factor, for the month in which
- 18 the tax investment was made. If the Consumer Price Index for All
- 19 Urban Consumers is no longer published then the factor shall be
- 20 determined by use of an index having similar function.".
- 21 3. On page 2, strike lines 1 through 7; and in lines 14
- 22 and 27 strike "77-2703," and the last comma.
- 1 4. On page 3, line 11, strike "(3)(b)" and insert
- 2 "(3)(a)"; and in line 13 strike "(3)(a)" and insert "(3)(b)".
- 3 5. On page 21, line 19, strike "77-2703".
- 4 6. Renumber the remaining sections accordingly.

Senator Hadley filed the following amendment to LB23:
AM1095

(Amendments to E&R amendments, ER61)

- 1 1. On page 29, line 14, strike "and"; after line 14
- 2 insert the following new subdivision:
- 3 "(d) Fourth, one million dollars to the General Fund;

4 and"; in line 15 strike "(d) Fourth" and insert "(e) Fifth"; and in
5 line 19 strike "and (c)" and insert "(c), and (d)".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 384A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 384, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

LEGISLATIVE BILL 269A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to amend section 105, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013; to appropriate funds to aid in carrying out the provisions of Legislative Bill 269, One Hundred Third Legislature, First Session, 2013; to change appropriations; and to repeal the original section.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 69. Placed on Select File.

LEGISLATIVE BILL 483. Placed on Select File with amendment.
ER80

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) The Legislature finds that:
- 4 (a) Research reveals that children who have parents
- 5 involved in their lives perform better academically and socially in
- 6 school, experience fewer mental health and substance abuse issues,
- 7 and are less likely to commit serious crime;
- 8 (b) Strategies to address family stability and
- 9 intergenerational poverty are specifically needed for children with
- 10 incarcerated parents; and
- 11 (c) Research reveals that family-based reentry planning,
- 12 including relationship development and housing and employment
- 13 strategies, results in lower recidivism and greater family economic
- 14 stability.
- 15 (2) The Department of Correctional Services shall
- 16 establish a two-year pilot program for the purpose of providing in
- 17 Nebraska adult correctional facilities an evidence-based program of
- 18 parent education, early literacy, relationship skills development,
- 19 and reentry planning involving family members of incarcerated
- 20 parents prior to their release. Incarcerated parents of children
- 21 between birth and five years of age shall have priority for

22 participation in the program. The department may award a contract
 23 to operate the pilot program. Such contract shall be based on
 1 competitive bids as provided in sections 73-101 to 73-105. The
 2 department shall track data related to program participation and
 3 recidivism.

4 (3) It is the intent of the Legislature to appropriate
 5 two hundred fifty thousand dollars from the General Fund to the
 6 department in each of fiscal years 2013-14 and 2014-15 for purposes
 7 of funding the pilot program required by this section.

8 Sec. 2. Section 83-150, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 83-150 All funds received by the Department of
 11 Correctional Services under sections 83-144 to 83-152 shall be
 12 remitted to the State Treasurer for credit to the Correctional
 13 Industries Revolving Fund, which fund is hereby created. The fund
 14 shall be administered by the Director of Correctional Services.
 15 The fund (1) shall be used to pay all proper expenses incident
 16 to the administration of sections 83-144 to 83-152 and (2) may be
 17 used to carry out section 1 of this act, except that transfers
 18 from the fund to the General Fund may be made at the direction of
 19 the Legislature. Any money in the Correctional Industries Revolving
 20 Fund available for investment shall be invested by the state
 21 investment officer pursuant to the Nebraska Capital Expansion Act
 22 and the Nebraska State Funds Investment Act.

23 Sec. 3. Original section 83-150, Reissue Revised Statutes
 24 of Nebraska, is repealed.

25 2. On page 1, strike lines 2 through 6 and insert
 26 "83-150, Reissue Revised Statutes of Nebraska; to state intent; to
 27 provide for a reentry planning pilot program in adult correctional
 1 facilities; to change provisions relating to the use of a fund; and
 2 to repeal the original section."

LEGISLATIVE BILL 623. Placed on Select File.

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 296. Title read. Considered.

Committee AM354, found on page 664, was offered.

Senator Chambers offered the following motion:

MO53

Recommit to the Revenue Committee.

Senator Chambers withdrew his motion to recommit to committee.

The committee amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 476. Title read. Considered.

Committee AM984, found on page 972, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 157. Introduced by Seiler, 33.

WHEREAS, Stacy Shaw of Hastings, Nebraska, is the mother of four children and a fifth-grade teacher at Longfellow Elementary School who ran the Boston Marathon on April 15, 2013; and

WHEREAS, ten days before the marathon, Ms. Shaw was diagnosed with severe and painful ankle tendonitis and her ankle swelled so badly that she could not walk; and

WHEREAS, on the day of the marathon, Ms. Shaw entered the race hobbled by her ankle which vastly slowed her usual pace and was advised by medics to drop out; and

WHEREAS, Ms. Shaw persevered despite her pain and reduced pace and crossed the finish line with a net time of 4:44:14, just as the first of two terrible explosions occurred.

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

1. That the Legislature congratulates Stacy Shaw on her remarkable finish in the 2013 Boston Marathon despite physical obstacles and recognizes her strong perseverance and personal courage.

2. That a copy of this resolution be sent to Stacy Shaw.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 561. Title read. Considered.

Committee AM734, found on page 998, was offered.

SENATOR CARLSON PRESIDING

Senator Ashford offered the following amendment to the committee amendment:

FA64

Amend AM734

On page 69, line 16, strike "ten" and insert "five"

Senator Ashford withdrew his amendment.

The committee amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

AMENDMENTS - Print in Journal

Senator Carlson filed the following amendment to LB517:
AM1048

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. The Legislature finds that:
- 4 (1) Nebraska's water resources are finite and must
- 5 be wisely managed to ensure their continued availability for
- 6 beneficial use;
- 7 (2) The state must invest in: (a) Research and data
- 8 gathering; (b) further integrating the management of Nebraska's
- 9 water supplies; (c) improving the state's aging and antiquated
- 10 water supply infrastructure; (d) building new water supply
- 11 infrastructure; (e) promoting coordination and collaboration among
- 12 all water users; and (f) providing information to policymakers to
- 13 justify a stable source of project funds;
- 14 (3) To determine the costs of effective conservation,
- 15 sustainability, and management of Nebraska's water resources, the
- 16 state's identified water needs must be compiled and organized and a
- 17 process must be established in order to identify statewide projects
- 18 and research recommendations; and
- 19 (4) To facilitate the creation of a funding process, a
- 20 collaborative effort of experts representing all water interests
- 21 and areas of the state is important to ensure fair and balanced
- 22 water funding.
- 23 Sec. 2. (1) The Water Funding Task Force is created. The
- 1 task force shall consist of the members of the Nebraska Natural
- 2 Resources Commission and ten additional members to be appointed
- 3 by the Governor. The Director of Natural Resources or his or her
- 4 designee, the chairperson of the Natural Resources Committee of the
- 5 Legislature or his or her designee, and five additional members of
- 6 the Legislature appointed by the Executive Board of the Legislative
- 7 Council shall be nonvoting, ex officio members of the task force.
- 8 In appointing members to the task force, the Governor:

9 (a) Shall seek to create a broad-based task force with
10 knowledge of and experience with and representative of Nebraska's
11 water use and economy;

12 (b) Shall give equal recognition to the importance of
13 both water quantity and water quality;

14 (c) Shall appoint one member from each of the following
15 categories: Public power; public power and irrigation districts;
16 irrigation districts; municipalities; agriculture; wildlife
17 conservation; livestock producers; agribusiness; manufacturing; and
18 outdoor recreation users; and

19 (d) May solicit and accept nominations for appointments
20 to the task force from recognized water interest groups in
21 Nebraska.

22 (2) The members of the task force appointed by the
23 Governor shall represent diverse geographic regions of the state,
24 including urban and rural areas. Such members shall be appointed
25 within thirty days after the effective date of this act. Members
26 shall begin serving immediately following notice of appointment.
27 Members shall be reimbursed for their actual and necessary expenses
1 incurred in carrying out their duties as members as provided in
2 sections 81-1174 to 81-1177.

3 Sec. 3. (1) The Water Funding Task Force may consult
4 with other groups in its work, including, but not limited to, the
5 University of Nebraska, the Department of Environmental Quality,
6 the Game and Parks Commission, the United States Army Corps of
7 Engineers, the United States Geological Survey, the United States
8 Fish and Wildlife Service, the United States Bureau of Reclamation,
9 and the Natural Resources Conservation Service of the United States
10 Department of Agriculture.

11 (2) For administrative and budgetary purposes, the task
12 force shall be housed within the Department of Natural Resources.
13 Additional advisory support may be requested from appropriate
14 federal and state agencies.

15 (3) The task force may meet as necessary and may hire a
16 consultant or consultants to facilitate the work and meetings of
17 the task force and enter into agreements to achieve the objectives
18 of the task force. The task force may create and use working
19 groups or subcommittees as it deems necessary. Any contracts
20 or agreements entered into under this subsection shall not be
21 subject to the Nebraska Consultants' Competitive Negotiation Act or
22 sections 73-301 to 73-306 or 73-501 to 73-510.

23 (4) The Water Funding Task Force terminates on December
24 31, 2013.

25 Sec. 4. (1) On or before December 31, 2013, the
26 Water Funding Task Force shall develop and provide a report
27 electronically to the Legislature which contains the following:

1 (a) Recommendations for a strategic plan which
2 prioritizes programs, projects, and activities in need of funding.
3 The recommendations shall give equal consideration to and be

- 4 classified into the following categories:
5 (i) Research, data, and modeling needed to assist the
6 state in meeting its water management goals;
7 (ii) Rehabilitation or restoration of water supply
8 infrastructure, new water supply infrastructure, or water supply
9 infrastructure maintenance;
10 (iii) Conjunctive management, storage, and integrated
11 management of ground water and surface water; and
12 (iv) Compliance with interstate compacts or agreements or
13 other formal state contracts or agreements;
14 (b) Recommendations for ranking criteria to identify
15 funding priorities based on, but not limited to, the following
16 factors:
17 (i) The extent to which the program, project, or activity
18 provides increased water productivity and otherwise maximizes the
19 beneficial use of Nebraska's water resources for the benefit of its
20 residents;
21 (ii) The extent to which the program, project, or
22 activity assists the state in meeting its obligations under
23 interstate compacts or decrees or other formal state contracts
24 or agreements;
25 (iii) The extent to which the program, project, or
26 activity utilizes objectives described in the Annual Report and
27 Plan of Work for the Nebraska State Water Planning and Review
1 Process issued by the Department of Natural Resources;
2 (iv) The extent to which the program, project, or
3 activity has been approved for, but has not received, funding
4 through an established state program;
5 (v) The cost effectiveness of the program, project, or
6 activity relative to achieving the state's water management goals;
7 (vi) The extent to which the program, project, or
8 activity contributes to the state's ability to leverage state
9 dollars with local or federal government partners or other partners
10 to maximize the use of its resources; and
11 (vii) The extent to which the program, project, or
12 activity contributes to multiple water supply management goals,
13 including, but not limited to, flood control, agricultural
14 uses, recreation benefits, wildlife habitat, conservation of
15 water resources, and preservation of water resources for future
16 generations;
17 (c) Recommendations for legislation on a permanent
18 structure and process through which the programs, projects, or
19 activities described in this section will be provided with funding,
20 including:
21 (i) A permanent governing board structure and membership;
22 (ii) An application process;
23 (iii) A statewide project distribution mechanism; and
24 (iv) A timeframe for funding allocations based on the
25 list of programs, projects, and activities provided for in this

26 section;

27 (d) Recommendations for the annual funding amount and the
1 start date for distribution of funds; and

2 (e) Recommendations for statutory changes relating to
3 regulatory authorities and to funds and programs administered by,
4 and boards and commissions under the direction of, the department,
5 based on the task force's evaluation of the efficiency of such
6 funds, programs, boards, and commissions.

7 (2) The task force shall make every effort to identify
8 and consult with all water use stakeholder groups in Nebraska on
9 the development of the recommendations required under sections 1 to
10 4 of this act.

11 Sec. 5. The Department of Natural Resources shall
12 establish a separate budget subprogram to account for funds
13 appropriated to carry out sections 1 to 4 this act. No later than
14 February 1, 2014, the department shall notify the Natural Resources
15 Committee of the Legislature and the Appropriations Committee of
16 the Legislature regarding the projected unexpended and uncommitted
17 balance remaining in the separate budget subprogram.

18 Sec. 6. Since an emergency exists, this act takes effect
19 when passed and approved according to law.

Senator Carlson filed the following amendment to LB517A:
AM1068

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

3 Section 1. There is hereby appropriated (1) \$1,000,000
4 from the General Fund for FY2012-13 and (2) \$-0- from the General
5 Fund for FY2013-14 to the Department of Natural Resources, for
6 Program 334, to aid in carrying out the provisions of Legislative
7 Bill 517, One Hundred Third Legislature, First Session, 2013.

8 The unexpended General Fund appropriation balance
9 existing on June 30, 2013, is hereby reappropriated.

Senator Bloomfield filed the following amendment to LB232:
AM1090

(Amendments to Standing Committee amendments, AM200)

1 1. Strike amendment 1 and insert:

2 1. On page 2, line 10, strike "XX" and insert "one
3 hundred forty-nine thousand two hundred fifty-five dollars and
4 eleven cents"; and in line 11 strike "XX" and insert "one hundred
5 fifty-two thousand nine hundred eighty-six dollars and forty-nine
6 cents".

Senator Nordquist filed the following amendment to LB553:
AM1073

(Amendments to Standing Committee amendments, AM802)

1 1. On page 22, line 20, strike "thereafter,", show as
2 stricken, and insert an underscored comma.

- 3 2. On page 24, strike beginning with "Beginning" in line
 4 18 through "thereafter" in line 19 and insert "On July 1 of each
 5 year".
- 6 3. On page 27, line 27, strike beginning with "Beginning"
 7 through the last comma and show as stricken.
- 8 4. On page 28, line 1, strike "each", show as stricken,
 9 and insert "Each"; in line 13 after the semicolon insert "and"; in
 10 line 24 strike the new matter and reinstate the stricken matter;
 11 and strike beginning with "(8)" in line 25 through the period in
 12 line 27 and show the old matter as stricken.
- 13 5. On page 29, strike beginning with "Beginning" in line
 14 4 through "thereafter" in line 5 and insert "On July 1 of each
 15 year".

Senator Lathrop filed the following amendment to LB306:
 AM1114

(Amendments to E & R amendments, ER59)

- 1 1. Insert the following new section:
 2 Section 1. Section 24-201.01, Revised Statutes Cumulative
 3 Supplement, 2012, is amended to read:
 4 24-201.01 ~~On July 1, 2010, the salary of the Chief~~
 5 ~~Justice and the judges of the Supreme Court shall be one hundred~~
 6 ~~forty-two thousand seven hundred fifty-nine dollars and fifty-five~~
 7 ~~cents.~~ On July 1, 2012, the salary of the Chief Justice and
 8 the judges of the Supreme Court shall be one hundred forty-five
 9 thousand six hundred fourteen dollars and seventy-four cents. On
 10 July 1, 2013, the salary of the Chief Justice and the judges of
 11 the Supreme Court shall be one hundred fifty-two thousand eight
 12 hundred ninety-five dollars and forty-eight cents. On July 1, 2014,
 13 the salary of the Chief Justice and the judges of the Supreme Court
 14 shall be one hundred sixty thousand five hundred forty dollars and
 15 twenty-five cents.
- 16 The Chief Justice and the judges of the Supreme Court
 17 shall hold no other public office of profit or trust during their
 18 terms of office nor accept any public appointment or employment
 19 under the authority of the government of the United States for
 20 which they receive compensation for their services. Such salaries
 21 shall be payable in equal monthly installments.
- 22 2. On page 12, line 13, strike "24-703" and insert
 1 "24-201.01, 24-703,".
- 2 3. Renumber the remaining sections accordingly.

Senator Campbell filed the following amendment to LB269:
 AM1108

(Amendments to E & R amendments, ER51)

- 1 1. On page 1, lines 13 and 14, strike the new matter;
 2 in line 16 after the period insert "Any such association and
 3 the department shall be responsible for applying for any health
 4 insurance available to the juvenile, including, but not limited to,

- 5 medical assistance under the Medical Assistance Act."; and in line
 6 23 strike the new matter.
- 7 2. On page 2, lines 1 and 3, strike the new matter
 8 and insert "The plan shall include a statement regarding the
 9 eligibility of the juvenile for any health insurance, including,
 10 but not limited to, medical assistance under the Medical Assistance
 11 Act.".
- 12 3. On page 3, strike beginning with "determination" in
 13 line 4 through "68-911" in line 6 and insert "statement regarding
 14 the eligibility of the juvenile for health insurance, including,
 15 but not limited to, medical assistance under the Medical Assistance
 16 Act".
- 17 4. On page 10, line 11, strike "within thirty days after
 18 April 12, 2012.", show as stricken, and insert an underscored
 19 period.
- 20 5. On page 11, line 7, after "appointed" insert "within
 21 thirty days after the effective date of this act".

RESOLUTION

LEGISLATIVE RESOLUTION 158. Introduced by Davis, 43.

WHEREAS, the Beel Family has owned and operated their 22,000 acre cattle ranch near Johnstown, Nebraska, for 75 years; and

WHEREAS, the ranch was handed down by grandfather Henry O. Beel and father Henry C. Beel who instilled in the current Beel generation the importance of treating the land with care and maintaining our natural environment; and

WHEREAS, ranch records indicate that in 1945 Henry O. Beel entered into the first of many conservation plans which allowed for rotational grazing, weed mowing, seeding of wheat, and thoughtful well placement; and

WHEREAS, almost seven decades later conservation and range management practices continue to play important roles in the current operation of the Beel Ranch which serves as a shining example of best practices for cattle and beef production; and

WHEREAS, the Leopold Conservation Award is sponsored by the Sand County Foundation and presented in honor of renowned conservationist and author Aldo Leopold who called for an ethical relationship between people and the land they own and manage; and

WHEREAS, in 2013 the Sand County Foundation will present Leopold Conservation Awards in California, Colorado, Kentucky, Texas, Utah, Wisconsin, Wyoming, and Nebraska; and

WHEREAS, the 2013 Nebraska Leopold Conservation Award is presented to the Beel Family. The award is a prestigious recognition of a Nebraska livestock producer's commitment to the care and preservation of the land.

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

1. That the Legislature congratulates the Beel Family as recipient of the 2013 Nebraska Leopold Conservation Award.

2. That a copy of this resolution be sent to Frank and Jennifer Beel, Henry and Mary Beel, and Adam and Jenny Beel.

Laid over.

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senator Karpisek has filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

VISITORS

Visitors to the Chamber were 46 fourth-grade students and sponsors from Abraham Lincoln Elementary, Hastings; 15 third- through sixth-grade students, teachers, and sponsor from Elba; and 45 fourth-grade students, teachers, and sponsors from Walt Disney Elementary, Omaha.

The Doctor of the Day was Dr. Randy Kohl from Firth.

ADJOURNMENT

At 5:38 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Wednesday, April 24, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SIXTH DAY - APRIL 24, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 24, 2013

PRAYER

The prayer was offered by Senator Dubas.

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, Coash, Conrad, Harms, McCoy, McGill, Mello, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1076, line 40, strike "page 1044" and insert "page 1010".
The Journal for the sixty-fourth day was approved as corrected.

The Journal for the sixty-fifth day was approved.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 255. Placed on General File with amendment.
AM856 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Thursday, May 9, 2013 1:00 p.m.

Joseph M. Acierno - Department of Health and Human Services

Monday, May 13, 2013 1:00 p.m.

Michael Brummer - Commission for the Deaf and Hard of Hearing
Margaret Propp - Commission for the Deaf and Hard of Hearing

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 269A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 579A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 429A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 205. ER49, found on page 990, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 595. ER50, found on page 990, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 595A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 585. ER56, found on page 994, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 646. ER57, found on page 994, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 589. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 240. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 487. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 69. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 243. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 208. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 377. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 42. ER68, found on page 1090, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 59. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 345. ER66, found on page 1094, was adopted.

Senator Schumacher offered the following amendment:

AM1104

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 76-2,126, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 76-2,126 If a conveyance of real estate was pursuant to
- 6 (1) a transfer on death deed due to the death of the transferor
- 7 or the death of a surviving joint tenant of the transferor, (2)
- 8 a joint tenancy deed due to the death of a joint tenant, or (3)
- 9 the expiration of a life estate, then a death certificate shall
- 10 be filed with the register of deeds to document the transfer of
- 11 title to the beneficiary of the transfer on death deed, to the
- 12 surviving joint tenant or joint tenants, or to the holder of an
- 13 interest in real estate which receives that interest as a result
- 14 of the death of a life tenant. A cover sheet indicating the title
- 15 of the document, the previously recorded document data, and the
- 16 grantor, surviving grantee, and legal description of the property
- 17 being transferred shall be attached to the death certificate and
- 18 recorded.
- 19 Sec. 2. Section 76-3402, Revised Statutes Cumulative
- 20 Supplement, 2012, is amended to read:
- 21 76-3402 For purposes of the Nebraska Uniform Real

22 Property Transfer on Death Act:

23 (1) Beneficiary means a person that receives property
 1 under a transfer on death deed;

2 (2) Designated beneficiary means a person designated to
 3 receive property in a transfer on death deed;

4 (3) Disinterested witness to a transfer on death deed
 5 means any individual who acts as a witness to a transfer on death
 6 deed at the date of its execution and who is not a designated
 7 beneficiary or an heir, a child, or a spouse of a designated
 8 beneficiary;

9 ~~(3)-(4)~~ Joint owner means an individual who owns property
 10 concurrently with one or more other individuals with a right of
 11 survivorship. The term includes a joint tenant. The term does not
 12 include a tenant in common without a right of survivorship;

13 ~~(4)-(5)~~ Person means an individual, a corporation, an
 14 estate, a trustee of a trust, a partnership, a limited liability
 15 company, an association, a joint venture, a public corporation, a
 16 government or governmental subdivision, agency, or instrumentality,
 17 or any other legal or commercial entity;

18 ~~(5)-(6)~~ Property means an interest in real property
 19 located in this state which is transferable on the death of the
 20 owner;

21 ~~(6)-(7)~~ Transfer on death deed means a deed authorized
 22 under the Nebraska Uniform Real Property Transfer on Death Act; and

23 ~~(7)-(8)~~ Transferor means an individual who makes a
 24 transfer on death deed.

25 Sec. 3. Section 76-3410, Revised Statutes Cumulative
 26 Supplement, 2012, is amended to read:

27 76-3410 (a) A transfer on death deed:

1 (1) Except as otherwise provided in subdivision (2)
 2 of this subsection, must contain the essential elements and
 3 formalities of a properly recordable inter vivos deed;

4 (2) Must state that the transfer to the designated
 5 beneficiary is to occur at the transferor's death;

6 (3) Must contain the warnings provided in subsection (b)
 7 of this section; and

8 (4) Must be recorded (i) within thirty days after
 9 being executed as required in section 76-3409, (ii) before the
 10 transferor's death, and (iii) in the public records in the office
 11 of the register of deeds of the county where the property is
 12 located.

13 (b)(1) A transfer on death deed shall contain the
 14 following warnings:

15 WARNING: The property transferred remains subject to
 16 inheritance taxation in Nebraska to the same extent as if owned by
 17 the transferor at death. Failure to timely pay inheritance taxes is
 18 subject to interest and penalties as provided by law.

19 WARNING: The designated beneficiary is personally liable,
 20 to the extent of the value of the property transferred, to account

21 for medicaid reimbursement to the extent necessary to discharge
22 any such claim remaining after application of the assets of
23 the transferor's estate. The designated beneficiary may also be
24 personally liable, to the extent of the value of the property
25 transferred, for claims against the estate, statutory allowances to
26 the transferor's surviving spouse and children, and the expenses
27 of administration to the extent needed to pay such amounts by the
1 personal representative.

2 **WARNING:** The Department of Health and Human Services may
3 require revocation of this deed by a transferor, a transferor's
4 spouse, or both a transferor and the transferor's spouse in order
5 to qualify or remain qualified for medicaid assistance.

6 (2) No recorded transfer on death deed shall be
7 invalidated because of any defects in the wording of the warnings
8 required by this subsection.

9 (c) No action may be commenced to set aside a transfer
10 on death deed, based on failure to comply with the requirement
11 of disinterested witnesses pursuant to section 76-3409, more than
12 ninety days after the date of death of the transferor or, if there
13 is more than one transferor, more than ninety days after the date
14 of death of the last surviving transferor.

15 (d) Notwithstanding subsection (c) of this section, an
16 action to set aside a transfer on death deed, based on failure to
17 comply with the requirement of disinterested witnesses pursuant to
18 section 76-3409, in which the transferor or, if there is more than
19 one transferor, the last surviving transferor, has died prior to
20 the effective date of this act, shall be commenced by the later of
21 (1) ninety days after the date of death of the transferor or, if
22 there is more than one transferor, ninety days after the date of
23 death of the last surviving transferor, or (2) ninety days after
24 the effective date of this act.

25 Sec. 4. Section 76-3420, Revised Statutes Cumulative
26 Supplement, 2012, is amended to read:

27 76-3420 (a) Except as otherwise provided in subsection
1 (b) of this section and subject to a determination of the rights
2 of any parties to an action commenced pursuant to subsection (c)
3 or (d) of section 76-3410, if property or any interest therein
4 transferred to a beneficiary by a transfer on death deed is
5 acquired by a purchaser or lender for value from a beneficiary of
6 a transfer on death deed, the purchaser or lender takes title free
7 of any claims of the estate, personal representative, surviving
8 spouse, creditors, and any other person claiming by or through
9 the transferor of the transfer on death deed, including any heir
10 or beneficiary of the estate of the transferor, and the purchaser
11 or lender shall not incur any personal liability to the estate,
12 personal representative, surviving spouse, creditors, or any other
13 person claiming by or through the transferor of the transfer on
14 death deed, including any heir or beneficiary of the estate of the
15 transferor, whether or not the conveyance by the transfer on death

16 deed was proper. Except as otherwise provided in subsection (b) of
 17 this section, to be protected under this section, a purchaser or
 18 lender need not inquire whether a transferor or beneficiary of the
 19 transfer on death deed acted properly in making the conveyance to
 20 the beneficiary by the transfer on death deed.

21 (b) A purchaser or lender for value from a beneficiary of
 22 a transfer on death deed does not take title free of any lien for
 23 inheritance tax under section 77-2003.

24 Sec. 5. Sections 1 and 6 of this act become operative
 25 three calendar months after the adjournment of this legislative
 26 session. Sections 2 and 7 of this act become operative on January
 27 1, 2013. The other sections of this act become operative on their
 1 effective date.

2 Sec. 6. Original section 76-2,126, Revised Statutes
 3 Cumulative Supplement, 2012, is repealed.

4 Sec. 7. Original section 76-3402, Revised Statutes
 5 Cumulative Supplement, 2012, is repealed.

6 Sec. 8. Original sections 76-3410 and 76-3420, Revised
 7 Statutes Cumulative Supplement, 2012, are repealed.

8 Sec. 9. Since an emergency exists, this act takes effect
 9 when passed and approved according to law.

The Schumacher amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 172. ER69, found on page 1094, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 643. ER67, found on page 1098, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 386. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 166. ER65, found on page 1098, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 192. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 458. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 459. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 549. ER72, found on page 1098, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 435. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 361. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 420. ER71, found on page 1099, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 154. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 477. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 442. ER78, found on page 1099, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 303. ER70, found on page 1099, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 349. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 222. ER73, found on page 1099, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 344. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 500. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 223. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 103. ER77, found on page 1099, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 329. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 169. ER74, found on page 1100, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 277. ER76, found on page 1100, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 538. ER75, found on page 1102, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 332. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 141. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 647. ER79, found on page 1106, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 107. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 493. Senator Davis offered the following amendment:
AM1126

(Amendments to Standing Committee amendments, AM292)

- 1 1. On page 1, after line 8, insert "Any such lease
- 2 or transfer shall be subject to the requirements of the federal
- 3 National Trails System Act, 16 U.S.C. 1241, as such act and section
- 4 existed on January 1, 2013."

The Davis amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 423. ER40, found on page 927, was adopted.

Senator Schilz offered his amendment, AM1056, found on page 1042.

The Schilz amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Schilz offered the following motion:

MO54

Suspend the rules, Rule 7, Sec. 3(d), to permit consideration of AM1052.

The Schilz motion to suspend the rules prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Schilz offered the following amendment:

AM1052

(Amendments to E & R amendments, ER40)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 2-3812, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 2-3812 There is hereby created the Nebraska Agricultural
- 5 Products Marketing Cash Fund. The fund shall consist of
- 6 administrative costs collected under subsection (4) of section
- 7 54-742 and money appropriated by the Legislature which is received
- 8 as gifts or grants or collected as fees or charges from any source,
- 9 including federal, state, public, and private. The fund shall be
- 10 utilized for the purpose of carrying out the Nebraska Agricultural
- 11 Products Marketing Act and for purposes of subsection (4) of
- 12 section 54-742. Any money in such fund available for investment
- 13 shall be invested by the state investment officer pursuant to
- 14 the Nebraska Capital Expansion Act and the Nebraska State Funds
- 15 Investment Act.
- 16 Sec. 3. Section 38-3330, Reissue Revised Statutes of
- 17 Nebraska, is amended to read:
- 18 38-3330 (1) Unless required by any state or local law for
- 19 contagious or infectious disease reporting or other public health
- 20 and safety purpose, no veterinarian licensed under the Veterinary
- 21 Medicine and Surgery Practice Act shall be required to disclose any
- 22 information concerning the veterinarian's care of an animal except
- 1 under a written authorization or other waiver by the veterinarian's
- 2 client or pursuant to a court order or a subpoena. A veterinarian
- 3 who releases information under a written authorization or other
- 4 waiver by the client or pursuant to a court order or a subpoena is
- 5 not liable to the client or any other person.
- 6 (2) The privilege provided by this section is waived to
- 7 the extent that the veterinarian's client or the owner of the
- 8 animal places the veterinarian's care and treatment of the animal
- 9 or the nature and extent of injuries to the animal at issue in any

10 civil or criminal proceeding.

11 (3) The privilege provided by this section is waived to
12 the extent and for purposes of notifying any owner or manager
13 of cattle that have a significant risk for exposure to bovine
14 trichomoniasis. A veterinarian who releases information about the
15 risk for exposure to bovine trichomoniasis is not liable to the
16 client or any other person.

17 (4) For purposes of this section, veterinarian includes
18 the employees or agents of the licensed veterinarian while acting
19 for or on behalf of such veterinarian.

20 Sec. 4. Section 54-742, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 54-742 (1) It is the duty of any person who discovers,
23 suspects, or has reason to believe that any animal belonging
24 to him or her or which he or she has in his or her possession
25 or custody or which, belonging to another, may come under his
26 or her observation is affected with any dangerous, infectious,
27 contagious, or otherwise transmissible disease which affects
1 livestock to immediately report such fact, belief, or suspicion to
2 the department or to any agent, employee, or appointee thereof.

3 (2) The department shall work together with livestock
4 health committees, livestock groups, diagnostic laboratories,
5 practicing veterinarians, producers, and others who may be
6 affected, to adopt and promulgate rules and regulations to
7 effectuate a workable livestock disease reporting system according
8 to the provisions of this section. The rules and regulations
9 shall establish who shall report diseases, what diseases shall be
10 reported, how such diseases shall be reported, to whom diseases
11 shall be reported, the method by which diseases shall be reported,
12 and the frequency of reports required. For disease reporting
13 purposes, the department shall categorize livestock diseases
14 according to relative economic or health risk factors and may
15 provide different reporting measures for the various categories.

16 (3) Any person who reasonably suspects that any beef
17 or dairy breeding bull belonging to him or her or which he or
18 she has in his or her possession or custody is infected with
19 bovine trichomoniasis shall not sell or transport such animal,
20 except for consignment directly to a federally recognized slaughter
21 establishment, unless such person causes such animal to be tested
22 for bovine trichomoniasis. Any person who owns or has possession
23 or custody of a beef or dairy breeding bull, or who has a
24 beef or dairy breeding bull belonging to another under his or
25 her observation, for which a laboratory confirmed diagnosis of
26 bovine trichomoniasis has been made, shall report such diagnosis
27 to the department within five business days after receipt of
1 the laboratory confirmation. Any such breeding bull for which a
2 laboratory confirmation of bovine trichomoniasis has been made
3 shall not be sold or transported except for consignment directly to
4 a federally recognized slaughter establishment.

5 (4)(a) An owner or manager of any beef or dairy
 6 breeding bull for which a laboratory confirmed diagnosis of bovine
 7 trichomoniasis has been made shall notify each adjacent landowner
 8 or land manager of the diagnosis if such land is capable of
 9 maintaining livestock susceptible to bovine trichomoniasis. Such
 10 notification shall be made to each landowner or land manager within
 11 fourteen days after the diagnosis even if cattle are not currently
 12 maintained on the owner's or manager's land.

13 (b) The owner or manager of the cattle shall submit to
 14 the department a form or affidavit attesting to the fact that the
 15 notification required under this subsection has occurred. The form
 16 or affidavit shall be submitted to the department within fourteen
 17 days after the diagnosis and shall include the names of adjacent
 18 landowners or land managers who were notified and their contact
 19 information.

20 (c) If an owner or manager does not, within such
 21 fourteen-day period, submit the form or affidavit indicating
 22 that adjacent landowners or land managers have been notified
 23 as required under this subsection, the department shall notify each
 24 adjacent landowner or land manager of the diagnosis. The department
 25 shall assess the administrative costs of the department to notify
 26 the adjacent landowners or land managers against the owner or
 27 manager that failed to comply with this subsection. The department
 1 shall determine the definition of adjacent based on the disease
 2 characteristics and modes of transmission. The department shall
 3 remit any administrative costs collected under this subsection
 4 to the State Treasurer for credit to the Nebraska Agricultural
 5 Products Marketing Cash Fund.

6 2. Renumber the remaining sections and correct the
 7 repealer and internal references accordingly.

The Schilz amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 68. ER52, found on page 990, was adopted.

Senator Schilz offered his amendment, AM575, found on page 1042.

The Schilz amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 269. ER51, found on page 990, was adopted.

Senator Campbell offered her amendment, AM1108, found on page 1121.

The Campbell amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 242. Senator Mello offered his amendment, AM789, found on page 1044.

The Mello amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 44. ER60, found on page 998, was adopted.

Senator Murante withdrew the McCoy amendments, AM981 and AM983, found on page 955.

Senator Schumacher offered the following amendment:
AM1087

(Amendments to Standing Committee amendments, AM151)

- 1 1. On page 1, line 10, after "of" insert "not greater
- 2 than"; and in line 11 after "of" insert "not less than".

The Schumacher amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator B. Harr offered the following amendment:
AM1094

(Amendments to Standing Committee amendments, AM151)

- 1 1. On page 2, strike lines 11 through 16 and insert
- 2 "eighteen years when he or she committed the first degree murder
- 3 for which he or she was convicted and incarcerated shall have his
- 4 or her record reviewed during the first year of incarceration and
- 5 every five years thereafter until the offender is within five years
- 6 of his or her earliest parole eligibility date, at which time his
- 7 or her record shall be reviewed annually.
- 8 (2) During the review by the Board of Parole of the
- 9 offender's record, the board shall consider, at a minimum:".

Senator Ashford offered the following amendment to the B. Harr amendment:

FA67

Amend AM1094

Page 1, line 5 change 5 years to 3 years

SPEAKER ADAMS PRESIDING

Senator Ashford withdrew his amendment.

SENATOR GLOOR PRESIDING

Senator B. Harr withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 553A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 553, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

LEGISLATIVE BILL 23A. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 23, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

AMENDMENT - Print in Journal

Senator Lautenbaugh filed the following amendment to LB563:
FA65

On page 2, line 3, strike "new" and insert "new and improved."

UNANIMOUS CONSENT - Add Cointroducer

Senator Murante asked unanimous consent to add his name as cointroducer to LB585. No objections. So ordered.

VISITORS

Visitors to the Chamber were 9 high school students and teachers from Banner County School, Kimball; 6 eleventh- and twelfth-grade students, teachers, and sponsors from O'Neill; 36 fourth-grade students, teachers, and sponsors from Christ Lutheran School, Norfolk; members from Lincoln Leadership; and 54 fourth-grade students, teachers, and sponsors from Central City.

RECESS

At 11:56 a.m., on a motion by Senator B. Harr, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Adams presiding.

ROLL CALL

The roll was called and all members were present except Senators Ashford, Conrad, Hansen, Janssen, Karpisek, Larson, Lautenbaugh, and Schilz who were excused until they arrive.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator B. Harr has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 146, 147, 148, 149, 150, and 151 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 146, 147, 148, 149, 150, and 151.

GENERAL FILE

LEGISLATIVE BILL 104. Title read. Considered.

Committee AM525, found on page 662, was offered.

SENATOR COASH PRESIDING

Senator Chambers offered the following motion:

MO55

Recommit to the Revenue Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Chambers requested a roll call vote on his motion to recommit to committee.

Voting in the affirmative, 3:

Hansen

Janssen

McCoy

Voting in the negative, 38:

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

Present and not voting, 6:

Bloomfield	Lautenbaugh	Smith
Chambers	Nelson	Wallman

Excused and not voting, 2:

Conrad	Karpisek
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The Chambers motion to recommit to committee failed with 3 ayes, 38 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator Coash filed the following amendment to LB543:
AM865 is available in the Bill Room.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 522. Placed on Select File with amendment.
ER82

- 1 1. On page 1, line 1, after the semicolon insert "to
- 2 amend section 61-218, Revised Statutes Cumulative Supplement,
- 3 2012;"; and in line 3 after "appropriators" insert "; to change
- 4 provisions relating to the Water Resources Cash Fund; to provide
- 5 for fund transfers; and to repeal the original section."

LEGISLATIVE BILL 583. Placed on Select File with amendment.
ER81

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 2-4902, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 2-4902 The Climate Assessment Response Committee shall:

6 (1) Provide timely and systematic data collection,
7 analysis, and dissemination of information about drought and other
8 severe climate occurrences to the Governor and to other interested
9 persons;

10 (2) Provide the Governor and other interested persons
11 with information and advice relevant to requests for federal
12 disaster declarations and to the use of funds and other types of
13 assistance available to the state because of such declarations;

14 (3) Establish criteria for startup and shutdown of
15 various assessment and response activities by state and federal
16 agencies during drought and other climate-related emergencies;

17 (4) Provide an organizational structure that assures
18 information flow and defines the duties and responsibilities of all
19 agencies during times of drought and climate-related emergencies;

20 (5) Maintain a current inventory of state and federal
21 agency responsibilities in assessing and responding to drought and
22 other climate-related emergencies;

23 (6) Provide a mechanism for the improvement of methods of
1 assessing impacts of drought on agriculture and industry;

2 (7) Provide such other coordination and communication
3 among federal and state agencies as is deemed appropriate by such
4 committee; ~~and~~

5 (8) Provide the Governor and other interested persons
6 with information and research on the impacts of cyclical climate
7 change in Nebraska, including impacts on physical, ecological,
8 and economic areas, and attempt to anticipate the unintended
9 consequences of climate adaptation and mitigation;

10 (9) Facilitate communication between stakeholders and
11 the state about cyclical climate change impacts and response
12 strategies;

13 (10)(a) By September 1, 2014, prepare an initial report
14 on cyclical climate change in Nebraska which includes a synthesis
15 and assessment of the state of knowledge on: Historical climate
16 variability and change; climate projections; and possible impacts
17 to key sectors of the state such as agriculture, water, wildlife,
18 ecosystems, forests, and outdoor recreation. The report shall
19 include key points and a summary of the findings; and

20 (b) By December 1, 2014, review such initial report and
21 provide a final report to the Governor and electronically to the
22 Legislature which includes key points, overarching recommendations,
23 and options that emerge from the initial report; and

24 ~~(8)-(11)~~ Perform such other climate-related assessment
25 and response functions as are desired by the Governor.

26 Sec. 2. Original section 2-4902, Reissue Revised Statutes
27 of Nebraska, is repealed.

1 2. On page 1, strike beginning with "agriculture" in

2 line 1 through line 6 and insert "the Climate Assessment Response

3 Committee; to amend section 2-4902, Reissue Revised Statutes of
 4 Nebraska; to provide duties for the Climate Assessment Response
 5 Committee; and to repeal the original section."

LEGISLATIVE BILL 296. Placed on Select File with amendment.
 ER83

- 1 1. On page 6, line 13, after "of" insert "a"; and in line
- 2 15 strike "effective" and insert "operative".

LEGISLATIVE BILL 476. Placed on Select File.

(Signed) John Murante, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 366A. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 366, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Mello has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 104. Senator Smith offered the following amendment to the committee amendment:

AM1123

(Amendments to Standing Committee amendments, AM525)

- 1 1. On page 3, line 5, after "using" insert "a
- 2 low-emission fuel source or"; and in line 7 strike ", sources" and
- 3 insert ";
- 4 (i) Low-emission fuel source includes, but is not limited
- 5 to, natural gas; and
- 6 (ii) Sources".

SENATOR CARLSON PRESIDING

Senator Smith withdrew his amendment.

Committee AM525, found on page 662 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 159. Introduced by Crawford, 45.

WHEREAS, the science olympiad team at Bellevue Mission Middle School, led by Coach Melody Kjerstad, placed first in the middle school division at the 2013 Nebraska Science Olympiad; and

WHEREAS, the win gave the Braves their ninth consecutive state title; and

WHEREAS, with the win, the Braves will represent Nebraska at the 2013 Science Olympiad National Tournament in Dayton, Ohio; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Bellevue Mission Middle School's science olympiad team on winning the middle school division at the 2013 Nebraska Science Olympiad and extends its best wishes to the Braves in representing Nebraska at the 2013 Science Olympiad National Tournament.

2. That a copy of this resolution be sent to the science olympiad team at Bellevue Mission Middle School and Coach Melody Kjerstad.

Laid over.

LEGISLATIVE RESOLUTION 160. Introduced by Crawford, 45; Price, 3.

WHEREAS, the Nebraska Science Olympiad encourages teamwork, problem-solving, and understanding of science topics by Nebraska's youth; and

WHEREAS, out of twenty-nine schools, Bellevue East High School placed second and Bellevue West High School placed third in the high school division at the 2013 Nebraska Science Olympiad; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Bellevue East Chieftains and the Bellevue West Thunderbirds for their achievements at the 2013 Nebraska Science Olympiad.

2. That a copy of this resolution be sent to the Bellevue East High School and Bellevue West High School science olympiad teams and coaches.

Laid over.

MESSAGE FROM THE GOVERNOR

April 24, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 55e, 79e, 79Ae, 153, 153A, 158e, 203, 230, 263e, 271, 388, 495e, 495Ae, 528, 612e, and 629 were received in my office on April 18, 2013.

These bills were signed and delivered to the Secretary of State on April 24, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

GENERAL FILE

LEGISLATIVE BILL 140. Title read. Considered.

Committee AM210, found on page 607, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 366. Title read. Considered.

Committee AM785, found on page 821, was offered.

Senator Cook moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The committee amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

SENATOR KRIST PRESIDING

Senator Cook moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 384. Title read. Considered.

Committee AM597, found on page 679, was offered.

Senator Nordquist offered the following amendment to the committee amendment:

AM1092

(Amendment to Standing Committee amendments, AM597)

- 1 1. On page 1, line 14, strike "twelve" and insert
- 2 "eleven".
- 3 2. On page 2, line 10, after the semicolon insert
- 4 "and"; and strike beginning with the semicolon in line 14 through
- 5 "commission" in line 18.

The Nordquist amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 384A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 553. ER62, found on page 1061, was adopted.

Senator Nordquist offered his amendment, AM1073, found on page 1120.

The Nordquist amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Lautenbaugh offered the following amendment:
AM1130

(Amendments to AM802)

- 1 1. Strike sections 2, 6, 8, 9, 11, 12, 13, and 14 and all
- 2 amendments thereto.
- 3 2. On pages 14, 15, and 24 through 27; and page 28, lines
- 4 8, 13, and 24, strike the new matter and reinstate the stricken
- 5 matter.
- 6 3. Renumber the remaining sections and correct the
- 7 repealer accordingly.

Senator Lautenbaugh withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB3:
AM1128

(Amendments to AM1067)

- 1 1. On page 2, line 7, strike "buyer, or tenant" and
- 2 insert "or buyer"; and in line 14 strike "tenant".
- 3 2. On page 3, line 7, strike "or tenant".
- 4 3. On page 4, line 2, strike "or tenant".
- 5 4. On page 6, strike beginning with "or" in line 20
- 6 through the comma in line 21.

Senator Hadley filed the following amendment to LB23:
AM1129

(Amendments to E & R amendments, ER61)

- 1 1. On page 29, line 14, strike "and"; after line 14
- 2 insert the following new subdivision:
- 3 "(d) Fourth, one million dollars to the General Fund;
- 4 and"; in line 15 strike "(d) Fourth" and insert "(e) Fifth"; in
- 5 line 19 strike "and (c)" and insert "(c), and (d)"; and after line
- 6 23 insert the following new subsection:
- 7 "(5) The Division of Medicaid and Long-Term Care
- 8 of the Department of Health and Human Services shall report
- 9 electronically, no later than December 1 of each year, to the
- 10 Health and Human Services Committee of the Legislature and the
- 11 Judiciary Committee of the Legislature the amounts collected from
- 12 each payer of the tax pursuant to section 68-1803 and the amount of
- 13 each disbursement from the ICF/DD Reimbursement Protection Fund."

Senator Murante filed the following amendment to LB299:
AM1135

(Amendments to AM987)

- 1 1. On page 1, line 8, strike "provide" and insert
- 2 "include provisions"; and in line 16 after the period insert

- 3 "The guidelines shall be instructional in nature and shall not be
4 construed to bind election commissioners or county clerks."

Senators Sullivan, Adams, Avery, Cook, Davis, K. Haar, Scheer, and Seiler filed the following amendment to LB407:
AM1102 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducers

Senators Davis and Dubas asked unanimous consent to add their names as cointroducers to LB402. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jennifer Jones Welch, a staff member of the Clerk's Office from the Virginia Senate; 27 third- through fifth-grade students and teacher from Zion Lutheran School, Kearney; and Brian and Krew Kanter from Lincoln.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 8:14 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Thursday, April 25, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SEVENTH DAY - APRIL 25, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SIXTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 25, 2013

PRAYER

The prayer was offered by Bishop James Conley, Catholic Diocese of Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad, Davis, Lautenbaugh, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-sixth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR155	Executive Board

(Signed) John Wightman, Chairperson
Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 24, 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

Cutshall & Nowka
Grand Island Chamber of Commerce

Kelley Governmental Relations
Grand Island Chamber of Commerce
Mines, Mick
Mines & Associates
Olhausen, Vaun
Novartis Pharmaceuticals Corporation (Withdrawn 04/22/2013)
Peetz, Natalie
Peetz & Company

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>

GENERAL FILE

LEGISLATIVE BILL 23A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 366A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 553A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 407. Committee AM1018, found on page 1007 and considered on page 1067, was renewed.

Senator Sullivan withdrew the Sullivan et al. amendment, AM1047, found on page 1011 and considered on pages 1078 and 1085.

Senator Hadley withdrew his amendment, AM1034, found on page 1050.

Senator Karpisek withdrew his amendment, AM1055, found on page 1050.

Senator K. Haar withdrew the K. Haar-Kolowski amendment, AM1036, found on page 1050.

Senator Kolowski withdrew his amendment, AM1039, found on page 1053.

Senator Bolz withdrew her amendment, AM1038, found on page 1055.

Senator Krist withdrew his amendment, AM1041, found on page 1057.

Senator Gloor withdrew the Gloor-Hadley amendment, AM1060, found on page 1085.

The committee amendment lost with 1 aye, 22 nays, 23 present and not voting, and 3 excused and not voting.

Senator Sullivan offered the Sullivan et al. amendment, AM1102, found on page 1146.

The Sullivan et al. amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 161. Introduced by Dubas, 34.

WHEREAS, Brad Santin of Palmer, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Brad has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Brad, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the legislature congratulates Brad Santin on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Brad Santin.

Laid over.

LEGISLATIVE RESOLUTION 162. Introduced by Dubas, 34.

WHEREAS, Brett Santin of Palmer, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Brett has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Brett, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Brett Santin on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Brett Santin.

Laid over.

LEGISLATIVE RESOLUTION 163. Introduced by Dubas, 34.

WHEREAS, Cody McClellan of Palmer, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Cody has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Cody, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Cody McClellan on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Cody McClellan.

Laid over.

LEGISLATIVE RESOLUTION 164. Introduced by Dubas, 34.

WHEREAS, Heath McClellan of Palmer, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Heath has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Heath, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Heath McClellan on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Heath McClellan.

Laid over.

SELECT FILE

LEGISLATIVE BILL 306. ER59, found on page 998, was adopted.

Senator Lathrop offered the following motion:

MO56

Suspend the rules, Rule 7, Sec. 3(d) to permit consideration of AM1114.

SPEAKER ADAMS PRESIDING

SENATOR KRIST PRESIDING

Senator Lathrop moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Lathrop motion to suspend the rules prevailed with 34 ayes, 4 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Lathrop offered his amendment, AM1114, found on page 1121.

Senator Bloomfield offered the following amendment to the Lathrop amendment:

AM1164

(Amendments to AM1114)

- 1 1. On page 1, strike beginning with "one" in line 11
- 2 through "cents" in line 12 and insert "one hundred forty-nine
- 3 thousand two hundred fifty-five dollars and eleven cents"; and
- 4 strike beginning with "one" in line 14 through "cents" in line 15
- 5 and insert "one hundred fifty-two thousand nine hundred eighty-six
- 6 dollars and forty-nine cents".

Senator Bloomfield moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Bloomfield requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Avery	Hansen	Larson	Schilz
Bloomfield	Janssen	McCoy	Smith
Bolz	Karpisek	Murante	Wallman
Brasch	Kintner	Nelson	Watermeier

Voting in the negative, 28:

Adams	Conrad	Haar, K.	Kolowski	Scheer
Ashford	Cook	Hadley	Krist	Seiler
Campbell	Crawford	Harms	Lathrop	Sullivan
Carlson	Davis	Harr, B.	Lautenbaugh	Wightman
Chambers	Dubas	Howard	McGill	
Coash	Gloor	Johnson	Nordquist	

Present and not voting, 4:

Christensen	Mello	Pirsch	Schumacher
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Excused and not voting, 1:

Price

The Bloomfield amendment lost with 16 ayes, 28 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The Lathrop amendment was adopted with 29 ayes, 4 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 69. Placed on Final Reading.
LEGISLATIVE BILL 205. Placed on Final Reading.
LEGISLATIVE BILL 240. Placed on Final Reading.
LEGISLATIVE BILL 429A. Placed on Final Reading.
LEGISLATIVE BILL 487. Placed on Final Reading.
LEGISLATIVE BILL 585. Placed on Final Reading.
LEGISLATIVE BILL 589. Placed on Final Reading.
LEGISLATIVE BILL 595. Placed on Final Reading.
LEGISLATIVE BILL 595A. Placed on Final Reading.
LEGISLATIVE BILL 646. Placed on Final Reading.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARING

Executive Board

Room 2102

Wednesday, May 8, 2013 12:00 p.m.

LR155

(Signed) John Wightman, Chairperson

AMENDMENTS - Print in Journal

Senator Campbell filed the following amendment to LB269A:
 AM1163

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 2, line 2, strike "FY2014-15" and insert
- 5 "FY2013-14".

Senator Conrad filed the following amendment to LB507:
 AM1173

(Amendments to Standing Committee amendments, AM701)

- 1 1. Insert the following new sections:
- 2 Sec. 18. Sections 16, 18, 19, and 21 of this act become
- 3 operative on their effective date. The other sections of this act

4 become operative three calendar months after adjournment of this
5 legislative session.

6 Sec. 19. Original section 68-1206, Reissue Revised
7 Statutes of Nebraska, is repealed.

8 Sec. 21. Since an emergency exists, this act takes effect
9 when passed and approved according to law.

10 2. On page 10, line 1, after the period insert "As
11 part of the provision of social services authorized by section
12 68-1202, the department shall participate in the federal child care
13 assistance program under section 42 U.S.C. 618, as such section
14 existed on January 1, 2013, and provide child care assistance to
15 families with incomes up to one hundred twenty-five percent of the
16 federal poverty level for FY2013-14 and one hundred thirty percent
17 of the federal poverty level for FY2014-15 and each fiscal year
18 thereafter.".

19 3. On page 12, line 13, strike "sections 68-1206 and" and
20 insert "section".

21 4. Renumber the remaining section accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 507A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 507, One Hundred Third Legislature, First Session, 2013.

SPEAKER ADAMS PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 152 and 153 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 152 and 153.

VISITORS

Visitors to the Chamber were 50 fourth-grade students and teachers from Filmore Central Elementary, Geneva; 6 directors and employees of the Cornhusker Public Power District; 80 fourth-grade students, teachers, and sponsors from Cather Elementary, Omaha; 10 fourth-grade students and teacher from Plainview; Leroy Petersen and Tom Schantz from Wisner; 48 eighth-grade students and teachers from Mary Our Queen School, Omaha; Aaron and Alex Rooker from Papillion; 18 fourth-grade students and

teachers from Sunset Hills School, Omaha; and 8 fourth-grade students and teacher from St. Joseph School, York.

The Doctor of the Day was Dr. Keasling from Omaha.

ADJOURNMENT

At 12:47 p.m., on a motion by Senator Mello, the Legislature adjourned until 10:00 a.m., Monday, April 29, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-EIGHTH DAY - APRIL 29, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SIXTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 29, 2013

PRAYER

The prayer was offered by Pastor David Smith, Zion Lutheran Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators K. Haar and Lautenbaugh who were excused; and Senators Bolz, Conrad, Cook, Harms, Janssen, Karpisek, Kintner, Larson, McCoy, Mello, Nelson, Nordquist, Price, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-seventh day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 42. Placed on Final Reading.

LEGISLATIVE BILL 59. Placed on Final Reading.

LEGISLATIVE BILL 154. Placed on Final Reading.

LEGISLATIVE BILL 166. Placed on Final Reading.

ST17

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendment, ER65, amendment 2 has been struck.

LEGISLATIVE BILL 172. Placed on Final Reading.

LEGISLATIVE BILL 192. Placed on Final Reading.

LEGISLATIVE BILL 208. Placed on Final Reading.

LEGISLATIVE BILL 243. Placed on Final Reading.

LEGISLATIVE BILL 345. Placed on Final Reading.

ST11

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schumacher amendment, AM1104, on page 4, lines 20 and 24, "effective date of this act" has been struck and "operative date of this section" inserted.

2. On page 1, the matter beginning with "transfer" in line 1 through line 6 and all amendments thereto have been struck and "real estate transfers; to amend sections 76-2,126, 76-3402, 76-3410, and 76-3420, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to certain real estate filings and transfer on death deeds; to define a term; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 361. Placed on Final Reading.

LEGISLATIVE BILL 377. Placed on Final Reading.

LEGISLATIVE BILL 386. Placed on Final Reading.

LEGISLATIVE BILL 420. Placed on Final Reading.

LEGISLATIVE BILL 435. Placed on Final Reading.

LEGISLATIVE BILL 458. Placed on Final Reading.

LEGISLATIVE BILL 459. Placed on Final Reading.

LEGISLATIVE BILL 549. Placed on Final Reading.

LEGISLATIVE BILL 643. Placed on Final Reading.

(Signed) John Murante, Chairperson

SELECT FILE

LEGISLATIVE BILL 517. ER35, found on page 877, was adopted.

Senator Carlson offered his amendment, AM1048, found on page 1117.

Senator B. Harr offered the following amendment to the Carlson amendment:

AM1180

(Amendments to AM1048)

- 1 1. On page 2, line 15, strike "public power and
- 2 irrigation districts"; and in line 16 after the first semicolon
- 3 insert "a metropolitan utilities district".

Senator B. Harr withdrew his amendment.

Senator Mello offered the following amendment to the Carlson amendment:
AM1176

(Amendments to AM1048)

- 1 1. On page 2, line 2, strike "ten" and insert "eleven";
- 2 and in line 16 after the first semicolon insert "a metropolitan
- 3 utilities district".

The Mello amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

The Carlson amendment, as amended, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 517A. Senator Carlson offered his amendment, AM1068, found on page 1120.

The Carlson amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 483A. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 483, One Hundred Third Legislature, First Session, 2013.

AMENDMENTS - Print in Journal

Senator Hadley filed the following amendment to LB23:
AM1181

(Amendments to E & R amendments, ER61)

- 1 1. On page 29, line 14, strike "and"; after line 14
- 2 insert the following new subdivision:
- 3 "(d) Fourth, one million dollars to the General Fund;
- 4 and"; in line 15 strike "(d) Fourth" and insert "(e) Fifth"; in
- 5 line 19 strike "and (c)" and insert "(c), and (d)"; and after line
- 6 23 insert the following new subsection:
- 7 "(5) The Division of Medicaid and Long-Term Care
- 8 of the Department of Health and Human Services shall report
- 9 electronically, no later than December 1 of each year, to the
- 10 Health and Human Services Committee of the Legislature and the
- 11 Revenue Committee of the Legislature the amounts collected from
- 12 each payer of the tax pursuant to section 68-1803 and the amount of
- 13 each disbursement from the ICF/DD Reimbursement Protection Fund.".

Senator Krist filed the following amendment to LB6:
AM1159

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Sec. 11. Section 38-2121, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 38-2121 The requirement to be licensed as a mental health
- 5 practitioner pursuant to the Uniform Credentialing Act in order to
- 6 engage in mental health practice shall not be construed to prevent:
- 7 (1) Qualified members of other professions who are
- 8 licensed, certified, or registered by this state from practice
- 9 of any mental health activity consistent with the scope of practice
- 10 of their respective professions;
- 11 (2) Alcohol and drug counselors who are licensed by the
- 12 Division of Public Health of the Department of Health and Human
- 13 Services and problem gambling counselors who are certified by the
- 14 Department of Health and Human Services prior to July 1, 2013, or
- 15 by the Nebraska Commission on Problem Gambling beginning on July
- 16 1, 2013, from practicing their profession. Such exclusion shall
- 17 include students training and working under the supervision of an
- 18 individual qualified under section 38-315;
- 19 (3) Any person employed by an agency, bureau, or division
- 20 of the federal government from discharging his or her official
- 21 duties, except that if such person engages in mental health
- 22 practice in this state outside the scope of such official duty
- 1 or represents himself or herself as a licensed mental health
- 2 practitioner, he or she shall be licensed;
- 3 (4) Teaching or the conduct of research related to mental
- 4 health services or consultation with organizations or institutions
- 5 if such teaching, research, or consultation does not involve the
- 6 delivery or supervision of mental health services to individuals
- 7 or groups of individuals who are themselves, rather than a third
- 8 party, the intended beneficiaries of such services;
- 9 (5) The delivery of mental health services by:
- 10 (a) Students, interns, or residents whose activities
- 11 constitute a part of the course of study for medicine, psychology,
- 12 nursing, school psychology, social work, clinical social work,
- 13 counseling, marriage and family therapy, or other health care or
- 14 mental health service professions; or
- 15 (b) Individuals seeking to fulfill postgraduate
- 16 requirements for licensure when those individuals are supervised by
- 17 a licensed professional consistent with the applicable regulations
- 18 of the appropriate professional board;
- 19 (6) Duly recognized members of the clergy from providing
- 20 mental health services in the course of their ministerial duties
- 21 and consistent with the codes of ethics of their profession if they
- 22 do not represent themselves to be mental health practitioners;
- 23 (7) The incidental exchange of advice or support by
- 24 persons who do not represent themselves as engaging in mental

25 health practice, including participation in self-help groups when
 26 the leaders of such groups receive no compensation for their
 27 participation and do not represent themselves as mental health
 1 practitioners or their services as mental health practice;

2 (8) Any person providing emergency crisis intervention
 3 or referral services or limited services supporting a service plan
 4 developed by and delivered under the supervision of a licensed
 5 mental health practitioner, licensed physician, or a psychologist
 6 licensed to engage in the practice of psychology if such persons
 7 are not represented as being licensed mental health practitioners
 8 or their services are not represented as mental health practice; or

9 (9) Staff employed in a program designated by an agency
 10 of state government to provide rehabilitation and support services
 11 to individuals with mental illness from completing a rehabilitation
 12 assessment or preparing, implementing, and evaluating an individual
 13 rehabilitation plan.

14 Sec. 12. Section 71-802, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 71-802 The purposes of the Nebraska Behavioral Health
 17 Services Act are to: (1) Reorganize statutes relating to the
 18 provision of publicly funded behavioral health services; (2)
 19 provide for the organization and administration of the public
 20 behavioral health system within the department; (3) rename mental
 21 health regions as behavioral health regions; (4) provide for
 22 the naming of regional behavioral health authorities and ongoing
 23 activities of regional governing boards; (5) reorganize and rename
 24 the State Mental Health Planning and Evaluation Council; and the
 25 State Alcoholism and Drug Abuse Advisory Committee; ~~and the~~
 26 ~~Nebraska Advisory Commission on Compulsive Gambling;~~ (6) change
 27 and add provisions relating to development of community-based
 1 behavioral health services and funding for behavioral health
 2 services; and (7) authorize the closure of regional centers.

3 2. On page 1, line 2, after the first comma insert
 4 "38-2121, 71-802,".

5 3. On page 3, strike lines 2 through 25 and insert the
 6 following:

7 "(a) One member with medical care or mental health
 8 expertise;

9 (b) One member with expertise in banking and finance;

10 (c) One member with legal expertise;

11 (d) One member with expertise in the field of education;

12 (e) Two members who are consumers of problem gambling
 13 services;

14 (f) One member with data analysis expertise; and

15 (g) Two members who are residents of the state and are
 16 representative of the public at large.

17 (3) The terms of the members shall be for three years,

18 except that the Governor shall designate three of the initial

19 appointees to serve initial terms beginning on July 1, 2013, and

20 ending on March 1, 2014, three of the initial appointees to serve
 21 initial terms beginning on July 1, 2013, and ending on March 1,
 22 2015, and three of the initial appointees to serve initial terms
 23 beginning on July 1, 2013, and ending on March 1, 2016."

24 4. On page 4, strike lines 1 through 25.

25 5. On page 5, line 1, strike beginning with "days"
 26 through the period; and in line 25 after "shall" insert
 27 "electronically".

1 6. On page 6, line 2, after the second comma insert
 2 "equipment, effects,"; in line 3 strike "July 1" and insert "June
 3 30"; in line 4 strike "such date" and insert "July 1, 2013"; in
 4 line 5 strike "by rule and regulation"; and in line 17 after "may"
 5 insert "adopt and promulgate rules and regulations and".

6 7. On page 7, line 3, after "of" insert "problem
 7 gambling"; and in line 18 after "division" insert "or commission".

8 8. On page 9, line 6, strike "upon thirty days' notice"
 9 and insert "according to its terms".

10 9. On page 22, line 1, strike "on July 14, 2006," and
 11 show as stricken.

12 10. On page 23, line 21, strike "13, and 14" and insert
 13 "12, 13, 15, and 16"; and in line 24 after "9-831," insert
 14 "38-2121, 71-802,".

15 11. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Schilz asked unanimous consent to add his name as cointroducer to LB402. No objections. So ordered.

VISITORS

Visitors to the Chamber were 155 eleventh- and twelfth-grade students as part of the Attorney General's Youth Advisory Council from across the state; 75 fourth-grade students, teachers, and sponsors from Aldrich Elementary, Omaha; and Catie Niedermeyer from Cook.

RECESS

At 11:59 a.m., on a motion by Senator Hadley, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Adams presiding.

ROLL CALL

The roll was called and all members were present except Senators K. Haar, Lautenbaugh, and McGill who were excused; and Senators Ashford, Christensen, Conrad, Lathrop, and Price who were excused until they arrive.

AMENDMENT - Print in Journal

Senator Wightman filed the following amendment to LB341:
AM1161

(Amendments to E & R amendments, ER54)

- 1 1. Insert the following new section:
- 2 Sec. 19. Section 77-1917, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-1917 (1) Any person entitled to redeem real property
- 5 may do so at any time prior to the institution of foreclosure
- 6 proceedings by paying the county treasurer for the use of such
- 7 holder of a tax sale certificate or his or her heirs or assigns
- 8 (a) the sum mentioned in his or her certificate, with interest
- 9 thereon at the rate specified in section 45-104.01, as such rate
- 10 may from time to time be adjusted by the Legislature, from the date
- 11 of purchase to the date of redemption, ~~together with (b)~~ all other
- 12 taxes subsequently paid, whether for any year or years previous or
- 13 subsequent to the sale, and interest thereon at the same rate from
- 14 the date of such payment to the date of redemption, and (c) the
- 15 issuance fee charged pursuant to section 77-1823.
- 16 (2) Any person entitled to redeem real property may do so
- 17 at any time after the decree of foreclosure and before the final
- 18 confirmation of the sale by paying to the clerk of the district
- 19 court the amount found due against the property, with interest and
- 20 costs to the date of redemption and, in addition thereto, when the
- 21 real property has been sold at sheriff's sale to a purchaser other
- 22 than the plaintiff, any subsequent taxes paid by such purchaser,
- 1 as shown by tax receipts filed by such purchaser with the clerk of
- 2 the district court, with interest at the rate specified in section
- 3 45-104.01, as such rate may from time to time be adjusted by the
- 4 Legislature, from the date or dates of payment of such taxes, and
- 5 also interest on the purchase price at the same rate, for the use
- 6 of the purchaser, from the date of sale to the date of redemption.
- 7 During the pendency of a foreclosure action, any person entitled
- 8 to redeem any lot or parcel may do so by paying to the court
- 9 the amount due with interest and costs, including attorney's fees,
- 10 provided for in section 77-1909, if requested in the foreclosure
- 11 complaint. The amount due for redemption under this subsection
- 12 shall include the issuance fee charged pursuant to section 77-1823.
- 13 Within thirty days after receipt of payment of all amounts due,
- 14 the holder of the tax sale certificate shall dismiss its claim
- 15 in the foreclosure proceeding with respect to any redeemed tax
- 16 sale certificate. The holder of the tax sale certificate shall

17 be required to provide the county treasurer with written notice
 18 that a foreclosure suit has been instituted and provide the county
 19 treasurer with an affidavit setting forth the costs incurred in
 20 the foreclosure action and indicating whether attorney's fees were
 21 requested in the foreclosure complaint.

22 (3) The person redeeming any lot or parcel shall be
 23 required to provide the county treasurer with an appropriate
 24 receipt evidencing the payment to the court of the amount due with
 25 interest and costs and the holder of the tax sale certificate shall
 26 file with the county treasurer notice of its dismissal of the claim
 27 in the foreclosure proceeding.

1 2. On page 5, lines 19 and 20; and page 6, line 5, strike
 2 the new matter.

3 3. On page 6, line 25, after "assigns" insert "(1)".

4 4. On page 7, line 1, strike "together with", show as
 5 stricken, and insert "(2)"; in line 4 after "redemption" insert
 6 "and (3) the issuance fee charged pursuant to section 77-1823";
 7 and in lines 4 through 6 strike the new matter and insert "The
 8 issuance fee charged pursuant to section 77-1823 is refundable only
 9 upon redemption or pursuant to a decree of foreclosure pursuant to
 10 section 77-1909".

11 5. On page 8, line 10, strike "redemption money", show
 12 as stricken, and insert "money received for redemption pursuant to
 13 section 77-1824".

14 6. On page 17, line 17, after the last comma insert
 15 "77-1917,".

16 7. Renumber the remaining sections accordingly.

COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 625. Placed on General File with amendment.
 AM1013

1 1. Insert the following new section:

2 Sec. 3. Since an emergency exists, this act takes effect
 3 when passed and approved according to law.

4 2. On page 2, line 15, strike "eighty-five" and insert
 5 "twenty-five"; and in line 16 after "level" insert "for FY2013-14
 6 and one hundred thirty percent of the federal poverty level for
 7 FY2014-15 and each fiscal year thereafter".

(Signed) Kathy Campbell, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR154 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR154.

GENERAL FILE

LEGISLATIVE BILL 66. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM784, found on page 963, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 402. Title read. Considered.

Committee AM684, found on page 783, was offered.

Senator Mello offered his amendment, AM740, found on page 794, to the committee amendment.

SENATOR KRIST PRESIDING

Senator Chambers offered the following motion:

MO57

Bracket until June 5, 2013.

Senator Chambers withdrew his motion to bracket.

The Mello amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

AMENDMENT - Print in Journal

Senator Sullivan filed the following amendment to LB410:
AM1167

- 1 1. Strike original section 26 and insert the following
- 2 new section:
- 3 Sec. 24. The following sections are outright repealed:
- 4 Sections 79-297, 79-298, 79-299, 79-2,100, and 79-756, Reissue
- 5 Revised Statutes of Nebraska.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 561. Placed on Select File with amendment. ER84 is available in the Bill Room.

LEGISLATIVE BILL 269A. Placed on Select File.

LEGISLATIVE BILL 579A. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 103. Placed on Final Reading.

LEGISLATIVE BILL 107. Placed on Final Reading.

LEGISLATIVE BILL 141. Placed on Final Reading.

LEGISLATIVE BILL 169. Placed on Final Reading.

LEGISLATIVE BILL 222. Placed on Final Reading.

LEGISLATIVE BILL 223. Placed on Final Reading.

LEGISLATIVE BILL 277. Placed on Final Reading.

LEGISLATIVE BILL 303. Placed on Final Reading.

LEGISLATIVE BILL 329. Placed on Final Reading.

LEGISLATIVE BILL 332. Placed on Final Reading.

LEGISLATIVE BILL 344. Placed on Final Reading.

LEGISLATIVE BILL 349. Placed on Final Reading.

LEGISLATIVE BILL 442. Placed on Final Reading.

LEGISLATIVE BILL 477. Placed on Final Reading.

LEGISLATIVE BILL 493. Placed on Final Reading.

LEGISLATIVE BILL 500. Placed on Final Reading.

LEGISLATIVE BILL 538. Placed on Final Reading.

LEGISLATIVE BILL 647. Placed on Final Reading.

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 93. Title read. Considered.

Committee AM762, found on page 865, was offered.

Senator Dubas offered the following amendment to the committee amendment:

AM1168

(Amendments to Standing Committee amendments, AM762)

- 1 1. Strike sections 1 to 10 and 19.
- 2 2. On page 28, strike beginning with "subdivision" in
- 3 line 7 through "and" in line 8; in lines 14 and 25 strike "Military
- 4 Honor Plates or"; and strike line 22 and insert "of".

- 5 3. On page 29, line 6, strike "issuance of Military Honor
 6 Plates and".
 7 4. Renumber the remaining sections and correct internal
 8 references accordingly.

The Dubas amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 82. Title read. Considered.

Committee AM693, found on page 765, was offered.

Senator Schumacher withdrew his amendments, AM426 and AM873, found on pages 546 and 903.

Senator Schumacher offered his amendment, AM1078, found on page 1113, to the committee amendment.

SENATOR CARLSON PRESIDING

Senator Schumacher moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Schumacher requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Avery	Coash	Johnson	Murante	Smith
Bloomfield	Davis	Karpisek	Nelson	Sullivan
Brasch	Hadley	Kintner	Pirsch	Wallman
Carlson	Hansen	Larson	Schilz	Watermeier
Christensen	Harr, B.	McCoy	Schumacher	

Voting in the negative, 13:

Adams	Conrad	Gloor	Krist	Wightman
Bolz	Cook	Harms	Nordquist	
Campbell	Dubas	Kolowski	Seiler	

Present and not voting, 4:

Howard	Lathrop	Mello	Price
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Absent and not voting, 1:

Chambers

Excused and not voting, 7:

Ashford	Haar, K.	Lautenbaugh	Scheer
Crawford	Janssen	McGill	

The Schumacher amendment lost with 24 ayes, 13 nays, 4 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Mello offered the following amendment to the committee amendment:

AM753

(Amendments to Standing Committee amendments, AM693)

- 1 1. On page 1, line 15, after the period insert "The
- 2 sum of all tax investments and amounts accrued as calculated by
- 3 the program rate, less any credits paid to a taxpayer pursuant
- 4 to the program, shall be an express obligation of the state for
- 5 purposes of the calculation required in subdivision (1)(b) of
- 6 section 77-2715.01.".
- 7 2. On page 2, strike beginning with "The" in line 10
- 8 through the period in line 12.

Senator Mello withdrew his amendment.

The committee amendment lost with 18 ayes, 8 nays, 15 present and not voting, 1 absent and not voting, and 7 excused and not voting.

Senator Schumacher moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Schumacher requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Avery	Coash	Johnson	Nelson	Wallman
Bloomfield	Davis	Kintner	Price	Watermeier
Brasch	Hadley	Larson	Schilz	
Carlson	Hansen	McCoy	Smith	
Christensen	Harr, B.	Murante	Sullivan	

Voting in the negative, 15:

Adams	Conrad	Gloor	Kolowski	Nordquist
Bolz	Cook	Harms	Krist	Seiler
Campbell	Dubas	Karpisek	Lathrop	Wightman

Present and not voting, 4:

Howard	Mello	Pirsch	Schumacher
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Absent and not voting, 1:

Chambers

Excused and not voting, 7:

Ashford	Haar, K.	Lautenbaugh	Scheer
Crawford	Janssen	McGill	

Failed to advance to Enrollment and Review Initial with 22 ayes, 15 nays, 4 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

VISITOR

The Doctor of the Day was Dr. Robert Messbarger from Kearney.

ADJOURNMENT

At 7:36 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Tuesday, April 30, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-NINTH DAY - APRIL 30, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SIXTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 30, 2013

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

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

The roll was called and all members were present except Senator K. Haar who was excused; and Senators Ashford, Christensen, Conrad, B. Harr, Larson, Lautenbaugh, McCoy, McGill, Price, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-eighth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 44. Placed on Final Reading.

LEGISLATIVE BILL 68. Placed on Final Reading.
ST12

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schilz amendment, AM575:

a. On page 4, line 14, an underscored comma has been inserted after "fees";

b. Amendment 2 has been incorporated into ER52 as follows: On page 7 the matter beginning with "The" in line 24 through the period in line 26 has been struck and "The license fees are set forth in section 11 of this act." inserted; and

c. Amendment 3 has been incorporated into ER52 as follows: On page 10, lines 10 and 11, "of actual costs assessed to the applicant" has been struck;

and the matter beginning with "Such" in line 11 through line 12 has been struck.

LEGISLATIVE BILL 242. Placed on Final Reading.

ST15

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Mello amendment, AM789, on page 2, line 24, "subdivision" has been struck and "subsection" inserted.

2. On page 1, the matter beginning with "84-901.01" in line 2 through line 5 has been struck and "84-908, Reissue Revised Statutes of Nebraska, and sections 81-8,245 and 84-901.01, Revised Statutes Cumulative Supplement, 2012; to provide duties for the Public Counsel; to provide for a public hearing regarding certain rules and regulations; to prohibit application of administrative rules as prescribed; and to repeal the original sections." inserted.

3. On page 3, line 8, "84-908, Reissue Revised Statutes of Nebraska, and sections 81-8,245 and" has been inserted after "section"; and in line 9 "is" has been struck and "are" inserted.

LEGISLATIVE BILL 269. Placed on Final Reading.

ST14

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Campbell amendment, AM1108, on page 1, line 7, "3" has been struck and "2" inserted.

2. In the E and R amendments, ER51, on page 9, line 5, the comma has been struck.

LEGISLATIVE BILL 423. Placed on Final Reading.

ST13

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R Amendments, ER40:

a. On page 4, line 7; and page 7, line 20, "6" has been struck and "9" inserted; and

b. On page 11, lines 21 and 25, "2-3812, 38-3330, 54-742," has been inserted after "sections"; in line 25 "animals" has been struck and "agriculture" inserted; and in line 27 "to provide for use of the Nebraska Agricultural Products Marketing Cash Fund for purposes of bovine trichomoniasis prevention; to provide for waiver of privilege and liability limitations for veterinarians for purposes of bovine trichomoniasis prevention; to prohibit sales of cattle, require notifications, and provide for assessment of costs for purposes of bovine trichomoniasis prevention;" has been inserted after the semicolon.

(Signed) John Murante, Chairperson

COMMUNICATION

Received a copy of House Concurrent Resolution No. 22 from the state of Idaho relating to federal land transfer to the state of Idaho.

GENERAL FILE

LEGISLATIVE BILL 483A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 269A. Senator Campbell offered her amendment, AM1163, found on page 1153.

The Campbell amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 299. Senator Kolowski offered his amendment, AM987, found on page 959.

Senator Murante offered his amendment, AM1135, found on page 1145, to the Kolowski amendment.

The Murante amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

The Kolowski amendment, as amended, was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 23. ER61, found on page 1062, was adopted.

Senator Hadley withdrew his amendments, AM1095 and AM1129, found on pages 1113 and 1145.

Senator Hadley offered his amendment, AM1181, found on page 1159.

The Hadley amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 3. ER63, found on page 1062, was adopted.

Senator Lathrop offered his amendment, AM1067, found on page 1069.

Senator Lathrop offered his amendment, AM1128, found on page 1145, to his amendment.

The Lathrop amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

The Lathrop amendment, AM1067, as amended, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 99. ER64, found on page 1062, was adopted.

Senator Mello offered his amendment, AM1075, found on page 1107.

The Mello amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Pirsch offered the following amendment:
AM1179

- 1 1. Insert the following new sections:
- 2 Section 1. Section 81-1822, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 81-1822 No compensation shall be awarded from the
- 5 Victim's Compensation Fund:
- 6 (1) If the victim aided or abetted the offender in the
- 7 commission of the unlawful act;
- 8 (2) If the offender will receive economic benefit or
- 9 unjust enrichment from the compensation;
- 10 (3) If the victim violated a criminal law of the state,
- 11 which violation caused or contributed to his or her injuries or
- 12 death; ~~or~~
- 13 (4) If the victim is injured as a result of the operation
- 14 of a motor vehicle, boat, or airplane (a) unless the vehicle was
- 15 used in a deliberate attempt to injure or kill the victim, (b)
- 16 unless the operator is charged with a violation of section 60-6,196
- 17 or 60-6,197 or a city or village ordinance enacted in conformance
- 18 with either of such sections, or (c) unless any chemical test of
- 19 the operator's breath or blood indicates an alcohol concentration
- 20 equal to or in excess of the limits prescribed in section 60-6,196.
- 21 ~~;~~
- 22 (5) ~~If the victim incurs an economic loss which does~~
- 23 ~~not exceed ten percent of his or her net financial resources. For~~
- 1 ~~purposes of this subdivision, a victim's net financial resources~~

2 shall not include the present value of future earnings and shall
 3 be determined by the committee by deducting from the victim's total
 4 financial resources:

5 (a) One year's earnings;

6 (b) The victim's equity in his or her home, not exceeding
 7 thirty thousand dollars;

8 (c) One motor vehicle; and

9 (d) Any other property which would be exempt from
 10 execution under section 25-1552 or 40-101.

11 Nothing in this section shall limit payments to a victim
 12 by an offender which are made as full or partial restitution of the
 13 victim's actual pecuniary loss.

14 Sec. 2. Section 81-1833, Revised Statutes Cumulative
 15 Supplement, 2012, is amended to read:

16 81-1833 (1) The committee shall prepare and submit to
 17 the commission a biennial report of its activities under the
 18 Nebraska Crime Victim's Reparations Act, ~~including the name of~~
 19 ~~each applicant, a brief description of the facts in each case, and~~
 20 ~~the amount of compensation awarded, except that if the applicant~~
 21 ~~was the victim of a sexual assault the victim's name shall not~~
 22 ~~be included in the report, but shall be available to the Governor~~
 23 ~~or a member of the Legislature upon request to the committee.~~
 24 Such report shall be submitted to the Governor and Clerk of the
 25 Legislature. The report submitted to the Clerk of the Legislature
 26 shall be submitted electronically, as part of the commission's
 27 report submitted pursuant to section 81-1423.

1 (2) The committee shall act as the oversight committee
 2 for the Community Trust and shall annually report its activities
 3 and findings as the oversight committee to the commission, the
 4 Governor, and the Clerk of the Legislature. The report submitted to
 5 the Clerk of the Legislature shall be submitted electronically. If
 6 any questionable or improper actions or inactions on the part of
 7 the Community Trust are observed, the committee shall immediately
 8 notify the Attorney General who shall investigate the matter.

9 Sec. 3. Original sections 81-1822 and 81-1833, Revised
 10 Statutes Cumulative Supplement, 2012, are repealed.

11 Sec. 4. The following section is outright repealed:

12 Section 81-1834, Revised Statutes Cumulative Supplement, 2012.

13 2. Renumber the remaining sections and correct internal
 14 references and the repealer accordingly.

The Pirsch amendment was adopted with 29 ayes, 0 nays, 13 present and not
 voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 507. Title read. Considered.

SENATOR GLOOR PRESIDING

SENATOR COASH PRESIDING

Committee AM701, found on page 873, was offered.

Senator Conrad offered her amendment, AM1173, found on page 1153, to the committee amendment.

SENATOR KRIST PRESIDING

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 93A. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 93, One Hundred Third Legislature, First Session, 2013.

VISITORS

Visitors to the Chamber were 40 fourth-grade students and teachers from Arlington; 8 fourth-grade student and teachers from Humphrey; 29 twelfth-grade students from Centura; 13 fourth-grade students, teacher, and sponsors from Trinity Lutheran School, Grand Island; and 96 fourth-grade students, teachers, and sponsors from Springridge Elementary, Omaha.

RECESS

At 12:02 p.m., on a motion by Speaker Adams, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Coash presiding.

ROLL CALL

The roll was called and all members were present except Senators K. Haar, Murante, and Watermeier who were excused; and Senators Adams, Ashford,

Karpisek, Lautenbaugh, McCoy, McGill, and Price who were excused until they arrive.

COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 556. Placed on General File with amendment.
AM991

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. (1) The Department of Health and Human
4 Services shall adopt and promulgate rules and regulations providing
5 for telehealth services for children's behavioral health. Such
6 rules and regulations relate specifically to children's behavioral
7 health and are in addition to the Nebraska Telehealth Act.
8 For purposes of sections 1 to 4 of this act, child means
9 a person under nineteen years of age.
10 (2) The rules and regulations required pursuant to
11 subsection (1) of this section shall include, but not be limited
12 to:
13 (a) An appropriately trained staff member or employee
14 familiar with the child's treatment plan or familiar with the child
15 shall be immediately available in person to the child receiving
16 a telehealth behavioral health service in order to attend to any
17 urgent situation or emergency that may occur during provision of
18 such service. This requirement may be waived by the child's parent
19 or legal guardian; and
20 (b) Services provided by means of telecommunications
21 technology, other than telehealth behavioral health services
22 received by a child, are not covered if the child has access to
23 a comparable service within thirty miles of his or her place of
1 residence.
2 Sec. 2. It is the intent of the Legislature that
3 behavioral health screenings be offered by physicians at the
4 time of childhood physicals. The physician shall explain that such
5 screening is optional. The results of behavioral health screenings
6 and any related documents shall not be included in the child's
7 school record and shall not be provided to the child's school or
8 to any other person or entity without the express consent of the
9 child's parent or legal guardian.
10 Sec. 3. The Behavioral Health Education Center created
11 pursuant to section 71-830 shall provide education and training
12 for educators on children's behavioral health in the areas of the
13 state served by the Behavioral Health Screening and Referral Pilot
14 Program created pursuant to section 4 of this act.
15 Sec. 4. (1) The University of Nebraska Medical Center
16 shall create the Behavioral Health Screening and Referral Pilot
17 Program. The pilot program shall utilize a strategy of screening
18 and behavioral health intervention. It is the intent of the

19 Legislature that the pilot program demonstrate a method of
20 addressing the unmet emotional or behavioral health needs of
21 children that can be replicated statewide. Under the pilot program,
22 behavioral health screening will be offered: (a) In primary care
23 providers' offices during examinations under the early and periodic
24 screening, diagnosis, and treatment services program pursuant to 42
25 U.S.C. 1396d(r), as such section existed on January 1, 2013; or
26 (b) upon request from parents or legal guardians who have concerns
27 about a child's behavioral health.

1 (2) Three clinics shall be selected to serve as sites
2 for the pilot program, including at least one rural and one
3 urban clinic. Selected clinics shall have child psychologists
4 integrated in the pediatric practice of the clinics. Parents or
5 legal guardians of children participating in the pilot program
6 shall be offered routine mental and behavioral health screening for
7 their child during required physical examinations or at the request
8 of a parent or legal guardian. Behavioral health screening shall be
9 administered by clinic staff and interpreted by the psychiatrist,
10 psychiatric nurse practitioner, psychologist, or licensed mental
11 health practitioner and the child's primary care physician.

12 (3) Children identified through such screenings as being
13 at risk may be referred for further evaluation and diagnosis as
14 indicated. If intervention is required, the primary care medical
15 team, including the psychologist and the primary care physician,
16 shall develop a treatment plan collaboratively with the parent
17 or legal guardian and any other individuals identified by the
18 parent or legal guardian. If appropriate, the child shall receive
19 behavioral therapy, medication, or combination therapy within the
20 primary care practice setting.

21 (4) Consultation via telephone or telehealth with
22 faculty and staff of the departments of Child and Adolescent
23 Psychiatry, Psychiatric Nursing, and Developmental Pediatrics, and
24 the Munroe-Meyer Institute Psychology Department, of the University
25 of Nebraska Medical Center shall be available to the primary
26 care practice and the children as needed to manage the care of
27 children with mental or behavioral health issues that require more
1 specialized care than can be provided by the primary care practice.

2 (5) Data on the pilot program shall be collected and
3 evaluated by the Interdisciplinary Center for Program Evaluation at
4 the Munroe-Meyer Institute of the University of Nebraska Medical
5 Center. Evaluation of the pilot program shall include, but not be
6 limited to:

7 (a) The number of referrals for behavioral health
8 screening under the pilot program;

9 (b) Whether each referral is initiated by a parent, a
10 school, or a physician;

11 (c) The number of children and adolescents recommended
12 for further psychological assessment after screening for a possible
13 behavioral health disorder;

14 (d) The number and type of further psychological
15 assessments of children and adolescents recommended and conducted;

16 (e) The number and type of behavioral health disorders
17 in children and adolescents diagnosed as a result of a further
18 psychological assessment following a behavioral health screening
19 under the pilot program;

20 (f) The number and types of referrals of children and
21 adolescents for behavioral health treatment from primary care
22 medical practitioners;

23 (g) The number of children and adolescents successfully
24 treated for a behavioral health disorder based upon patient
25 reports, parent ratings, and academic records;

26 (h) The number and type of referrals of children and
27 adolescents to psychiatric backup services at the University of
1 Nebraska Medical Center;

2 (i) The number of children and adolescents diagnosed
3 with a behavioral health disorder who are successfully managed or
4 treated through psychiatric backup services from the University of
5 Nebraska Medical Center;

6 (j) The number and types of medications, consultations,
7 or prescriptions ordered by psychiatric nurse practitioners for
8 children and adolescents;

9 (k) The number of referrals of children and adolescents
10 for severe behavioral health disorders and consultations to
11 child psychiatrists, developmental pediatricians, or psychologists
12 specializing in treatment of adolescents;

13 (l) The number of children and adolescents referred
14 to psychiatric hospitals or emergency departments of acute-care
15 hospitals for treatment for dangerous or suicidal behavior;

16 (m) The number of children and adolescents prescribed
17 psychotropic medications and the types of such psychotropic
18 medications; and

19 (n) Data collection on program costs and financial impact
20 as related to capacity for replication in other primary care
21 practices. Primary program costs include physician and psychologist
22 time for conducting screenings, family interviews, further testing,
23 and specialist consulting costs relating to consulting services by
24 psychiatric nurses, developmental pediatricians, and psychologists.
25 Treatment or medications paid by private insurance, the medical
26 assistance program, or the State Children's Health Insurance
27 Program shall not be included in program costs pursuant to this
1 subdivision.

2 (6) This section terminates two years after the effective
3 date of this act.

4 Sec. 5. Section 68-911, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 68-911 (1) Medical assistance shall include coverage for
7 health care and related services as required under Title XIX of the
8 federal Social Security Act, including, but not limited to:

- 9 (a) Inpatient and outpatient hospital services;
 10 (b) Laboratory and X-ray services;
 11 (c) Nursing facility services;
 12 (d) Home health services;
 13 (e) Nursing services;
 14 (f) Clinic services;
 15 (g) Physician services;
 16 (h) Medical and surgical services of a dentist;
 17 (i) Nurse practitioner services;
 18 (j) Nurse midwife services;
 19 (k) Pregnancy-related services;
 20 (l) Medical supplies; ~~and~~
 21 (m) Mental health and substance abuse services; and
 22 ~~(m)-(n) Early and periodic screening and diagnosis and~~
 23 treatment services for children which shall include both physical
 24 and behavioral health screening, diagnosis, and treatment services.
 25 (2) In addition to coverage otherwise required under this
 26 section, medical assistance may include coverage for health care
 27 and related services as permitted but not required under Title XIX
 1 of the federal Social Security Act, including, but not limited to:
 2 (a) Prescribed drugs;
 3 (b) Intermediate care facilities for the mentally
 4 retarded;
 5 (c) Home and community-based services for aged persons
 6 and persons with disabilities;
 7 (d) Dental services;
 8 (e) Rehabilitation services;
 9 (f) Personal care services;
 10 (g) Durable medical equipment;
 11 (h) Medical transportation services;
 12 (i) Vision-related services;
 13 (j) Speech therapy services;
 14 (k) Physical therapy services;
 15 (l) Chiropractic services;
 16 (m) Occupational therapy services;
 17 (n) Optometric services;
 18 (o) Podiatric services;
 19 (p) Hospice services;
 20 (q) Mental health and substance abuse services;
 21 (r) Hearing screening services for newborn and infant
 22 children; and
 23 (s) Administrative expenses related to administrative
 24 activities, including outreach services, provided by school
 25 districts and educational service units to students who are
 26 eligible or potentially eligible for medical assistance.
 27 (3) No later than July 1, 2009, the department
 1 shall submit a state plan amendment or waiver to the federal
 2 Centers for Medicare and Medicaid Services to provide coverage
 3 under the medical assistance program for community-based secure

4 residential and subacute behavioral health services for all
5 eligible recipients, without regard to whether the recipient has
6 been ordered by a mental health board under the Nebraska Mental
7 Health Commitment Act to receive such services.

8 Sec. 6. Section 71-8506, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 ~~71-8506 (1) On or after July 1, 2000, in person~~In-person
11 contact between a health care practitioner and a patient shall
12 not be required under the medical assistance program established
13 pursuant to the Medical Assistance Act and Title XXI of the federal
14 Social Security Act, as amended, for health care services delivered
15 through telehealth that are otherwise eligible for reimbursement
16 under such program and federal act. Such services shall be subject
17 to reimbursement policies developed pursuant to such program and
18 federal act. This section also applies to managed care plans which
19 contract with the department pursuant to the Medical Assistance Act
20 only to the extent that:

21 (a) Health care services delivered through telehealth
22 are covered by and reimbursed under the medicaid fee-for-service
23 program; and

24 (b) Managed care contracts with managed care plans are
25 amended to add coverage of health care services delivered through
26 telehealth and any appropriate capitation rate adjustments are
27 incorporated.

1 (2) The reimbursement rate for a telehealth consultation
2 shall, as a minimum, be set at the same rate as the medical
3 assistance program rate for a comparable in-person consultation.

4 (3) The department shall establish rates for transmission
5 cost reimbursement for telehealth consultations, considering, to
6 the extent applicable, reductions in travel costs by health care
7 practitioners and patients to deliver or to access health care
8 services and such other factors as the department deems relevant.
9 Such rates shall include reimbursement for all two-way, real-time,
10 interactive communications between the patient and the physician
11 or health care practitioner at the distant site which comply with
12 the federal Health Insurance Portability and Accountability Act
13 of 1996 and rules and regulations adopted thereunder and with
14 regulations relating to encryption adopted by the federal Centers
15 for Medicare and Medicaid Services and which satisfy federal
16 requirements relating to efficiency, economy, and quality of care.

17 Sec. 7. Original sections 68-911 and 71-8506, Reissue
18 Revised Statutes of Nebraska, are repealed.

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 507. The Conrad amendment, AM1173, found on page 1153 and considered in this day's Journal, to the committee amendment, was renewed.

The Conrad amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Committee AM701, found on page 873 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 507A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 104. Placed on Select File with amendment.
ER86

- 1 1. On page 1, strike lines 2 through 7 and insert
- 2 "77-5715, Revised Statutes Cumulative Supplement, 2012; to provide
- 3 tax incentives for renewable energy projects as prescribed; to
- 4 define and redefine terms; to repeal the original section; and to
- 5 declare an emergency."

LEGISLATIVE BILL 140. Placed on Select File with amendment.
ER89

- 1 1. In the Standing Committee amendments, AM210:
- 2 a. On page 3, line 16, strike "electrical" and insert
- 3 "electric";
- 4 b. On page 18, line 25, after "subdivision" insert an
- 5 underscored comma; and
- 6 c. On page 21, line 8, strike "section 5" and insert
- 7 "sections 5 and 15".
- 8 2. On page 1, line 11, after the first semicolon insert
- 9 "to harmonize provisions;"

LEGISLATIVE BILL 366. Placed on Select File with amendment.
ER87

- 1 1. In the Standing Committee amendments, AM785, on page
- 2 1, lines 14 and 18, strike "shall mean" and insert "means"; in
- 3 line 22 strike "\$750,000" and insert "seven hundred fifty thousand
- 4 dollars" and strike "FY2013-14" and insert "fiscal years 2013-14
- 5 and 2014-15."; and in line 23 strike "and FY2014-15.".
- 6 2. On page 1, strike beginning with "Remedial" in line 2
- 7 through the first "to" in line 4 and insert "Diploma of High School
- 8 Equivalency Assistance Act; to eliminate obsolete provisions and
- 9 provide an additional use of".

LEGISLATIVE BILL 366A. Placed on Select File with amendment.
ER85

- 1 1. On page 2, line 18, strike "(1)".

LEGISLATIVE BILL 384. Placed on Select File with amendment.
ER88

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 6 of this act shall be known and
- 4 may be cited as the Nebraska Exchange Transparency Act.
- 5 Sec. 2. The purpose of the Nebraska Exchange Transparency
- 6 Act is to provide state-based recommendations and transparency
- 7 regarding the implementation and operation of an affordable
- 8 insurance exchange, as required by the federal Patient Protection
- 9 and Affordable Care Act, 42 U.S.C. 18001 et seq., by creating the
- 10 Nebraska Exchange Stakeholder Commission.
- 11 Sec. 3. (1) The Nebraska Exchange Stakeholder Commission
- 12 is created. For administrative and budgetary purposes only, the
- 13 commission shall be housed within the Department of Insurance. The
- 14 commission shall be composed of eleven members as follows:
- 15 (a) Nine members shall be appointed by the Governor in
- 16 the following manner:
- 17 (i) Four members to represent the interests of consumers
- 18 who will access health insurance in the exchange with at least one
- 19 of such members to represent the interests of rural consumers who
- 20 will access health insurance in the exchange;
- 21 (ii) One member to represent the interests of small
- 22 businesses who are qualified to purchase health insurance in the
- 23 exchange;
- 1 (iii) Two members to represent the interests of health
- 2 care providers in the state;
- 3 (iv) One member to represent the interests of health
- 4 insurance carriers who are eligible to offer health plans in the
- 5 exchange; and
- 6 (v) One member to represent the interests of health
- 7 insurance agents. This member shall not be a captive agent of any
- 8 health insurance carrier;

9 (b) The Director of Insurance or his or her designee is a
10 nonvoting, ex officio member of the commission; and

11 (c) The director of the Division of Medicaid and
12 Long-Term Care of the Department of Health and Human Services
13 or his or her designee is a nonvoting, ex officio member of the
14 commission.

15 (2) The terms of appointed members of the commission
16 shall commence on July 1, 2013.

17 (3) The appointed members of the commission shall serve
18 for terms of four years, except that of the members first
19 appointed, the Governor shall designate;

20 (a) One of the members representing the interests of
21 health care providers in the state to serve a term of three years
22 and the other to serve a term of two years;

23 (b) The member representing the interests of health
24 insurance carriers to serve a term of two years;

25 (c) The member representing the interests of health
26 insurance agents to serve a term of three years; and

27 (d) All other members to serve for terms of four years.

1 (4) A member may be reappointed at the expiration of his
2 or her term. All succeeding appointments to the commission shall be
3 made in the same manner as the original appointments are made, and
4 succeeding appointees shall have the same qualifications as their
5 predecessors.

6 (5) An individual appointed to fill a vacancy occurring
7 other than by the expiration of a term of office shall be appointed
8 for the unexpired term of the member such individual succeeds
9 and shall be eligible for appointment to subsequent full terms
10 thereafter.

11 (6) All appointments whether initial or subsequent shall
12 be subject to the approval of a majority of the members of
13 the Legislature, if the Legislature is in session, and, if the
14 Legislature is not in session, any appointment shall be temporary
15 until the next session of the Legislature, at which time a majority
16 of the members of the Legislature may approve or disapprove such
17 appointment.

18 (7) A member shall have his or her membership terminated
19 if he or she ceases to meet the qualification for his or her
20 appointment. A member may be removed from the commission for good
21 cause upon written notice and upon an opportunity to be heard
22 before the Governor. After the hearing, the Governor shall file in
23 the office of the Secretary of State a complete statement of the
24 charges and the findings and disposition together with a complete
25 record of the proceedings.

26 Sec. 4. (1) The Nebraska Exchange Stakeholder Commission
27 shall organize by selecting a chairperson and a vice-chairperson
1 who shall hold office at the pleasure of the commission. The
2 vice-chairperson shall act as chairperson in the absence of the
3 chairperson or in the event of a vacancy in that position.

4 (2) The commission shall hold at least four meetings
5 annually, at times and places fixed by the chairperson.

6 (3) A majority of the members of the commission shall
7 constitute a quorum.

8 (4) Members of the commission shall be reimbursed for
9 their actual and necessary expenses as provided in sections 81-1174
10 to 81-1177.

11 Sec. 5. The Nebraska Exchange Stakeholder Commission
12 shall:

13 (1) Work with state and federal agencies and policymakers
14 to provide recommendations regarding implementation and operation
15 of the exchange, including, but not limited to:

16 (a) Improving access to high-quality, affordable health
17 coverage options and improving policies and processes on the
18 exchange to ensure a positive and seamless consumer experience;

19 (b) Promoting competitiveness of the exchange, minimizing
20 administrative burden for issuers, and ensuring consumer
21 protections;

22 (c) Incorporating existing state policies, capabilities,
23 and infrastructure that can also assist in exchange implementation
24 and operations;

25 (d) Ensuring the effectiveness of the navigator grant
26 program;

27 (e) Promoting a seamless integration with the medicaid
1 program and continuity of care for those transitioning between
2 publicly funded coverage and private coverage; and

3 (f) Ensuring the small business health options program
4 or SHOP Exchange meets the needs and provides value to small
5 businesses;

6 (2) Create technical and advisory groups as needed to
7 discuss issues related to the exchange and make recommendations to
8 the commission, state or federal agencies, and the Legislature;

9 (3) Assist the exchange in meeting the stakeholder
10 consultation requirements established in 45 C.F.R. 155.130, as
11 such regulations existed on January 1, 2013;

12 (4) Identify challenges and problems in the
13 implementation and operation of the exchange and prepare
14 recommendations to alleviate the problems identified; and

15 (5) Provide a report on or before December 1, 2013, and
16 each December 1 thereafter, to the Governor and the Legislature
17 concerning the implementation and operation of the exchange,
18 challenges and problems identified in the implementation and
19 operation of the exchange, and recommendations to address such
20 problems and challenges. The report to the Legislature shall be
21 submitted electronically.

22 Sec. 6. The Nebraska Exchange Transparency Act terminates
23 on July 1, 2017.

24 Sec. 7. Since an emergency exists, this act takes effect
25 when passed and approved according to law.

LEGISLATIVE BILL 384A. Placed on Select File.

LEGISLATIVE BILL 23A. Placed on Select File.

LEGISLATIVE BILL 553A. Placed on Select File.

(Signed) John Murante, Chairperson

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB242:
AM1203

(Amendments to Final Reading copy)

- 1 1. On page 3, line 23, strike "the act" and insert "such
- 2 subsection".
- 3 2. On page 4, line 2, after the period insert "The report
- 4 to the executive board shall be submitted electronically.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 165. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study issues surrounding tax settlements. This study shall include, but not be limited to, an examination of the following issues:

(1) Current statutes and Department of Revenue rules and regulations governing tax settlements;

(2) Policies and procedures within the Department of Revenue in determining whether to settle tax cases; and

(3) Implementation of Laws 2011, LB 642, which allows the Department of Revenue to contract with private vendors to help enforce existing tax laws.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 166. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study issues surrounding the creation of revolving funds to finance energy conservation measures in Nebraska K-12 school districts. This study shall include, but not be limited to, an examination of the following issues:

- (1) The potential financial, environmental, and educational benefits of such revolving funds;
- (2) Any similar revolving funds currently being utilized in higher education and elsewhere;
- (3) The potential impact of such revolving funds on state aid funding through the Tax Equity and Educational Opportunities Support Act; and
- (4) Existing funding sources for energy conservation measures that could be leveraged in conjunction with such revolving funds.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 167. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study issues surrounding personal identifying information collected by state and local governments and private businesses. This study shall include, but not be limited to, an examination of the following issues:

- (1) Data disposal laws in other states, including whether such laws apply to government agencies, private businesses, or both;
- (2) Data disposal requirements in existing federal law; and
- (3) Standards used in other state and federal data disposal laws regarding what type of data must be disposed of and the manner of such disposal.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 354. Title read. Considered.

SENATOR SMITH PRESIDING

Committee AM506, found on page 741, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA68

Amend AM506

Page 3, line 1, strike beginning with "It" through "the" in line 5 and insert "The".

SENATOR GLOOR PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 3:

Bloomfield Conrad Cook

Voting in the negative, 23:

Adams	Gloor	Karpisek	Pirsch	Smith
Brasch	Hadley	Kintner	Price	Wallman
Carlson	Hansen	Larson	Scheer	Wightman
Christensen	Janssen	McCoy	Schilz	
Davis	Johnson	Nelson	Seiler	

Present and not voting, 12:

Avery	Crawford	Harr, B.	Nordquist
Campbell	Dubas	Lathrop	Schumacher
Chambers	Harms	Mello	Sullivan

Excused and not voting, 11:

Ashford	Haar, K.	Krist	Murante
Bolz	Howard	Lautenbaugh	Watermeier
Coash	Kolowski	McGill	

The Chambers amendment lost with 3 ayes, 23 nays, 12 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO58

Reconsider the vote taken on FA68.

Pending.

AMENDMENTS - Print in Journal

Senator Dubas filed the following amendment to LB545:
AM1209

(Amendments to Standing Committee amendments, AM422)

- 1 1. On page 5, line 17, after "court" insert ", except
- 2 that the appellate court shall conduct a review of the matter de
- 3 novo on the record.".

Senator Sullivan filed the following amendment to LB410:
AM1205

- 1 1. On page 6, line 4, strike "unless (a) the", show
- 2 as stricken, and insert ", except that the option does not count
- 3 toward such limitation if such option meets, or met at the time
- 4 of the option, one of the following criteria: (a) The"; in line
- 5 7 after "(d)" insert "the student will have completed either the
- 6 grades offered in the school building originally attended in the
- 7 option school district or the grades immediately preceding the
- 8 lowest grade offered in the school building for which a new option
- 9 is sought, (e)"; and in line 8 strike "(e)" and insert "(f)".
- 10 2. On page 7, line 21, strike "or" and insert an
- 11 underscored comma; and in line 22 after "1" insert ", or whose
- 12 qualification for the option for school year 2013-14 is changed
- 13 pursuant to the changes made to subsection (1) of section 79-234 by
- 14 this legislative bill".

Senator Hadley filed the following amendment to LB23A:
AM1212

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. There is hereby appropriated (1) \$1,069,919
- 4 from Cash Funds and \$1,307,679 from federal funds for FY2013-14 and
- 5 (2) \$1,069,919 from Cash Funds and \$1,069,919 from federal funds
- 6 for FY2014-15 to the Department of Health and Human Services, for
- 7 Program 348, to aid in carrying out the provisions of Legislative
- 8 Bill 23, One Hundred Third Legislature, First Session, 2013.
- 9 No expenditures for permanent and temporary salaries and
- 10 per diems for state employees shall be made from funds appropriated
- 11 in this section.

Senator Carlson filed the following amendment to LB354:
FA69

Amend AM506

Page 8 at end of line 11 strike (.) and insert (; and).

Line 12 insert:

- (i) Actively promote efficiency in irrigation practices and encourage plans to accomplish water sustainability.

RESOLUTION

LEGISLATIVE RESOLUTION 168. Introduced by Davis, 43.

WHEREAS, Bruce Parish, Athletic Director of Hyannis Public Schools, was recognized as the District VI Athletic Director of the Year by the Nebraska State Interscholastic Athletic Administrators Association; and

WHEREAS, Director Parish previously served as both vice president and president of the Nebraska State Interscholastic Athletic Administrators Association, and currently serves as the awards and Hall of Fame representative on the association board; and

WHEREAS, Director Parish was previously recognized by the Nebraska State Education Association with its Community Service Award and was named Teacher of the Year at Chadron High School; and

WHEREAS, Director Parish was a youth sports director at the United States Air Force Academy, served in both Bayard and Chadron, Nebraska, for nineteen years before becoming principal at Hyannis Public Schools in 2011, and is a certified Nebraska School Activities Association softball and American Legion baseball umpire.

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

1. That the Legislature congratulates Bruce Parish on being named District VI Athletic Director of the Year, and recognizes his years of service in education and his support of athletic activities for Nebraska's youth.

2. That a copy of this resolution be sent to Bruce Parish and to Hyannis Public Schools.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Cook asked unanimous consent to add her name as cointroducer to LB507. No objections. So ordered.

VISITORS

Visitors to the Chamber were Larry Bradley from Omaha; 13 fourth-grade students and sponsors from St. Mary's School, O'Neill; and 20 fourth-grade students and sponsors from Battle Creek.

The Doctor of the Day was Dr. Jonathan Bassett from Papillion.

ADJOURNMENT

At 5:05 p.m., on a motion by Senator Price, the Legislature adjourned until 9:00 a.m., Wednesday, May 1, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTIETH DAY - MAY 1, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SEVENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 1, 2013

PRAYER

The prayer was offered by Senator Harms.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senators K. Haar and Howard who were excused; and Senators Carlson, Christensen, Coash, Conrad, Davis, Price, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-ninth day was approved.

MESSAGE FROM THE GOVERNOR

April 29, 2013

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Motor Vehicle Industry Licensing Board:

William Ashburn, 4608 Hawthorne Dr., Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 156, 157, 158, 159, and 160 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 156, 157, 158, 159, and 160.

GENERAL FILE

LEGISLATIVE BILL 93A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 553A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 410. Title read. Considered.

Committee AM882, found on page 932, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Sullivan offered her amendment, AM1167, found on page 1165.

The Sullivan amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senator Sullivan offered her amendment, AM1205, found on page 1189.

The Sullivan amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 23A. Senator Hadley withdrew his amendment, AM1212, found on page 1189.

Senator Hadley offered the following amendment:
AM1225

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. There is hereby appropriated (1) \$469,919
- 4 from Cash Funds and \$574,345 from federal funds for FY2013-14
- 5 and (2) \$469,919 from Cash Funds and \$574,345 from federal funds
- 6 for FY2014-15 to the Department of Health and Human Services, for
- 7 Program 348, to aid in carrying out the provisions of Legislative
- 8 Bill 23, One Hundred Third Legislature, First Session, 2013.
- 9 No expenditures for permanent and temporary salaries and
- 10 per diems for state employees shall be made from funds appropriated
- 11 in this section.

The Hadley amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 545. Senator Dubas offered her amendment, AM1209, found on page 1189.

SENATOR KRIST PRESIDING

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 269A. Placed on Final Reading.

LEGISLATIVE BILL 299. Placed on Final Reading.

ST19

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, ", and section 32-101, Revised Statutes Cumulative Supplement, 2012; to require the Secretary of State to develop and publish guidelines for election workers" has been inserted after "Nebraska"; in line 3 "to harmonize provisions;" has been inserted after the semicolon; and in line 4 "section" has been struck and "sections" inserted.
2. On page 6, line 2, "is" has been struck and "and section 32-101, Revised Statutes Cumulative Supplement, 2012, are" inserted.

LEGISLATIVE BILL 306. Placed on Final Reading.
ST16

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "the Judges Retirement Act" has been struck and "judges" inserted and "24-201.01," has been inserted after "sections"; in line 2 a comma has been inserted after "24-703"; and in line 3 "to change judges' salaries;" has been inserted after the semicolon.

LEGISLATIVE BILL 517. Placed on Final Reading.
ST18

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER35, on page 1, line 11, "for the task force and the Department of Natural Resources" has been inserted after "duties"; and in line 12 "an" has been inserted after "declare".

LEGISLATIVE BILL 517A. Placed on Final Reading.
LEGISLATIVE BILL 553. Placed on Final Reading.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 407. Placed on Select File with amendment.
ER91

- 1 1. In the Sullivan amendment, AM1102:
- 2 a. On page 29, line 27; and page 33, line 23, after
- 3 "through" insert "school fiscal year";
- 4 b. On page 34, lines 5 and 19, strike the semicolon,
- 5 show as stricken, and insert an underscored period; and in line 19
- 6 strike the new matter;
- 7 c. On page 35, line 14, strike "districts" and insert "a
- 8 school district"; and in line 17 strike the semicolon and insert an
- 9 underscored period;
- 10 d. On page 36, lines 1 and 5, strike the semicolon and
- 11 insert an underscored period; in line 2 after "allowance" insert
- 12 "for each qualifying school district"; and in line 5 strike "and";
- 13 e. On page 37, lines 1 and 7, after "to" insert "school
- 14 fiscal year"; and in line 21 strike "subsection" and insert
- 15 "subdivision"; and
- 16 f. On page 41, line 3, after "79-1005.01" insert an
- 17 underscored comma.
- 18 2. On page 1, line 5, after the second comma insert
- 19 "79-1017.01, "; and in line 9 strike "and" and after "resources"
- 20 insert ", and budget authority; to eliminate obsolete provisions".

LEGISLATIVE BILL 66. Placed on Select File with amendment.
ER90

- 1 1. In the Standing Committee amendments, AM784, on page
- 2 8, line 24, after "the" insert "United States".
- 3 2. On page 1, strike beginning with "cities" in line
- 4 1 through line 5 and insert "the Community Development Law; to
- 5 amend sections 18-2101, 18-2103, and 18-2147, Reissue Revised
- 6 Statutes of Nebraska; to define and redefine terms; to provide
- 7 for redevelopment of formerly used defense sites as prescribed; to
- 8 provide for applicability of certain ad valorem taxation provisions
- 9 as prescribed; to harmonize provisions; to provide a duty for the
- 10 Revisor of Statutes;".

LEGISLATIVE BILL 402. Placed on Select File with amendment.
ER92

- 1 1. In the Standing Committee amendments, AM684:
- 2 a. On page 2, line 22, strike "and";
- 3 b. On page 3, line 5, before "engineering" insert "or";
- 4 in line 6 strike "legal," and insert "or legal services"; and in
- 5 line 17 strike "subsection" and insert "subdivision"; and
- 6 c. On page 6, line 22, strike "qualified owner, and
- 7 (d)"; and in line 23 after "community" insert ", and (d) qualified
- 8 owner".
- 9 2. On page 1, strike beginning with "the" in line 1
- 10 through line 7 and insert "community-based energy development
- 11 projects; to amend sections 70-1904 and 70-1909, Reissue Revised
- 12 Statutes of Nebraska, and sections 70-1903 and 77-2704.57, Revised
- 13 Statutes Cumulative Supplement, 2012; to define, redefine, and
- 14 eliminate terms; to change provisions relating to community-based
- 15 energy development projects, power purchase agreements, eminent
- 16 domain, and sales and use tax exemptions; to harmonize provisions;
- 17 and to repeal the original sections.".

(Signed) John Murante, Chairperson

AMENDMENT - Print in Journal

Senator B. Harr filed the following amendment to LB568:
AM1218

(Amendments to Standing Committee amendments, AM812)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 8 of this act shall be known and
- 4 may be cited as the Health Insurance Exchange Navigator Licensure
- 5 Act.
- 6 Sec. 2. For purposes of the Health Insurance Exchange
- 7 Navigator Licensure Act:
- 8 (1) Director means the Director of Insurance;
- 9 (2) Exchange means any health insurance exchange

10 established or operating in this state, including any exchange
11 established or operated by the United States Department of Health
12 and Human Services; and

13 (3) Navigator means any individual or entity, other than
14 an insurance producer or consultant, that performs any of the
15 activities and duties identified in 42 U.S.C. 18031(i), as such
16 section existed on January 1, 2013.

17 Sec. 3. (1) No individual or entity shall perform, offer
18 to perform, or advertise any service as a navigator in this state
19 unless licensed as a navigator by the director.

20 (2) A navigator may:

21 (a) Conduct public education activities to raise
22 awareness of the availability of qualified health plans offered
1 in the exchange and public insurance programs offered through the
2 exchange;

3 (b) Distribute fair and impartial information concerning
4 enrollment in (i) all qualified health plans offered in the
5 exchange and the availability of the premium tax credits under
6 section 36B of the Internal Revenue Code of 1986 and cost-sharing
7 reductions under section 1402 of the federal Patient Protection and
8 Affordable Care Act and (ii) public insurance programs;

9 (c) Facilitate enrollment in (i) qualified health plans,
10 without suggesting that an individual select a particular plan, and
11 (ii) public insurance programs;

12 (d) Provide referrals to appropriate state or federal
13 agencies for any enrollee with a grievance, complaint, or question
14 regarding their health plan, coverage, or a determination under
15 such plan coverage; or

16 (e) Provide information in a manner that is culturally
17 and linguistically appropriate to the needs of the population being
18 served by the exchange, including individuals with limited English
19 proficiency, and ensure accessibility and usability of navigator
20 tools and functions for individuals with disabilities in accordance
21 with the Americans with Disabilities Act and section 504 of the
22 Rehabilitation Act.

23 (3) A navigator shall not:

24 (a) Engage in any activities that would require an
25 insurance producer license;

26 (b) Offer advice about which health plan is better or
27 worse for a particular individual or employer;

1 (c) Recommend or endorse a particular health plan or
2 advise consumers about which health plan to choose;

3 (d) Provide any information or services related to health
4 plans or other products not offered in the exchange;

5 (e) Accept any compensation or consideration that is
6 dependent, in whole or in part, on whether a person enrolls in or
7 purchases a qualified health plan; or

8 (f) Fail to respond to any written inquiry from the
9 director or request additional reasonable time to respond within

10 fifteen working days.

11 Sec. 4. (1) An individual applying for an individual
12 navigator license shall make application to the director on a
13 form developed by the director and which contains the information
14 prescribed by the director and which, unless preempted by federal
15 law, is accompanied by the initial individual license fee in
16 an amount not to exceed fifty dollars as established by the
17 director. The individual shall declare in the application under
18 penalty of refusal, suspension, or revocation of the license that
19 the statements made in the application are true, correct, and
20 complete to the best of the individual's knowledge and belief.
21 Before approving the application, the director shall find that the
22 individual:

23 (a) Is at least eighteen years of age;

24 (b) Has successfully passed the examination prescribed by
25 the director, except that the director shall exempt an individual
26 from the requirement for passage of an examination if the
27 individual has successfully passed an examination prescribed by an
1 exchange established or operating in this state. The director may
2 make arrangements, including contracting with an outside testing
3 service, for administering examinations and collecting fees imposed
4 pursuant to the Health Insurance Exchange Navigator Licensure
5 Act. Each individual applying for an examination shall remit a
6 nonrefundable fee as prescribed by the director; and

7 (c) Has identified any entity navigator with which he or
8 she is affiliated and supervised.

9 (2) An entity applying for an entity navigator license
10 shall make application on a form developed by the director and
11 which contains the information prescribed by the director and
12 which, unless preempted by federal law, is accompanied by the
13 initial entity license fee in an amount not to exceed one hundred
14 dollars as established by the director.

15 (3) The director may require any documents deemed
16 necessary to verify the information contained in an application
17 submitted in accordance with subsections (1) and (2) of this
18 section.

19 (4) Licensed entity navigators shall, in a manner
20 prescribed by the director, periodically provide the director with
21 a list of all individual navigators that it employs, supervises,
22 or is affiliated with.

23 Sec. 5. (1) An individual navigator's license shall
24 expire on the last day of the month of the navigator's birthday in
25 the first year after issuance in which his or her age is divisible
26 by two and an entity navigator's license shall expire on April 30
27 of each year after the year of issuance which is divisible by two.

1 (2) An individual navigator may file an application for
2 renewal of a license on a form developed by the director and,
3 unless preempted by federal law, shall pay the renewal fee in an
4 amount not to exceed fifty dollars as established by the director,

5 and an entity navigator may file an application for renewal of a
6 license on a form developed by the director and, unless preempted
7 by federal law, shall pay the renewal fee in an amount not to
8 exceed one hundred dollars as established by the director. An
9 individual navigator who fails to file timely for license renewal,
10 unless preempted by federal law, shall pay a late fee in an amount
11 not to exceed seventy-five dollars as established by the director,
12 and an entity navigator that fails to file timely for license
13 renewal, unless preempted by federal law, shall pay a late fee
14 in an amount not to exceed one hundred twenty-five dollars as
15 established by the director.

16 (3) Prior to the filing date for application for
17 renewal of a license, a licensed individual navigator shall comply
18 with ongoing training and continuing education requirements. Such
19 navigator shall file with the director, by a method prescribed
20 by the director, satisfactory certification of completion of the
21 continuing education requirements. Any failure to fulfill the
22 ongoing training and continuing education requirements shall result
23 in the expiration of the license.

24 Sec. 6. On contact with an individual who acknowledges
25 having existing health insurance coverage obtained through
26 a licensed insurance producer, a navigator shall inform the
27 individual that he or she may, but is not required to, seek
1 further assistance from that producer or another licensed producer
2 for information, assistance, and any other services and that tax
3 credits may not be available to offset the premium cost of plans
4 that are marketed outside of the exchange.

5 Sec. 7. (1) The director, after notice and hearing, may
6 place on probation, suspend, revoke, or refuse to issue, renew,
7 or reinstate a navigator license, and, in addition, may levy a
8 fine not to exceed one thousand dollars for each violation, or may
9 do any combination of such actions, for violation of the Health
10 Insurance Exchange Navigator Licensure Act.

11 (2) Except as otherwise provided by law, the director
12 may examine and investigate the business affairs and records of
13 any navigator to determine whether the navigator has engaged or is
14 engaging in any violation of the act.

15 (3) An entity navigator license may be suspended or
16 revoked, or renewal or reinstatement thereof may be refused, or a
17 fine may be levied, with or without a suspension, revocation, or
18 refusal to renew a license, if the director finds, after notice and
19 hearing, that an individual navigator's violation was known by the
20 employing or supervising entity and the violation was not reported
21 to the director and no corrective action was undertaken on a timely
22 basis.

23 Sec. 8. The director may adopt and promulgate rules and
24 regulations to carry out the Health Insurance Exchange Navigator
25 Licensure Act.

26 Sec. 9. If any section in this act or any part of any

- 27 section is declared invalid or unconstitutional, the declaration
 1 shall not affect the validity or constitutionality of the remaining
 2 portions.
 3 Sec. 10. Since an emergency exists, this act takes effect
 4 when passed and approved according to law.

GENERAL FILE

LEGISLATIVE BILL 545. The Dubas amendment, AM1209, found on page 1189 and considered in this day's Journal, was renewed.

The Dubas amendment was adopted with 27 ayes, 2 nays, 16 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following motion:

MO59

Reconsider the vote taken on AM1209.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Chambers offered the following amendment:

FA70

Amend AM422

Page 5, lines 3 and 4 strike new matter and reinstate stricken matter.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 169. Introduced by Davis, 43.

WHEREAS, Rod Worrell, publisher of the Ainsworth Star-Journal, was elected president of the Nebraska Press Association and inaugurated at the state press convention in Lincoln, Nebraska, on April 12, 2013; and

WHEREAS, President Worrell has been a Nebraska Press Association board member since 2008, and is also the owner of the Valentine Midland News which won a first place award for reader interaction at the 2013 convention of the Nebraska Press Association; and

WHEREAS, the Nebraska Press Association was founded in 1873 and includes 173 daily and weekly newspapers with over 541,000 paid subscribers.

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

1. That the Legislature congratulates Rod Worrell on his election as president of the Nebraska Press Association.

2. That a copy of this resolution be sent to Rod Worrell and to the Ainsworth Star-Journal and Valentine Midland News.

Laid over.

VISITORS

Visitors to the Chamber were 49 fourth-grade students, teachers, and sponsors from Hickory Hill Elementary, Papillion; 21 seventh- and eighth-grade students and teachers from St. John's School, Battle Creek; members from UNO Nebraska Leadership Program; 46 fourth-grade students, teachers, and sponsors from Arbor Park Elementary, Blair; 22 fourth-grade students, teacher, and sponsor from Yutan; and 30 second-grade students and teachers from Wilber-Clatonia Elementary, Wilber.

RECESS

At 11:59 a.m., on a motion by Senator Karpisek, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Carlson presiding.

ROLL CALL

The roll was called and all members were present except Senators K. Haar and Howard who were excused; and Senators Ashford, Bolz, Conrad, Janssen, Lautenbaugh, McGill, and Schilz who were excused until they arrive.

COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 196. Placed on General File.

LEGISLATIVE BILL 194. Placed on General File with amendment. AM655 is available in the Bill Room.

LEGISLATIVE BILL 195. Placed on General File with amendment. AM656 is available in the Bill Room.

LEGISLATIVE BILL 197. Placed on General File with amendment. AM1059

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. APPROPRIATION LANGUAGE.
- 4 There are hereby appropriated, for FY2013-14 and
- 5 FY2014-15, the amounts specified in this act, or so much as may
- 6 be necessary, for the salaries and benefits of officers of the

7 Nebraska state government.

8 Sec. 2. DEFINITION OF APPROPRIATION PERIOD.

9 For purposes of this act, FY2013-14 means the period
10 beginning July 1, 2013, and ending June 30, 2014, and FY2014-15
11 means the period beginning July 1, 2014, and ending June 30, 2015.

12 Sec. 3. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

13 The definitions contained in the Nebraska Accounting
14 System Manual, and any amendments thereto, on file with the Clerk
15 of the Legislature are hereby adopted by the Legislature as the
16 definitions for this act, except as provided in section 21 of this
17 act.

18 Sec. 4. DRAWING AND PAYING WARRANTS.

19 The Director of Administrative Services shall draw
20 warrants upon the proper fund in the state treasury for an amount
21 not to exceed the appropriations set forth in this act upon
22 presentation of proper documentation. The State Treasurer shall pay
23 the warrants out of the appropriate funds.

1 Workers' compensation premium assessments shall not be
2 paid from the programs listed in this act.

3 Sec. 5. AGENCY NO. 5 - SUPREME COURT

	FY2013-14	FY2014-15
4 Program No. 3 - Supreme Court Judges' Salaries		
5 GENERAL FUND	1,200,943	1,203,286
6 PROGRAM TOTAL	1,200,943	1,203,286
7 SALARY LIMIT	1,019,303	1,019,303

9 Sec. 6. AGENCY NO. 5 - SUPREME COURT

	FY2013-14	FY2014-15
10 Program No. 4 - Court of Appeals Judges' Salaries		
11 GENERAL FUND	989,718	991,727
12 PROGRAM TOTAL	989,718	991,727
13 SALARY LIMIT	830,005	830,005

15 Sec. 7. AGENCY NO. 5 - SUPREME COURT

	FY2013-14	FY2014-15
16 Program No. 5 - Retired Judges' Salaries		
17 GENERAL FUND	72,436	72,436
18 PROGRAM TOTAL	72,436	72,436
19 SALARY LIMIT	69,832	69,832

21 The unexpended General Fund appropriation balance
22 existing on June 30, 2013, is hereby reappropriated.

23 The unexpended General Fund appropriation balance
24 existing on June 30, 2014, is hereby reappropriated.

25 The budget division of the Department of Administrative
26 Services shall administratively transfer General Fund
1 appropriations among Programs 3, 4, 5, 6, and 7 within Agency
2 5, upon written certification by the State Court Administrator
3 that the Nebraska Supreme Court has determined that such transfer
4 is necessary for the efficient functioning of statewide court
5 operations and the proper administration of justice. The Salary
6 Limit for Agency 5, Program 5 may be administratively increased for

7	any transfers made to Program 5 pursuant to this section.	
8	Sec. 8. AGENCY NO. 5 - SUPREME COURT	
9	Program No. 6 - District and Juvenile Court Judges'	
10	Salaries	
11	FY2013-14	FY2014-15
12	GENERAL FUND	10,573,145
13	PROGRAM TOTAL	10,573,145
14	SALARY LIMIT	9,024,474
15	Sec. 9. AGENCY NO. 5 - SUPREME COURT	
16	Program No. 7 - County Court Judges' Salaries	
17	FY2013-14	FY2014-15
18	GENERAL FUND	8,951,950
19	PROGRAM TOTAL	8,951,950
20	SALARY LIMIT	7,601,090
21	Sec. 10. AGENCY NO. 7 - GOVERNOR	
22	Program No. 2 - Salary - Governor	
23	FY2013-14	FY2014-15
24	GENERAL FUND	142,849
25	PROGRAM TOTAL	142,849
26	SALARY LIMIT	105,000
1	Sec. 11. AGENCY NO. 8 - LIEUTENANT GOVERNOR	
2	Program No. 8 - Salary - Lieutenant Governor	
3	FY2013-14	FY2014-15
4	GENERAL FUND	108,716
5	PROGRAM TOTAL	108,716
6	SALARY LIMIT	75,000
7	Sec. 12. AGENCY NO. 9 - SECRETARY OF STATE	
8	Program No. 9 - Salary - Secretary of State	
9	FY2013-14	FY2014-15
10	GENERAL FUND	113,944
11	PROGRAM TOTAL	113,944
12	SALARY LIMIT	85,000
13	Sec. 13. AGENCY NO. 10 - AUDITOR OF PUBLIC ACCOUNTS	
14	Program No. 10 - Salary - Auditor of Public Accounts	
15	FY2013-14	FY2014-15
16	GENERAL FUND	117,694
17	PROGRAM TOTAL	117,694
18	SALARY LIMIT	85,000
19	Sec. 14. AGENCY NO. 11 - ATTORNEY GENERAL	
20	Program No. 11 - Attorney General's Salary	
21	FY2013-14	FY2014-15
22	GENERAL FUND	129,913
23	PROGRAM TOTAL	129,913
24	SALARY LIMIT	95,000
25	Sec. 15. AGENCY NO. 12 - STATE TREASURER	
1	Program No. 12 - Salary - State Treasurer	
2	FY2013-14	FY2014-15
3	GENERAL FUND	120,018
4	PROGRAM TOTAL	120,018

5	SALARY LIMIT	85,000	85,000
6	Sec. 16. AGENCY NO. 14 - PUBLIC SERVICE COMMISSION		
7	Program No. 14 - Salaries of Public Service Commissioners		
8		FY2013-14	FY2014-15
9	GENERAL FUND	487,351	487,351
10	PROGRAM TOTAL	487,351	487,351
11	SALARY LIMIT	375,000	375,000
12	Sec. 17. AGENCY NO. 15 - BOARD OF PARDONS AND BOARD OF		
13	PAROLE		
14	Program No. 320 - Board of Parole Salaries		
15		FY2013-14	FY2014-15
16	GENERAL FUND	522,595	532,718
17	PROGRAM TOTAL	522,595	532,718
18	SALARY LIMIT	390,778	399,568
19	Sec. 18. AGENCY NO. 16 - DEPARTMENT OF REVENUE		
20	Program No. 13 - Tax Commissioner		
21		FY2013-14	FY2014-15
22	GENERAL FUND	194,343	198,278
23	PROGRAM TOTAL	194,343	198,278
24	SALARY LIMIT	150,471	153,857

25 It is the intent of the Legislature that if the
 26 appropriation or the salary limit is insufficient in this program
 1 to meet anticipated expenditures, the Tax Commissioner shall
 2 request additional funds or a higher salary limit, or both, from
 3 the Legislature by the usual deficit process. The appropriation
 4 or the salary limit shall not be administratively increased solely
 5 by the Department of Administrative Services without legislative
 6 authorization.

7 Sec. 19. AGENCY NO. 37 - NEBRASKA WORKERS' COMPENSATION
 8 COURT

9	Program No. 526 - Judges' Salaries		
10		FY2013-14	FY2014-15
11	CASH FUND	1,109,083	1,109,083
12	PROGRAM TOTAL	1,109,083	1,109,083
13	SALARY LIMIT	942,862	942,862

14 Sec. 20. AGENCY NO. 37 - NEBRASKA WORKERS' COMPENSATION
 15 COURT

16	Program No. 635 - Retired and Acting Judges' Salaries		
17		FY2013-14	FY2014-15
18	CASH FUND	55,267	55,267
19	PROGRAM TOTAL	55,267	55,267
20	SALARY LIMIT	51,339	51,339

21 Sec. 21. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

22 (1) As used in this act:

23 (a) SALARY LIMIT means total expenditures for permanent
 24 and temporary salaries and per diems; and

25 (b) Total expenditures for permanent and temporary
 26 salaries and per diems means all remuneration paid to employees
 27 treated as taxable compensation by the Internal Revenue Service

1 or subject to social security coverage, specifically including
2 payments accounted for as vacation, holidays, sick leave, military
3 leave, funeral leave, maternity leave, administrative leave,
4 compensatory time, deferred compensation, or any other similar
5 form, and amounts withheld pursuant to law, but excluding state
6 contributions for social security, retirement, and employee
7 insurance plans.

8 (2) Total expenditures for permanent and temporary
9 salaries and per diems are limited to the amount provided by law
10 for constitutional officers.

11 (3) The limitation on expenditures for permanent and
12 temporary salaries and per diems for FY2013-14 shall be increased
13 by certified encumbrance amounts from FY2012-13 for permanent and
14 temporary salaries and per diems. The limitation on expenditures
15 for permanent and temporary salaries and per diems for FY2014-15
16 shall be increased by certified encumbrance amounts from FY2013-14
17 for permanent and temporary salaries and per diems. Encumbered
18 amounts shall be calculated in accordance with section 81-138.01.

19 Sec. 22. This act becomes operative on July 1, 2013.

20 Sec. 23. Since an emergency exists, this act takes effect
21 when passed and approved according to law.

LEGISLATIVE BILL 198. Placed on General File with amendment.
AM658 is available in the Bill Room.

LEGISLATIVE BILL 199. Placed on General File with amendment.
AM659 is available in the Bill Room.

LEGISLATIVE BILL 200. Placed on General File with amendment.
AM1124

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

3 Section 1. Section 84-612, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 84-612 (1) There is hereby created within the state
6 treasury a fund known as the Cash Reserve Fund which shall be under
7 the direction of the State Treasurer. The fund shall only be used
8 pursuant to this section.

9 (2) The State Treasurer shall transfer funds from the
10 Cash Reserve Fund to the General Fund upon certification by the
11 Director of Administrative Services that the current cash balance
12 in the General Fund is inadequate to meet current obligations. Such
13 certification shall include the dollar amount to be transferred.
14 Any transfers made pursuant to this subsection shall be reversed
15 upon notification by the Director of Administrative Services that
16 sufficient funds are available.

17 (3) In addition to receiving transfers from other funds,
18 the Cash Reserve Fund shall receive federal funds received by the
19 State of Nebraska for undesignated general government purposes,

20 federal revenue sharing, or general fiscal relief of the state.

21 (4) On July 7, 2009, the State Treasurer shall transfer
22 five million dollars from the Cash Reserve Fund to the Roads
23 Operations Cash Fund. The Department of Roads shall use such
1 funds to provide the required state match for federal funding made
2 available to the state through congressional earmarks.

3 (5) The State Treasurer shall transfer a total of
4 thirty-seven million dollars from the Cash Reserve Fund to the
5 General Fund on or before June 30, 2012, on such dates and in
6 such amounts as directed by the budget administrator of the budget
7 division of the Department of Administrative Services.

8 (6) The State Treasurer shall transfer a total of
9 sixty-eight million dollars from the Cash Reserve Fund to the
10 General Fund on or before June 30, 2013, on such dates and in
11 such amounts as directed by the budget administrator of the budget
12 division of the Department of Administrative Services.

13 (7) The State Treasurer, at the direction of the
14 budget administrator of the budget division of the Department
15 of Administrative Services, shall transfer not to exceed twelve
16 million dollars in total between July 1, 2011, and November
17 30, 2012, from the Cash Reserve Fund to the Ethanol Production
18 Incentive Cash Fund, for ethanol production incentive credits,
19 on such dates and in such amounts as certified by the Tax
20 Commissioner.

21 (8) The State Treasurer, at the direction of the
22 budget administrator of the budget division of the Department
23 of Administrative Services, shall transfer an amount equal to the
24 total amount transferred pursuant to subsection (7) of this section
25 from the Ethanol Production Incentive Cash Fund to the Cash Reserve
26 Fund in such amounts as certified by the Tax Commissioner on or
27 before November 30, 2012.

1 (9) The State Treasurer, at the direction of the
2 budget administrator of the budget division of the Department
3 of Administrative Services, shall transfer eighty million dollars
4 from the Cash Reserve Fund to the Nebraska Capital Construction
5 Fund on or before August 15, 2012.

6 (10) The State Treasurer, at the direction of the
7 budget administrator of the budget division of the Department
8 of Administrative Services, shall transfer one million dollars from
9 the Cash Reserve Fund to the Affordable Housing Trust Fund on or
10 before August 15, 2012.

11 (11) The State Treasurer shall transfer ten million
12 dollars from the Cash Reserve Fund to the General Fund on
13 or before June 30, 2013, on such date as directed by the
14 budget administrator of the budget division of the Department
15 of Administrative Services.

16 (12) The State Treasurer, at the direction of the
17 budget administrator of the budget division of the Department of
18 Administrative Services, shall transfer not to exceed forty-three

19 million fifteen thousand four hundred fifty-nine dollars in total
 20 from the Cash Reserve Fund to the Nebraska Capital Construction
 21 Fund between July 1, 2013, and June 30, 2017.

22 (13) The State Treasurer shall transfer two million one
 23 hundred sixty-four thousand seven hundred sixty dollars from the
 24 Cash Reserve Fund to the General Fund on or before June 30, 2013,
 25 on such date as directed by the budget administrator of the budget
 26 division of the Department of Administrative Services.

27 Sec. 2. Original section 84-612, Revised Statutes

1 Cumulative Supplement, 2012, is repealed.

2 Sec. 3. Since an emergency exists, this act takes effect

3 when passed and approved according to law.

(Signed) Heath Mello, Chairperson

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB199:
 AM1207

(Amendments to Standing Committee amendments, AM659)

1 1. Insert the following new section:

2 Sec. 16. The State Treasurer shall transfer \$53,000,000
 3 from the General Fund to the Cash Reserve Fund on or before
 4 December 31, 2013, on such date as directed by the budget
 5 administrator of the budget division of the Department of
 6 Administrative Services.

7 2. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 545. The Chambers amendment, FA70, found in this day's Journal, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Avery Chambers Schumacher Wallman

Voting in the negative, 30:

Adams	Cook	Harms	Lautenbaugh	Price
Brasch	Crawford	Johnson	McCoy	Scheer
Campbell	Dubas	Karpisek	Murante	Seiler
Carlson	Gloor	Kintner	Nelson	Smith
Christensen	Hadley	Larson	Nordquist	Watermeier
Coash	Hansen	Lathrop	Pirsch	Wightman

Present and not voting, 8:

Bloomfield	Davis	Kolowski	Mello
Bolz	Harr, B.	Krist	Sullivan

Excused and not voting, 7:

Ashford	Haar, K.	Janssen	Schilz
Conrad	Howard	McGill	

The Chambers amendment lost with 4 ayes, 30 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Schumacher offered the following amendment:

FA71

Insert before the word "Appeal" on page 5, line 17 ", and further except, that in the event the appellant is not a regulated party, the appellant shall conduct a review of the matter de novo."

Senator Lathrop offered the following motion:

MO60

Bracket until June 5, 2013.

SENATOR KRIST PRESIDING

SENATOR COASH PRESIDING

Senator Lathrop withdrew his motion to bracket.

Senator Schumacher withdrew his amendment, FA71.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 3. Placed on Final Reading.

ST20

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Lathrop amendment, AM1067:
 - a. On page 1, line 20, "subdivisions" has been struck and "subsections" inserted;
 - b. On page 2, line 7, the first comma has been struck; and
 - c. On page 6, line 20, the comma has been struck.
2. In the E & R amendments, ER63, on page 1, line 7, "to adopt the Commercial Real Estate Broker Lien Act;" has been inserted after the first semicolon.

LEGISLATIVE BILL 23. Placed on Final Reading.**LEGISLATIVE BILL 99.** Placed on Final Reading.

ST21

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Pirsch amendment, AM1179:
 - a. Sections 1, 2, and 4 have been renumbered as sections 6, 7, and 9, respectively; and
 - b. Section 3 has been struck.
2. In the Mello amendment, AM1075, on page 8, line 18, "and sections 81-1822 and 81-1833, Revised Statutes Cumulative Supplement, 2012," has been inserted after the last comma.
3. In the E & R amendments, ER64, on page 8, line 18, "racial profiling" has been struck and "criminal justice" inserted; in line 20 ", and sections 81-1822 and 81-1833, Revised Statutes Cumulative Supplement, 2012" has been inserted after "Nebraska"; and the matter beginning with "harmonize" in line 26 through line 27 has been struck and "change and eliminate provisions relating to awards and reports under the Nebraska Crime Victim's Reparations Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-1834, Revised Statutes Cumulative Supplement, 2012." inserted.

LEGISLATIVE BILL 553A. Placed on Final Reading.

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB354:

FA72

Amend AM506

1. Strike section 19.

2. Strike section 14. Page 9, lines 20 and 21 strike, "The state assessment may be increased as provided in section 14 of this act."
3. Page 5, line 7 strike beginning with "The" through the period in line 15.

Senator Mello filed the following amendment to LB195:
AM1229

(Amendments to Standing Committee amendments, AM656)

- 1 PURPOSE: Adjust state aid funding for TEEOSA to the LB407
2 Select File amount.
3 Amendment:
4 1. On page 24, line 3, strike "1,124,659,513"
5 and insert "1,116,517,792" and strike "1,157,436,858" and
6 insert "1,156,902,240"; in line 6 strike "1,418,789,589" and
7 insert "1,410,647,868" and strike "1,451,566,934" and insert
8 "1,451,032,316"; in line 16 strike "\$898,723,052" and insert
9 "\$890,581,331"; and in line 21 strike "\$921,320,970" and insert
10 "\$920,786,352".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 306A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 306, One Hundred Third Legislature, First Session, 2013; to provide an operative date; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 545. Senator Chambers offered the following motion:

MO61

Indefinitely postpone.

SENATOR GLOOR PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 7:

Avery	Conrad	Schumacher	Wallman
Chambers	Cook	Smith	

Voting in the negative, 37:

Adams	Crawford	Johnson	McGill	Schilz
Ashford	Davis	Karpisek	Mello	Seiler
Bloomfield	Dubas	Kintner	Murante	Sullivan
Brasch	Gloor	Kolowski	Nelson	Watermeier
Campbell	Hadley	Krist	Nordquist	Wightman
Carlson	Hansen	Larson	Pirsch	
Christensen	Harms	Lathrop	Price	
Coash	Harr, B.	McCoy	Scheer	

Excused and not voting, 5:

Bolz	Haar, K.	Howard	Janssen	Lautenbaugh
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The Chambers motion to indefinitely postpone failed with 7 ayes, 37 nays, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

SPEAKER ADAMS PRESIDING

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 23A. Placed on Final Reading.

(Signed) John Murante, Chairperson

AMENDMENT - Print in Journal

Senator Crawford filed the following amendment to LB368:
AM1224

(Amendments to Standing Committee amendments, AM816)

1. On page 2, line 10, strike "shall" and insert "may";
2. and in line 12 strike "recruitment" and insert "referral".

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 647.

A BILL FOR AN ACT relating to agriculture; to amend section 54-784.01, Reissue Revised Statutes of Nebraska; to change Animal Importation Act provisions relating to cattle identification; to harmonize provisions; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Bolz	Haar, K.	Howard	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 643.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-230 and 17-563, Reissue Revised Statutes of Nebraska; to change certain provisions regarding nuisances as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 1:

Bloomfield

Excused and not voting, 4:

Bolz Haar, K. Howard Lautenbaugh

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

LEGISLATIVE BILL 549.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-15,160 and 81-15,162, Revised Statutes Cumulative Supplement, 2012; to change the scrap tire program sunset provision; to change certain grant allocations; 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	Harms	Lathrop	Scheer
Ashford	Conrad	Harr, B.	McCoy	Schilz
Avery	Cook	Janssen	McGill	Schumacher
Bloomfield	Crawford	Johnson	Mello	Seiler
Brasch	Davis	Karpisek	Murante	Smith
Campbell	Dubas	Kintner	Nelson	Sullivan
Carlson	Gloor	Kolowski	Nordquist	Wallman
Chambers	Hadley	Krist	Pirsch	Watermeier
Christensen	Hansen	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Bolz Haar, K. Howard Lautenbaugh

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

LEGISLATIVE BILL 538.

A BILL FOR AN ACT relating to law enforcement training; to amend sections 81-1401 and 81-1403, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to revocation and suspension of certificates or diplomas for physical, mental, or emotional incapacity; to define a term; to provide powers to and duties for the Nebraska Police Standards Advisory Council; 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	Harms	Lathrop	Scheer
Ashford	Conrad	Harr, B.	McCoy	Schilz
Avery	Cook	Janssen	McGill	Schumacher
Bloomfield	Crawford	Johnson	Mello	Seiler
Brasch	Davis	Karpisek	Murante	Smith
Campbell	Dubas	Kintner	Nelson	Sullivan
Carlson	Gloor	Kolowski	Nordquist	Wallman
Chambers	Hadley	Krist	Pirsch	Watermeier
Christensen	Hansen	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Bolz	Haar, K.	Howard	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 500.

A BILL FOR AN ACT relating to school buses; to amend section 60-6,175, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to operation of school buses; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Bolz Haar, K. Howard Lautenbaugh

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

LEGISLATIVE BILL 493.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize the transfer of portions of the Cowboy Trail as prescribed.

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

Voting in the negative, 0.

Excused and not voting, 4:

Bolz Haar, K. Howard Lautenbaugh

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

LEGISLATIVE BILL 477.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-967 and 2-968, Reissue Revised Statutes of Nebraska; to change provisions relating to the Riparian Vegetation Management Task Force; 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	Harms	Lathrop	Scheer
Ashford	Conrad	Harr, B.	McCoy	Schilz
Avery	Cook	Janssen	McGill	Schumacher
Bloomfield	Crawford	Johnson	Mello	Seiler
Brasch	Davis	Karpisek	Murante	Smith
Campbell	Dubas	Kintner	Nelson	Sullivan
Carlson	Gloor	Kolowski	Nordquist	Wallman
Chambers	Hadley	Krist	Pirsch	Watermeier
Christensen	Hansen	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Bolz	Haar, K.	Howard	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 459.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Revised Statutes Cumulative Supplement, 2012; to provide for certain health care facilities to offer onsite vaccination services; to harmonize provisions; 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	Coash	Harr, B.	McCoy	Schilz
Ashford	Conrad	Janssen	McGill	Schumacher
Avery	Cook	Johnson	Mello	Seiler
Bloomfield	Davis	Karpisek	Murante	Smith
Brasch	Dubas	Kintner	Nelson	Sullivan
Campbell	Gloor	Kolowski	Nordquist	Wallman
Carlson	Hadley	Krist	Pirsch	Watermeier
Chambers	Hansen	Larson	Price	Wightman
Christensen	Harms	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Crawford

Excused and not voting, 4:

Bolz Haar, K. Howard Lautenbaugh

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

LEGISLATIVE BILL 458.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-467, Revised Statutes Cumulative Supplement, 2012; to require general acute hospitals to offer tetanus-diphtheria-pertussis vaccinations as prescribed; to harmonize provisions; 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	Coash	Harr, B.	McCoy	Schilz
Ashford	Conrad	Janssen	McGill	Schumacher
Avery	Cook	Johnson	Mello	Seiler
Bloomfield	Davis	Karpisek	Murante	Smith
Brasch	Dubas	Kintner	Nelson	Sullivan
Campbell	Gloor	Kolowski	Nordquist	Wallman
Carlson	Hadley	Krist	Pirsch	Watermeier
Chambers	Hansen	Larson	Price	Wightman
Christensen	Harms	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Crawford

Excused and not voting, 4:

Bolz Haar, K. Howard Lautenbaugh

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 LB442 with 38 ayes, 4 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 442.

A BILL FOR AN ACT relating to real property; to amend sections 52-2001, 76-825, 76-842, 76-856, and 76-874, Reissue Revised Statutes of Nebraska; to change provisions relating to homeowners' associations and the Nebraska Condominium 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Bolz Haar, K. Howard

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 435.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-170 and 54-171, Reissue Revised Statutes of Nebraska; to define a term; to provide for out-of-state brand permits; 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	Janssen	McGill	Seiler
Ashford	Cook	Johnson	Mello	Smith
Avery	Crawford	Karpisek	Murante	Sullivan
Bloomfield	Davis	Kintner	Nelson	Wallman
Brasch	Dubas	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Bolz Haar, K. Howard

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

LEGISLATIVE BILL 420. With Emergency Clause.

A BILL FOR AN ACT relating to disposition of human remains; to amend section 38-1425, Reissue Revised Statutes of Nebraska; to provide an additional method of designation of authorization; 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, 43:

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

Voting in the negative, 2:

Kintner Nelson

Present and not voting, 1:

Janssen

Excused and not voting, 3:

Bolz Haar, K. Howard

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 386.

A BILL FOR AN ACT relating to counties; to amend section 39-1802, Reissue Revised Statutes of Nebraska; to require notice of certain maintenance actions 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, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Brasch

Excused and not voting, 3:

Bolz Haar, K. Howard

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

LEGISLATIVE BILL 377.

A BILL FOR AN ACT relating to county roads; to amend section 39-1702, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation of a county road by a city or village; 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	Conrad	Janssen	McGill	Seiler
Ashford	Cook	Johnson	Mello	Smith
Avery	Crawford	Karpisek	Murante	Sullivan
Bloomfield	Davis	Kintner	Nelson	Wallman
Brasch	Dubas	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Bolz Haar, K. Howard

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 LB361 with 40 ayes, 4 nays, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 361.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-3404, 71-3405, 71-3406, 71-3408, 71-3409, 71-3410, and 71-3411, Reissue Revised Statutes of Nebraska, and section 71-3407, Revised Statutes Cumulative Supplement, 2012; to name the Child and Maternal Death Review Act; to state intent; to define terms; to provide for review of maternal deaths; to change review procedures for child deaths; to rename and change membership of the review team; to change and provide powers and duties; to provide for a team coordinator; to change provisions relating to information and records; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 3:

Bolz Haar, K. Howard

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 349.

A BILL FOR AN ACT relating to elections; to amend sections 32-620, 32-1005, 32-1007, and 32-1008, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to ballot status for candidates for President and Vice President of the United States; to provide for a write-in campaign for the office of President; to change provisions regarding counting votes; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 3:

Bolz Haar, K. Howard

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

LEGISLATIVE BILL 345. With Emergency Clause.

A BILL FOR AN ACT relating to real estate transfers; to amend sections 76-2,126, 76-3402, 76-3410, and 76-3420, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to certain real estate filings and transfer on death deeds; to define a term; to provide operative dates; 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	Conrad	Janssen	McGill	Seiler
Ashford	Cook	Johnson	Mello	Smith
Avery	Crawford	Karpisek	Murante	Sullivan
Bloomfield	Davis	Kintner	Nelson	Wallman
Brasch	Dubas	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Bolz Haar, K. Howard

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 344. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend section 71-5829.04, Reissue Revised Statutes of Nebraska; to change provisions relating to the moratorium on long-term care beds; 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	Janssen	McGill	Seiler
Ashford	Cook	Johnson	Mello	Smith
Avery	Crawford	Karpisek	Murante	Sullivan
Bloomfield	Davis	Kintner	Nelson	Wallman
Brasch	Dubas	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Bolz Haar, K. Howard

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 332.

A BILL FOR AN ACT relating to the Access College Early Scholarship Program Act; to amend section 85-2105, Revised Statutes Cumulative Supplement, 2012; to change requirements relating to application submission; to harmonize provisions; 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	Conrad	Janssen	McGill	Seiler
Ashford	Cook	Johnson	Mello	Smith
Avery	Crawford	Karpisek	Murante	Sullivan
Bloomfield	Davis	Kintner	Nelson	Wallman
Brasch	Dubas	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

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

LEGISLATIVE BILL 329.

A BILL FOR AN ACT relating to offenses against animals; to amend sections 28-1005 and 28-1009, Reissue Revised Statutes of Nebraska, and sections 28-1005.01 and 28-1010, Revised Statutes Cumulative Supplement, 2012; to reference a statute restricting ownership, possession, or residence with any animal as prescribed; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 3:

Bolz Haar, K. Howard

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

LEGISLATIVE BILL 303.

A BILL FOR AN ACT relating to land surveying; to amend sections 81-8,114, 81-8,115, 81-8,117, and 81-8,120, Reissue Revised Statutes of Nebraska; to change provisions relating to application for registration and a required examination; 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	Janssen	McGill	Seiler
Ashford	Cook	Johnson	Mello	Smith
Avery	Crawford	Karpisek	Murante	Sullivan
Bloomfield	Davis	Kintner	Nelson	Wallman
Brasch	Dubas	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Bolz Haar, K. Howard

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

LEGISLATIVE BILL 277.

A BILL FOR AN ACT relating to the False Medicaid Claims Act; to amend sections 68-935 and 68-936, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to presentation of a false

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

Voting in the negative, 0.

Excused and not voting, 3:

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

LEGISLATIVE BILL 243.

A BILL FOR AN ACT relating to the Nurse Practitioner Practice Act; to amend section 38-2315, Revised Statutes Cumulative Supplement, 2012; to redefine nurse practitioner practice; 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	Conrad	Janssen	McGill	Seiler
Ashford	Cook	Johnson	Mello	Smith
Avery	Crawford	Karpisek	Murante	Sullivan
Bloomfield	Davis	Kintner	Nelson	Wallman
Brasch	Dubas	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Bolz Haar, K. Howard

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

LEGISLATIVE BILL 223.

A BILL FOR AN ACT relating to utility-type vehicles; to amend sections 60-135.01, 60-358.01, and 60-6,355, Revised Statutes Cumulative Supplement, 2012; to redefine terms; 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	Janssen	McGill	Seiler
Ashford	Cook	Johnson	Mello	Smith
Avery	Crawford	Karpisek	Murante	Sullivan
Bloomfield	Davis	Kintner	Nelson	Wallman
Brasch	Dubas	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Bolz Haar, K. Howard

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 LB222 with 40 ayes, 3 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 222. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 2-3962, 2-3965, 13-1205, 13-2101.01, 43-3342.05, 48-166, 60-658, 77-709, 77-4601, 79-602, 79-1901, and 89-186, Reissue Revised Statutes of Nebraska, and sections 37-1406, 43-296, 43-405, 43-517, 43-534, 43-1303, 43-4331, 43-4406, 43-4407, 43-4408, 50-405, 50-424, 50-1205, 66-1336, 68-1207.01, 68-1735.02, 68-2004, 71-825, 71-1904, 71-2518, 71-51,103, 71-5206.01, 79-318, 79-10,142, 81-1360, 81-1430, 81-1845, 81-2213, 81-3133, 83-924, 84-901.01, 84-907.06, 84-910, and 84-1219, Revised Statutes Cumulative Supplement, 2012; to require that reports and other information submitted to the Legislature, the Clerk of the Legislature, the Executive Board of the Legislative Council, and committees of the Legislature be submitted electronically; to change and eliminate certain reporting requirements; to change submission requirements for state agencies; to require the submission of certain information to the Legislative Performance Audit Committee by each state agency; to harmonize provisions; to repeal the original sections; to outright repeal section 13-2114, Reissue Revised Statutes of Nebraska, and section 79-1905, Revised Statutes Cumulative Supplement, 2012; 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	Janssen	McGill	Seiler
Ashford	Cook	Johnson	Mello	Smith
Avery	Crawford	Karpisek	Murante	Sullivan
Bloomfield	Davis	Kintner	Nelson	Wallman
Brasch	Dubas	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Bolz	Haar, K.	Howard
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 208.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2109, 14-2110, and 14-2126, Reissue Revised Statutes of Nebraska; to change provisions relating to the board of directors, employees, and hydrants; 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	Janssen	McGill	Seiler
Ashford	Cook	Johnson	Mello	Smith
Avery	Crawford	Karpisek	Murante	Sullivan
Bloomfield	Davis	Kintner	Nelson	Wallman
Brasch	Dubas	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

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

LEGISLATIVE BILL 192.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-513, Reissue Revised Statutes of Nebraska; to change provisions relating to requests for information by the Auditor of Public Accounts; 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	Conrad	Janssen	McGill	Seiler
Ashford	Cook	Johnson	Mello	Smith
Avery	Crawford	Karpisek	Murante	Sullivan
Bloomfield	Davis	Kintner	Nelson	Wallman
Brasch	Dubas	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Bolz Haar, K. Howard

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

LEGISLATIVE BILL 172.

A BILL FOR AN ACT relating to guardianships and conservatorships; to amend sections 30-2601, 30-2628, and 30-2647, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change and provide for court filings as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Harr, B.

Excused and not voting, 3:

Bolz Haar, K. Howard

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

LEGISLATIVE BILL 169.

A BILL FOR AN ACT relating to juries; to amend section 25-1625, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to jury commissioners in certain counties; 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	Conrad	Janssen	McGill	Seiler
Ashford	Cook	Johnson	Mello	Smith
Avery	Crawford	Karpisek	Murante	Sullivan
Bloomfield	Davis	Kintner	Nelson	Wallman
Brasch	Dubas	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Bolz Haar, K. Howard

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 647, 643, 549, 538, 500, 493, 477, 459, 458, 442, 435, 420, 386, 377, 361, 349, 345, 344, 332, 329, 303, 277, 243, 223, 222, 208, 192, 172, and 169.

VISITORS

Visitors to the Chamber were David Stubbs from Kearney Chamber of Commerce; 70 fourth-grade students, teachers, and sponsors from Palisades

School, Omaha; Jud Hoffschneider from Arlington; 44 fourth-grade students and teachers from Wood River; Laurel Nitzel from Hastings and Eliza Newkirk from Arlington; Emma Kneifl from Elkhorn and Jessica Batchelor and Emily Hamman from Omaha; 11 members of TeenPact from across the state; 9 student council members from Dawes Middle School, Lincoln; 12 students and teacher from Huntington Elementary, Lincoln; and 8 students and teachers from Pershing Elementary, Lincoln.

The Doctor of the Day was Dr. Pat Hotovy from York.

ADJOURNMENT

At 6:29 p.m., on a motion by Senator B. Harr, the Legislature adjourned until 9:00 a.m., Thursday, May 2, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIRST DAY - MAY 2, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 2, 2013

PRAYER

The prayer was offered by Senator Wightman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senators Christensen, K. Haar, and Howard who were excused; and Senators Adams, Bolz, Conrad, Cook, Lautenbaugh, McGill, Murante, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventieth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 1, 2013, at 6:43 p.m. were the following: LBs 647, 643, 549, 538, 500, 493, 477, 459, 458, 442, 435, 420e, 386, 377, 361, 349, 345e, 344e, 332, 329, 303, 277, 243, 223, 222e, 208, 192, 172, and 169.

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

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>

GENERAL FILE

LEGISLATIVE BILL 306A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 2 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 545. Senator Chambers offered the following motion:

MO62

Recommit to the Transportation and Telecommunications Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote on his motion to recommit to committee.

Voting in the affirmative, 5:

Avery	Chambers	Conrad	Schumacher	Wallman
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Voting in the negative, 35:

Adams	Coash	Janssen	McCoy	Price
Ashford	Crawford	Johnson	McGill	Scheer
Bloomfield	Davis	Karpisek	Mello	Schilz
Bolz	Dubas	Kintner	Murante	Seiler
Brasch	Gloor	Kolowski	Nelson	Sullivan
Campbell	Hansen	Larson	Nordquist	Watermeier
Carlson	Harms	Lathrop	Pirsch	Wightman

Present and not voting, 4:

Cook	Harr, B.	Krist	Smith
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Excused and not voting, 5:

Christensen	Haar, K.	Hadley	Howard	Lautenbaugh
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The Chambers motion to recommit to committee failed with 5 ayes, 35 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA73

Page 1, lines 1 and 2 strike all matter.

SENATOR KRIST PRESIDING**SPEAKER ADAMS PRESIDING**

Senator Dubas offered the following motion:

MO63

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Dubas moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Dubas requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 35:

Adams	Davis	Johnson	McGill	Scheer
Bolz	Dubas	Karpisek	Mello	Schilz
Brasch	Gloor	Kintner	Murante	Seiler
Campbell	Hadley	Kolowski	Nelson	Sullivan
Carlson	Hansen	Krist	Nordquist	Wallman
Coash	Harms	Larson	Pirsch	Watermeier
Crawford	Janssen	Lathrop	Price	Wightman

Voting in the negative, 7:

Ashford	Bloomfield	Conrad	Schumacher
Avery	Chambers	Harr, B.	

Present and not voting, 3:

Cook	McCoy	Smith
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Excused and not voting, 4:

Christensen	Haar, K.	Howard	Lautenbaugh
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The Dubas motion to invoke cloture prevailed with 35 ayes, 7 nays, 3 present and not voting, and 4 excused and not voting.

The Chambers amendment, FA73, lost with 8 ayes, 23 nays, 14 present and not voting, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Adams	Dubas	Karpisek	Murante	Seiler
Bolz	Gloor	Kintner	Nelson	Sullivan
Brasch	Hadley	Kolowski	Nordquist	Wallman
Campbell	Hansen	Larson	Pirsch	Watermeier
Carlson	Harms	Lathrop	Price	Wightman
Coash	Janssen	McGill	Scheer	
Davis	Johnson	Mello	Schilz	

Voting in the negative, 8:

Ashford	Bloomfield	Conrad	Harr, B.
Avery	Chambers	Crawford	Schumacher

Present and not voting, 4:

Cook	Krist	McCoy	Smith
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Excused and not voting, 4:

Christensen	Haar, K.	Howard	Lautenbaugh
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Advanced to Enrollment and Review Initial with 33 ayes, 8 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 93. Placed on Select File with amendment. ER93 is available in the Bill Room.

LEGISLATIVE BILL 93A. Placed on Select File.

LEGISLATIVE BILL 483A. Placed on Select File.

LEGISLATIVE BILL 507. Placed on Select File with amendment. ER94 is available in the Bill Room.

LEGISLATIVE BILL 507A. Placed on Select File.

(Signed) John Murante, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 170. Introduced by Crawford, 45.

PURPOSE: The purpose of this resolution is to study the liability insurance mandate contained in the Child Care Licensing Act. This study shall include, but not be limited to, an examination of the following issues:

(1) The nature and extent of family child care home I day care centers in Nebraska;

(2) How liability insurance premiums are calculated and factors that insurance companies consider when developing liability insurance premiums for family child care home I day care centers;

(3) The cost of obtaining and maintaining liability insurance by such centers in terms of costs of premiums and any required facility improvements to minimize liability risk;

(4) The effect of the liability insurance mandate on the home day care market, particularly in the affordable day care market; and

(5) Any other related topics the committee deems appropriate.

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

1. That the Banking, Commerce, and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Ashburn, William - Motor Vehicle Industry Licensing Board -
Transportation and Telecommunications

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORT

Education

LEGISLATIVE BILL 438. Placed on General File with amendment.
AM1240

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 79-757, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 79-757 Sections 79-757 to 79-762 and section 3 of this
- 6 act shall be known and may be cited as the Quality Education
- 7 Accountability Act.
- 8 Sec. 2. Section 79-760.06, Revised Statutes Cumulative
- 9 Supplement, 2012, is amended to read:
- 10 79-760.06 (1) On or before August 1, 2012, the State
- 11 Board of Education shall establish an accountability system to be

12 used to measure the performance of individual public schools and
13 school districts. The accountability system shall combine multiple
14 ~~measures, indicators,~~ including, but not limited to, graduation
15 rates, student growth and student improvement on the assessment
16 instruments provided in section 79-760.03, and other indicators
17 of the performance of public schools and school districts as
18 established by the state board.

19 (2) Beginning with the reporting of data from school
20 year 2013-14, the indicators ~~The measures~~ selected by the state
21 board for the accountability system ~~may shall~~ be combined into
22 a school performance score and district performance score. The
23 state board ~~may shall~~ establish levels of performance ~~for the~~
1 ~~indicators used in the accountability system based upon school~~
2 ~~performance scores and district performance scores~~ in order to
3 classify the performance of public schools and school districts
4 beginning with the reporting of data from school year 2013-14.
5 The state board shall designate priority schools based on such
6 classification. Schools designated as priority schools shall be at
7 the lowest performance level at the time of the initial priority
8 school designation. Schools designated as priority schools shall
9 remain priority schools until such designation is removed by the
10 state board. No more than three schools may have a priority school
11 designation at one time. Schools designated as priority schools
12 shall be subject to the requirements of section 3 of this act.
13 Progress plans for the initial schools designated as priority
14 schools shall be approved by the state board no later than August
15 1, 2015. The State Department of Education shall annually report
16 ~~any the performance levels established by the board regarding the~~
17 ~~performance level~~ of individual public schools and school districts
18 as part of the statewide assessment and reporting system.

19 Sec. 3. (1) For each school designated as a priority
20 school, the Commissioner of Education shall appoint an intervention
21 team. The intervention team shall assist the school district with
22 diagnosing issues that negatively affect student achievement in the
23 priority school, designing and implementing strategies to address
24 such issues through the progress plan, and developing measurable
25 indicators of progress.

26 (2) The intervention team shall be composed of up to
27 five people with the education and experience to carry out the
1 responsibilities of the team. Members of the intervention team may
2 receive pay for work performed in conjunction with his or her
3 duties as a member of such team. Such pay shall be determined and
4 provided (a) by the State Department of Education for any member of
5 the intervention team who is not an employee of the school district
6 containing the priority school for which such intervention team is
7 appointed or (b) by the school district containing the priority
8 school for which the intervention team is appointed for any
9 member of the intervention team who is an employee of such school
10 district. Any member of the intervention team who is eligible to

11 receive pay from the department pursuant to subdivision (a) of this
12 subsection shall also be eligible for reimbursement of actual and
13 necessary expenses incurred in carrying out his or her duties as
14 a member of such team as provided in sections 81-1174 to 81-1177.
15 Reimbursement of actual and necessary expenses for any member of
16 the intervention team who is an employee of the school district
17 containing the priority school for which the intervention team is
18 appointed shall be provided in accordance with the policies and
19 procedures of such school district.

20 (3) The intervention team, in collaboration with the
21 priority school staff and the administration and school board
22 of the school district with control of the priority school,
23 shall develop a progress plan for approval by the State Board
24 of Education. Any progress plan shall include specific actions
25 required by the school and the district in order to remove its
26 classification as a priority school, including any required level
27 of progress as indicated by the measurable indicators.

1 (4) Compliance with progress plans shall be a requirement
2 to maintain accreditation for any school district that contains a
3 priority school. The state board shall annually review any progress
4 plans and determine whether any modifications are needed. If a
5 school has been designated as a priority school for the fifth
6 consecutive school year, the state board shall reevaluate the
7 progress plan to determine if significant revisions or an entirely
8 new progress plan are warranted.

9 (5) The school board of a school district containing a
10 priority school as designated pursuant to section 79-760.06 shall
11 provide the intervention team with full access to the priority
12 school, priority school staff, the school district, school district
13 staff, academic information, financial information, and any other
14 requested information.

15 (6) The Commissioner of Education shall annually report
16 to the Governor and electronically to the Clerk of the Legislature
17 and the chairperson of the Education Committee of the Legislature
18 on all schools designated as priority schools. The report shall
19 include the name of the school, the grades included in the priority
20 school designation, the name of the school district, the years for
21 which the school was designated a priority school, a summary of
22 the progress plan, and the level of progress as indicated by the
23 measurable indicators.

24 Sec. 4. Original sections 79-757 and 79-760.06, Revised
25 Statutes Cumulative Supplement, 2012, are repealed.

(Signed) Kate Sullivan, Chairperson

SENATOR CARLSON PRESIDING

GENERAL FILE

LEGISLATIVE BILL 298. Title read. Considered.

Committee AM510, found on page 805, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Pending.

SELECT FILE

LEGISLATIVE BILL 296. ER83, found on page 1141, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 476. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 384. ER88, found on page 1183, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 384A. Considered.

SPEAKER ADAMS PRESIDING

Advanced to Enrollment and Review for Engrossment.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB166 with 32 ayes, 2 nays, 8 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 166. With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend section 81-2,147.02, Reissue Revised Statutes of Nebraska; to change labeling requirements of seed containers; 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 154.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,378, Reissue Revised Statutes of Nebraska; to redefine a term relating to drivers' duties regarding road assistance vehicles; 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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

LEGISLATIVE BILL 141.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-162.03, Reissue Revised Statutes of Nebraska, and section 48-182, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to bill of exceptions and motions; 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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

LEGISLATIVE BILL 107.

A BILL FOR AN ACT relating to the Parenting Act; to amend section 43-2935, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to waiver of hearing; 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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

LEGISLATIVE BILL 103.

A BILL FOR AN ACT relating to courts; to amend section 24-734, Reissue Revised Statutes of Nebraska, and section 43-278, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to judges' general 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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

LEGISLATIVE BILL 59.

A BILL FOR AN ACT relating to insurance; to amend section 44-361.01, Reissue Revised Statutes of Nebraska; to change provisions relating to presumptions regarding the circumvention of rebates by a licensed agent; 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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

LEGISLATIVE BILL 42.

A BILL FOR AN ACT relating to the Nursing Home Administrator Practice Act; to amend sections 38-2401, 38-2402, 38-2418, 38-2419, and 38-2420, Reissue Revised Statutes of Nebraska; to define a term; to provide and eliminate requirements for a credential as an administrator of a facility operated primarily for caring for persons with head injuries and associated disorders; to provide requirements for such facilities; 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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

LEGISLATIVE BILL 646.

A BILL FOR AN ACT relating to public power districts; to amend sections 32-512, 70-612, 70-615, and 70-619, Reissue Revised Statutes of Nebraska; to change provisions relating to election of directors as prescribed; 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, 40:

Adams	Coash	Harr, B.	McCoy	Schilz
Ashford	Conrad	Janssen	McGill	Schumacher
Bloomfield	Crawford	Johnson	Mello	Seiler
Bolz	Davis	Karpisek	Murante	Smith
Brasch	Dubas	Kintner	Nordquist	Sullivan
Campbell	Gloor	Kolowski	Pirsch	Wallman
Carlson	Hansen	Larson	Price	Watermeier
Chambers	Harms	Lathrop	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Cook

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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

LEGISLATIVE BILL 595. With Emergency Clause.

A BILL FOR AN ACT relating to the Enhanced Wireless 911 Services Act; to amend sections 86-442, 86-443, and 86-465, Reissue Revised Statutes of Nebraska; to state intent; to define a term; to provide for a study of next-generation 911; to provide for use of the Enhanced Wireless 911 Fund; 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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 595A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 595, One Hundred Third Legislature, First Session, 2013; 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, 39:

Adams	Conrad	Janssen	McGill	Schumacher
Ashford	Cook	Johnson	Mello	Seiler
Bloomfield	Davis	Karpisek	Murante	Smith
Brasch	Dubas	Kintner	Nordquist	Sullivan
Campbell	Gloor	Kolowski	Pirsch	Wallman
Carlson	Hansen	Larson	Price	Watermeier
Chambers	Harms	Lathrop	Scheer	Wightman
Coash	Harr, B.	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 2:

Bolz	Crawford
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Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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 589. With Emergency Clause.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend sections 76-2301, 76-2303, and 76-2329, Reissue Revised Statutes of Nebraska; to define a term; to provide exceptions for emergency conditions; 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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 LB585 with 34 ayes, 4 nays, 3 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 585.

A BILL FOR AN ACT relating to learning communities; to amend section 79-2104.01, Reissue Revised Statutes of Nebraska, and sections 77-3442, 79-611, and 79-2104, Revised Statutes Cumulative Supplement, 2012; to provide authority for early childhood education programs for children in poverty; to change levy limits, free transportation qualifications, learning community coordinating council powers, and advisory committee duties; to provide a duty for the Revisor of Statutes; 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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 487.

A BILL FOR AN ACT relating to health care; to amend section 71-5829.03, Reissue Revised Statutes of Nebraska; to change certificate of need provisions; 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, 40:

Adams	Coash	Harms	Lathrop	Scheer
Ashford	Conrad	Harr, B.	McCoy	Schilz
Bloomfield	Cook	Janssen	McGill	Schumacher
Bolz	Crawford	Johnson	Mello	Seiler
Brasch	Davis	Karpisek	Murante	Smith
Campbell	Dubas	Kintner	Nordquist	Sullivan
Carlson	Gloor	Kolowski	Pirsch	Wallman
Chambers	Hansen	Larson	Price	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Watermeier

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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 LB423 with 32 ayes, 5 nays, 4 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 423.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3812, 38-3330, 54-742, 54-901, 54-902, 54-905, and 54-906, Reissue Revised Statutes of Nebraska, and section 29-818, Revised Statutes Cumulative Supplement, 2012; to provide for use of the Nebraska Agricultural Products Marketing Cash Fund for purposes of bovine trichomoniasis prevention; to provide for waiver of privilege and liability limitations for veterinarians for purposes of bovine trichomoniasis prevention; to prohibit sales of cattle, require notifications, and provide for assessment of costs for purposes of bovine trichomoniasis prevention; to change and eliminate livestock animal seizure provisions; to define and redefine terms; to change provisions of the Livestock Animal Welfare Act; 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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 240.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1735.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to self-sufficiency contracts and work activity requirements; 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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 LB205 with 33 ayes, 4 nays, 4 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 205.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1108.01, 8-1111, and 8-1118, Reissue Revised Statutes of Nebraska; to change penalty and liability provisions; to provide an exemption from registration of securities; 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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 LB69 with 34 ayes, 2 nays, 5 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 69.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2624, 2-2626, 2-2629, 2-2634, 2-2635, 2-2636, 2-2638, 2-2639, 2-2641, 2-2642, 2-2646, 2-2646.01, and 2-2656, Reissue Revised Statutes of Nebraska; to change provisions relating to the Pesticide Act; 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, 40:

Adams	Coash	Harms	McCoy	Schilz
Ashford	Conrad	Harr, B.	McGill	Schumacher
Bloomfield	Cook	Janssen	Mello	Seiler
Bolz	Crawford	Johnson	Murante	Smith
Brasch	Davis	Karpisek	Nordquist	Sullivan
Campbell	Dubas	Kintner	Pirsch	Wallman
Carlson	Gloor	Kolowski	Price	Watermeier
Chambers	Hansen	Larson	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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 LB68 with 34 ayes, 4 nays, 3 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 68.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1072, 2-1074, 2-1083, 2-1091, 2-1091.01, 2-1095, 2-10,102, 2-10,103, 2-10,103.01, 2-10,103.02, 2-10,103.04, 2-10,104, 2-10,105, 2-10,106, 2-10,111, and 2-10,115, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Plant Protection and Plant Pest Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-1075.01, 2-1077, 2-1080, 2-1092, 2-1093, 2-1094, 2-1096, 2-1097, 2-1098, 2-1099, 2-10,100, 2-10,100.01, 2-10,100.02, 2-10,101, and 2-10,116.01, 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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 44.

A BILL FOR AN ACT relating to crimes and punishment; to amend sections 28-101 and 83-1,135, Revised Statutes Cumulative Supplement, 2012; to change penalty provisions with respect to Class IA felonies committed by persons under eighteen years of age; to change parole procedures with respect to offenses committed by persons under eighteen years of age; 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, 38:

Adams	Coash	Harr, B.	McCoy	Schumacher
Ashford	Cook	Janssen	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Davis	Karpisek	Murante	Sullivan
Brasch	Dubas	Kintner	Nordquist	Wallman
Campbell	Gloor	Kolowski	Price	Wightman
Carlson	Hansen	Larson	Scheer	
Chambers	Harms	Lathrop	Schilz	

Voting in the negative, 1:

Conrad

Present and not voting, 2:

Pirsch Watermeier

Excused and not voting, 8:

Avery	Haar, K.	Howard	Lautenbaugh
Christensen	Hadley	Krist	Nelson

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 166, 154, 141, 107, 103, 59, 42, 646, 595, 595A, 589, 585, 487, 423, 240, 205, 69, 68, and 44.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 169, 172, 192, 208, 222e, 223, 243, 277, 303, 329, 332, 344e, 345e, 349, 361, 377, 386, 435, 442, 458, 459, 477, 493, 500, 538, 549, 643, and 647.

(Signed) Kate Bolz

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB298:

FA74

Page 11, line 6 strike and show as stricken "some form" and insert "a recognized method".

Senator McCoy filed the following amendment to LB140:

AM1243

(Amendments to Standing Committee amendments, AM210)

- 1 1. On page 7, line 25, strike "The"; and strike lines 26
- 2 and 27.
- 3 2. On page 8, strike line 1.

VISITORS

Visitors to the Chamber were 11 fourth-grade students, teacher, and sponsors from St. Stanislaus Catholic School, Omaha; 21 seventh- and eighth-grade students, teachers, and sponsors from St. Michael's

Elementary, Albion; 46 third- and fourth-grade students and teachers from Mead; 35 fourth-grade students and teachers from Springfield; 47 fourth-grade students, teachers, and sponsors from Arbor Park, Blair; 110 third-grade students from Campbell Elementary; Senator Crawford's husband, David, from Bellevue, and her father-in-law, William, from Carterville, IL; 68 fourth-grade students and teachers from Alcott Elementary, Hastings; 23 third-grade students and teacher from Humann Elementary, Lincoln; and 50 fourth-grade students, teachers, and sponsors from Emerson Elementary, Columbus.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 2:23 p.m., on a motion by Senator McGill, the Legislature adjourned until 10:00 a.m., Tuesday, May 7, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SECOND DAY - MAY 7, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 7, 2013

PRAYER

The prayer was offered by Pastor Ryan Lewis, St. Thomas More Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senators Ashford, Cook, B. Harr, Nelson, Price, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-first day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 2, 2013, at 2:35 p.m. were the following: LBs 166e, 154, 141, 107, 103, 59, 42, 646, 595e, 595Ae, 589e, 585, 487, 423, 240, 205, 69, 68, and 44.

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

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 296. Placed on Final Reading.
LEGISLATIVE BILL 384. Placed on Final Reading.
LEGISLATIVE BILL 384A. Placed on Final Reading.
LEGISLATIVE BILL 476. Placed on Final Reading.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 410. Placed on Select File with amendment. ER95 is available in the Bill Room.

LEGISLATIVE BILL 306A. Placed on Select File.

LEGISLATIVE BILL 545. Placed on Select File with amendment. ER96

- 1 1. On page 1, strike lines 2 through 7 and insert
- 2 "sections 71-1567, 71-4609, 75-134, 75-136, 75-139, 75-156,
- 3 75-722, 86-123, 86-158, 86-209, 86-255, 86-269, and 86-578,
- 4 Reissue Revised Statutes of Nebraska, and section 57-1409, Revised
- 5 Statutes Cumulative Supplement, 2012; to change appeal procedures
- 6 as prescribed; to provide for motions for reconsideration; to
- 7 harmonize provisions; to provide a duty for the Revisor of
- 8 Statutes; and to repeal the original sections."

(Signed) John Murante, Chairperson

AMENDMENT - Print in Journal

Senator Watermeier filed the following amendment to LB507:
AM1222

(Amendments to E & R amendments, ER94)

- 1 1. On page 10, strike beginning with "and" in line 7
- 2 through "FY2014-15" in line 8.

MESSAGE FROM THE GOVERNOR

May 7, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 169, 172, 192, 208, 222e, 223, 243, 277, 303, 329, 332, 344e, 345e, 349, 361, 377, 386, 420e, 435, 442, 458, 459, 493, 500, 538, 549, 643, and 647 were received in my office on May 1, 2013.

Engrossed Legislative Bills 42, 59, 103, 107, 141, 154, and 166e were received in my office on May 2, 2013.

These bills were signed and delivered to the Secretary of State on May 7, 2013.

Sincerely,

(Signed) Dave Heineman
Governor

MOTION - Return LB553 to Select File

Senator Lautenbaugh moved to return LB553 to Select File for the following specific amendment:

AM1302

(Amendments to Final Reading copy)

- 1 1. On page 24, lines 18, 19, and 21, strike "twenty" and
- 2 insert "thirty".

Senator Lautenbaugh withdrew his motion to return.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB553 with 32 ayes, 4 nays, 8 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 553. With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 79-966.01, 79-9,100, 79-9,103, and 79-9,105, Reissue Revised Statutes of Nebraska, and sections 24-703, 79-901, 79-902, 79-916, 79-947.06, 79-954, 79-958, 79-966, 79-9,113, 79-1003, 79-1028.01, and 81-2017, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to actuarial valuations of retirement systems and funds; to redefine terms; to change eligibility provisions for participation in school retirement systems and for disability benefits for beneficiaries; to change annual benefit cost-of-living adjustment provisions, state deposits, employer and employee contributions, and monthly formula retirement annuity provisions; to change provisions relating to state aid calculations for schools; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to provide severability; 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, 27:

Adams	Crawford	Harms	Lathrop	Sullivan
Avery	Davis	Howard	McGill	Wallman
Bolz	Dubas	Johnson	Mello	Wightman
Campbell	Gloor	Karpisek	Scheer	
Carlson	Haar, K.	Kolowski	Schumacher	
Conrad	Hadley	Krist	Seiler	

Voting in the negative, 8:

Bloomfield	Christensen	Janssen	Larson
Brasch	Hansen	Kintner	Lautenbaugh

Present and not voting, 9:

Chambers	McCoy	Nordquist	Price	Watermeier
Harr, B.	Murante	Pirsch	Smith	

Excused and not voting, 5:

Ashford	Coash	Cook	Nelson	Schilz
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Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached.

MOTION - Reconsider Action on LB553

Senator Nordquist offered the following motion to LB553:
MO64

Reconsider the vote on final passage with the emergency clause attached.

Pending.

VISITORS

Visitors to the Chamber were 74 fourth-grade students and teachers from North Park Elementary, Columbus; 27 fourth-grade students, teacher, and sponsors from Howard Kennedy Elementary, Omaha; 30 fourth-grade students and teachers from Fullerton; and 34 fourth-grade students and teachers from Tri-County Elementary, DeWitt.

RECESS

At 12:12 p.m., on a motion by Senator Janssen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Coash presiding.

ROLL CALL

The roll was called and all members were present except Senators Ashford, Christensen, Cook, Lautenbaugh, Nelson, and Schilz who were excused until they arrive.

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB104:
AM1236

(Amendments to Standing Committee amendments, AM525)

- 1 1. On page 3, line 8, after the last comma insert "and";
- 2 and in line 9 strike ", and transmutation of elements".

Senator McCoy filed the following amendment to LB104:
AM1216

(Amendments to Standing Committee amendments, AM525)

- 1 1. On page 3, line 6, after "sale" insert "if the
- 2 taxpayer gives a right of first refusal to purchase the first sixty
- 3 percent of such electricity to any district, as defined in section
- 4 70-601, serving the area where such electricity is produced".

MOTION - Reconsider Action on LB553

The Nordquist motion, MO64, found in this day's Journal, to reconsider the vote on final passage of LB553 with the emergency clause attached, was renewed.

Senator Lathrop moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The Nordquist motion to reconsider prevailed with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 553. With Emergency Clause.

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, 34:

Adams	Coash	Haar, K.	Kolowski	Scheer
Ashford	Conrad	Hadley	Krist	Schumacher
Avery	Cook	Harms	Lathrop	Seiler
Bolz	Crawford	Harr, B.	McGill	Sullivan
Campbell	Davis	Howard	Mello	Wallman
Carlson	Dubas	Johnson	Nordquist	Wightman
Chambers	Gloor	Karpisek	Price	

Voting in the negative, 0.

Present and not voting, 13:

Bloomfield	Hansen	Larson	Pirsch	Watermeier
Brasch	Janssen	McCoy	Schilz	
Christensen	Kintner	Nelson	Smith	

Excused and not voting, 2:

Lautenbaugh Murante

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 553A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 553, One Hundred Third Legislature, First Session, 2013; 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, 34:

Adams	Coash	Haar, K.	Kolowski	Scheer
Ashford	Conrad	Hadley	Krist	Schumacher
Avery	Cook	Harms	Lathrop	Seiler
Bolz	Crawford	Harr, B.	McGill	Sullivan
Campbell	Davis	Howard	Mello	Wallman
Carlson	Dubas	Johnson	Nordquist	Wightman
Chambers	Gloor	Karpisek	Price	

Voting in the negative, 0.

Present and not voting, 13:

Bloomfield	Hansen	Larson	Pirsch	Watermeier
Brasch	Janssen	McCoy	Schilz	
Christensen	Kintner	Nelson	Smith	

Excused and not voting, 2:

Lautenbaugh Murante

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Avery has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

RESOLUTION

LEGISLATIVE RESOLUTION 171. Introduced by Dubas, 34.

WHEREAS, from his birth on the banks of the Niobrara River in Nebraska until his death in 1908, Chief Standing Bear spent his life in a constant struggle to gain equality and justice for our nation's Native Americans; and

WHEREAS, Chief Standing Bear and the Ponca Tribe were forced in 1877 by federal treaty to leave their homeland in Nebraska for Indian Territory in what is now Oklahoma; and

WHEREAS, the hardship of travel, illness, and the conditions of Indian Territory caused many members of the tribe to perish, including Chief Standing Bear's son; and

WHEREAS, determined to bury his son in his homeland, Chief Standing Bear led thirty members of his tribe back to their home in Nebraska; and

WHEREAS, Chief Standing Bear became the first Native American to be recognized as a person in a federal court decision rendered in Omaha at the trial following his return to Nebraska; and

WHEREAS, it is essential to raise awareness of historical events in the lives of the original Native American inhabitants of Nebraska to promote justice and equality in the United States legal system; and

WHEREAS, a Chief Standing Bear Trail, spanning from Chief Standing Bear's homeland in Nebraska through Kansas and into Oklahoma, would increase knowledge and awareness of the story of Chief Standing Bear.

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

1. That the Legislature supports the development and designation of a continuous Chief Standing Bear Trail from Nebraska to Oklahoma and recognizes that the story of Nebraska's original Native American inhabitants

is vital to understanding the rich history of Nebraska and promoting the cultural well-being of all Nebraskans.

2. That a copy of this resolution be sent to the Commission on Indian Affairs.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR171 was referred to the Reference Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 172. Introduced by Hansen, 42; Coash, 27.

WHEREAS, Richard "Dick" Aupperle, Sr., died April 22, 2013, at the age of 75; and

WHEREAS, Dick was a master plumber working from Pine Ridge, South Dakota, to McCook, Nebraska, from Chadron to O'Neill, and finally from North Platte in his 52-year career; and

WHEREAS, Dick was known to be a wise business man and an extremely hard worker, compassionate towards those less fortunate, and a man who was a cornerstone in the framework of North Platte and the plumbing industry; and

WHEREAS, Dick was full of old-school wisdom and was hard around the edges, but he loved what he did; and

WHEREAS, Dick was always the first to the shop and never missed a Saturday of work; and

WHEREAS, Dick was a past member of the Elks Lodge and Moose Lodge and a sergeant in the National Guard; and

WHEREAS, Dick is survived by his children, Rick, John, and Susan, and two grandchildren, Thad and Theo.

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

1. That the Legislature honors the memory of Richard "Dick" Aupperle, his work ethic, and his generosity towards many.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Richard "Dick" Aupperle.

3. That copy of this resolution be sent to the family of Richard "Dick" Aupperle.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 583A. Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 583, One Hundred Third Legislature, First Session, 2013.

NOTICE OF COMMITTEE HEARING

General Affairs

Room 1510

Tuesday, May 28, 2013 1:00 p.m.

Kristopher Covi - State Racing Commission

Robert Batt - Nebraska Liquor Control Commission

(Signed) Russ Karpisek, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 166e, 154, 141, 107, 103, 59, 42, 646, 595e, 595Ae, 589e, 585, 487, 423, 240, 205, 69, 68, and 44.

(Signed) Galen Hadley

COMMITTEE REPORT

Transportation and Telecommunications

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.

Blake Dillon - Motor Vehicle Industry Licensing Board

William Reeg - Motor Vehicle Industry Licensing Board

Aye: 6 Brasch, Dubas, Hadley, Price, Smith, Watermeier. Nay: 0. Absent: 2 Janssen, McCoy. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

MESSAGE FROM THE GOVERNOR

May 7, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 477 was received in my office on May 1, 2013.
This bill was signed and delivered to the Secretary of State on May 7, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

SPEAKER ADAMS PRESIDING**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 553 and 553A.

SENATOR COASH PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 196. Title read. Considered.

Senator Chambers offered the following amendment:
FA75

Page 2, line 8, strike "\$588,000" where it appears and insert "\$700,000".

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 197. Title read. Considered.

Committee AM1059, found on page 1200, was offered.

SPEAKER ADAMS PRESIDING

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

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 195. Title read. Considered.

Committee AM656, found on page 1200, was offered.

Senator Mello offered his amendment, AM1229, found on page 1209, to the committee amendment.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 7, 2013, at 3:28 p.m. were the following: LBs 553e and 553Ae.

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

AMENDMENTS - Print in Journal

Senator Krist filed the following amendment to LB195:
AM1303

(Amendments to Standing Committee amendments, AM656)

- 1 1. On page 40, after line 2 insert the following new
- 2 paragraph:
- 3 "It is the intent of the Legislature that for each
- 4 state-owned aircraft purchased on or after May 1, 2013, the
- 5 department establish a preventative maintenance fund and a
- 6 replacement fund that will be used only for such aircraft."

Senator Price filed the following amendment to LB195:
AM1300

(Amendments to Standing Committee amendments, AM656)

- 1 Purpose: Reduces learning community aid from \$725,000
- 2 General Funds each year to \$650,000 which was Appropriations
- 3 Committee Preliminary recommended levels since LB585 was passed
- 4 that adds funding capacity for learning community operations (total
- 5 2-year savings: \$150,000 General Funds).
- 6 Amendment:
- 7 1. On page 24, strike line 3 and insert "GENERAL
- 8 FUND 1,124,584,513 1,157,361,858"; strike line 6 and insert
- 9 "PROGRAM TOTAL 1,418,714,589 1,451,491,934"; in line 8 strike
- 10 "\$1,124,659,513" and insert "\$1,124,584,513"; and in line 11 strike
- 11 "\$1,157,436,858" and insert "\$1,157,361,858".
- 12 2. On page 26, lines 6 and 7, strike "\$725,000" and
- 13 insert "\$650,000".

Senator McCoy filed the following amendment to LB195:
AM1299

(Amendments to Standing Committee amendments, AM656)

1 Purpose: Eliminates \$150,000 General Funds in each fiscal
2 year of biennium that removes earmark of Department of Natural
3 Resources Soil and Water Conservation Program funds that are
4 mandated to be contracted to the University of Nebraska-Lincoln for
5 climate change studies and restore funding back to the Interrelated
6 Water Management Plan Program.

7 Amendment:

8 1. On page 89, lines 16 and 17, strike each occurrence
9 of "\$350,000" and insert "500,000"; and in lines 21 and 24 strike
10 "\$350,000" and insert "\$500,000".
11 2. On page 90, strike line 7 and insert "GENERAL FUND
12 10,526,038 10,657,768"; strike line 10 and insert "PROGRAM TOTAL
13 18,501,389 18,647,756".
14 3. On page 91, strike lines 3 through 7.

Senator Lautenbaugh filed the following amendment to LB198:
AM1187

(Amendments to Standing Committee amendments, AM658)

1 1. Strike section 46.
2 2. Renumber the remaining sections accordingly.

Senator Hadley filed the following amendment to LB23A:
AM1249

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following
2 new section:
3 Section 1. There is hereby appropriated \$469,919 from
4 Cash Funds and \$574,345 from federal funds for FY2014-15 to the
5 Department of Health and Human Services, for Program 348, to aid
6 in carrying out the provisions of Legislative Bill 23, One Hundred
7 Third Legislature, First Session, 2013.
8 No expenditures for permanent and temporary salaries and
9 per diems for state employees shall be made from funds appropriated
10 in this section.
11 2. On page 1, lines 3 and 4, strike "; and to declare an
12 emergency".

Senator Krist filed the following amendment to LB407:
AM1307

(Amendments to AM1102)

1 1. On page 2, strike beginning with the first "and"
2 in line 14 through "thereafter" in line 15, show as stricken,
3 and insert "(b) for school fiscal years 2013-14 and 2014-15";
4 and in line 23 after "allowance" insert ", and (c) for school
5 fiscal year 2015-16 and each school fiscal year thereafter, the

6 difference of the general fund operating expenditures as calculated
 7 pursuant to subdivision (22) of this section increased by the
 8 cost growth factor calculated pursuant to section 79-1007.10,
 9 minus the transportation allowance, special receipts allowance,
 10 poverty allowance, limited English proficiency allowance, distance
 11 education and telecommunications allowance, elementary site
 12 allowance, summer school allowance, teacher education allowance,
 13 and focus school and program allowance".

14 2. On page 26, strike line 19, show as stricken, and
 15 insert "(a) school fiscal years 2013-14 and 2014-15,".

16 3. On page 27, line 4, after "correction" insert "and
 17 (b) school fiscal year 2015-16 and each school fiscal year
 18 thereafter, each school district's formula need shall equal the
 19 difference of the sum of the school district's basic funding,
 20 poverty allowance, limited English proficiency allowance, focus
 21 school and program allowance, summer school allowance, special
 22 receipts allowance, transportation allowance, elementary site
 1 allowance, teacher education allowance, distance education and
 2 telecommunications allowance, averaging adjustment, new learning
 3 community transportation adjustment, student growth adjustment,
 4 any positive student growth adjustment correction, and new school
 5 adjustment, minus the sum of the limited English proficiency
 6 allowance correction, poverty allowance correction, and any
 7 negative student growth adjustment correction".

8 4. On page 35, strike beginning with "year" in line
 9 12 through "thereafter" in line 13 and insert "years 2013-14 and
 10 2014-15".

11 5. On page 36, line 3, strike "twenty" and insert "ten";
 12 and after line 10 insert the following new subsection:

13 "(3) This section terminates on June 30, 2015.".

14 6. On page 40, line 25, strike "and each school fiscal
 15 year thereafter" and show as stricken.

16 7. On page 41, after line 7, insert the following new
 17 subsection:

18 "(5) For state aid calculated for school fiscal year
 19 2015-16 and each school fiscal year thereafter, local system
 20 formula resources includes teacher education aid determined for
 21 each district pursuant to subdivision (4) of section 79-1007.25,
 22 allocated income tax funds determined for each district pursuant to
 23 section 79-1005.01, and adjustments pursuant to section 79-1008.02
 24 and is reduced by amounts paid by the district in the most recently
 25 available complete data year as property tax refunds pursuant to or
 26 in the manner prescribed by section 77-1736.06.".

Senator Campbell filed the following amendment to LB269A:
 AM1291

(Amendments to Final Reading copy)

1 1. Insert the following new section:

2 Sec. 3. If Legislative Bill 530, One Hundred Third

3 Legislature, First Session, 2013, becomes law, there is hereby
 4 appropriated \$88,000 from the General Fund for FY2014-15 to the
 5 Foster Care Review Office, for Program 353, to aid in carrying
 6 out the provisions of Legislative Bill 269, One Hundred Third
 7 Legislature, First Session, 2013.

8 Total expenditures for permanent and temporary salaries
 9 and per diems from funds appropriated in this section shall not
 10 exceed \$66,625 for FY2014-15.

11 2. On page 2, line 16, strike "65,000" and insert
 12 "66,463".

13 3. Renumber the remaining sections accordingly.

Senator Coash filed the following amendment to LB199:
 AM1232

(Amendments to Standing Committee amendments, AM659)

1 1. Insert the following new sections:

2 Sec. 33. Section 81-2509, Revised Statutes Cumulative
 3 Supplement, 2012, is amended to read:

4 81-2509 For purposes of sections 81-2509 to 81-2515:

5 ~~(1) Census designated place means a concentration of~~
 6 ~~population identified by the United States Department of Commerce,~~
 7 ~~Bureau of the Census, that lacks a separate municipal government~~
 8 ~~but otherwise physically resembles an incorporated city or village,~~
 9 ~~that is associated with an Indian reservation, and that is in~~
 10 ~~a county with fewer than six thousand four hundred inhabitants~~
 11 ~~according to the most recent federal decennial census;~~

12 ~~(2)-(1) Commission means the Commission on Indian~~
 13 ~~Affairs;~~

14 ~~(3)-(2) Indian reservation means a tract of land set~~
 15 ~~apart by the federal government for the use of the Native American~~
 16 ~~people; and~~

17 ~~(4)-(3) Political subdivision means a city, village,~~
 18 ~~or county within a thirty-mile-sixty-mile radius of a~~
 19 ~~census designated place an Indian reservation or a tribal~~
 20 ~~government that owns land within such thirty-mile-sixty-mile~~
 21 ~~radius.~~

22 Sec. 34. Section 81-2510, Revised Statutes Cumulative
 1 Supplement, 2012, is amended to read:

2 81-2510 Any political subdivision or nonprofit
 3 corporation may annually apply to the commission for state
 4 assistance under sections 81-2509 to 81-2515. The state assistance
 5 shall be used by the applicant for economic development,
 6 education, health care, and law enforcement needs in such political
 7 subdivision when the applicant is a political subdivision and
 8 in the political subdivision where the nonprofit corporation is
 9 located when the applicant is a nonprofit corporation.

10 Sec. 35. Section 81-2511, Revised Statutes Cumulative
 11 Supplement, 2012, is amended to read:

12 81-2511 (1) All applications for state assistance under

13 sections 81-2509 to 81-2515 shall be in writing, ~~include a~~
 14 ~~certified copy of the approving action of the governing body~~
 15 ~~of the applicant describing~~ describe the proposed use for the
 16 state assistance, and be of such form and contain the content as
 17 the commission shall prescribe. An application from a political
 18 subdivision shall include a certified copy of the action by
 19 the governing body of the political subdivision approving the
 20 application. The commission shall ~~and~~ publish application forms for
 21 distribution to a political subdivision or nonprofit corporation
 22 upon request.

23 (2) Upon receiving an application for state assistance,
 24 the commission shall review the application and notify the
 25 applicant of any additional information needed for a proper
 26 evaluation of the application.

27 (3) Any state assistance received pursuant to sections
 1 81-2509 to 81-2515 shall be used only for public purposes.

2 Sec. 36. Section 81-2513, Revised Statutes Cumulative
 3 Supplement, 2012, is amended to read:

4 81-2513 (1) After consideration of the application, ~~and~~
 5 ~~the evidence~~, the commission shall issue a finding of whether the
 6 use described in the application is eligible for state assistance.

7 (2) If the commission finds that the use described in the
 8 application is a legitimate use and that state assistance is in the
 9 best interest of the state, the application shall be approved.

10 (3) If no applications are approved, the commission may
 11 use the funds in the Designated Collection Fund directly for the
 12 needs listed in section 81-2510.

13 ~~(3)-(4)~~ A majority of the commission members constitutes
 14 a quorum for the purpose of conducting business. All actions of the
 15 commission shall be made by a majority vote of the voting members.

16 Sec. 42. The following section is outright repealed:

17 Section 81-2512, Revised Statutes Cumulative Supplement, 2012.

18 2. On page 38, line 27, after the last comma insert

19 "81-2509, 81-2510, 81-2511, 81-2513,".

20 3. Renumber the remaining sections accordingly.

Senator Davis filed the following amendment to LB634:
 AM1158

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

3 Section 1. Sections 1 to 4 of this act shall be known and
 4 may be cited as the Wildfire Control Act of 2013.

5 Sec. 2. The Legislature finds that the State of
 6 Nebraska's forests, pasture lands, and rangelands have been
 7 destroyed by catastrophic wildfires, primarily due to higher
 8 temperatures, intense and prolonged drought, increased forest
 9 fuel-loads, and the extensive spread of Eastern Red Cedar trees
 10 into forests, pasture lands, and rangelands. Because of these
 11 conditions, wildfires occur more frequently, spread and grow very

12 rapidly upon ignition, and consume large tracts of productive land.
 13 These severe, fast-moving wildfires put the lives of citizens,
 14 emergency responders, and visitors at great risk, are difficult
 15 to control, quickly overwhelm local suppression capacity, and cost
 16 enormous amounts of money to suppress and control.

17 Sec. 3. (1) Pursuant to the Wildfire Control Act of 2013,
 18 the Nebraska Emergency Management Agency shall contract for all
 19 costs to place one single-engine air tanker in Nebraska for use in
 20 fighting wildfires.

21 (2) It is the intent of the Legislature that the Nebraska
 22 Emergency Management Agency deploy the single-engine air tanker
 23 quickly and without delay so as to prevent the rapid spread of
 1 wildfires upon ignition.

2 (3) The Nebraska Emergency Management Agency shall
 3 prepare a report on or before December 1 of each year describing
 4 (a) the date and time each request to deploy a single-engine air
 5 tanker is made to the agency, (b) the date and time a single-engine
 6 air tanker was deployed in response to a request for such a tanker,
 7 (c) an explanation of the reason for any delay of more than one
 8 hour from the time of a request for deployment of a single-engine
 9 air tanker and the time of the actual deployment of such a tanker,
 10 and (d) an explanation of the reason for the denial of a request
 11 to deploy a single-engine air tanker. The report shall be submitted
 12 electronically to the Governor and to the Clerk of the Legislature.

13 Sec. 4. Pursuant to the Wildfire Control Act of 2013,
 14 the Nebraska Forest Service shall (1) administer programs to thin
 15 forests to reduce forest fuel-loads in order to substantially
 16 reduce wildfire risk, intensity, and rate of spread and develop
 17 markets for woody biomass generated from forest thinnings, (2)
 18 provide expanded training programs for volunteer firefighters,
 19 private landowners, and communities in Nebraska in fire suppression
 20 tactics of wildfires in order to increase suppression effectiveness
 21 and safety, (3) expand the federal excess property programs
 22 sponsored by the United States Department of Agriculture and
 23 the United States Department of Defense and managed by the Nebraska
 24 Forest Service in Nebraska, (4) oversee the rehabilitation of
 25 forest lands that have been destroyed by wildfires, (5) manage
 26 single-engine air tanker bases and operations in Nebraska, and (6)
 27 contract to construct at least two single-engine air tanker bases
 1 and develop one or more mobile single-engine air tanker bases in
 2 Nebraska.

3 Sec. 5. Since an emergency exists, this act takes effect
 4 when passed and approved according to law.

Senator Davis filed the following amendment to LB634A:
 AM1174

1 1. Insert the following new section:

2 Sec. 2. There is hereby appropriated (1) \$300,000 from
 3 the General Fund for FY2013-14 and (2) \$300,000 from the General

- 4 Fund for FY2014-15 to the Military Department, for Program 545,
 5 for the Nebraska Emergency Management Agency, to aid in carrying
 6 out the provisions of Legislative Bill 634, One Hundred Third
 7 Legislature, First Session, 2013.
 8 2. On page 2, line 1, strike "\$1,725,000" and insert
 9 "\$1,245,000"; and in line 2 strike "\$1,725,000" and insert
 10 "\$1,095,000".
 11 3. Renumber the remaining section accordingly.

Senator Hansen filed the following amendment to LB195:
 AM1297

(Amendments to Standing Committee amendments, AM656)

- 1 Purpose: Eliminate \$250,000 in each year of biennium that
 2 was added to fund LB234 and restore existing program to current law
 3 funding levels (total savings: \$500,000 General Funds).
 4 Amendment:
 5 1. On page 76, strike line 20 and insert "GENERAL FUND
 6 5,790,612 5,640,612"; strike line 23 and insert "PROGRAM TOTAL
 7 71,328,654 71,178,654"; and in line 25 strike "\$6,040,612" and
 8 insert "\$5,790,612".
 9 2. On page 77, line 1, strike "\$5,890,612" and insert
 10 "\$5,640,612".
 11 3. On page 78, lines 1 and 3, strike "\$1,100,000" and
 12 insert "\$850,000".

UNANIMOUS CONSENT - Add Cointroducer

Senator McGill asked unanimous consent to add her name as cointroducer to LB505. No objections. So ordered.

VISITORS

Visitors to the Chamber were members from the Dawson Area Development-Leadership Class; 12 students, teacher, and sponsors from Bellwood Attendance Center; Senator Watermeier's father-in-law, Jim and Jean Laessle, from Scottsbluff and Doug Gilbaugh from Lincoln; 43 fourth-grade students and teachers from Woodland Park Elementary, Norfolk; 75 fourth-grade students from Jefferson Elementary, Omaha; and 40 sixth-grade students and teachers from Valentine.

ADJOURNMENT

At 5:30 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Wednesday, May 8, 2013.

Patrick J. O'Donnell
 Clerk of the Legislature

SEVENTY-THIRD DAY - MAY 8, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 8, 2013

PRAYER

The prayer was offered by Pastor Tim Wiebe, Brookside Church, Papillion.

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 Ashford, Lautenbaugh, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

GENERAL FILE

LEGISLATIVE BILL 195. Senator Mello renewed his amendment, AM1229, found on page 1209 and considered on page 1267, to the committee amendment.

The Mello amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Krist offered his amendment, AM1303, found on page 1267, to the committee amendment.

Senator Krist withdrew his amendment.

Senator Price offered his amendment, AM1300, found on page 1267, to the committee amendment.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 196. Placed on Select File.**LEGISLATIVE BILL 197.** Placed on Select File with amendment.
ER98

- 1 1. In the Standing Committee amendments, AM1059, on page
- 2 3, line 6, after the second "5" insert a comma.

(Signed) John Murante, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 173.** Introduced by Nordquist, 7; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Conrad, 46; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; B. Harr, 8; Kolowski, 31; Lathrop, 12; Mello, 5; Nelson, 6; Pirsch, 4; Price, 3; Scheer, 19; Sullivan, 41; Watermeier, 1; Wightman, 36.

WHEREAS, the March of Dimes was founded by President Franklin D. Roosevelt in 1938 to fight polio and funded the development of two vaccines still in use today that virtually eliminated the crippling disease; and

WHEREAS, after achieving its initial mission, in 1958 the March of Dimes shifted its focus from polio to the prevention of birth defects, and through federal and state advocacy led the way in establishing a nationwide network of birth defects monitoring programs and research centers; and

WHEREAS, the March of Dimes has undertaken decades of groundbreaking research in maternal and child health which has led to the discovery of life-saving products and tests such as surfactant therapy for premature infants and tests to identify life-threatening birth defects; and

WHEREAS, in 2003 the March of Dimes launched the Prematurity Campaign to address the crisis of premature births and help families have full-term, healthy babies and authored the Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early Act which Congress enacted in 2006 to expand research, education, and services to fight premature births; and

WHEREAS, the March of Dimes was a pioneer in the support of newborn screening and urged Congress to pass and fund the Newborn Screening Saves Lives Act which established national guidelines in 2008 on the conditions states should include in newborn programs, and through state advocacy ensured that every state screens all newborns for that core set of conditions; and

WHEREAS, the March of Dimes is a longtime advocate for access to health care for mothers, infants, children, and families to ensure they have access to private and public health coverage, including under the State Children's Health Insurance Program, Medicaid, the Title V Block Grant Program, and the Patient Protection and Affordable Care Act; and

WHEREAS, the March of Dimes has set a national goal of reducing pre-term births to 9.6 percent in every state by 2020 which will result in a healthier start in life for tens of thousands of infants; and

WHEREAS, the March of Dimes sponsors numerous programs to support healthy pregnancies and infants, such as its work to prevent early elective deliveries and the Newborn Intensive Care Unit Family Support Program; and

WHEREAS, the March of Dimes Foundation has been a pioneer in preventing birth defects, premature births, and infant mortality and March of Dimes volunteers continue to advocate for national and state health policies and programs that improve the health of mothers, infants, children, and families.

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

1. That the Legislature extends special recognition to the Nebraska Chapter of the March of Dimes on its observance of the 75th anniversary of the March of Dimes.

2. That a copy of this resolution be sent to Rosemary Opbroek, Executive Director of the Nebraska Chapter of the March of Dimes.

Laid over.

VISITORS

Visitors to the Chamber were 45 fourth-grade students and teachers from Plattsmouth; 65 fourth-grade students and teachers from Cardinal Elementary, South Sioux City; 15 eighth-grade students, teacher, and sponsors from St. Patrick's School, McCook; 70 fourth-grade students and teachers from Fairview Elementary, Bellevue; 7 third- through sixth-grade students and teachers from St. Andrew Catholic School, Tecumseh; 100 fourth-grade students and teachers from Bancroft Elementary, Omaha; and 4 students and sponsor from the STOP Youth Group Monument Prevention Coalition, Scottsbluff.

RECESS

At 11:58 a.m., on a motion by Speaker Adams, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

ROLL CALL

The roll was called and all members were present except Senators Ashford, Christensen, Conrad, Janssen, and Watermeier who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 174. Introduced by Campbell, 25.

WHEREAS, National Children's Mental Health Awareness Day is May 9, 2013; and

WHEREAS, National Children's Mental Health Awareness Day is part of an initiative started in 2005 by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services to raise awareness of the importance of children's mental health; and

WHEREAS, a variety of Nebraska health care, social service, nonprofit, and other organizations have formed Project Relate as part of the national initiative to help raise awareness; and

WHEREAS, according to Project Relate, one out of five children in Nebraska is affected by mental health problems, and 23,000 children under the age of 17 in Nebraska have serious mental problems which account for five percent of our state's youth; and

WHEREAS, suicide is the third leading cause of death in Nebraska for young people between the ages of 8 and 24, and many Nebraska children affected by mental health problems are not getting the help that they need.

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

1. That the Legislature acknowledges that good mental health is essential to a child's healthy development beginning from birth and supports initiatives which raise awareness of the importance of children's mental health.

2. That the Legislature recognizes May 9, 2013, as National Children's Mental Health Awareness Day.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 195. The Price amendment, AM1300, found on page 1267 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Price withdrew his amendment.

Senator McCoy offered his amendment, AM1299, found on page 1268, to the committee amendment.

SENATOR COASH PRESIDING**SENATOR SCHUMACHER PRESIDING**

Senator McCoy asked unanimous consent to withdraw his amendment,

AM1299, found on page 1268 and considered in this day's Journal, and replace it with his substitute amendment, FA76, to the committee amendment. No objections. So ordered.

FA76

Amend AM656

Page 91, line 5, strike "to" through line 6, "Natural Resources"

Senator Wallman moved the previous question. The question is, "Shall the debate now close?"

Senator Wallman moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

SENATOR KRIST PRESIDING

Senator Wallman requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 28:

Adams	Crawford	Harms	Lathrop	Seiler
Avery	Davis	Howard	McGill	Sullivan
Bolz	Dubas	Johnson	Mello	Wallman
Campbell	Gloor	Karpisek	Nordquist	Wightman
Conrad	Haar, K.	Kolowski	Scheer	
Cook	Hadley	Krist	Schumacher	

Voting in the negative, 15:

Bloomfield	Hansen	Larson	Murante	Schilz
Brasch	Janssen	Lautenbaugh	Pirsch	Smith
Chambers	Kintner	McCoy	Price	Watermeier

Present and not voting, 2:

Carlson Nelson

Excused and not voting, 4:

Ashford Christensen Coash Harr, B.

The motion to cease debate prevailed with 28 ayes, 15 nays, 2 present and not voting, and 4 excused and not voting.

Senator McCoy requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 10:

Bloomfield Hansen	Janssen Lautenbaugh	McCoy Murante	Pirsch Price	Schilz Watermeier
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Voting in the negative, 31:

Adams	Cook	Harms	McGill	Sullivan
Avery	Crawford	Howard	Mello	Wallman
Bolz	Davis	Johnson	Nelson	Wightman
Campbell	Dubas	Karpisek	Nordquist	
Carlson	Gloor	Kolowski	Scheer	
Chambers	Haar, K.	Krist	Schumacher	
Conrad	Hadley	Lathrop	Seiler	

Present and not voting, 4:

Brasch	Kintner	Larson	Smith
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Excused and not voting, 4:

Ashford	Christensen	Coash	Harr, B.
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The McCoy amendment lost with 10 ayes, 31 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Hansen offered his amendment, AM1297, found on page 1273, to the committee amendment.

Senator McGill moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

The Hansen amendment lost with 7 ayes, 29 nays, 9 present and not voting, and 4 excused and not voting.

Senator Mello offered the following amendment to the committee amendment:

AM1320

(Amendments to Standing Committee amendments, AM656)

- 1 Purpose: Increase Revolving Funds for the Nebraska Public
- 2 Safety Communication System. This funding will allow for three
- 3 additional towers and equipment to be added to the statewide
- 4 system. This will address necessary improvements and enhanced
- 5 coverage.
- 6 Amendment:
- 7 1. On page 128, in lines 13 and 14 strike "1,963,683
- 8 1,971,732" and insert "3,333,433 3,341,482".

Senator Lathrop moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

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

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR171	Natural Resources

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORT

Executive Board

LEGISLATIVE RESOLUTION 155. Reported to the Legislature for further consideration with the following amendment:
AM1328

- 1 1. On page 1, in the last line strike "and".
- 2 2. On page 2, in the first line before the period insert
- 3 "; and
- 4 (g) Two other members of the Legislature selected by the
- 5 Executive Board of the Legislative Council".

(Signed) John Wightman, Chairperson

AMENDMENT - Print in Journal

Senator Hansen filed the following amendment to LB198:
AM1188

(Amendments to Standing Committee amendments, AM658)

- 1 1. Strike section 45.
- 2 2. Renumber the remaining sections accordingly.

AMENDMENT - Refile in Journal

Senator Krist refiled his amendment, AM1041, found on page 1057 and withdrawn on page 1148, to LB407.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB195:
AM1321

(Amendments to Standing Committee amendments, AM656)

- 1 Purpose: To permanently fund the administrative
2 assistant.
3 Amendment:
4 1. On page 144, strike lines 5 through 8 and insert:
5 "GENERAL FUND 205,261 208,175
6 CASH FUND 20,000 20,000
7 PROGRAM TOTAL 225,261 228,175
8 SALARY LIMIT 183,876 186,406".

Senators Dubas and Chambers filed the following amendment to LB194:
AM1324

(Amendments to Standing Committee amendments, AM655)

- 1 Purpose: Delete funding for the replacement airplane.
2 Amendment:
3 1. On page 33, line 24, strike "2,164,760" and insert
4 "-0-"; in line 26 strike "2,863,881" and insert "699,121"; and
5 after line 26 insert the following:
6 "The Department of Aeronautics shall contract for an
7 independent study to determine the following:
8 (1) Whether the state should purchase a plane and assume
9 the resulting short-term and long-term costs and liabilities or
10 whether privately owned aircraft should be used through rental,
11 time-share, lease, or other arrangements; and
12 (2) If it is determined that the state should purchase
13 its own airplane, what airplane will best fit the needs of the
14 state. This would include, but not be limited to, a determination
15 of performance and passenger requirements; whether to purchase
16 a new aircraft with warranty versus a used plane; and the
17 identification of the short-term and long-term (life-cycle) costs
18 of all aircraft under consideration.".

Senator Sullivan filed the following amendment to LB497:
AM1315

(Amendments to E & R amendments, ER53)

- 1 1. On page 1, line 23; and page 2, line 1, reinstate the
2 stricken matter.
3 2. On page 2, line 1, strike "(a)" and insert "Nebraska
4 Education Improvement Fund."; in lines 3 through 5 strike the new
5 matter and insert "as provided in subsection (3) of this section";
6 in line 23 strike "(i)" and insert "Beginning July 1, 2016,
7 forty-four and one-half percent of the money remaining after the
8 payment of prizes and operating expenses and the initial transfer
9 to the Compulsive Gamblers Assistance Fund shall be transferred to
10 the Nebraska Education Improvement Fund;

- 11 (c)"; and in line 27 strike the new matter.
 12 3. On page 3, lines 1 through 4, strike the new matter;
 13 in line 5 strike "(c)", show as stricken, and insert "(d)"; in
 14 lines 9 and 10 strike the new matter; in line 11 strike "(d)", show
 15 as stricken, and insert "(e)"; and in line 16 strike "(e)", show as
 16 stricken, and insert "(f)".
 17 4. On page 4, line 2, strike "(f)", show as stricken, and
 18 insert "(g)".
 19 5. On page 11, strike beginning with "subdivision" in
 20 line 8 through "section" in line 9 and insert "subsections (3)
 21 and (4) of this section, money transferred pursuant to section
 22 85-1920".
 1 6. On page 12, line 12, after "report" insert
 2 "electronically"; and in line 14 strike "2013" and insert "2014".

MESSAGE FROM THE GOVERNOR

May 8, 2013

Patrick J. O'Donnell
 Clerk of the Legislature
 State Capitol, Room 2018
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 44, 68, 69, 205, 240, 423, 487, 585, 589e, 595e, 595Ae, and 646 were received in my office on May 2, 2013.

These bills were signed and delivered to the Secretary of State on May 8, 2013.

Sincerely,
 (Signed) Dave Heineman
 Governor

GENERAL FILE

LEGISLATIVE BILL 195. Senator Schilz offered the following amendment to the committee amendment:

AM1259

(Amendments to Standing Committee amendments, AM656)

- 1 1. On page 37, lines 11 and 12, strike each occurrence of
- 2 "115,000,000" and insert "122,500,000".

SENATOR CARLSON PRESIDING

Pending.

AMENDMENT - Print in Journal

Senator Lautenbaugh filed the following amendment to LB195:
AM1195

(Amendments to Standing Committee amendments, AM656)

- 1 1. On page 31, line 19, strike "1,984,871 1,969,536"
- 2 and insert "1,882,188 1,886,538"; and in line 21 strike "2,747,277
- 3 2,443,490" and insert "2,644,594 2,360,492".

VISITORS

Visitors to the Chamber were 25 sixth-grade students and teachers from Superior; Senator Watermeier's parents, Gene and Lois, from Syracuse; 90 fourth-grade students, teachers, and sponsors from Gothenburg; 31 fourth-grade students and teachers from St. Michael Catholic School, Lincoln; and Annie Himes from Omaha.

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

ADJOURNMENT

At 7:58 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Thursday, May 9, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FOURTH DAY - MAY 9, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SEVENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 9, 2013

PRAYER

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries, Lincoln.

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 Campbell, Conrad, Davis, B. Harr, Lautenbaugh, Murante, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 113, line 37, strike "Andy Pollock" and insert "Pollock, Andy" then move lines 37 through 45 after line 41 on page 127.

Page 115, after line 45, insert the following:

"Courtney, Robert M.

AARP"

Page 118, strike line 41.

The Journal for the fourth day was approved as corrected.

Page 200, after line 32, insert the following:

"Freeman, Jessica

Nebraska Friends of Midwives"

Page 201, after line 15, insert the following:

"Sherman, Becky

Nebraska Friends of Midwives"

The Journal for the eighth day was approved as corrected.

Page 492, after line 35, insert the following:

"Bredenkamp, Troy

Nebraska Rural Electric Association

Bromm, Curt/Bromm & Associates

Nebraska Medical Center"

The Journal for the thirtieth day was approved as corrected.

Page 564, after line 14, insert "UNO Chapter of the AAUP"
The Journal for the thirty-fifth day was approved as corrected.

Page 649, after line 3, insert the following:

"Pappas, James E.

Independent Cattlemen of Nebraska (ICON)"

The Journal for the thirty-ninth day was approved as corrected.

Page 1148, line 6, strike "Natalie Peetz" and insert "Peetz, Natalie" then
move lines 6 and 7 after line 9.

The Journal for the sixty-seventh day was approved as corrected.

Page 1281, line 32, strike "refilled" and insert "refiled".

The Journal for the seventy-third day was approved as corrected.

GENERAL FILE

LEGISLATIVE BILL 195. Senator Schilz renewed his amendment,
AM1259, found on page 1283, to the committee amendment.

SENATOR COASH PRESIDING

SENATOR GLOOR PRESIDING

Senator Wallman moved the previous question. The question is, "Shall the
debate now close?"

Senator Wallman moved for a call of the house. The motion prevailed with
28 ayes, 0 nays, and 21 not voting.

Senator Wallman requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

Adams	Conrad	Hansen	Larson	Smith
Ashford	Cook	Harms	Lathrop	Sullivan
Avery	Crawford	Howard	McGill	Wallman
Bolz	Dubas	Johnson	Mello	Wightman
Campbell	Gloor	Karpisek	Nordquist	
Christensen	Haar, K.	Kolowski	Schumacher	
Coash	Hadley	Krist	Seiler	

Voting in the negative, 15:

Bloomfield	Chambers	Kintner	Murante	Scheer
Brasch	Davis	Lautenbaugh	Nelson	Schilz
Carlson	Janssen	McCoy	Pirsch	Watermeier

Excused and not voting, 2:

Harr, B. Price

The motion to cease debate prevailed with 32 ayes, 15 nays, and 2 excused and not voting.

Senator Schilz requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 14:

Bloomfield	Hansen	Larson	Murante	Smith
Brasch	Janssen	Lautenbaugh	Pirsch	Watermeier
Christensen	Kintner	McCoy	Schilz	

Voting in the negative, 15:

Adams	Chambers	Haar, K.	Scheer	Sullivan
Ashford	Conrad	Johnson	Schumacher	Wallman
Campbell	Cook	Karpisek	Seiler	Wightman

Present and not voting, 18:

Avery	Crawford	Hadley	Krist	Nelson
Bolz	Davis	Harms	Lathrop	Nordquist
Carlson	Dubas	Howard	McGill	
Coash	Gloor	Kolowski	Mello	

Excused and not voting, 2:

Harr, B. Price

The Schilz amendment lost with 14 ayes, 15 nays, 18 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 175. Introduced by Sullivan, 41; Coash, 27; Karpisek, 32.

PURPOSE: The purpose of this resolution is to study the craft brewery industry in Nebraska to develop potential tax policy and statutory law to encourage growth of the craft beer industry in the state. This study shall include, but not be limited to, an examination of the following issues:

- (1) Self-distribution as a method of providing access to market, increasing consumer choice, and improving viability of new brewery startups;
- (2) Comparability and equity of the Nebraska excise tax on craft beer;
- (3) Establishment of a craft beer checkoff program to support and promote Nebraska craft breweries;
- (4) Truth in product labeling; and
- (5) Development of Nebraska-grown ingredients including hops for Nebraska breweries.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1525

Monday, May 20, 2013 9:00 a.m.

LR171

(Signed) Tom Carlson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 195. Senator Lautenbaugh offered his amendment, AM1195, found on page 1284, to the committee amendment.

Pending.

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB97:
AM1326

(Amendments to E & R amendments, ER55)

1. On page 15, line 3, strike "previously".

VISITORS

Visitors to the Chamber were 72 fourth-grade students and teachers from Gates Elementary, Grand Island; 64 fourth-grade students and teachers from

Lost Creek Elementary, Columbus; Bob Gunia from Omaha; 44 fourth-grade students and teachers from Tekamah-Herman School, Tekamah; and 49 fourth-grade students and teachers from Montclair Elementary, Omaha.

RECESS

At 12:01 p.m., on a motion by Senator Harms, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Adams presiding.

ROLL CALL

The roll was called and all members were present except Senators Christensen, Cook, Davis, B. Harr, Price, and Watermeier who were excused until they arrive.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 161, 162, 163, 164, 168, and 169 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 161, 162, 163, 164, 168, and 169.

GENERAL FILE

LEGISLATIVE BILL 195. The Lautenbaugh amendment, AM1195, found on page 1284 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?"

Senator Wallman moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Wallman requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 34:

Adams	Conrad	Hansen	Lathrop	Schumacher
Ashford	Crawford	Harms	McGill	Seiler
Avery	Davis	Howard	Mello	Smith
Bolz	Dubas	Johnson	Nordquist	Sullivan
Brasch	Gloor	Karpisek	Price	Wallman
Campbell	Haar, K.	Kolowski	Scheer	Wightman
Coash	Hadley	Krist	Schilz	

Voting in the negative, 13:

Bloomfield	Christensen	Larson	Murante	Watermeier
Carlson	Janssen	Lautenbaugh	Nelson	
Chambers	Kintner	McCoy	Pirsch	

Excused and not voting, 2:

Cook Harr, B.

The motion to cease debate prevailed with 34 ayes, 13 nays, and 2 excused and not voting.

The Lautenbaugh amendment lost with 18 ayes, 25 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB402:
AM1237

(Amendments to Standing Committee amendments, AM684)

1. On page 5, line 22, strike "facility", show as
- 2 stricken, and insert "C-BED project".

RESOLUTIONS

LEGISLATIVE RESOLUTION 176. Introduced by Seiler, 33.

WHEREAS, Alcott Elementary School in Hastings, Nebraska, was selected as a National Model Professional Learning Community School by All Things PLC; and

WHEREAS, Alcott Elementary School joins only 160 other schools nationwide and one other school in Nebraska as a recipient of this honor; and

WHEREAS, despite challenging demographics, Alcott Elementary School now outperforms the average school in Nebraska in both math and reading,

having increased math proficiency from 51% in 2009-10 to 74% in 2011-12 and reading proficiency from 55% to 81% during that same period; and

WHEREAS, all other measures of student achievement indicate that this significant upward trend is continuing at Alcott Elementary School; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the students and teachers at Alcott Elementary School for gaining prestigious recognition as a National Model Professional Learning Community School.

2. That a copy of this resolution be sent to Principal Lawrence Tunks at Alcott Elementary School.

Laid over.

LEGISLATIVE RESOLUTION 177. Introduced by Hadley, 37; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Conrad, 46; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hansen, 42; Harms, 48; Howard, 9; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Murante, 49; Nelson, 6; Nordquist, 7; Pirsch, 4; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, on April 17, 2013, an explosion at a fertilizer plant in the town of West, Texas, population 2,800, leveled part of the town. Most of the victims were first responders from fire departments in West and other nearby towns who were on the scene trying to control the fire that preceded the blast; and

WHEREAS, like all states throughout the nation, Texas relies heavily on volunteer firefighters to respond when the call goes out summoning volunteers to drop everything they are doing and, in an instant, leave their ordinary lives and become extraordinary people; and

WHEREAS, Texas has 1,435 registered fire departments, of which 85% are mostly or entirely volunteer, including the town of West; and

WHEREAS, the fourteen victims who died in the blast included a grandmother, a town secretary, a fire truck builder, a town festival organizer, a Superman fan, fishing enthusiasts, hunters, fathers, men preparing to become emergency medical technicians, and devoted church and local organization members; and

WHEREAS, volunteer firefighters and first responders are people who are tough and selfless enough to put in a full day's work and then be ready for more; and

WHEREAS, the firefighters killed in the West, Texas, blast were:

KEVIN W. SANDERS, age 33, who was a husband, father, teacher, Superman fan, and volunteer firefighter with the Bruceville-Eddy Volunteer

Fire Department near West and was taking an EMT class in West when the plant caught fire;

MORRIS BRIDGES, JR., age 41, who was a husband, father, motorcyclist, and volunteer firefighter for three years on the West Volunteer Fire Department;

JOEY PUSTEJOVSKY, age 29, who was a husband, father, secretary for the town of West, and volunteer firefighter on West's Volunteer Fire Department;

PERRY CALVIN, age 37, who was a husband, father, self-employed farmer, and volunteer firefighter at Navarro Mills and Martens Fire Departments and was attending an EMT class in West at the time of the fire;

KENNETH HARRIS, age 52, who was a husband, a father, and an off-duty Dallas Fire-Rescue Captain who rushed to the emergency to offer his help to other firefighters responding to the scene;

DOUGLAS SNOKHOUS, age 50, who was a husband, father, shop supervisor at Central Texas Iron Works in Waco, and 15-year volunteer on the West Volunteer Fire Department;

ROBERT SNOKHOUS, age 48, who was a husband, a father, an employee at Central Texas Iron Works in Waco, and a member of the West Volunteer Fire Department;

CODY DRAGOO, age 50, who was a husband, an employee at the fertilizer plant, and a member of the West Volunteer Fire Department;

JERRY DANE CHAPMAN, age 26, who was a member of the Abbott Volunteer Fire Department and was near the end of his training to become an emergency medical technician; and

CYRUS A. REED, age 29, who was a member of the Abbott and Bynum Volunteer Fire Departments and, at the time of the explosion, was in a classroom attending the last session of his training to be an emergency medical technician.

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

1. That the Legislature extends its condolences to the families and friends of the firefighters killed in West, Texas, on April 17, 2013.

2. That the Legislature expresses its appreciation to all volunteer firefighters throughout the State of Nebraska and the nation who respond to danger when called.

Laid over.

LEGISLATIVE RESOLUTION 178. Introduced by Hadley, 37.

WHEREAS, the Great Platte River Road Archway in Kearney, Nebraska, is a powerful and historical experience which brings the history of westward migration to life, and has been a prominent and iconic Kearney attraction since it was conceived by former Governor Frank Morrison; and

WHEREAS, the Great Platte River Road Archway Foundation looks forward to a spectacular summer season with the opening of a visitors center located inside the archway and expects a flood of tourists to descend upon

Kearney for the Lincoln Highway national centennial festivities from June 30 to July 1, 2013; and

WHEREAS, the foundation projects an increase in admissions this year when the new Interstate 80 interchange opens one mile east of the archway providing easier access for travelers; and

WHEREAS, the foundation and community leaders plan to seek the assistance of the city of Kearney and Buffalo County to aid the archway with the type of support utilized by museums and other community attractions.

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

1. That the Legislature commends the Great Platte River Road Archway Foundation, the city of Kearney, Buffalo County, local leaders, and supporters for taking the initiative and having the insight to support the Great Platte River Road Archway.

2. That a copy of this resolution be sent to the Great Platte River Road Archway Foundation and its chairman, Dr. Joel Johnson.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 195. Senator Karpisek offered the following amendment to the committee amendment:

AM1185

(Amendments to Standing Committee amendments, AM656)

- 1 1. On page 111, strike lines 6 and 7 and insert
- 2 "GENERAL FUND 512,938,651 528,326,810
- 3 PROGRAM TOTAL 512,938,651 528,326,810"; in line 19 strike
- 4 "\$2,698,962" and insert "\$2,673,011"; and in line 20 strike
- 5 "\$2,806,921" and insert "\$2,753,201".

SENATOR CARLSON PRESIDING

Senator Karpisek withdrew his amendment.

Committee AM656, found on page 1200 and considered on page 1267, as amended, was renewed.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 368A. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 368, One Hundred Third Legislature, First Session, 2013.

LEGISLATIVE BILL 522A. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 522, One Hundred Third Legislature, First Session, 2013.

RESOLUTION

LEGISLATIVE RESOLUTION 179. Introduced by Smith, 14; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Murante, 49; Nelson, 6; Nordquist, 7; Pirsch, 4; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, the United States Navy possesses the USS Nebraska (SSBN 739), a nuclear-powered submarine of the Trident II class named after the State of Nebraska; and

WHEREAS, the people of Nebraska and the sailors who serve on the USS Nebraska share a special and unique bond, including partnership in the Omaha Navy League, the Big Red Sub Club, and the Nebraska Admirals Association; and

WHEREAS, from initial launch and continuing throughout its history, the crew members of the USS Nebraska have demonstrated patriotism, pride, and professionalism and faithfully executed their demanding duties which bestows great honor upon all Nebraskans; and

WHEREAS, the USS Nebraska has earned an enviable reputation as one of the most combat-ready and elite fighting units in the United States Armed Forces, and this distinction has been formally recognized on multiple occasions through receipt of the prestigious Submarine Force Battle Efficiency "E" Award; and

WHEREAS, numerous prominent Nebraskans have proudly observed the professional operation of the vessel, both in the surfaced and submerged operating modes, and as a consequence of such ceremonial dunking have been appointed honorary submariners of the United States Navy; and

WHEREAS, the commanders of the USS Nebraska have on many occasions served as representatives of the United States military within Nebraska, including during the annual Nebraska statehood celebration at the State Capitol; and

WHEREAS, the USS Nebraska was commissioned on July 10, 1993, marking 2013 as the 20th anniversary of its commissioning; and

WHEREAS, the Nebraska Admirals Association and the Big Red Sub Club have jointly planned and executed a fitting ceremony in recognition of the 20th anniversary of the commissioning of the USS Nebraska.

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

1. That the Legislature recognizes the 20th anniversary of the commissioning of the USS Nebraska.

2. That the Legislature encourages the citizens of Nebraska to send support and thanks to those men and women who sacrifice and serve in defense of global peace.

3. That a copy of this resolution be sent to the commanders of the USS Nebraska.

Laid over.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Watermeier has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 198. Title read. Considered.

Committee AM658, found on page 1204, was offered.

Senator Lautenbaugh offered his amendment, AM1187, found on page 1268, to the committee amendment.

SENATOR COASH PRESIDING

Senator Lautenbaugh withdrew his amendment.

SENATOR KRIST PRESIDING

Senator Hansen offered his amendment, AM1188, found on page 1281, to the committee amendment.

Senator Hansen moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Hansen requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Bloomfield	Hansen	Murante
Christensen	McCoy	Schilz

Voting in the negative, 32:

Adams	Chambers	Hadley	Krist	Seiler
Ashford	Coash	Harms	Lathrop	Smith
Avery	Conrad	Harr, B.	McGill	Sullivan
Bolz	Cook	Howard	Mello	Wightman
Brasch	Crawford	Johnson	Nordquist	
Campbell	Davis	Karpisek	Price	
Carlson	Dubas	Kolowski	Scheer	

Present and not voting, 9:

Gloor	Larson	Nelson	Schumacher	Watermeier
Kintner	Lautenbaugh	Pirsch	Wallman	

Excused and not voting, 2:

Haar, K. Janssen

The Hansen amendment lost with 6 ayes, 32 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

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

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 199. Title read. Considered.

Committee AM659, found on page 1204, was offered.

Senator Mello offered his amendment, AM1207, found on page 1206, to the committee amendment.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 5 nays, and 13 not voting.

The Mello amendment was adopted with 32 ayes, 4 nays, 10 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 561A. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 561, One Hundred Third Legislature, First Session, 2013.

GENERAL FILE

LEGISLATIVE BILL 200. Title read. Considered.

Committee AM1124, found on page 1204, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 194. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM655, found on page 1200, was offered.

Senator Dubas offered the Dubas-Chambers amendment, AM1324, found on page 1282, to the committee amendment.

Senator Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 6 nays, and 11 not voting.

Senator Dubas requested a record vote on the Dubas-Chambers amendment.

Senator Chambers requested a roll call vote on the Dubas-Chambers amendment.

Voting in the affirmative, 21:

Bloomfield	Dubas	Karpisek	McGill	Watermeier
Campbell	Harr, B.	Kolowski	Schumacher	
Cook	Howard	Krist	Seiler	
Crawford	Janssen	Lathrop	Sullivan	
Davis	Johnson	Lautenbaugh	Wallman	

Voting in the negative, 18:

Adams	Christensen	Hansen	McCoy	Schilz
Avery	Coash	Harms	Mello	Wightman
Brasch	Gloor	Kintner	Nelson	
Carlson	Hadley	Larson	Scheer	

Present and not voting, 9:

Ashford	Chambers	Murante	Pirsch	Smith
Bolz	Conrad	Nordquist	Price	

Excused and not voting, 1:

Haar, K.

The Dubas-Chambers amendment lost with 21 ayes, 18 nays, 9 present and not voting, and 1 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Senator Krist filed the following amendment to LB194:

AM1342

(Amendments to Standing Committee amendments, AM655)

- 1 1. On page 34, after line 1 insert the following new
- 2 paragraph:
- 3 "It is the intent of the Legislature that for each
- 4 state-owned aircraft purchased on or after May 1, 2013, the
- 5 department establish a preventative maintenance fund and a
- 6 replacement fund that will be used only for such aircraft."

Senator Wallman filed the following amendment to LB194:

AM1345

(Amendments to Standing Committee amendments, AM655)

- 1 Purpose: Decrease funding for the replacement airplane.
- 2 Amendment:
- 3 1. On page 33, line 24, strike "2,164,760" and insert
- 4 "1,500,000"; in line 26 strike "2,863,881" and insert "2,199,121";
- 5 and after line 26 insert the following:
- 6 "The Department of Aeronautics shall contract for an

- 7 independent study to determine the following:
 8 (1) Whether the state should purchase a plane and assume
 9 the resulting short-term and long-term costs and liabilities or
 10 whether privately owned aircraft should be used through rental,
 11 time-share, lease, or other arrangements; and
 12 (2) If it is determined that the state should purchase
 13 its own airplane, what airplane will best fit the needs of the
 14 state. This would include, but not be limited to, a determination
 15 of performance and passenger requirements; whether to purchase
 16 a new aircraft with warranty versus a used plane; and the
 17 identification of the short-term and long-term (life-cycle) costs
 18 of all aircraft under consideration."

VISITORS

Visitors to the Chamber were 10 fourth-grade students and teachers from Howells/Dodge; 25 fourth-grade students, teachers, and sponsors from Exeter Milligan; 36 seventh- and eighth-grade students, teachers, and sponsors from Trinity Lutheran School, Fremont; and 27 fourth-grade students, teacher, and sponsors from Randolph.

MOTION - Adjournment

Senator Krist moved to adjourn until 9:00 a.m., Friday, May 10, 2013.

Senator Chambers requested a machine vote on the motion to adjourn.

Senator Chambers requested a record vote on the motion to adjourn.

Voting in the affirmative, 23:

Ashford	Cook	Johnson	Mello	Smith
Avery	Gloor	Kintner	Nelson	Watermeier
Brasch	Hadley	Kolowski	Price	Wightman
Carlson	Hansen	Krist	Schilz	
Coash	Harms	Larson	Seiler	

Voting in the negative, 21:

Adams	Crawford	Karpisek	Murante	Wallman
Bloomfield	Davis	Lathrop	Nordquist	
Chambers	Harr, B.	Lautenbaugh	Pirsch	
Christensen	Howard	McCoy	Schumacher	
Conrad	Janssen	McGill	Sullivan	

Present and not voting, 4:

Bolz	Campbell	Dubas	Scheer
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Excused and not voting, 1:

Haar, K.

The Krist motion to adjourn prevailed with 23 ayes, 21 nays, 4 present and not voting, and 1 excused and not voting, and at 11:05 p.m., the Legislature adjourned until 9:00 a.m., Friday, May 10, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIFTH DAY - MAY 10, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 10, 2013

PRAYER

The prayer was offered by Pastor Jason Wolter, St. John's Lutheran Church, Tecumseh.

ROLL CALL

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

The roll was called and all members were present except Senators Avery, Conrad, K. Haar, B. Harr, Lautenbaugh, and McCoy who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 9, 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

Jensen Rogert Associates, Inc.
Exeter Group, Inc.

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>

GENERAL FILE

LEGISLATIVE BILL 194. Senator Chambers offered the following motion:

MO65

Reconsider the vote taken on AM1324.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The Chambers motion to reconsider prevailed with 28 ayes, 14 nays, 5 present and not voting, and 2 excused and not voting.

The Dubas-Chambers amendment, AM1324, found on page 1282 and considered on page 1297, to the committee amendment, was reconsidered.

The Dubas-Chambers amendment was adopted with 26 ayes, 14 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Krist withdrew his amendment, AM1342, found on page 1298.

Senator Wallman withdrew his amendment, AM1345, found on page 1298.

Committee AM655, found on page 1200 and considered on page 1297, as amended, was renewed.

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

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 536. Title read. Considered.

Committee AM904, found on page 976, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 407. ER91, found on page 1194, was adopted.

Senator Krist offered his amendment, AM1307, found on page 1268.

SENATOR COASH PRESIDING

Senator Krist withdrew his amendment.

Senator Krist reoffered his amendment, AM1041, found on page 1057, withdrawn on page 1148, and refiled on page 1281.

Senator Krist withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 180. Introduced by Crawford, 45.

WHEREAS, Janis Elliott taught physics to hundreds of Bellevue, Nebraska, students throughout her teaching career; and

WHEREAS, science, technology, engineering, and mathematics skills are increasingly important for postsecondary education and career success in the 21st Century; and

WHEREAS, Ms. Elliott inspired many students to pursue careers in mathematics, science, engineering, and teaching; and

WHEREAS, Ms. Elliott received the Technology Toolkit Award from the Armed Forces Communications and Electronics Association in 2008 and 2012; and

WHEREAS, in 2013 the Nebraska State Education Association (NSEA) awarded Ms. Elliott its Teaching Excellence Award in recognition of her teaching accomplishments.

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

1. That the Legislature congratulates Janis Elliott for receiving the NSEA Teaching Excellence Award and commends her for her dedication and service to the students of Bellevue, Nebraska.

2. That a copy of this resolution be sent to Janis Elliott.

Laid over.

AMENDMENT - Print in Journal

Senator Lathrop filed the following amendment to LB517:
AM1308

(Amendments to Final Reading copy)

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

3 Section 1. The Legislature finds that:

4 (1) Nebraska's water resources are finite and must
5 be wisely managed to ensure their continued availability for
6 beneficial use;

7 (2) The state must invest in: (a) Research and data

8 gathering; (b) further integrating the management of Nebraska's
9 water supplies; (c) improving the state's aging and antiquated
10 water supply infrastructure; (d) building new water supply
11 infrastructure; (e) promoting coordination and collaboration among
12 all water users; and (f) providing information to policymakers to
13 justify a stable source of project funds; and

14 (3) To determine the costs of effective conservation,
15 sustainability, and management of Nebraska's water resources, the
16 state's identified water needs must be compiled and organized and a
17 process must be established in order to identify statewide projects
18 and research recommendations.

19 Sec. 2. (1) The Water Sustainability Committee is created
20 as a special legislative committee. The committee shall comprise
21 the members of the Natural Resources Committee of the Legislature
22 and shall be chaired by the chairperson of the Natural Resources
1 Committee. The Water Sustainability Committee shall meet as often
2 as necessary to accomplish the objectives established in sections
3 1 to 4 of this act. Meetings shall be held in Lincoln as well as
4 other locations outside Lincoln as determined by the chairperson.

5 (2) The Water Sustainability Committee terminates on
6 December 31, 2013.

7 Sec. 3. The Water Sustainability Committee may consult
8 with other groups in its work, including, but not limited to, the
9 University of Nebraska, the Department of Environmental Quality,
10 the Game and Parks Commission, the United States Army Corps of
11 Engineers, the United States Geological Survey, the United States
12 Fish and Wildlife Service, the United States Bureau of Reclamation,
13 and the Natural Resources Conservation Service of the United States
14 Department of Agriculture.

15 Sec. 4. (1) On or before December 31, 2013, the
16 Water Sustainability Committee shall develop and provide a report
17 electronically to the Legislature which contains the following:

18 (a) Recommendations for a strategic plan which
19 prioritizes programs, projects, and activities in need of funding.
20 The recommendations shall give equal consideration to and be
21 classified into the following categories:

22 (i) Research, data, and modeling needed to assist the
23 state in meeting its water management goals;

24 (ii) Rehabilitation or restoration of water supply
25 infrastructure, new water supply infrastructure, or water supply
26 infrastructure maintenance;

27 (iii) Conjunctive management, storage, and integrated
1 management of ground water and surface water; and

2 (iv) Compliance with interstate compacts or agreements or
3 other formal state contracts or agreements;

4 (b) Recommendations for ranking criteria to identify
5 funding priorities based on, but not limited to, the following
6 factors:

7 (i) The extent to which the program, project, or activity

8 provides increased water productivity and otherwise maximizes the
9 beneficial use of Nebraska's water resources for the benefit of its
10 residents;

11 (ii) The extent to which the program, project, or
12 activity assists the state in meeting its obligations under
13 interstate compacts or decrees or other formal state contracts
14 or agreements;

15 (iii) The extent to which the program, project, or
16 activity utilizes objectives described in the Annual Report and
17 Plan of Work for the Nebraska State Water Planning and Review
18 Process issued by the Department of Natural Resources;

19 (iv) The extent to which the program, project, or
20 activity has been approved for, but has not received, funding
21 through an established state program;

22 (v) The cost effectiveness of the program, project, or
23 activity relative to achieving the state's water management goals;

24 (vi) The extent to which the program, project, or
25 activity contributes to the state's ability to leverage state
26 dollars with local or federal government partners or other partners
27 to maximize the use of its resources; and

1 (vii) The extent to which the program, project, or
2 activity contributes to multiple water supply management goals,
3 including, but not limited to, flood control, agricultural
4 uses, recreation benefits, wildlife habitat, conservation of
5 water resources, and preservation of water resources for future
6 generations;

7 (c) Recommendations for legislation on a permanent
8 structure and process through which the programs, projects, or
9 activities described in this section will be provided with funding,
10 including:

11 (i) A permanent governing board structure and membership;

12 (ii) An application process;

13 (iii) A statewide project distribution mechanism; and

14 (iv) A timeframe for funding allocations based on the
15 list of programs, projects, and activities provided for in this
16 section;

17 (d) Recommendations for the annual funding amount and the
18 start date for distribution of funds; and

19 (e) Recommendations for statutory changes relating to
20 regulatory authorities and to funds and programs administered by,
21 and boards and commissions under the direction of, the department,
22 based on the committee's evaluation of the efficiency of such
23 funds, programs, boards, and commissions.

24 (2) The recommendations of the committee shall be reached
25 by consensus, and the vote of each committee member on each
26 recommendation shall be recorded as In Favor, Opposed, or Not
27 Voting and published in the report.

1 (3) The committee shall make every effort to identify and
2 consult with all water use stakeholder groups in Nebraska on the

- 3 development of the recommendations required under sections 1 to 4
 4 of this act.
 5 Sec. 5. Since an emergency exists, this act takes effect
 6 when passed and approved according to law.
 7 2. On page 1, strike beginning with line 2 through the
 8 first semicolon in line 4 and insert "the Water Sustainability
 9 Committee; to provide powers and duties;".

SPEAKER ADAMS PRESIDING

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB3 with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 3. With Emergency Clause.

A BILL FOR AN ACT relating to liens; to amend sections 52-1901 and 52-1902, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2012; to create the offense of fraudulently filing a financing statement, lien, or document; to provide a penalty; to provide and change provisions relating to nonconsensual common-law liens; to adopt the Commercial Real Estate Broker Lien Act; 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	Cook	Howard	McGill	Seiler
Ashford	Crawford	Janssen	Mello	Smith
Avery	Davis	Johnson	Murante	Sullivan
Bloomfield	Dubas	Karpisek	Nelson	Wallman
Bolz	Gloor	Kintner	Nordquist	Watermeier
Brasch	Haar, K.	Kolowski	Pirsch	Wightman
Campbell	Hadley	Krist	Price	
Carlson	Hansen	Larson	Scheer	
Christensen	Harms	Lathrop	Schilz	
Coash	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 2:

Chambers Conrad

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 99.

A BILL FOR AN ACT relating to criminal justice; to amend sections 20-501, 20-502, 20-504, 20-505, and 20-506, Reissue Revised Statutes of Nebraska, and sections 81-1822 and 81-1833, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to prohibited conduct and racial profiling prohibition policies; to require a racial profiling prevention policy; to eliminate a termination date regarding maintenance of certain records; to change powers and duties of the Nebraska Commission on Law Enforcement and Criminal Justice; to change appointment provisions and duties for the Racial Profiling Advisory Committee; to change and eliminate provisions relating to awards and reports under the Nebraska Crime Victim's Reparations Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-1834, 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 2:

Chambers Conrad

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

LEGISLATIVE BILL 299.

A BILL FOR AN ACT relating to elections; to amend section 32-554, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2012; to require the Secretary of State to develop and publish guidelines for election workers; to change provisions regarding political subdivisions; 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	Cook	Howard	McCoy	Schumacher
Ashford	Crawford	Janssen	McGill	Seiler
Avery	Davis	Johnson	Mello	Smith
Bloomfield	Dubas	Karpisek	Murante	Sullivan
Bolz	Gloor	Kintner	Nelson	Wallman
Brasch	Haar, K.	Kolowski	Nordquist	Watermeier
Campbell	Hadley	Krist	Pirsch	Wightman
Carlson	Hansen	Larson	Price	
Christensen	Harms	Lathrop	Scheer	
Coash	Harr, B.	Lautenbaugh	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Conrad

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

LEGISLATIVE BILL 384. With Emergency Clause.

A BILL FOR AN ACT relating to insurance; to adopt the Nebraska Exchange Transparency Act; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Conrad

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 384A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 384, One Hundred Third Legislature, First Session, 2013; 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	Crawford	Janssen	McGill	Seiler
Ashford	Davis	Johnson	Mello	Smith
Avery	Dubas	Karpisek	Murante	Sullivan
Bloomfield	Gloor	Kintner	Nelson	Wallman
Bolz	Haar, K.	Kolowski	Nordquist	Watermeier
Brasch	Hadley	Krist	Pirsch	Wightman
Campbell	Hansen	Larson	Price	
Carlson	Harms	Lathrop	Scheer	
Coash	Harr, B.	Lautenbaugh	Schilz	
Cook	Howard	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Christensen

Excused and not voting, 2:

Chambers Conrad

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 476.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1201.21, 81-1210.01, 81-1210.02, and 81-1210.03, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to grants for internships; to define and redefine terms; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 2:

Chambers Conrad

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

MOTION - Return LB23A to Select File

Senator Hadley moved to return LB23A to Select File for his specific amendment, AM1249, found on page 1268.

The Hadley motion to return prevailed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 23A. The Hadley specific amendment, AM1249, found on page 1268, was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB269A to Select File

Senator Campbell moved to return LB269A to Select File for her specific amendment, AM1291, found on page 1269.

The Campbell motion to return prevailed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 269A. The Campbell specific amendment, AM1291, found on page 1269, was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendment to LB6

Senator Krist withdrew his amendment, AM818, found on page 834, to LB6.

MOTION - Return LB6 to Select File

Senator Krist moved to return LB6 to Select File for his specific amendment, AM1159, found on page 1160.

The Krist motion to return prevailed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 6. The Krist specific amendment, AM1159, found on page 1160, was adopted with 46 ayes, 0 nays, 1 present and not voting,

and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB242 to Select File

Senator Mello moved to return LB242 to Select File for his specific amendment, AM1203, found on page 1186.

The Mello motion to return prevailed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 242. The Mello specific amendment, AM1203, found on page 1186, was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendment to LB265

Senator Cook withdrew her amendment, AM989, found on page 1032, to LB265.

MOTION - Suspend Rules

Senator Cook offered the following motion to LB265:

MO66

Suspend the rules, Rule 7, Sec. 3(d) to permit consideration of AM1349.

The Cook motion to suspend the rules prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

MOTION - Return LB265 to Select File

Senator Cook moved to return LB265 to Select File for the following specific amendment:

AM1349 is available in the Bill Room.

The Cook motion to return prevailed with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 265. The Cook specific amendment, AM1349, found in this day's Journal, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 3, 99, 299, 384, 384A, and 476.

UNANIMOUS CONSENT - Add Cointroducer

Senator Ashford asked unanimous consent to add his name as cointroducer to LB505. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jacob Wolter from Tecumseh; Allison Dittman from Lincoln; 30 fourth-grade students and teachers from Centennial Public School, Utica; Senator Scheer's wife, Kris, and his sister, Mary; 75 fourth-grade students, teachers, and sponsors from Patriot Elementary, Papillion; 70 fourth-grade students and teachers from Dodge Elementary, Grand Island; 48 fourth-grade students and teachers from Harrison Elementary, Omaha; 24 clients and sponsors from Madonna Work Shop, Omaha, and Senator Krist's daughter, Courtney; 59 seventh-grade students, teachers, and sponsors from St. Peter's Catholic School, Lincoln; 20 fourth-grade students and teacher from Seedling Mile Elementary, Grand Island; 13 eighth-grade students and teacher from St. Michael School, South Sioux City; and 21 fourth-grade students, teacher, and sponsors from Shelby.

The Doctor of the Day was Dr. Johanna Missak from Bellevue.

ADJOURNMENT

At 1:17 p.m., on a motion by Senator B. Harr, the Legislature adjourned until 10:00 a.m., Monday, May 13, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SIXTH DAY - MAY 13, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 13, 2013

PRAYER

The prayer was offered by Pastor Rebecca Hjelle, First United Methodist Church, Blair.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senator Wightman who was excused; and Senators K. Haar, Karpisek, Krist, Lautenbaugh, Murante, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fifth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 10, 2013, at 1:20 p.m. were the following: LBs 3e, 99, 299, 384e, 384Ae, and 476.

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

MESSAGE FROM THE GOVERNOR

May 10, 2013

Mr. President, Speaker Adams and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Environmental Quality Council:

Michelle Bucklin, 8092 Keystone Drive, Omaha, NE 68134
Joseph Citta Jr., 1518 Kozy Drive, Columbus, NE 68601
Mark Czaplewski, 2747 Lakewood Dr., Grand Island, NE 68801
Rodney Gangwish, 52685 70th Road, Shelton, NE 68876
Robert Hall, 957 N. Beech, Wahoo, NE 68066
Lance Hedquist, 1615 1st Avenue, South Sioux City, NE 68776
Alden Zuhlke, 52771 860 Road, Brunswick, NE 68720

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

RESOLUTIONS

LEGISLATIVE RESOLUTION 181. Introduced by Sullivan, 41.

PURPOSE: The purpose of this resolution is to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 182. Introduced by Education Committee: Sullivan, 41, Chairperson; Avery, 28; Cook, 13; Davis, 43; K. Haar, 21; Kolowski, 31; Scheer, 19; Seiler, 33.

PURPOSE: To study alternatives for the financing and delivery of public early childhood, elementary, and secondary education in Nebraska. This study shall coordinate with any legislative study of the Nebraska tax system conducted during 2013 and shall seek input from school districts, taxpayers, students, parents, teachers, educational service units, the State Board of Education, and other experts and interested parties on the issues of financing, costs, and the delivery of education.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Approve Appointments

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1265:

Motor Vehicle Industry Licensing Board
 Blake Dillon
 William Reeg

SPEAKER ADAMS PRESIDING

Voting in the affirmative, 34:

Adams	Chambers	Hansen	Lathrop	Schilz
Ashford	Coash	Harms	McCoy	Schumacher
Bloomfield	Cook	Howard	McGill	Seiler
Bolz	Davis	Janssen	Mello	Sullivan
Brasch	Dubas	Johnson	Nelson	Wallman
Campbell	Gloor	Kintner	Nordquist	Watermeier
Carlson	Hadley	Kolowski	Pirsch	

Voting in the negative, 0.

Present and not voting, 8:

Avery	Conrad	Harr, B.	Scheer
Christensen	Crawford	Larson	Smith

Excused and not voting, 7:

Haar, K.	Krist	Murante	Wightman
Karpisek	Lautenbaugh	Price	

The appointments were confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 543. Title read. Considered.

Senator McCoy offered the following motion:

MO67

Bracket until June 5, 2013.

Senator McCoy withdrew his motion to bracket.

Senator Coash offered his amendment, AM865, found on page 1139.

Senator McCoy requested a division of the question on the Coash amendment.

The Chair sustained the division of the question.

The first Coash amendment is as follows:

AM1367

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 28-104, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-104 The terms offense and crime are synonymous as used
- 6 in this code and mean a violation of, or conduct defined by, any
- 7 statute for which a fine, ~~or imprisonment, or death~~ may be imposed.
- 8 Sec. 2. Section 28-105, Revised Statutes Cumulative
- 9 Supplement, 2012, is amended to read:
- 10 28-105 (1) For purposes of the Nebraska Criminal Code and
- 11 any statute passed by the Legislature after the date of passage of
- 12 the code, felonies are divided into ~~nine-eight~~ classes which are
- 13 distinguished from one another by the following penalties which are
- 14 authorized upon conviction:
- 15 ~~Class I felony- Death~~
- 16 ~~Class IA felony- Life imprisonment~~
- 17 Class IA felony Life imprisonment without possibility of parole
- 18 Class IB felony Maximum - life imprisonment
- 19 Minimum - twenty years imprisonment
- 20 Class IC felony Maximum - fifty years imprisonment
- 21 Mandatory minimum - five years imprisonment
- 22 Class ID felony Maximum - fifty years imprisonment
- 23 Mandatory minimum - three years imprisonment
- 1 Class II felony Maximum - fifty years imprisonment
- 2 Minimum - one year imprisonment
- 3 Class III felony Maximum - twenty years imprisonment, or
- 4 twenty-five thousand dollars fine, or both
- 5 Minimum - one year imprisonment
- 6 Class IIIA felony Maximum - five years imprisonment, or
- 7 ten thousand dollars fine, or both

8 Minimum - none
 9 Class IV felony Maximum - five years imprisonment, or
 10 ten thousand dollars fine, or both
 11 Minimum - none
 12 ~~(2)-(2)(a)~~ All sentences of imprisonment for Class IA,
 13 IB, IC, ID, II, and III felonies and sentences of one year or
 14 more for Class IIIA and IV felonies shall be served in institutions
 15 under the jurisdiction of the Department of Correctional Services.
 16 (b) Sentences of less than one year shall be served in
 17 the county jail except as provided in this subsection. If the
 18 department certifies that it has programs and facilities available
 19 for persons sentenced to terms of less than one year, the court
 20 may order that any sentence of six months or more be served
 21 in any institution under the jurisdiction of the department. Any
 22 such certification shall be given by the department to the State
 23 Court Administrator, who shall forward copies thereof to each judge
 24 having jurisdiction to sentence in felony cases.
 25 (3) Nothing in this section shall limit the authority
 26 granted in sections 29-2221 and 29-2222 to increase sentences for
 27 habitual criminals.

1 (4) A person convicted of a felony for which a mandatory
 2 minimum sentence is prescribed shall not be eligible for probation.
 3 Sec. 3. Section 28-303, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 28-303 A person commits murder in the first degree if
 6 he or she kills another person (1) purposely and with deliberate
 7 and premeditated malice, or (2) in the perpetration of or attempt
 8 to perpetrate any sexual assault in the first degree, arson,
 9 robbery, kidnapping, hijacking of any public or private means of
 10 transportation, or burglary, or (3) by administering poison or
 11 causing the same to be done. Murder in the first degree is a Class
 12 IA felony. ~~; or if by willful and corrupt perjury or subornation of~~
 13 ~~the same he or she purposely procures the conviction and execution~~
 14 ~~of any innocent person. The determination of whether murder in the~~
 15 ~~first degree shall be punished as a Class I or Class IA felony~~
 16 ~~shall be made pursuant to sections 29-2519 to 29-2524.~~

17 Sec. 4. Section 29-1602, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 29-1602 All informations shall be filed in the court
 20 having jurisdiction of the offense specified ~~therein,~~ in the
 21 informations, by the prosecuting attorney of the proper county as
 22 informant. The prosecuting attorney shall subscribe his or her name
 23 thereto and endorse thereon the names of the witnesses known to him
 24 or her at the time of filing. After the information has been filed,
 25 the prosecuting attorney shall endorse on the information the names
 26 of such other witnesses as shall then be known to him or her as the
 27 court in its discretion may prescribe. ~~except that if a notice of~~
 1 ~~aggravation is contained in the information as provided in section~~
 2 ~~29-1603, the prosecuting attorney may endorse additional witnesses~~

3 at any time up to and including the thirtieth day prior to the
4 trial of guilt.

5 Sec. 5. A sentence of life imprisonment without
6 possibility of parole imposed for a Class IA felony means that,
7 subject only to the constitutional power of the Board of Pardons in
8 Article IV, section 13, of the Constitution of Nebraska to modify
9 such sentence by commutation, a person so sentenced shall not under
10 any circumstances whatsoever be paroled.

11 Sec. 6. The changes made by this legislative bill shall
12 not (1) limit the discretionary authority of the sentencing court
13 to order restitution as part of any sentence or (2) alter the
14 discretion and authority of the Department of Correctional Services
15 to determine the appropriate security measures and conditions
16 during the confinement of any committed offender.

17 Sec. 7. In any criminal proceeding in which the death
18 penalty has been imposed but not carried out prior to the effective
19 date of this act, it is the intent of the Legislature that such
20 penalty shall be changed to life imprisonment without possibility
21 of parole.

22 Sec. 8. Section 83-1,110.02, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 83-1,110.02 (1) A committed offender who is otherwise
25 eligible for parole, who is not under sentence of ~~death~~-life
26 imprisonment without possibility of parole or of life imprisonment,
27 and who because of an existing medical or physical condition is
1 determined by the department to be terminally ill or permanently
2 incapacitated may be considered for medical parole by the board. A
3 committed offender may be eligible for medical parole in addition
4 to any other parole. The department shall identify committed
5 offenders who may be eligible for medical parole based upon their
6 medical records.

7 (2) The board shall decide to grant medical parole only
8 after a review of the medical, institutional, and criminal records
9 of the committed offender and such additional medical evidence
10 from board-ordered examinations or investigations as the board in
11 its discretion determines to be necessary. The decision to grant
12 medical parole and to establish conditions of release on medical
13 parole in addition to the conditions stated in subsection (3) of
14 this section is within the sole discretion of the board.

15 (3) As conditions of release on medical parole, the board
16 shall require that the committed offender agree to placement for
17 medical treatment and that he or she be placed for a definite or
18 indefinite period of time in a hospital, a hospice, or another
19 housing accommodation suitable to his or her medical condition,
20 including, but not limited to, his or her family's home, as
21 specified by the board.

22 (4) The parole term of a medical parolee shall be for
23 the remainder of his or her sentence as reduced by any adjustment
24 for good conduct pursuant to the Nebraska Treatment and Corrections

25 Act.

26 Sec. 9. Section 83-4,143, Revised Statutes Cumulative
27 Supplement, 2012, is amended to read:

1 83-4,143 (1) It is the intent of the Legislature that
2 the court target the felony offender (a) who is eligible and
3 by virtue of his or her criminogenic needs is suitable to be
4 sentenced to intensive supervision probation with placement at the
5 incarceration work camp, (b) for whom the court finds that other
6 conditions of a sentence of intensive supervision probation, in
7 and of themselves, are not suitable, and (c) who, without the
8 existence of an incarceration work camp, would, in all likelihood,
9 be sentenced to prison.

10 (2) When the court is of the opinion that imprisonment is
11 appropriate, but that a brief and intensive period of regimented,
12 structured, and disciplined programming within a secure facility
13 may better serve the interests of society, the court may place an
14 offender in an incarceration work camp for a period not to exceed
15 one hundred eighty days as a condition of a sentence of intensive
16 supervision probation. The court may consider such placement if the
17 offender (a) is a male or female offender convicted of a felony
18 offense in a district court, (b) is medically and mentally fit
19 to participate, with allowances given for reasonable accommodation
20 as determined by medical and mental health professionals, and (c)
21 has not previously been incarcerated for a violent felony crime.
22 Offenders convicted of a crime under ~~sections~~ section 28-303 or
23 28-319 to 28-322.04 ~~or of any capital crime~~ are not eligible to be
24 placed in an incarceration work camp.

25 (3) It is also the intent of the Legislature that the
26 Board of Parole may recommend placement of felony offenders at
27 the incarceration work camp. The offenders recommended by the
1 board shall be offenders currently housed at other Department
2 of Correctional Services adult correctional facilities and shall
3 complete the incarceration work camp programming prior to release
4 on parole.

5 (4) When the Board of Parole is of the opinion that
6 a felony offender currently incarcerated in a Department of
7 Correctional Services adult correctional facility may benefit
8 from a brief and intensive period of regimented, structured, and
9 disciplined programming immediately prior to release on parole, the
10 board may direct placement of such an offender in an incarceration
11 work camp for a period not to exceed one hundred eighty days as
12 a condition of release on parole. The board may consider such
13 placement if the felony offender (a) is medically and mentally fit
14 to participate, with allowances given for reasonable accommodation
15 as determined by medical and mental health professionals, and (b)
16 has not previously been incarcerated for a violent felony crime.
17 Offenders convicted of a crime under ~~sections~~ section 28-303 or
18 28-319 to 28-322.04 ~~or of any capital crime~~ are not eligible to be
19 placed in an incarceration work camp.

20 (5) The Director of Correctional Services may assign a
 21 felony offender to an incarceration work camp if he or she believes
 22 it is in the best interests of the felony offender and of society,
 23 except that offenders convicted of a crime under ~~sections-section~~
 24 ~~28-303 or 28-319 to 28-321 or of any capital crime 28-322.04~~ are
 25 not eligible to be assigned to an incarceration work camp pursuant
 26 to this subsection.

27 Sec. 10. Original sections 28-104, 28-303, 29-1602, and
 1 83-1,110.02, Reissue Revised Statutes of Nebraska, and sections
 2 28-105 and 83-4,143, Revised Statutes Cumulative Supplement, 2012,
 3 are repealed.

4 Sec. 11. The following sections are outright repealed:
 5 Sections 24-1105, 28-105.01, 29-2519, 29-2521, 29-2521.01,
 6 29-2521.03, 29-2521.04, 29-2521.05, 29-2523, 29-2524.01,
 7 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2811, and 83-1,132,
 8 Reissue Revised Statutes of Nebraska, and sections 29-2520,
 9 29-2521.02, 29-2522, 29-2524, 29-2537, 29-2538, 29-2539, 29-2540,
 10 29-2541, 29-2542, 29-2543, 29-2546, 83-1,105.01, 83-964, 83-965,
 11 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Revised
 12 Statutes Cumulative Supplement, 2012.

The second Coash amendment is as follows:
 AM1369 is available in the Bill Room.

The third Coash amendment is as follows:
 AM1366

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

3 Section 1. Section 23-3406, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 23-3406 (1) The contract negotiated between the county
 6 board and the contracting attorney shall specify the categories of
 7 cases in which the contracting attorney is to provide services.

8 (2) The contract negotiated between the county board and
 9 the contracting attorney shall be awarded for at least a two-year
 10 term. Removal of the contracting attorney short of the agreed term
 11 may be for good cause only.

12 (3) The contract between the county board and the
 13 contracting attorney may specify a maximum allowable caseload for
 14 each full-time or part-time attorney who handles cases under the
 15 contract. Caseloads shall allow each lawyer to give every client
 16 the time and effort necessary to provide effective representation.

17 (4) The contract between the county board and the
 18 contracting attorney shall provide that the contracting attorney be
 19 compensated at a minimum rate which reflects the following factors:

20 (a) The customary compensation in the community for
 21 similar services rendered by a privately retained counsel to a
 22 paying client or by government or other publicly paid attorneys to
 23 a public client;

- 1 (b) The time and labor required to be spent by the
2 attorney; and
- 3 (c) The degree of professional ability, skill, and
4 experience called for and exercised in the performance of the
5 services.
- 6 (5) The contract between the county board and the
7 contracting attorney shall provide that the contracting attorney
8 may decline to represent clients with no reduction in compensation
9 if the contracting attorney is assigned more cases which require an
10 extraordinary amount of time and preparation than the contracting
11 attorney can competently handle.
- 12 (6) The contract between the contracting attorney and
13 the county board shall provide that the contracting attorney shall
14 receive at least ten hours of continuing legal education annually
15 in the area of criminal law. The contract between the county board
16 and the contracting attorney shall provide funds for the continuing
17 legal education of the contracting attorney in the area of criminal
18 law.
- 19 (7) The contract between the county board and the
20 contracting attorney shall require that the contracting attorney
21 provide legal counsel to all clients in a professional, skilled
22 manner consistent with minimum standards set forth by the American
23 Bar Association and the Canons of Ethics for Attorneys in the
24 State of Nebraska. The contract between the county board and the
25 contracting attorney shall provide that the contracting attorney
26 shall be available to eligible defendants upon their request, or
27 the request of someone acting on their behalf, at any time the
1 Constitution of the United States or the Constitution of Nebraska
2 requires the appointment of counsel.
- 3 (8) The contract between the county board and the
4 contracting attorney shall provide for reasonable compensation
5 over and above the normal contract price for cases which require an
6 extraordinary amount of time and preparation, ~~including capital~~
7 ~~cases.~~
- 8 Sec. 2. Section 24-1106, Reissue Revised Statutes of
9 Nebraska, is amended to read:
- 10 24-1106 (1) In cases which were appealable to the Supreme
11 Court before September 6, 1991, the appeal, if taken, shall be to
12 the Court of Appeals except in ~~capital cases~~, cases in which life
13 imprisonment without possibility of parole has been imposed; and
14 cases involving the constitutionality of a statute.
- 15 (2) Any party to a case appealed to the Court of Appeals
16 may file a petition in the Supreme Court to bypass the review
17 by the Court of Appeals and for direct review by the Supreme
18 Court. The procedure and time for filing the petition shall be
19 as provided by rules of the Supreme Court. In deciding whether to
20 grant the petition, the Supreme Court may consider one or more of
21 the following factors:
- 22 (a) Whether the case involves a question of first

23 impression or presents a novel legal question;

24 (b) Whether the case involves a question of state or
25 federal constitutional interpretation;

26 (c) Whether the case raises a question of law regarding
27 the validity of a statute;

1 (d) Whether the case involves issues upon which there is
2 an inconsistency in the decisions of the Court of Appeals or of the
3 Supreme Court; and

4 (e) Whether the case is one of significant public
5 interest.

6 When a petition for direct review is granted, the case
7 shall be docketed for hearing before the Supreme Court.

8 (3) The Supreme Court shall by rule provide for the
9 removal of a case from the Court of Appeals to the Supreme Court
10 for decision by the Supreme Court at any time before a final
11 decision has been made on the case by the Court of Appeals. The
12 removal may be on the recommendation of the Court of Appeals or on
13 motion of the Supreme Court. Cases may be removed from the Court of
14 Appeals for decision by the Supreme Court for any one or more of
15 the reasons set forth in subsection (2) of this section or in order
16 to regulate the caseload existing in either the Court of Appeals
17 or the Supreme Court. The Chief Judge of the Court of Appeals and
18 the Chief Justice of the Supreme Court shall regularly inform each
19 other of the number and nature of cases docketed in the respective
20 court.

21 Sec. 3. Section 25-1140.09, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 25-1140.09 On the application of the county attorney or
24 any party to a suit in which a record of the proceedings has
25 been made, ~~upon receipt of the notice provided in section 29-2525,~~
26 or upon the filing of a praecipe for a bill of exceptions by an
27 appealing party in the office of the clerk of the district court
1 as provided in section 25-1140, the court reporter shall prepare
2 a transcribed copy of the proceedings so recorded or any part
3 thereof. The reporter shall be entitled to receive, in addition
4 to his or her salary, a per-page fee as prescribed by the Supreme
5 Court for the original copy and each additional copy, to be paid by
6 the party requesting the same except as otherwise provided in this
7 section.

8 When the transcribed copy of the proceedings is required
9 by the county attorney, the fee therefor shall be paid by the
10 county in the same manner as other claims are paid. When the
11 defendant in a criminal case, after conviction, makes an affidavit
12 that he or she is unable by reason of his or her poverty to pay
13 for such copy, the court or judge thereof may, by order endorsed
14 on such affidavit, direct delivery of such transcribed copy to such
15 defendant, and the fee shall be paid by the county in the same
16 manner as other claims are allowed and paid. ~~When such copy is
17 prepared in any criminal case in which the sentence adjudged is~~

18 ~~capital, the fees therefor shall be paid by the county in the same~~
 19 ~~manner as other claims are allowed or paid.~~

20 The fee for preparation of a bill of exceptions and
 21 the procedure for preparation, settlement, signature, allowance,
 22 certification, filing, and amendment of a bill of exceptions shall
 23 be regulated and governed by rules of practice prescribed by the
 24 Supreme Court. The fee paid shall be taxed, by the clerk of the
 25 district court, to the party against whom the judgment or decree
 26 is rendered except as otherwise ordered by the presiding district
 27 judge.

1 Sec. 4. Section 55-480, Reissue Revised Statutes of
 2 Nebraska, is amended to read:

3 ~~55-480 Though not specifically mentioned in this code,~~
 4 ~~the Nebraska Code of Military Justice, all disorders and neglects~~
 5 ~~to the prejudice of good order and discipline in the armed forces,~~
 6 ~~all conduct of a nature to bring discredit upon the armed forces,~~
 7 ~~and all crimes and offenses not capital, of which persons subject~~
 8 ~~to this the code may be guilty, shall be taken cognizance of by a~~
 9 ~~court-martial, according to the nature and degree of the offense,~~
 10 ~~and shall be punished at the discretion of that court.~~

11 Sec. 5. Original sections 23-3406, 24-1106, 25-1140.09,
 12 and 55-480, Reissue Revised Statutes of Nebraska, are repealed.

Senator McCoy reoffered his motion, MO67, found in this day's Journal, to bracket until June 5, 2013.

SENATOR CARLSON PRESIDING

Senator McCoy withdrew his motion to bracket.

Senator Ashford offered the following motion:

MO68

Bracket until June 5, 2013.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 183. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study Nebraska's drainage statutes as they apply to drainage by neighboring landowners under section 31-201 and other related statutes. While much of the law governing landowner drainage disputes has been developed by the Nebraska courts, statutory drainage laws also play an important role in these matters. Statutes relating to drainage by neighboring landowners were passed in 1911 and have not seen any statutory changes made to them since that time. This study shall evaluate and determine the adequacy and effectiveness of the current statutory scheme and examine the potential for improvements,

including the costs and benefits of requiring a petition or hearing process before the construction of new open ditches or tile drains or before any changes are made to current drainage systems by neighboring landowners.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 184. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study the costs and benefits associated with lowering the age of majority to eighteen years of age. Nebraska's current age of majority is nineteen years old with exceptions to allow minors who are eighteen years old to enter into contracts and leases and make their own health care decisions with parental consent. This study shall determine which statutes would be affected by lowering the age of majority, and evaluate which statutes should keep the current age of majority.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 185. Introduced by Krist, 10.

WHEREAS, Leighanne Loges, a rookie officer with the Omaha Police Department, had only been on her second day of patrol when she responded to an emergency radio call in West Omaha; and

WHEREAS, upon arriving at the scene, Officer Loges found a 26-year-old mother of a 5-year-old girl who had collapsed on the sidewalk and who was not breathing; and

WHEREAS, Officer Loges called for emergency medical help and finding no pulse on the collapsed woman, immediately began chest compressions and successfully revived her.

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

1. That the Legislature commends Officer Leighanne Loges for her life-saving actions and for setting a high standard of professionalism for her fellow law enforcement officers.

2. That a copy of this resolution be sent to Officer Leighanne Loges.

Laid over.

LEGISLATIVE RESOLUTION 186. Introduced by Krist, 10.

PURPOSE: The purpose of this resolution is to study issues related to enactment of a tax-credit scholarship program as contemplated by LB 14, which was introduced in 2013 and referred to the Revenue Committee. Twelve states now have tax-credit scholarship programs in place: Alabama, Arizona, Florida, Indiana, Iowa, Georgia, Louisiana, New Hampshire, Oklahoma, Pennsylvania, Rhode Island, and Virginia. Parental choice in education is in itself a basic human good, and parental choice in education is a cherished freedom that is widely available, widely practiced, and supported by public policy but only for families with sufficient means to live near a desirable public school or to pay tuition for private education. It is in the best interest of Nebraska to expand quality educational opportunities for all of its children. Nebraskans deserve educational policies and structures that will enable all parents, not just those that are financially fortunate, to choose the school that will best help them to fulfill their responsibility to their children. This study shall include, but not be limited to, an examination of the following:

(1) The opportunities that would be created by the Elementary and Secondary Educational Opportunity Act tax-credit in Nebraska and the fiscal impact of such a program;

(2) Enrollment patterns in public and private schools;

(3) Recent trends in private school attrition rates and their related economic factors;

(4) The possibility of passage of a Pennsylvania-style blended public-private tax-credit program;

(5) The regulatory impact on public and private schools; and

(6) The potential cost savings for state and local taxpayers and the State of Nebraska by enacting a tax-credit scholarship program.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 187. Introduced by B. Harr, 8; Gloor, 35.

PURPOSE: The purpose of this resolution is to study whether Nebraska's business entity statutes should be updated. In particular, the study should include a review of Nebraska's Business Corporation Act and the Model Business Corporation Act as approved and promulgated by the Corporate Laws Committee of the Business Law Section of the American Bar Association, on which the Nebraska act is based, in order to consider whether Nebraska should adopt changes made in the model act by the American Bar Association since 1995 when the current version of the Nebraska act was adopted.

In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Secretary of State and should consider the input of interested persons, including the practicing bar, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 188. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to examine issues relating to the implementation of the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, as it pertains to Nebraska, including establishment and operation of a health insurance exchange through which qualified health plans are to be offered to Nebraskans.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 40 fourth-grade students and teachers from Two Springs Elementary, Bellevue; 50 fourth-grade students, teachers, and sponsors from Plattsmouth; and 68 fourth-grade students and teachers from Bryan Elementary, Omaha.

RECESS

At 12:03 p.m., on a motion by Senator Gloor, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Carlson presiding.

ROLL CALL

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

GENERAL FILE

LEGISLATIVE BILL 543. The Ashford motion, MO68, found in this day's Journal, to bracket until June 5, 2013, was renewed.

Pending.

MESSAGE FROM THE GOVERNOR

May 13, 2013

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 553e and LB 553Ae without my signature and with my objections.

I appreciate the work of Senator Nordquist and the Retirement Committee on this complex issue.

Nebraska has taken pride in making certain that our state public employee retirement plans are well managed and solvent. Unlike some very highly troubled plans in other states or in some Nebraska municipal police and

firefighter plans, the state retirement plans are not in peril. Still, our plans face short-term and long-term challenges.

LB 553 primarily addresses the short-term challenge of the school, state patrol, and judges' retirement plans by changing the amortization method to a level percent of pay for all of these plans beginning on July 1, 2013. I support that change. However, I do not believe the proposed long-term changes contained in the bill are wise or warranted at this time.

I object to the provisions of LB 553 that shift from our traditional balanced approach of having the employee, the employer school district, and the state taxpayers address the problem equitably. Specifically, while the bill retains the current participant teacher contribution rate at 9.78%, it increases the state taxpayers' contribution rate from 1% to 2% – which is a 100% increase that will cost the state approximately \$20 million each year.

Over the next 25 years, the increased state contribution from that change alone will cost state taxpayers over \$500 million dollars. LB 553 also maintains the 101% school district match of employee contributions. This means local property taxpayers will continue to contribute over \$23 million more each year to this plan. These changes are unfair to the taxpayers.

Further, the current rate of investment return of 8% is too high and unrealistic. Public pension accounting practices are widely criticized for understating pension liabilities by maintaining unrealistic market assumptions on investment returns. Yet, according to the actuarial study that was completed for LB 553, state taxpayers will again be asked to contribute to the school retirement plan if the assumed rate of return is lowered.

Before implementing any long-term changes, there should be a public study during the interim about the comprehensive, extended options that are available regarding the school retirement system. That study should include the cost of a more realistic assumption on the rates of return for these plans – likely closer to 6% or 7% – so that policymakers and citizens will have a complete understanding of the liabilities facing the school retirement system. I fully commit to work with you to develop long-term funding options.

I urge you to amend and pass a different bill yet this session that would contain the level percent of pay amortization change which will address the short-term challenges with the school, state patrol, and judges' retirement plans. I will sign that bill into law this year. That would allow the amortization method change to take place, as suggested in LB 553, on July 1, 2013.

Also, I will not line-item veto the \$20 million that is currently contained in the mainline budget bill, LB 195. Those funds are currently budgeted to finance the changes in LB 553; however, I believe they should remain in the budget bill to begin to address long-term funding solutions.

The Nebraska State Education Association, the Nebraska Council of School Administrators, and the Nebraska Association of School Boards support this legislation. However, the bill does not present comprehensive, long-term solutions to the defined benefit pension plans. In addition to the school lobby, the taxpayers should also have a seat at the negotiating table to develop transparent long-range solutions.

For these reasons, I respectfully urge you to sustain my vetoes of these bills, to pass a different bill this year to address the immediate amortization method issue, and to conduct an open and comprehensive interim study of the under-funded school retirement system.

Sincerely,
(Signed) Dave Heineman
Governor

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bucklin, Michelle - Environmental Quality Council - Natural Resources
Citta, Joseph, Jr. - Environmental Quality Council - Natural Resources
Czaplewski, Mark - Environmental Quality Council - Natural Resources
Gangwish, Rodney - Environmental Quality Council - Natural Resources
Hall, Robert - Environmental Quality Council - Natural Resources
Hedquist, Lance - Environmental Quality Council - Natural Resources
Zuhlke, Alden - Environmental Quality Council - Natural Resources

(Signed) John Wightman, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 543. The Ashford motion, MO68, found in this day's Journal, to bracket until June 5, 2013, was renewed.

SENATOR KRIST PRESIDING

Senator McGill moved the previous question. The question is, "Shall the debate now close?"

Senator McGill moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The motion to cease debate prevailed with 26 ayes, 11 nays, 11 present and not voting, and 1 excused and not voting.

The Ashford motion to bracket failed with 18 ayes, 26 nays, 4 present and

not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator Ashford filed the following amendment to LB561:
AM1327 is available in the Bill Room.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 23A. Placed on Final Reading Second.

LEGISLATIVE BILL 269A. Placed on Final Reading Second.

LEGISLATIVE BILL 407. Placed on Final Reading.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 195. Placed on Select File with amendment.
ER99 is available in the Bill Room.

LEGISLATIVE BILL 198. Placed on Select File with amendment.
ER100 is available in the Bill Room.

LEGISLATIVE BILL 199. Placed on Select File with amendment.
ER101

- 1 1. In the Standing Committee amendments, AM659:
- 2 a. On page 3, lines 1 and 8, strike "subdivisions" and
- 3 insert "subsections";
- 4 b. On page 30, line 7, strike ", and" and insert "and";
- 5 in line 18 strike "then" and insert "and"; and in line 19 strike
- 6 "Not" and insert "Second, not"; and
- 7 c. On page 33, line 11, strike the new matter and insert
- 8 "The State Treasurer shall transfer"; and in line 12 strike "shall
- 9 be transferred" and insert "on or before July 15, 2013".
- 10 2. On page 1, strike beginning with "32-1610" in
- 11 line 1 through line 4 and insert "8-1120, 45-621, 53-117.03,
- 12 53-117.06, 68-1604, 81-2004.02, 81-2004.05, and 81-2004.08, Reissue
- 13 Revised Statutes of Nebraska, and sections 43-3718, 43-3719,
- 14 43-3720, 58-703, 58-706, 59-1608.04, 60-6,211.05, 71-7611, 72-815,
- 15 81-3119, 82-331, 82-332, and 84-510, Revised Statutes Cumulative
- 16 Supplement,"; and strike line 6 and insert "provide, change, and
- 17 eliminate the source and use of certain funds; to change provisions

18 relating to grants for court appointed special advocate programs,
 19 fees for liquor enforcement training, and housing assistance; to
 20 authorize the sale and disposition of proceeds of certain".

LEGISLATIVE BILL 200. Placed on Select File.

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 543. The first Coash amendment, AM1367, found in this day's Journal, was offered.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 194. Placed on Select File with amendment. ER97 is available in the Bill Room.

LEGISLATIVE BILL 536. Placed on Select File.

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB200:
 AM1346

(Amendments to AM1124)

- 1 1. On page 3, strike lines 22 through 26.

Senator Mello filed the following amendment to LB198:
 AM1323

(Amendments to E & R amendments, ER100)

- 1 1. Purpose: To correct a drafting error and harmonize an
- 2 amount referenced in intent language with appropriations provided
- 3 on page 18, lines 19 and 20.
- 4 Amendment:
- 5 a. On page 19, line 8, strike "\$2,016,000" and insert
- 6 "\$2,216,000".
- 7 2. Purpose: The Game and Parks Commission indicated that
- 8 a portion of the current cash fund appropriation authority for
- 9 capital construction projects is unneeded and could be lapsed
- 10 for projects that have been completed or canceled. This amendment
- 11 would correct the dollar amount of the cash fund lapses that were
- 12 contained in AM658.
- 13 Amendment:
- 14 a. On page 33, line 7, strike "\$978,742.58" and insert

15 "\$798,860.58"; and in line 9 strike "\$647,066.22" and insert
 16 "\$629,365.49".

17 3. Purpose: To amend an enumeration of budget program
 18 numbers for which undisbursed balances are to be reappropriated for
 19 the 2013-15 biennium.

20 Amendment:

21 a. On page 33, line 26, before "915" insert "914,,"; and
 22 in line 27 strike "939,".

1 b. On page 34, line 2, strike "and" and after the last
 2 comma insert "and 998,".

Senator Mello filed the following amendment to LB195:
 AM1325

(Amendments to E & R amendments, ER99)

1 1. Purpose: To strike language inadvertently left in for
 2 FY2014-15.

3 Amendment:

4 a. On page 8, strike beginning with "except" in line 23
 5 through "Court" in line 24.

6 2. Purpose: To eliminate obsolete language.

7 Amendment:

8 a. On page 11, strike beginning with "Any" in line 4
 9 through line 9.

10 3. Purpose: Reduce Tax Equity and Educational
 11 Opportunities Support Act state aid by \$5,693,014 of general funds
 12 in FY2013-14 to reflect increased insurance premium receipts which
 13 are used to offset general funds.

14 Amendment:

15 a. On page 24, line 3, strike "1,116,517,792" and insert
 16 "1,110,824,778"; in line 6 strike "1,410,647,868" and insert
 17 "1,404,954,854"; in line 8 strike "\$1,116,517,792" and insert
 18 "\$1,110,824,778"; and in line 16 strike "\$890,581,331" and insert
 19 "\$884,888,317".

20 4. Purpose: Change description of use of funds.

21 Amendment:

22 a. On page 35, lines 20 and 23, strike "a revenue auditor
 1 specialist" and insert "staff necessary to audit and enforce
 2 provisions of the tobacco Master Settlement Agreement".

3 5. Purpose: Correct personal services limits.

4 Amendment:

5 a. On page 35, strike line 16 and insert "SALARY LIMIT
 6 15,912,953 16,333,080".

7 b. On page 36, strike line 24 and insert "SALARY LIMIT
 8 1,284,501 1,313,380".

9 c. On page 37, strike line 5 and insert "SALARY LIMIT
 10 1,576,326 1,611,764".

11 6. Purpose: Reappropriate to FY2013-14 the unexpended
 12 General Fund appropriation provided in the deficit bill (FY2012-13)
 13 for replacement of the airplane. In the event the purchase of the

14 plane does not take place prior to July 1, 2013, this will allow
15 the appropriation to carry forward into FY2013-14.

16 Amendment:

17 a. On page 39, after line 18, insert the following:

18 "The unexpended General Fund appropriation balance in
19 this program existing on June 30, 2013, is hereby reappropriated."

20 7. Purpose: Correction of Agriculture Department drafting
21 error.

22 Amendment:

23 a. On page 40, line 6, strike "5,991,576" and insert
24 "5,911,576".

25 8. Purpose: Correction of State Energy Office drafting
26 error.

27 Amendment:

1 a. On page 139, line 25, strike "7,759,576" and insert
2 "7,759,567".

3 9. Purpose: Department of Economic Development requested
4 change in earmark to allow funding to be used for Japan office in
5 addition to China office.

6 Amendment:

7 a. On page 142, strike lines 16 through 19 and insert:

8 "There is included in the appropriation to this program
9 for FY2013-14 \$150,000 General Funds and for FY2014-15 \$150,000
10 General Funds to provide funding for international trade offices in
11 Japan and China."

12 10. Purpose: Correction of Tax Equalization and Review
13 Commission drafting error.

14 Amendment:

15 a. On page 160, line 16, strike "716,609" and insert
16 "716,009".

17 11. Purpose: To correct a cash fund error.

18 Amendment:

19 a. On page 162, line 11, after "Fund" insert ", Nebraska
20 Statutes Cash Fund"; and in line 14 strike "Nebraska Statutes Cash
21 Fund,".

Senator Mello filed the following amendment to LB199:
AM1353

(Amendments to AM659)

1 Purpose: To designate the State Treasurer as the state
2 officer to make certain transfers among specified funds rather than
3 the State Building Administrator.

4 Amendment:

5 1. On page 30, lines 15 and 16, strike "State Building
6 Administrator" and insert "State Treasurer".

RESOLUTIONS

LEGISLATIVE RESOLUTION 189. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to examine chapters 14 through 19 of the Revised Statutes of Nebraska to harmonize language, policies, and practices, as appropriate, regarding the different classifications of cities and villages in the state.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 190. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to examine the 2012 versions of the International Residential Code, the International Building Code, and the International Energy Conservation Code to determine whether the Legislature should update the current state building code to the 2012 versions of these codes.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 216A. Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 216, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

MOTIONS - Print in Journal

Senator Nordquist filed the following motion to LB553:

MO69

Becomes law notwithstanding the objections of the Governor.

Senator Nordquist filed the following motion to LB553A:

MO70

Becomes law notwithstanding the objections of the Governor.

GENERAL FILE

LEGISLATIVE BILL 543. Senator Carlson offered the following amendment to the first Coash amendment:

FA77

Amend AM1367

Page 1, after Section 1, insert: Life is the most valuable possession of a human being. The State of Nebraska should exercise utmost care to protect its resident's lives, born and unborn, from homicide, accident, and arbitrary taking by the state.

SENATOR GLOOR PRESIDING**SENATOR KRIST PRESIDING**

Senator Ashford moved the previous question. The question is, "Shall the debate now close?"

Senator Ashford moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Ashford requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 25:

Adams	Conrad	Hadley	Lathrop	Scheer
Ashford	Crawford	Harms	McGill	Schumacher
Bolz	Davis	Johnson	Murante	Seiler
Campbell	Dubas	Kolowski	Nordquist	Sullivan
Coash	Haar, K.	Krist	Pirsch	Wallman

Voting in the negative, 3:

Bloomfield	Chambers	Karpisek
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Present and not voting, 18:

Avery	Gloor	Janssen	McCoy	Schilz
Brasch	Hansen	Kintner	Mello	Smith
Carlson	Harr, B.	Larson	Nelson	
Christensen	Howard	Lautenbaugh	Price	

Excused and not voting, 3:

Cook	Watermeier	Wightman
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The motion to cease debate prevailed with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

Senator Carlson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 26:

Bloomfield	Davis	Janssen	Murante	Seiler
Brasch	Dubas	Johnson	Nelson	Smith
Carlson	Gloor	Kintner	Pirsch	
Christensen	Hadley	Larson	Price	
Coash	Hansen	Lautenbaugh	Scheer	
Crawford	Harms	McCoy	Schilz	

Voting in the negative, 6:

Ashford	Haar, K.	Krist
Conrad	Karpisek	Schumacher

Present and not voting, 14:

Adams	Campbell	Howard	McGill	Sullivan
Avery	Chambers	Kolowski	Mello	Wallman
Bolz	Harr, B.	Lathrop	Nordquist	

Excused and not voting, 3:

Cook	Watermeier	Wightman
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The Carlson amendment was adopted with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO71

Reconsider the vote taken on FA77.

Senator Ashford moved the previous question. The question is, "Shall the

debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Chambers motion to reconsider prevailed with 29 ayes, 5 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Carlson amendment, FA77, found in this day's Journal, was reconsidered.

Senator Carlson withdrew his amendment.

The first Coash amendment, AM1367, found in this day's Journal, was renewed.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 556A. Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 556, One Hundred Third Legislature, First Session, 2013.

AMENDMENT - Print in Journal

Senator Ashford filed the following amendment to LB543:
AM1380

(Amendments to AM1367)

- 1 1. Strike section 7 and renumber the remaining sections
- 2 accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Conrad asked unanimous consent to add her name as cointroducer to LB505. No objections. So ordered.

VISITORS

Visitors to the Chamber were 16 fifth- and sixth-grade students, teachers, and sponsors from Thedford; 9 seventh- and eighth-grade students and

teachers from Deshler Lutheran School; and 40 fifth-grade students and teachers from Boone Central, Albion.

ADJOURNMENT

At 5:59 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Tuesday, May 14, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SEVENTH DAY - MAY 14, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SEVENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 14, 2013

PRAYER

The prayer was offered by Pastor Mark Ashton, Christ Community Church, Omaha.

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 Ashford, Conrad, Lautenbaugh, Murante, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-sixth day was approved.

GENERAL FILE

LEGISLATIVE BILL 543. Senator Chambers offered the following motion:

MO72

Bracket until May 21, 2013.

Senator Chambers withdrew his motion to bracket.

Senator Ashford offered his amendment, AM1380, found on page 1339, to the first Coash amendment.

SPEAKER ADAMS PRESIDING

Senator Chambers offered the following motion:

MO73

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Chambers moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

Senator Chambers requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 28:

Adams	Coash	Haar, K.	Krist	Schumacher
Ashford	Conrad	Hadley	Lathrop	Seiler
Avery	Cook	Harr, B.	McGill	Sullivan
Bolz	Crawford	Howard	Mello	Wallman
Campbell	Davis	Johnson	Murante	
Chambers	Dubas	Kolowski	Nordquist	

Voting in the negative, 21:

Bloomfield	Hansen	Larson	Price	Wightman
Brasch	Harms	Lautenbaugh	Scheer	
Carlson	Janssen	McCoy	Schilz	
Christensen	Karpisek	Nelson	Smith	
Gloor	Kintner	Pirsch	Watermeier	

Not voting, 0.

The Chambers motion to invoke cloture failed with 28 ayes, 21 nays, and 0 not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 191. Introduced by Krist, 10.

PURPOSE: The purpose of this resolution is to study all state retirement plans administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System.

The study will examine issues as they relate to the funding needs, benefits, contributions, effectiveness and efficiency, and the overall administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 364. Placed on General File with amendment.
AM1360

- 1 1. On page 2, line 19, strike "government body" and
- 2 insert "city of the metropolitan, primary, or first class"; and in
- 3 line 20 strike "body" and insert "city".

LEGISLATIVE BILL 504. Placed on General File with amendment.
AM441

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 81-2511, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 81-2511 (1) All applications for state assistance under
- 5 sections 81-2509 to 81-2515 shall be in writing, ~~include a~~
- 6 ~~certified copy of the approving action of the governing body~~
- 7 ~~of the applicant describing~~ describe the proposed use for the
- 8 state assistance, and be of such form and contain the content as
- 9 the commission shall prescribe. An application from a political
- 10 subdivision shall include a certified copy of the action by
- 11 the governing body of the political subdivision approving the
- 12 application. The commission shall ~~and~~ publish application forms for
- 13 distribution to a political subdivision or nonprofit corporation
- 14 upon request.
- 15 (2) Upon receiving an application for state assistance,
- 16 the commission shall review the application and notify the
- 17 applicant of any additional information needed for a proper
- 18 evaluation of the application.
- 19 (3) Any state assistance received pursuant to sections
- 20 81-2509 to 81-2515 shall be used only for public purposes.
- 21 2. On page 2, line 22, after "subdivision" insert "or
- 22 nonprofit corporation"; and in line 24 after "used" insert "by the
- 23 applicant".
- 1 3. On page 3, line 1, after "subdivision" insert "when
- 2 the applicant is a political subdivision and in the political
- 3 subdivision where the nonprofit corporation is located when the
- 4 applicant is a nonprofit corporation"; in line 10 after "(3)"
- 5 insert "If no applications are approved, the commission may use
- 6 the funds in the Designated Collection Fund directly for the needs
- 7 listed in section 81-2510.
- 8 (4); and in line 13 after the second comma insert
- 9 "81-2511,".

LEGISLATIVE BILL 534. Placed on General File with amendment.
AM913

- 1 1. Insert the following new section:
- 2 Sec. 6. If a public postsecondary educational institution
- 3 is required to have a single audit as prescribed by Circular
- 4 A-133 of the federal Office of Management and Budget under the
- 5 federal Single Audit Act of 1984, 31 U.S.C. 7501, as amended, the
- 6 institution may either request the audit to be performed by the
- 7 Auditor of Public Accounts pursuant to subdivision (8) of section
- 8 84-304 or select a private, independent auditor that is a certified
- 9 public accountant or a firm registered under the Public Accountancy
- 10 Act.
- 11 2. On page 2, line 17, after "records" insert "pursuant
- 12 to subsection (1) of this section".
- 13 3. On page 3, after line 12, insert the following new
- 14 subsection:
- 15 "(4) If there is a dispute between the agency and the
- 16 section regarding access to any information or records under
- 17 subsection (1), (2), or (3) of this section, the section may
- 18 petition the Attorney General to review the matter to determine
- 19 whether the agency has failed to comply with subsection (1), (2),
- 20 or (3) of this section."; and in line 13 strike "(4)" and insert
- 21 "(5)".
- 22 4. On page 4, line 1, strike "(5)" and insert "(6)"; in
- 23 line 12 strike "(6)" and insert "(7)"; and in line 20 strike "(7)"
- 1 and insert "(8)".
- 2 5. On page 10, line 19; and page 24, line 21, strike the
- 3 new matter and insert "(5) and (6)".
- 4 6. On page 33, lines 4 and 5, strike the new matter
- 5 and insert "The auditor may conduct a single audit as prescribed
- 6 by Circular A-133 of the federal Office of Management and Budget
- 7 required under the federal Single Audit Act of 1984, 31 U.S.C.
- 8 7501, as amended, only if (a) requested by a public postsecondary
- 9 educational institution and (b) a contract for such auditing
- 10 services has been signed by the auditor and a representative of the
- 11 public postsecondary educational institution.".
- 12 7. On page 34, lines 12, 14, and 17, strike "information
- 13 or"; in line 17 after "records" insert "pursuant to subsection (1)
- 14 of this section"; and in line 20 strike "materials" and insert
- 15 "records".
- 16 8. On page 35, line 5, strike "information or"; and after
- 17 line 7 insert the following new subsection:
- 18 "(3) If there is a dispute between the public entity
- 19 and the Auditor of Public Accounts regarding access to any records
- 20 under this section, the Auditor of Public Accounts may petition
- 21 the Attorney General to review the matter to determine whether the
- 22 public entity has failed to comply with this section.".
- 23 9. Renumber the remaining section accordingly.

(Signed) Bill Avery, Chairperson

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 6. Placed on Final Reading Second.
ST22

(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 5, line 4, "5" has been struck and "4" inserted.

LEGISLATIVE BILL 242. Placed on Final Reading Second.

LEGISLATIVE BILL 265. Placed on Final Reading Second.

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB225:
AM1379

(Amendments to Final Reading copy)

- 1 1. On page 4, strike lines 8 through 12; in line 13
- 2 strike "3" and insert "2"; and in line 15 strike "4" and
- 3 insert "3".

Senator Smith filed the following amendment to LB225A:
FA78

Strike the enacting clause.

NOTICE OF COMMITTEE HEARING
Natural Resources

Room 1525

Tuesday, May 28, 2013 8:45 a.m.

Michelle Bucklin - Environmental Quality Council
Joseph Citta Jr. - Environmental Quality Council
Mark Czaplewski - Environmental Quality Council
Rodney Gangwish - Environmental Quality Council
Robert Hall - Environmental Quality Council
Lance Hedquist - Environmental Quality Council
Alden Zuhlke - Environmental Quality Council

(Signed) Tom Carlson, Chairperson

MOTION - Override Veto on LB553

Senator Nordquist offered his motion, MO69, found on page 1337, that LB553 becomes law notwithstanding the objections of the Governor.

Pending.

RESOLUTIONS**LEGISLATIVE RESOLUTION 192.** Introduced by Avery, 28.

PURPOSE: The purpose of this resolution is to study conducting elections by mail. In 2005, the Legislature passed a bill to allow counties with less than 7,000 inhabitants to conduct elections by mail after making application to the Secretary of State. In 2009, that number was increased to the current level of counties with less than 10,000 inhabitants. In 2013, the Government, Military and Veterans Affairs Committee considered LB 292 which would expand the number of counties eligible for conducting elections by mail to counties with less than 20,000 inhabitants.

The issues to be examined by this study will include reviewing how other states are conducting elections by mail, the benefits and drawbacks to all-mail elections, and whether allowing only certain precincts in the state to conduct elections by mail raises any constitutional questions. Representatives of the Secretary of State's office and county officials, along with other interested parties, shall be invited to participate in this study.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 193. Introduced by Avery, 28.

PURPOSE: The purpose of this resolution is to study the role of political parties in the election process. In 2013, the Government, Military and Veterans Affairs Committee considered LB 450 which sought to clarify the role of the county clerk or election commissioner when a political party decides to caucus to elect delegates to the county convention. LB 450 raised larger questions about the role of political parties in the election system and, specifically, whether state law should be changed to allow political parties more discretion to operate through their own rules.

The issues to be examined by this study will include how political parties elect delegates to national conventions, how political parties should conduct county and state postprimary conventions, and how state law should be changed to provide clarity when a political party holds a caucus instead of a primary. Representatives of the Secretary of State's office and the political parties, along with other interested parties, shall be invited to participate in this study.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 194. Introduced by Avery, 28.

PURPOSE: To examine any issues within the jurisdiction of the Government, Military and Veterans Affairs Committee of the Legislature that may arise during the interim.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Lautenbaugh filed the following amendment to LB543: AM1339 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducers

Senators Bolz and Smith asked unanimous consent to add their names as cointroducers to LB505. No objections. So ordered.

VISITORS

Visitors to the Chamber were 50 fourth-grade students and teachers from West Lawn Elementary, Grand Island; 32 fourth-grade students and teacher from St. Michael Elementary, Hastings; 76 third-grade students, teachers, and sponsors from Hill Elementary, Lincoln; and third-grade students and teacher from Rousseau Elementary, Lincoln.

RECESS

At 11:58 a.m., on a motion by Senator Nelson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Gloor presiding.

ROLL CALL

The roll was called and all members were present except Senators Lautenbaugh and McGill who were excused until they arrive.

MOTION - Override Veto on LB553

Senator Nordquist renewed his motion, MO69, found on page 1337 and considered in this day's Journal, that LB553 becomes law notwithstanding the objections of the Governor.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?" The motion failed with 24 ayes, 3 nays, and 22 not voting.

Senator Bolz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

SPEAKER ADAMS PRESIDING

Senator Nordquist moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

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

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

Voting in the affirmative, 32:

Adams	Coash	Hadley	Krist	Seiler
Ashford	Conrad	Harms	Lathrop	Sullivan
Avery	Cook	Harr, B.	McGill	Wallman
Bolz	Crawford	Howard	Mello	Wightman
Campbell	Davis	Johnson	Nordquist	
Carlson	Dubas	Karpisek	Scheer	
Chambers	Haar, K.	Kolowski	Schumacher	

Voting in the negative, 1:

Kintner

Present and not voting, 15:

Bloomfield	Gloor	Larson	Nelson	Schilz
Brasch	Hansen	McCoy	Pirsch	Smith
Christensen	Janssen	Murante	Price	Watermeier

Excused and not voting, 1:

Lautenbaugh

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Override Veto on LB553A

Senator Nordquist offered his motion, MO70, found on page 1337, that LB553A becomes law notwithstanding the objections of the Governor.

Senator Nordquist moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

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

Voting in the affirmative, 38:

Adams	Conrad	Hansen	Lathrop	Schumacher
Ashford	Cook	Harms	McGill	Seiler
Avery	Crawford	Harr, B.	Mello	Smith
Bolz	Davis	Howard	Murante	Sullivan
Campbell	Dubas	Johnson	Nelson	Wallman
Carlson	Gloor	Karpisek	Nordquist	Wightman
Chambers	Haar, K.	Kolowski	Price	
Coash	Hadley	Krist	Scheer	

Voting in the negative, 1:

Kintner

Present and not voting, 10:

Bloomfield	Christensen	Larson	McCoy	Schilz
Brasch	Janssen	Lautenbaugh	Pirsch	Watermeier

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

SENATOR COASH PRESIDING

COMMUNICATION

May 14, 2013

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

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB553e with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB553e, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 553e, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 14th day of May 2013.

(Signed) Greg Adams
President of the Legislature

COMMUNICATION

May 14, 2013

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

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB553Ae with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB553Ae, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 553Ae, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 14th day of May 2013.

(Signed) Greg Adams
President of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 195. Introduced by Brasch, 16.

WHEREAS, Riley Hancock of Blair, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Riley has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Riley fabricated and donated feral cat houses to the animal shelter for the shelter's catch, neuter, and release program in and around the Blair community; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Riley, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Riley Hancock on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Riley Hancock.

Laid over.

LEGISLATIVE RESOLUTION 196. Introduced by Brasch, 16.

WHEREAS, Kyle Stang of Herman, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Kyle has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Kyle refurbished and erected a flagpole for the American Legion in Herman; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Kyle, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Kyle Stang on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Kyle Stang.

Laid over.

AMENDMENT - Print in Journal

Senator Cook filed the following amendment to LB366:
AM1397

(Amendments to Standing Committee amendments, AM785)

- 1 1. On page 1, line 9, strike "borne by participants" and
- 2 insert "associated with participation".

SELECT FILE

LEGISLATIVE BILL 196. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 197. ER98, found on page 1276, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 195. ER99, found on page 1332, was adopted.

Senator Chambers offered his amendment, AM1321, found on page 1282.

SENATOR KRIST PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Chambers requested a record vote on his amendment

Voting in the affirmative, 36:

Adams	Christensen	Hadley	Lathrop	Seiler
Ashford	Coash	Hansen	Lautenbaugh	Smith
Avery	Cook	Harr, B.	McGill	Sullivan
Bloomfield	Crawford	Howard	Murante	Wallman
Brasch	Davis	Johnson	Price	
Campbell	Dubas	Karpisek	Scheer	
Carlson	Gloor	Kolowski	Schilz	
Chambers	Haar, K.	Krist	Schumacher	

Voting in the negative, 0.

Present and not voting, 12:

Bolz	Janssen	McCoy	Nordquist
Conrad	Kintner	Mello	Pirsch
Harms	Larson	Nelson	Wightman

Excused and not voting, 1:

Watermeier

The Chambers amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Mello offered his amendment, AM1325, found on page 1334.

The Mello amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 198. ER100, found on page 1332, was adopted.

Senator Mello offered his amendment, AM1323, found on page 1333.

The Mello amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 199. ER101, found on page 1332, was adopted.

Senator Coash offered his amendment, AM1232, found on page 1270.

The Coash amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Mello offered his amendment, AM1353, found on page 1335.

The Mello amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 194. ER97, found on page 1333, was adopted.

Senator Dubas offered the following amendment:

AM1395

(Amendments to E & R amendments, ER97)

- 1 1. On page 3, after line 24 insert the following:
- 2 "The Legislative Council shall contract for an
- 3 independent study to determine the following:
- 4 (1) Whether the state should purchase a plane and assume
- 5 the resulting short-term and long-term costs and liabilities or
- 6 whether privately owned aircraft should be used through rental,
- 7 time-share, lease, or other arrangements; and
- 8 (2) If it is determined that the state should purchase
- 9 its own airplane, what airplane will best fit the needs of the
- 10 state. This would include, but not be limited to, a determination
- 11 of performance and passenger requirements; whether to purchase
- 12 a new aircraft with warranty versus a used plane; and the
- 13 identification of the short-term and long-term (life-cycle) costs
- 14 of all aircraft under consideration."

15 2. On page 30, strike lines 23 through 27.

16 3. On page 31, strike lines 1 through 8.

The Dubas amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 200. Senator Mello offered his amendment, AM1346, found on page 1333.

The Mello amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 536. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 483. ER80, found on page 1114, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 483A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 623. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 583. ER81, found on page 1139, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 93. ER93, found on page 1236, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 93A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 410. ER95, found on page 1258, was adopted.

Advanced to Enrollment and Review for Engrossment.

MOTION - Print in Journal

Senator Chambers filed the following motion to LB66:
 MO75
 Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator Krist filed the following amendment to LB563:
 AM1392

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

Senator Ashford filed the following amendment to LB561:
 AM1394 is available in the Bill Room.

Senator Ashford filed the following amendment to LB561:
 AM1401

(Amendments to AM1394)

- 1 1. Insert the following new sections:
- 2 Sec. 57. Section 43-4314, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 43-4314 Private agency means a child welfare agency
- 5 that contracts with the department or the Office of Probation
- 6 Administration or contracts to provide services to another child
- 7 welfare agency that contracts with the department or the Office of
- 8 Probation Administration.
- 9 Sec. 58. Section 43-4318, Revised Statutes Cumulative
- 10 Supplement, 2012, is amended to read:
- 11 43-4318 (1) The office shall investigate:
- 12 (a) Allegations or incidents of possible misconduct,
- 13 misfeasance, malfeasance, or violations of statutes or of rules
- 14 or regulations of the department by an employee of or person
- 15 under contract with the department, a private agency, a licensed
- 16 child care facility, a foster parent, or any other provider of
- 17 child welfare services or which may provide a basis for discipline
- 18 pursuant to the Uniform Credentialing Act; and
- 19 (b) Death or serious injury in foster homes, private
- 20 agencies, child care facilities, juvenile detention facilities,
- 21 staff secure juvenile facilities, and other programs and facilities
- 22 licensed by or under contract with the department or Office of
- 1 Probation Administration and death or serious injury in any case in
- 2 which services are provided by the department to a child or his or
- 3 her parents or any case involving an investigation under the Child
- 4 Protection Act, which case has been open for one year or less.
- 5 The department and Office of Probation Administration shall report
- 6 all cases of death or serious injury of a child in a foster home,
- 7 private agency, child care facility or program, or other program

8 or facility licensed by the department to the Inspector General
9 as soon as reasonably possible after the department or Office of
10 Probation Administration learns of such death or serious injury.
11 For purposes of this subdivision, serious injury means an injury or
12 illness caused by suspected abuse, neglect, or maltreatment which
13 leaves a child in critical or serious condition.

14 (2) Any investigation conducted by the Inspector General
15 shall be independent of and separate from an investigation pursuant
16 to the Child Protection Act. The Inspector General and his or
17 her staff are subject to the reporting requirements of the Child
18 Protection Act.

19 (3) Notwithstanding the fact that a criminal
20 investigation, a criminal prosecution, or both are in progress, all
21 law enforcement agencies and prosecuting attorneys shall cooperate
22 with any investigation conducted by the Inspector General and
23 shall, immediately upon request by the Inspector General, provide
24 the Inspector General with copies of all law enforcement reports
25 which are relevant to the Inspector General's investigation. All
26 law enforcement reports which have been provided to the Inspector
27 General pursuant to this section are not public records for
1 purposes of sections 84-712 to 84-712.09 and shall not be subject
2 to discovery by any other person or entity. Except to the extent
3 that disclosure of information is otherwise provided for in the
4 Office of Inspector General of Nebraska Child Welfare Act, the
5 Inspector General shall maintain the confidentiality of all law
6 enforcement reports received pursuant to its request under this
7 section. Law enforcement agencies and prosecuting attorneys shall,
8 when requested by the Inspector General, collaborate with the
9 Inspector General regarding all other information relevant to the
10 Inspector General's investigation. If the Inspector General in
11 conjunction with the Public Counsel determines it appropriate, the
12 Inspector General may, when requested to do so by a law enforcement
13 agency or prosecuting attorney, suspend an investigation by the
14 office until a criminal investigation or prosecution is completed
15 or has proceeded to a point that, in the judgment of the Inspector
16 General, reinstatement of the Inspector General's investigation
17 will not impede or infringe upon the criminal investigation or
18 prosecution. Under no circumstance shall the Inspector General
19 interview any minor who has already been interviewed by a law
20 enforcement agency, personnel of the Division of Children and
21 Family Services of the department, or staff of a child advocacy
22 center in connection with a relevant ongoing investigation of a law
23 enforcement agency.

24 Sec. 59. Section 43-4320, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

26 43-4320 (1) Complaints to the office may be made in
27 writing. The office shall also maintain a toll-free telephone line
1 for complaints. A complaint shall be evaluated to determine if it
2 alleges possible misconduct, misfeasance, malfeasance, or violation

3 of a statute or of rules and regulations of the department by
4 an employee of or a person under contract with the department,
5 a private agency, or a licensed child care facility, a foster
6 parent, or any other provider of child welfare services or alleges
7 a basis for discipline pursuant to the Uniform Credentialing Act.
8 All complaints shall be evaluated to determine whether a full
9 investigation is warranted.

10 (2) The office shall not conduct a full investigation of
11 a complaint unless:

12 (a) The complaint alleges misconduct, misfeasance,
13 malfeasance, violation of a statute or of rules and regulations of
14 the department, or a basis for discipline pursuant to the Uniform
15 Credentialing Act;

16 (b) The complaint is against a person within the
17 jurisdiction of the office; and

18 (c) The allegations can be independently verified through
19 investigation.

20 (3) The Inspector General shall determine within fourteen
21 days after receipt of a complaint whether it will conduct a full
22 investigation. A complaint alleging facts which, if verified, would
23 provide a basis for discipline under the Uniform Credentialing Act
24 shall be referred to the appropriate credentialing board under the
25 act.

26 (4) When a full investigation is opened on a private
27 agency that contracts with the Office of Probation Administration,
1 the Inspector General shall give notice of such investigation to
2 the Office of Probation Administration.

3 Sec. 60. Section 43-4321, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 43-4321 All employees of the department, all foster
6 parents, and all owners, operators, managers, supervisors, and
7 employees of private agencies, licensed child care facilities,
8 juvenile detention facilities, staff secure juvenile facilities,
9 and other providers of child welfare services shall cooperate
10 with the office. Cooperation includes, but is not limited to, the
11 following:

12 (1) Provision of full access to and production of records
13 and information. Providing access to and producing records and
14 information for the office is not a violation of confidentiality
15 provisions under any law, statute, rule, or regulation if done in
16 good faith for purposes of an investigation under the Office of
17 Inspector General of Nebraska Child Welfare Act;

18 (2) Fair and honest disclosure of records and information
19 reasonably requested by the office in the course of an
20 investigation under the act;

21 (3) Encouraging employees to fully comply with reasonable
22 requests of the office in the course of an investigation under the
23 act;

24 (4) Prohibition of retaliation by owners, operators, or

25 managers against employees for providing records or information or
26 filing or otherwise making a complaint to the office;

27 (5) Not requiring employees to gain supervisory approval
1 prior to filing a complaint with or providing records or
2 information to the office;

3 (6) Provision of complete and truthful answers to
4 questions posed by the office in the course of an investigation;
5 and

6 (7) Not willfully interfering with or obstructing the
7 investigation.

8 Sec. 61. Section 43-4324, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 43-4324 (1) In conducting investigations, the office
11 shall access all relevant records through subpoena, compliance
12 with a request of the office, and voluntary production. The
13 office may request or subpoena any record necessary for the
14 investigation from the department, a foster parent, a licensed
15 child care facility, juvenile detention facility, staff secure
16 juvenile facility, or a private agency that is pertinent to an
17 investigation. All case files, licensing files, medical records,
18 financial and administrative records, and records required to be
19 maintained pursuant to applicable licensing rules shall be produced
20 for review by the office in the course of an investigation.

21 (2) Compliance with a request of the office includes:

22 (a) Production of all records requested;

23 (b) A diligent search to ensure that all appropriate
24 records are included; and

25 (c) A continuing obligation to immediately forward to the
26 office any relevant records received, located, or generated after
27 the date of the request.

1 (3) The office shall seek access in a manner that
2 respects the dignity and human rights of all persons involved,
3 maintains the integrity of the investigation, and does not
4 unnecessarily disrupt child welfare programs or services. When
5 advance notice to a foster parent or to an administrator or his
6 or her designee is not provided, the office investigator shall,
7 upon arrival at the departmental office, bureau, or division, the
8 private agency, the licensed child care facility, the juvenile
9 detention facility, the staff secure juvenile facility, or the
10 location of another provider of child welfare services, request
11 that an onsite employee notify the administrator or his or her
12 designee of the investigator's arrival.

13 (4) When circumstances of an investigation require,
14 the office may make an unannounced visit to a foster home, a
15 departmental office, bureau, or division, a licensed child care
16 facility, a juvenile detention facility, a staff secure juvenile
17 facility, a private agency, or another provider to request records
18 relevant to an investigation.

19 (5) A responsible individual or an administrator may be

20 asked to sign a statement of record integrity and security when
21 a record is secured by request as the result of a visit by the
22 office, stating:

23 (a) That the responsible individual or the administrator
24 has made a diligent search of the office, bureau, division, private
25 agency, licensed child care facility, juvenile detention facility,
26 staff secure juvenile facility, or other provider's location to
27 determine that all appropriate records in existence at the time of
1 the request were produced;

2 (b) That the responsible individual or the administrator
3 agrees to immediately forward to the office any relevant records
4 received, located, or generated after the visit;

5 (c) The persons who have had access to the records since
6 they were secured; and

7 (d) Whether, to the best of the knowledge of the
8 responsible individual or the administrator, any records were
9 removed from or added to the record since it was secured.

10 (6) The office shall permit a responsible individual, an
11 administrator, or an employee of a departmental office, bureau,
12 or division, a private agency, a licensed child care facility, a
13 juvenile detention facility, a staff secure juvenile facility, or
14 another provider to make photocopies of the original records within
15 a reasonable time in the presence of the office for purposes of
16 creating a working record in a manner that assures confidentiality.

17 (7) The office shall present to the responsible
18 individual or the administrator or other employee of the
19 departmental office, bureau, or division, private agency, licensed
20 child care facility, juvenile detention facility, staff secure
21 juvenile facility, or other service provider a copy of the request,
22 stating the date and the titles of the records received.

23 (8) If an original record is provided during an
24 investigation, the office shall return the original record as soon
25 as practical but no later than ten working days after the date of
26 the compliance request.

27 (9) All investigations conducted by the office shall
1 be conducted in a manner designed to ensure the preservation of
2 evidence for possible use in a criminal prosecution.

3 Sec. 62. Section 81-8,245, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 81-8,245 The Public Counsel shall have the power to:

6 (1) Investigate, on complaint or on his or her own
7 motion, any administrative act of any administrative agency;

8 (2) Prescribe the methods by which complaints are to be
9 made, received, and acted upon; determine the scope and manner
10 of investigations to be made; and, subject to the requirements
11 of sections 81-8,240 to 81-8,254, determine the form, frequency,
12 and distribution of his or her conclusions, recommendations, and
13 proposals;

14 (3) Conduct inspections of the premises, or any parts

15 thereof, of any administrative agency or any property owned,
16 leased, or operated by any administrative agency as frequently as
17 is necessary, in his or her opinion, to carry out duties prescribed
18 under sections 81-8,240 to 81-8,254;

19 (4) Request and receive from each administrative agency,
20 and such agency shall provide, the assistance and information
21 the counsel deems necessary for the discharge of his or her
22 responsibilities; inspect and examine the records and documents
23 of all administrative agencies notwithstanding any other provision
24 of law; and enter and inspect premises within any administrative
25 agency's control;

26 (5) Issue a subpoena, enforceable by action in an
27 appropriate court, to compel any person to appear, give sworn
1 testimony, or produce documentary or other evidence deemed relevant
2 to a matter under his or her inquiry. A person thus required
3 to provide information shall be paid the same fees and travel
4 allowances and shall be accorded the same privileges and immunities
5 as are extended to witnesses in the district courts of this state
6 and shall also be entitled to have counsel present while being
7 questioned;

8 (6) Undertake, participate in, or cooperate with general
9 studies or inquiries, whether or not related to any particular
10 administrative agency or any particular administrative act, if he
11 or she believes that they may enhance knowledge about or lead to
12 improvements in the functioning of administrative agencies;

13 (7) Make investigations, reports, and recommendations
14 necessary to carry out his or her duties under the State Government
15 Effectiveness Act; ~~and~~

16 (8) Carry out his or her duties under the Office of
17 Inspector General of Nebraska Child Welfare Act. If any of
18 the provisions of sections 81-8,240 to 81-8,254 conflict with
19 provisions of the Office of Inspector General of Nebraska Child
20 Welfare Act, the provisions of such act shall control; ~~and~~;

21 (9) Investigate and address the complaint and case of:

22 (a) Any juvenile committed to the custody of a youth
23 rehabilitation and treatment center; and

24 (b) Any juvenile released from a youth rehabilitation
25 and treatment center for reentry into the community, while
26 that juvenile is subject to the Community and Family Reentry
27 Process, or to any other service or treatment program in which
1 the juvenile may be involved after his or her release from a
2 youth rehabilitation and treatment center, whether that service
3 or program is administrated by the Office of Juvenile Services
4 or a private provider in the community. The Office of Juvenile
5 Services and private providers in the community shall cooperate
6 with any investigation conducted by the Public Counsel pursuant to
7 this subdivision, and provide all documentation and information
8 requested by the Public Counsel in connection with such an
9 investigation.

- 10 2. Renumber the remaining sections and correct the
- 11 repealer accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 197. Introduced by Nordquist, 7; Ashford, 20; Howard, 9; Lathrop, 12; Mello, 5; Pirsch, 4.

WHEREAS, the top-ranked Omaha South High School Packers defeated the third-ranked Creighton Prep High School Bluejays to win the 2013 Class A Boys State Soccer Championship; and

WHEREAS, this victory marked the third time this season that the Packers boys soccer team defeated the Bluejays, and the first time since 1990 that an Omaha South High School sports team won a state title; and

WHEREAS, the championship match brought two proud high school communities together resulting in a record crowd of 8,200 fans at Morrison Stadium to witness a phenomenal soccer competition; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Omaha South High School Packers boys soccer team and coaches for winning the 2013 Class A Boys State Soccer Championship.

2. That a copy of this resolution be sent to Omaha South High School.

Laid over.

LEGISLATIVE RESOLUTION 198. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Conrad, 46; Davis, 43; Kolowski, 31; Mello, 5.

PURPOSE: The purpose of this resolution is to study the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the Class V School Employees Retirement System administered under the Class V School Employees Retirement Act.

The study will examine issues as they relate to the funding needs, benefits, contributions, and the administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 14 eleventh-grade students and teachers from Papillion/La Vista; 75 fifth-grade students and teachers from Johnson Crossing Elementary, Fremont; 52 fourth-grade students, teachers, and sponsors from Blumfield Elementary, Omaha; and 22 fourth-grade students and teacher from Axtell.

ADJOURNMENT

At 5:41 p.m., on a motion by Senator Schilz, the Legislature adjourned until 9:00 a.m., Wednesday, May 15, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-EIGHTH DAY - MAY 15, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 15, 2013

PRAYER

The prayer was offered by Vicar LuRae Hallstrom, American Lutheran Church, Filley.

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 Janssen, Lautenbaugh, Murante, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

MOTION - Return LB407 to Select File

Senator Chambers moved to return LB407 to Select File for the following specific amendment:

FA79

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB407 with 42 ayes, 3 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 407. With Emergency Clause.

A BILL FOR AN ACT relating to state aid to schools; to amend section 79-1007.17, Reissue Revised Statutes of Nebraska, and sections 77-3446, 79-1003, 79-1003.01, 79-1007.07, 79-1007.09, 79-1007.11, 79-1007.18, 79-1007.23, 79-1007.25, 79-1015.01, 79-1017.01, and 79-1028.01, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change provisions relating to the base limitation, allowances, reports, calculation of formula need, adjustments, local system formula resources, and budget authority; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Janssen Price

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB407.

SENATOR GLOOR PRESIDING

SELECT FILE

LEGISLATIVE BILL 341. ER54, found on page 990, was adopted.

Senator Wightman offered his amendment, AM1161, found on page 1163.

Senator Wightman withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 15, 2013, at 9:50 a.m. was the following:
LB407e.

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 199. Introduced by Mello, 5.

PURPOSE: The purpose of this study resolution is to acquire additional information, including financial requirements, regarding the state's efforts to establish a statewide virtual/digital educational system. The study shall include, but not be limited to, an examination of the need, potential, and current plans for the following:

- (1) Organizing Nebraska assets and resources to establish a statewide virtual/digital education initiative;
- (2) Developing a plan and budget for state support of online high school courses including short and long-term objectives;
- (3) Establishing a single statewide virtual education resources web site;
- (4) Developing course content and organizing content and professional development, and enhancing statewide equity of access;
- (5) Establishing a clearinghouse of activities as well as information and links to existing resources;
- (6) Establishing a budget and cost allocation system for a statewide system;
- (7) Establishing a process to evaluate new courses and establishing a digital library with digital media content management, scheduling, and repository; and
- (8) Establishing appropriate roles and responsibilities.

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

1. That the Appropriations and Education Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 200. Introduced by Gloor, 35; Seiler, 33.

WHEREAS, Nebraska lost a dedicated public servant when Michael W. Wassinger passed away on May 2, 2013, in Hastings, Nebraska; and

WHEREAS, Mr. Wassinger was appointed for the first time in 2006 to the Nebraska State Board of Public Accountancy; and

WHEREAS, Mr. Wassinger served on various committees of the board including for three years as vice chairman and also as a longtime reviewer and member of the board's Quality Enhancement Program where he was instrumental in successfully requiring CPA firms to submit financial reports for review by other CPA reviewers to assist and educate firms within the accounting profession; and

WHEREAS, Mr. Wassinger was a member of the Convention Center Facility Financing Board for the Pinnacle Bank Arena and had been a successful partner at the McDermott and Miller, PC firm for over thirty years in Hastings; and

WHEREAS, Mr. Wassinger was a proud father and husband, a true professional, and a Nebraska public servant and community member who will be greatly missed.

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

1. That the Legislature sends its condolences to the friends and family of Michael W. Wassinger.

2. That a copy of this resolution be sent to Gladys Wassinger.

Laid over.

SELECT FILE

LEGISLATIVE BILL 563. Senator Lautenbaugh withdrew his amendment, FA65, found on page 1137.

Senator Krist offered his amendment, AM1392, found on page 1356.

The Krist amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 561. ER84, found on page 1166, was adopted.

Senator Ashford withdrew his amendment, AM1327, found on page 1332.

Senator Ashford offered his amendment, AM1394, found on page 1356.

Senator Ashford offered his amendment, AM1401, found on page 1356, to his amendment.

SENATOR SULLIVAN PRESIDING**SENATOR GLOOR PRESIDING**

The Ashford amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

The Ashford amendment, AM1394, as amended, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 201. Introduced by Crawford, 45.

PURPOSE: The purpose of this resolution is to examine policy options available to the State of Nebraska to support military installations, military families, and veterans and their families. Veterans returning from conflicts face mental and physical health challenges. Military families face unique challenges such as multiple placements, trailing spouses, long deployments, and reintegration challenges. Military installations require strong partnerships with state and local governments. State policies to address these challenges vary from state to state.

The issues addressed by this interim study shall include, but not be limited to, state policies to support military installations in the state, and veteran reintegration supports and policies that are friendly to military families and their unique concerns. The study should include both a comprehensive and comparative study of policies that address these issues.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 202. Introduced by Avery, 28.

PURPOSE: The purpose of this resolution is to study the issue of election day registration. Eight states plus the District of Columbia presently offer election day registration, allowing any qualified resident to go to the polls or election official's office on election day to register that day and then vote. Another three states have enacted election day registration but have not yet implemented it. Over the last two bienniums, the Government, Military and

Veterans Affairs Committee has heard several bills on the topic of election day registration, but no bill has ever been advanced to the full Legislature. The issues to be examined by this interim study shall include, but not be limited to, the following:

(1) Whether it is more appropriate to have a citizen register and vote on election day at the polling site or at the county clerk or election commissioner's office;

(2) What type of identification is necessary for citizens who wish to register and vote on election day; and

(3) How other states are implementing and using election day registration.

Representatives of the Secretary of State's office and county officials, along with other interested parties, shall be invited to participate in this study.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 37 fifth- and sixth-grade students and teachers from Lawrence-Nelson School, Lawrence; 75 fourth-grade students and teachers from Ashland Park-Robbins Elementary, Omaha; and 26 fourth-grade students from Heritage School, Bennington.

RECESS

At 11:55 a.m., on a motion by Senator Seiler, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

ROLL CALL

The roll was called and all members were present except Senators Christensen, Price, Sullivan, and Watermeier who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 203. Introduced by K. Haar, 21; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Murante, 49; Nelson, 6; Nordquist, 7; Pirsch, 4; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, the Constitution of the United States of America is our founding document; and

WHEREAS, the Constitution of the United States of America was signed on September 17, 1787; and

WHEREAS, a consolidated appropriations bill was signed and became Public Law 108-447 on December 8, 2004; and

WHEREAS, in that bill was the following amendment: SEC. 111(b) Each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of each year for the students served by the educational institution; and

WHEREAS, studies and activities pertaining to Constitution Day will help students gain a better understanding of the principles of the Constitution that created our republican form of government.

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

1. That the Legislature hereby declares September 17 as Constitution Day in the State of Nebraska.

2. That the Legislature recommends that in all public schools in the State of Nebraska, levels kindergarten through grade twelve, age appropriate instruction on the United States Constitution be conducted on this day.

3. That a copy of this resolution be sent to the State Department of Education.

Laid over.

SELECT FILE

LEGISLATIVE BILL 561. Senator Coash offered the following amendment:

AM1351

(Amendments to E & R amendments, ER84)

1 1. Insert the following new section:

2 Section 1. (1) It is the intent of the Legislature that

3 the alternative response to reports of child abuse or neglect model

4 developed pursuant to subsection (2) of this section be implemented

5 in designated sites under the Child Protection Act no earlier than
6 July 2014.

7 (2) The Department of Health and Human Services shall
8 convene interested stakeholders and families to develop a model for
9 alternative response to reports of child abuse or neglect under the
10 Child Protection Act. The model shall include:

11 (a) Methodology for determining the location of sites for
12 initial implementation of alternative response;

13 (b) An estimate of the percentage of reports of child
14 abuse or neglect eligible for alternative response;

15 (c) Eligibility criteria for alternative response;

16 (d) The process to determine eligibility for alternative
17 response;

18 (e) The assessment protocol and tools to be used for
19 alternative response;

20 (f) The role of child abuse and neglect investigative
21 teams and child abuse and neglect treatment teams in implementation
22 sites;

1 (g) How, with whom, and what alternative response data
2 will be shared;

3 (h) The criteria and process for transition of families
4 from an alternative response to a traditional investigation;

5 (i) The criteria and process for families who refuse an
6 alternative response;

7 (j) The plan to address the continuum of services needed
8 for families receiving an alternative response;

9 (k) An overview of critical training elements for both
10 staff who implement and stakeholders involved with alternative
11 response implementation;

12 (l) A description of the evaluation component;

13 (m) The relationship of alternative response to Title
14 IV-E waiver applications of the Department of Health and Human
15 Services under the federal Social Security Act;

16 (n) A plan to communicate and update interested
17 stakeholders and families with regard to the alternative response
18 planning process;

19 (o) The identification of statutory and policy changes
20 necessary to implement the alternative response model, including
21 a procedure that provides that reports of child abuse and neglect
22 which receive an alternative response shall not receive a formal
23 determination and the subject of the report shall not be entered
24 into the central register of child protection cases maintained
25 pursuant to section 28-718;

26 (p) A budget for implementing and sustaining an
27 alternative response model;

1 (q) The mechanisms of oversight and accountability in the
2 alternative response model; and

3 (r) A determination of how alternative response service
4 providers will be selected.

- 5 (3) The Department of Health and Human Services shall
6 provide the model developed under subsection (2) of this section
7 in a report to the Nebraska Children's Commission by November
8 1, 2013, for the commission's review. The Nebraska Children's
9 Commission shall electronically submit the report and review to the
10 Legislature by December 15, 2013.
11 2. Renumber the remaining sections and correct internal
12 references accordingly.

SENATOR CARLSON PRESIDING

The Coash amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Ashford offered the following amendment:
AM1438

(Amendments to AM1401)

- 1 1. On page 10, line 27, strike "or to any other" and
- 2 insert "and a".

The Ashford amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 204. Introduced by Brasch, 16; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Bolz, 29; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Murante, 49; Nelson, 6; Nordquist, 7; Pirsch, 4; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, William D. (Bill) Orr passed away at his home in Lincoln, Nebraska, on May 5, 2013, at the age of 78 with family members at his side; and

WHEREAS, Bill Orr was the husband of former Governor Kay A. Orr for 55 years, and became the First Gentleman of Nebraska when his wife was elected governor in 1986; and

WHEREAS, during his tenure as First Gentleman, Bill Orr authored the "First Gentleman's Cookbook" to raise proceeds to renovate the Governor's Mansion. The cookbook gained national attention for its self-effacing humor and high profile contributors, including Nancy Reagan, Barbara Bush, Warren Buffett, and Johnny Carson; and

WHEREAS, Bill Orr was an insurance executive for Woodmen Accident and Life where he worked for 37 years until his retirement in 1997, ultimately serving as a senior vice president and director of agency and marketing operations; and

WHEREAS, Bill Orr was born and raised in Iowa where his family owned a furniture and hardware business. He graduated with a business degree from the University of Iowa in 1957, and began his insurance career in Illinois before moving his family to Lincoln in 1963; and

WHEREAS, Bill Orr was an elder at Christ Lutheran Church in Lincoln, a member of Rotary Club 14, a TeamMates Program mentor, and a proud Eagle Scout; and

WHEREAS, Bill Orr is survived by his wife, Governor Kay Orr, his son and daughter-in-law, John and Brenda Orr, his daughter and son-in-law, Suzanne and Jim Gage, seven grandchildren, and many other relatives and friends.

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

1. That the Legislature extends its sympathy to Governor Kay Orr and her family, recognizes Bill Orr for his dedicated service to the state and his community, and remembers Bill Orr for his charm, wit, humor, and charitable legacy.

2. That a copy of this resolution be sent to Governor Kay Orr and her family.

Laid over.

LEGISLATIVE RESOLUTION 205. Introduced by Avery, 28.

PURPOSE: This resolution is to study the mission and financing options as authorized by current law of the Game and Parks Commission. This study shall include, but not be limited to, an examination of the following:

(1) Annual funding, including General Fund appropriations, grants, hunting and fishing permit fees, and park entrance permit fees;

(2) The scope and status of all deferred maintenance projects;

(3) The scope and status of all projects to comply with the Americans with Disabilities Act of 1990;

(4) The direct and indirect economic impact of annual state park attendance to the state; and

(5) A possible combination of future funding mechanisms such as adjusted park entrance fees, opt-in or opt-out fees, and voluntary contribution fees.

Based on these findings, the study committee shall make a recommendation with respect to the Game and Parks Commission and funding issues brought forth in LB 362, which was introduced in 2013.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 206. Introduced by Avery, 28.

PURPOSE: The purpose of this resolution is to study the school breakfast program. This study shall include, but not be limited to, an examination of the following issues:

(1) Current availability of the school breakfast program and participation rates;

(2) Barriers to participation, establishment, expansion, and maintenance of school breakfast programs;

(3) The impact of school breakfast on students;

(4) Models for increasing access to school breakfast;

(5) The potential for public-private partnerships in school breakfast programs; and

(6) Any other related topics the study committee deems necessary or appropriate.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 66. ER90, found on page 1195, was adopted.

Senator Chambers offered his motion, MO75, found on page 1356, to indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Chambers offered the following amendment:

FA80

Amend AM784

Page 1, lines 7 and 10, strike "Law" and insert "Act"; page 8, line 5, strike "Law" and insert "Act".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:

FA81

Amend AM784

Strike Section 1.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 634. ER34, found on page 833, was adopted.

Senator Davis offered his amendment, AM1158, found on page 1271.

The Davis amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 634A. Senator Davis offered his amendment, AM1174, found on page 1272.

The Davis amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT - Print in Journal

Senator Smith filed the following amendment to LB104:
AM1408

(Amendments to Standing Committee amendments, AM525)

- 1 1. On page 3, strike lines 5 through 9 and insert the
- 2 following new subdivision:
- 3 "(j) The production of electricity by a certified
- 4 renewable export facility as defined in section 70-1001.01; or".

RESOLUTION

LEGISLATIVE RESOLUTION 207. Introduced by Nordquist, 7; Ashford, 20; B. Harr, 8; McGill, 26; Mello, 5.

PURPOSE: The purpose of this resolution is to study the impact of the possession, sale, trade, and distribution of shark fins in the State of Nebraska. Data from federal and international agencies show a decline in shark populations worldwide. The practice of shark finning, where a shark is

caught, its fins cut off, and the carcass dumped back into the water, causes tens of millions of sharks to die each year. These sharks either starve to death, are slowly eaten by other fish, or suffocate because most sharks need to keep moving to force water through their gills for oxygen. Shark species are very susceptible to decline because they are slow to reach reproductive maturity and they bear small litters. Sharks occupy the top of the marine food chain, and their decline is an urgent problem that upsets the balance of species in ocean ecosystems and negatively affects other fisheries. Such decline constitutes a serious threat to the ocean ecosystem and biodiversity. The sale, trade, and distribution of shark fins in Nebraska helps drive the practice of shark finning which exacerbates the decline of the shark population and the risk of extinction. This study shall include, but not be limited to, an examination of consumer demand for shark fins in Nebraska and the potential impact of a ban on the possession, sale, trade, and distribution of shark fins in Nebraska.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2013.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 497. ER53, found on page 990, was adopted.

Senator Sullivan offered her amendment, AM1315, found on page 1282.

The Sullivan amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 140. ER89, found on page 1182, was adopted.

Senator McCoy withdrew his amendment, AM1243, found on page 1255.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 366. ER87, found on page 1183, was adopted.

Senator Cook offered her amendment, AM1397, found on page 1352.

The Cook amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 366A. ER85, found on page 1183, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 216A. Title read. Considered.

SENATOR KRIST PRESIDING

Senator McGill offered the following amendment:
AM1412

- 1 1. Insert the following new section:
- 2 Sec. 5. There is hereby appropriated \$40,392 from the
- 3 General Fund for FY2014-15 to the Supreme Court, for Program 52,
- 4 to aid in carrying out the provisions of Legislative Bill 216, One
- 5 Hundred Third Legislature, First Session, 2013.
- 6 No expenditures for permanent and temporary salaries and
- 7 per diems for state employees shall be made from funds appropriated
- 8 in this section.
- 9 2. Renumber the remaining section accordingly.

The McGill amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 561A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 583A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

COMMITTEE REPORTS

Health and Human Services

The Health and Human Services 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.

Joseph M. Acierno - Director, Department of Health and Human Services

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

Michael Brummer - Commission for the Deaf and Hard of Hearing
Margaret Propp - Commission for the Deaf and Hard of Hearing

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 568. Title read. Considered.

Committee AM812, found on page 841, was offered.

Senator Conrad offered the following motion:

MO77

Recommit to Banking, Commerce and Insurance Committee.

Senator McCoy moved the previous question. The question is, "Shall the debate now close?"

Senator McCoy moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator McCoy requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 24:

Avery	Crawford	Harr, B.	McCoy	Schilz
Bloomfield	Gloor	Johnson	Murante	Smith
Brasch	Hadley	Kintner	Nelson	Sullivan
Carlson	Hansen	Larson	Price	Wightman
Christensen	Harms	Lautenbaugh	Scheer	

Voting in the negative, 11:

Adams	Conrad	Haar, K.	Seiler
Chambers	Cook	Howard	Wallman
Coash	Dubas	Karpisek	

Present and not voting, 5:

Bolz Kolowski Krist Nordquist Schumacher

Absent and not voting, 1:

Pirsch

Excused and not voting, 8:

Ashford Davis Lathrop Mello
Campbell Janssen McGill Watermeier

The McCoy motion to cease debate failed with 24 ayes, 11 nays, 5 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 208. Introduced by Kolowski, 31; Hadley, 37; Hansen, 42.

PURPOSE: The purpose of this resolution is to study security in the public schools. The study shall include an examination and assessment of the following:

- (1) The risks for violence in Nebraska public schools;
- (2) The adequacy of current security measures in Nebraska public schools;
- (3) An estimate of the costs for school districts to undertake security measures to address reasonably foreseeable risks;
- (4) An estimate of the financial capacity of school districts to undertake needed security measures to address reasonably foreseeable risks of violence in the public schools, including consideration of the constraints on public school budgets under statutory limitations on school district budget authority, and the constraints on school district levy authority under statutory limitations; and
- (5) Any other issues related to security in the public schools that the study committee deems important.

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

1. That the Education and Revenue Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 209. Introduced by Dubas, 34.

PURPOSE: The purpose of this resolution is to study the contracts between the Department of Health and Human Services and provider agencies for foster care services. The study shall include, but not be limited to, an examination of the following:

- (1) The structure of the result-based accountability portion of the contracts;
- (2) Specific outcomes expected to be achieved by providers;
- (3) Tools used to measure outcomes;
- (4) How progress is measured during contract periods;
- (5) The protocol when expected outcomes are not achieved;
- (6) The level of communication between the department and provider agencies necessary to achieve success; and
- (7) The parity of contracts, accountability, and evaluation among provider agencies and foster parents contracting directly with the department.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 210. Introduced by Gloor, 35.

WHEREAS, the American Cancer Society, originally named the American Society for the Control of Cancer, was established in 1913 and has experienced 100 years of milestones in the fight against cancer; and

WHEREAS, the Women's Field Army started raising money and educating the public about cancer in 1937; and

WHEREAS, in 1944 the American Cancer Society prioritized funding for cancer research and has funded 46 Nobel Laureates and is the largest nongovernmental, not-for-profit funder of cancer research; and

WHEREAS, the American Cancer Society made a connection between lung cancer and smoking in 1950 which has led to education and laws that have greatly reduced smoking rates; and

WHEREAS, the American Cancer Society helped seek passage of the National Cancer Act of 1971 which established the National Cancer Institute and now funds billions of dollars annually for research; and

WHEREAS, the largest grassroots fundraising event in the world, Relay For Life, was launched by an American Cancer Society volunteer in 1985

and has currently raised over \$3 billion and raises \$400 million annually to fund research, education, advocacy, and service for cancer patients; and

WHEREAS, in 1997 the American Cancer Society opened the doors to the National Cancer Information Center which receives nearly one million calls per year seeking cancer information; and

WHEREAS, in 2003 American Cancer Society researchers linked obesity to most types of cancer and concluded the impact in 14% of cancers in men and 20% of cancers in women; and

WHEREAS, in 2006 for the first time in history, the actual number of cancer deaths in the United States declined thanks in large part to the American Cancer Society's groundbreaking work in cancer prevention, early detection, and treatment; and

WHEREAS, the American Cancer Society and its advocacy affiliate, the American Cancer Society Cancer Action Network, were successful in gaining support and passage of Food and Drug Administration regulation over tobacco products; and

WHEREAS, in 2012 the American Cancer Society reported cancer death rates declined by 20% which equates to 1.2 million lives saved; and

WHEREAS, on May 22, 2013, the American Cancer Society will celebrate the 100th anniversary of its founding.

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

1. That the Legislature extends special recognition to the American Cancer Society in celebration of their 100th anniversary.

2. That a copy of this resolution be sent to the High Plains Division of the American Cancer Society.

Laid over.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB34:
AM1410

(Amendments to Standing Committee amendments, AM650)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 77-27,142, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 77-27,142 ~~(1)~~ Any incorporated municipality by ordinance
- 5 of its governing body is hereby authorized to impose a sales and
- 6 use tax of one-half percent, one percent, or one and one-half
- 7 percent, ~~one and three-quarters percent, or two percent~~ upon the
- 8 same transactions that are sourced under the provisions of sections
- 9 77-2703.01 to 77-2703.04 within such incorporated municipality on
- 10 which the State of Nebraska is authorized to impose a tax pursuant
- 11 to the Nebraska Revenue Act of 1967, as amended from time to time.
- 12 No sales and use tax shall be imposed pursuant to this section
- 13 until an election has been held and a majority of the qualified
- 14 electors have approved such tax pursuant to sections 77-27,142.01

15 and 77-27,142.02.

16 (2)(a) Any incorporated municipality that proposes to
17 impose a municipal sales and use tax at a rate greater than one
18 and one half percent or increase a municipal sales and use tax
19 to a rate greater than one and one half percent shall submit the
20 question of such tax or increase at a primary or general election
21 held within the incorporated municipality. The question shall be
22 submitted upon an affirmative vote by at least seventy percent
1 of all of the members of the governing body of the incorporated
2 municipality.

3 (b) Any rate greater than one and one half percent shall
4 be used as follows:

5 (i) In a city of the metropolitan class, the proceeds
6 from the first one quarter percent of the rate greater than one and
7 one half percent shall be used to reduce other taxes, the proceeds
8 from the next one eighth percent of the rate greater than one and
9 one half percent shall be used for public infrastructure projects,
10 and the proceeds from the next one eighth percent of the rate
11 greater than one and one half percent shall be used for purposes of
12 the interlocal agreement or joint public agency agreement described
13 in subsection (3) of this section;

14 (ii) In a city of the primary class, up to fifteen
15 percent of the proceeds from the rate in excess of one and one half
16 percent may be used for non public infrastructure projects of
17 an interlocal agreement or joint public agency agreement with
18 another political subdivision within the municipality or the
19 county in which the municipality is located, and the remaining
20 proceeds shall be used for public infrastructure projects or
21 voter approved infrastructure related to an economic development
22 program as defined in section 18 2705; and

23 (iii) In any incorporated municipality other than a city
24 of the metropolitan or primary class, the proceeds from the rate
25 in excess of one and one half percent shall be used for public
26 infrastructure projects or voter approved infrastructure related to
27 an economic development program as defined in section 18 2705.

1 For purposes of this section, public infrastructure
2 project means and includes, but is not limited to, any of the
3 following projects, or any combination thereof: Public highways and
4 bridges and municipal roads, streets, bridges, and sidewalks; solid
5 waste management facilities; wastewater, storm water, and water
6 treatment works and systems, water distribution facilities, and
7 water resources projects, including, but not limited to, pumping
8 stations, transmission lines, and mains and their appurtenances;
9 hazardous waste disposal systems; resource recovery systems;
10 airports; port facilities; buildings and capital equipment used
11 in the operation of municipal government; convention and tourism
12 facilities; redevelopment projects as defined in section 18 2103;
13 mass transit and other transportation systems, including parking
14 facilities; and equipment necessary for the provision of municipal

15 services.

16 (c) Any rate greater than one and one half percent shall
17 terminate no more than ten years after its effective date or, if
18 bonds are issued and the local option sales and use tax revenue is
19 pledged for payment of such bonds, upon payment of such bonds and
20 any refunding bonds, whichever date is later, except as provided in
21 subdivision (2)(d) of this section.

22 (d) If a portion of the rate greater than one and
23 one half percent is stated in the ballot question as being imposed
24 for the purpose of the interlocal agreement or joint public agency
25 agreement described in subdivision (2)(b)(ii) or subsection (3) of
26 this section, and such portion is at least one eighth percent,
27 there shall be no termination date for the rate representing such
1 portion rounded to the next higher one quarter or one half percent.

2 (e) Sections 13-518 to 13-522 apply to the revenue from
3 any such tax or increase.

4 (3)(a) No municipal sales and use tax shall be imposed
5 at a rate greater than one and one half percent or increased to a
6 rate greater than one and one half percent unless the municipality
7 is a party to an interlocal agreement pursuant to the Interlocal
8 Cooperation Act or a joint public agency agreement pursuant to the
9 Joint Public Agency Act with a political subdivision within the
10 municipality or the county in which the municipality is located
11 creating a separate legal or administrative entity relating to a
12 public infrastructure project.

13 (b) Except as provided in subdivision (2)(b)(ii)
14 of this section, such interlocal agreement or joint public
15 agency agreement shall contain provisions, including benchmarks,
16 relating to the long term development of unified governance
17 of public infrastructure projects with respect to the parties.
18 The Legislature may provide additional requirements for such
19 agreements, including benchmarks, but such additional requirements
20 shall not apply to any debt outstanding at the time the
21 Legislature enacts such additional requirements. The separate legal
22 or administrative entity created shall not be one that was in
23 existence for one calendar year preceding the submission of the
24 question of such tax or increase at a primary or general election
25 held within the incorporated municipality.

26 (c) Any other public agency as defined in section 13-803
27 may be a party to such interlocal cooperation agreement or joint
1 public agency agreement.

2 (d) A municipality is not required to use all of the
3 additional revenue generated by a sales and use tax imposed at a
4 rate greater than one and one half percent or increased to a rate
5 greater than one and one half percent under this subsection for the
6 purposes of the interlocal cooperation agreement or joint public
7 agency agreement set forth in this subsection.

8 (4) The provisions of subsections (2) and (3) of this
9 section do not apply to the first one and one half percent of a

10 sales and use tax imposed by a municipality.

11 (5) Notwithstanding any provision of any municipal
 12 charter, any incorporated municipality or interlocal agency or
 13 joint public agency pursuant to an agreement as provided in
 14 subsection (3) of this section may issue bonds in one or more
 15 series for any municipal purpose and pay the principal of
 16 and interest on any such bonds by pledging receipts from the
 17 increase in the municipal sales and use taxes authorized by such
 18 municipality. Any municipality which has or may issue bonds under
 19 this section may dedicate a portion of its property tax levy
 20 authority as provided in section 77-3442 to meet debt service
 21 obligations under the bonds. For purposes of this subsection, bond
 22 means any evidence of indebtedness, including, but not limited to,
 23 bonds, notes including notes issued pending long term financing
 24 arrangements, warrants, debentures, obligations under a loan
 25 agreement or a lease purchase agreement, or any similar instrument
 26 or obligation.

27 Sec. 2. Section 77-27,142.01, Revised Statutes Cumulative
 Supplement, 2012, is amended to read:

1 77-27,142.01 (4) The governing body of any incorporated
 2 municipality may submit the question of changing any terms
 3 and conditions of a sales and use tax previously authorized
 4 under section 77-27,142. Except as otherwise provided by section
 5 ~~77-27,142, the~~ The question of modification shall be submitted to
 6 the voters at any primary or general election or at a special
 7 election if the governing body submits a certified copy of the
 8 resolution proposing modification to the election commissioner or
 9 county clerk within the time prior to the primary, general, or
 10 special election prescribed in section 77-27,142.02.

11 (2) If the change imposes a sales and use tax at a
 12 rate greater than one and one half percent or increases the sales
 13 and use tax to a rate greater than one and one half percent, the
 14 question shall include, but not be limited to:

15 (a) The percentage increase of one quarter percent or
 16 one half percent in the sales and use tax rate;

17 (b) A list of reductions or elimination of other taxes or
 18 fees, if any;

19 (c) A description of the projects to be funded, in whole
 20 or in part, from the revenue collected, along with any savings or
 21 efficiencies resulting from the projects;

22 (d) The year or years within which the revenue will be
 23 collected and, if bonds will be issued with some or all of the
 24 revenue pledged for payment of such bonds, a statement that the
 25 revenue will be collected until the payment in full of such bonds
 26 and any refunding bonds; and

27 (e)(i) The percentage of revenue collected to be used for
 1 the purposes of the interlocal agreement or joint public agency
 2 agreement as provided in subdivision (2)(b)(ii) or subsection (3)
 3 of section 77-27,142; (ii) a statement of the overall purpose
 4

5 of the agreement which is the long term development of unified
 6 governance of public infrastructure projects, if applicable; and
 7 (iii) the name of any other political subdivision which is a party
 8 to the agreement.

9 This subsection does not apply to the first one and
 10 one half percent of a sales and use tax imposed by a municipality.

11 Sec. 3. Section 77-27,142.02, Revised Statutes Cumulative
 12 Supplement, 2012, is amended to read:

13 77-27,142.02 ~~Except as otherwise provided by subsection~~
 14 ~~(2) of section 77-27,142, the~~ The power granted by section

15 77-27,142 shall not be exercised unless and until the question
 16 has been submitted at a primary, general, or special election held

17 within the incorporated municipality and in which all qualified
 18 electors shall be entitled to vote on such question. The officials

19 of the incorporated municipality shall order the submission of
 20 the question by submitting a certified copy of the resolution

21 proposing the tax to the election commissioner or county clerk
 22 by March 1 for a primary election, by September 1 for a general

23 election, or at least fifty days before a special election. ~~Except~~
 24 ~~as otherwise provided by subsection (2) of section 77-27,142.01,~~

25 ~~the~~ The question may include any terms and conditions set forth
 26 in the resolution proposing the tax, such as a termination date

27 or the specific project or program for which the revenue received
 1 from such tax will be allocated, and shall include the following

2 language: Shall the governing body of the incorporated municipality
 3 impose a sales and use tax upon the same transactions within such

4 municipality on which the State of Nebraska is authorized to impose
 5 a tax? If a majority of the votes cast upon such question shall be

6 in favor of such tax, then the governing body of such incorporated
 7 municipality shall be empowered as provided by section 77-27,142

8 and shall forthwith proceed to impose a tax pursuant to the Local
 9 Option Revenue Act. If a majority of those voting on the question

10 shall be opposed to such tax, then the governing body of the
 11 incorporated municipality shall not impose such a tax.

12 2. Renumber the remaining sections and correct the
 13 repealer accordingly.

Senator Chambers filed the following amendment to LB308:
 AM1413

(Amendments to Standing Committee amendments, AM583)

1 1. Insert the following new sections:

2 Sec. 4. Section 77-27,142, Revised Statutes Cumulative
 3 Supplement, 2012, is amended to read:

4 77-27,142 ~~(4)~~ Any incorporated municipality by ordinance

5 of its governing body is hereby authorized to impose a sales and
 6 use tax of one-half percent, one percent, or one and one-half

7 percent, ~~one and three quarters percent, or two percent~~ upon the
 8 same transactions that are sourced under the provisions of sections

9 77-2703.01 to 77-2703.04 within such incorporated municipality on

10 which the State of Nebraska is authorized to impose a tax pursuant
11 to the Nebraska Revenue Act of 1967, as amended from time to time.
12 No sales and use tax shall be imposed pursuant to this section
13 until an election has been held and a majority of the qualified
14 electors have approved such tax pursuant to sections 77-27,142.01
15 and 77-27,142.02.

16 ~~(2)(a) Any incorporated municipality that proposes to~~
17 ~~impose a municipal sales and use tax at a rate greater than one~~
18 ~~and one half percent or increase a municipal sales and use tax~~
19 ~~to a rate greater than one and one half percent shall submit the~~
20 ~~question of such tax or increase at a primary or general election~~
21 ~~held within the incorporated municipality. The question shall be~~
22 ~~submitted upon an affirmative vote by at least seventy percent~~
1 of all of the members of the governing body of the incorporated
2 municipality.

3 (b) Any rate greater than one and one half percent shall
4 be used as follows:

5 (i) In a city of the metropolitan class, the proceeds
6 from the first one quarter percent of the rate greater than one and
7 one half percent shall be used to reduce other taxes, the proceeds
8 from the next one eighth percent of the rate greater than one and
9 one half percent shall be used for public infrastructure projects,
10 and the proceeds from the next one eighth percent of the rate
11 greater than one and one half percent shall be used for purposes of
12 the interlocal agreement or joint public agency agreement described
13 in subsection (3) of this section;

14 (ii) In a city of the primary class, up to fifteen
15 percent of the proceeds from the rate in excess of one and one half
16 percent may be used for non public infrastructure projects of
17 an interlocal agreement or joint public agency agreement with
18 another political subdivision within the municipality or the
19 county in which the municipality is located, and the remaining
20 proceeds shall be used for public infrastructure projects or
21 voter approved infrastructure related to an economic development
22 program as defined in section 18-2705; and

23 (iii) In any incorporated municipality other than a city
24 of the metropolitan or primary class, the proceeds from the rate
25 in excess of one and one half percent shall be used for public
26 infrastructure projects or voter approved infrastructure related to
27 an economic development program as defined in section 18-2705.

1 For purposes of this section, public infrastructure
2 project means and includes, but is not limited to, any of the
3 following projects, or any combination thereof: Public highways and
4 bridges and municipal roads, streets, bridges, and sidewalks; solid
5 waste management facilities; wastewater, storm water, and water
6 treatment works and systems, water distribution facilities, and
7 water resources projects, including, but not limited to, pumping
8 stations, transmission lines, and mains and their appurtenances;
9 hazardous waste disposal systems; resource recovery systems;

10 airports; port facilities; buildings and capital equipment used
 11 in the operation of municipal government; convention and tourism
 12 facilities; redevelopment projects as defined in section 18 2103;
 13 mass transit and other transportation systems, including parking
 14 facilities; and equipment necessary for the provision of municipal
 15 services.

16 (e) Any rate greater than one and one half percent shall
 17 terminate no more than ten years after its effective date or, if
 18 bonds are issued and the local option sales and use tax revenue is
 19 pledged for payment of such bonds, upon payment of such bonds and
 20 any refunding bonds, whichever date is later, except as provided in
 21 subdivision (2)(d) of this section.

22 (d) If a portion of the rate greater than one and
 23 one half percent is stated in the ballot question as being imposed
 24 for the purpose of the interlocal agreement or joint public agency
 25 agreement described in subdivision (2)(b)(ii) or subsection (3) of
 26 this section, and such portion is at least one eighth percent,
 27 there shall be no termination date for the rate representing such
 1 portion rounded to the next higher one quarter or one half percent.

2 (e) Sections 13 518 to 13 522 apply to the revenue from
 3 any such tax or increase.

4 (3)(a) No municipal sales and use tax shall be imposed
 5 at a rate greater than one and one half percent or increased to a
 6 rate greater than one and one half percent unless the municipality
 7 is a party to an interlocal agreement pursuant to the Interlocal
 8 Cooperation Act or a joint public agency agreement pursuant to the
 9 Joint Public Agency Act with a political subdivision within the
 10 municipality or the county in which the municipality is located
 11 creating a separate legal or administrative entity relating to a
 12 public infrastructure project.

13 (b) Except as provided in subdivision (2)(b)(ii)
 14 of this section, such interlocal agreement or joint public
 15 agency agreement shall contain provisions, including benchmarks,
 16 relating to the long term development of unified governance
 17 of public infrastructure projects with respect to the parties.
 18 The Legislature may provide additional requirements for such
 19 agreements, including benchmarks, but such additional requirements
 20 shall not apply to any debt outstanding at the time the
 21 Legislature enacts such additional requirements. The separate legal
 22 or administrative entity created shall not be one that was in
 23 existence for one calendar year preceding the submission of the
 24 question of such tax or increase at a primary or general election
 25 held within the incorporated municipality.

26 (e) Any other public agency as defined in section 13 803
 27 may be a party to such interlocal cooperation agreement or joint
 1 public agency agreement.

2 (d) A municipality is not required to use all of the
 3 additional revenue generated by a sales and use tax imposed at a
 4 rate greater than one and one half percent or increased to a rate

5 greater than one and one half percent under this subsection for the
6 purposes of the interlocal cooperation agreement or joint public
7 agency agreement set forth in this subsection.

8 (4) ~~The provisions of subsections (2) and (3) of this~~
9 ~~section do not apply to the first one and one half percent of a~~
10 ~~sales and use tax imposed by a municipality.~~

11 (5) Notwithstanding any provision of any municipal
12 charter, any incorporated municipality or interlocal agency or
13 joint public agency pursuant to an agreement as provided in
14 subsection (3) of this section may issue bonds in one or more
15 series for any municipal purpose and pay the principal of
16 and interest on any such bonds by pledging receipts from the
17 increase in the municipal sales and use taxes authorized by such
18 municipality. Any municipality which has or may issue bonds under
19 this section may dedicate a portion of its property tax levy
20 authority as provided in section 77-3442 to meet debt service
21 obligations under the bonds. For purposes of this subsection, bond
22 means any evidence of indebtedness, including, but not limited to,
23 bonds, notes including notes issued pending long term financing
24 arrangements, warrants, debentures, obligations under a loan
25 agreement or a lease purchase agreement, or any similar instrument
26 or obligation.

27 Sec. 5. Section 77-27,142.01, Revised Statutes Cumulative
1 Supplement, 2012, is amended to read:

2 77-27,142.01 ~~(4)~~ The governing body of any incorporated
3 municipality may submit the question of changing any terms
4 and conditions of a sales and use tax previously authorized
5 under section 77-27,142. ~~Except as otherwise provided by section~~
6 ~~77-27,142, the~~ The question of modification shall be submitted to
7 the voters at any primary or general election or at a special
8 election if the governing body submits a certified copy of the
9 resolution proposing modification to the election commissioner or
10 county clerk within the time prior to the primary, general, or
11 special election prescribed in section 77-27,142.02.

12 ~~(2) If the change imposes a sales and use tax at a~~
13 ~~rate greater than one and one half percent or increases the sales~~
14 ~~and use tax to a rate greater than one and one half percent, the~~
15 ~~question shall include, but not be limited to:~~

16 ~~(a) The percentage increase of one quarter percent or~~
17 ~~one half percent in the sales and use tax rate;~~

18 ~~(b) A list of reductions or elimination of other taxes or~~
19 ~~fees, if any;~~

20 ~~(c) A description of the projects to be funded, in whole~~
21 ~~or in part, from the revenue collected, along with any savings or~~
22 ~~efficiencies resulting from the projects;~~

23 ~~(d) The year or years within which the revenue will be~~
24 ~~collected and, if bonds will be issued with some or all of the~~
25 ~~revenue pledged for payment of such bonds, a statement that the~~
26 ~~revenue will be collected until the payment in full of such bonds~~

27 and any refunding bonds; and

1 (e)(i) The percentage of revenue collected to be used for
 2 the purposes of the interlocal agreement or joint public agency
 3 agreement as provided in subdivision (2)(b)(ii) or subsection (3)
 4 of section 77-27,142; (ii) a statement of the overall purpose
 5 of the agreement which is the long-term development of unified
 6 governance of public infrastructure projects, if applicable; and
 7 (iii) the name of any other political subdivision which is a party
 8 to the agreement.

9 This subsection does not apply to the first one and
 10 one-half percent of a sales and use tax imposed by a municipality.
 11 Sec. 6. Section 77-27,142.02, Revised Statutes Cumulative
 12 Supplement, 2012, is amended to read:

13 77-27,142.02 ~~Except as otherwise provided by subsection~~
 14 ~~(2) of section 77-27,142, the~~ The power granted by section
 15 77-27,142 shall not be exercised unless and until the question
 16 has been submitted at a primary, general, or special election held
 17 within the incorporated municipality and in which all qualified
 18 electors shall be entitled to vote on such question. The officials
 19 of the incorporated municipality shall order the submission of
 20 the question by submitting a certified copy of the resolution
 21 proposing the tax to the election commissioner or county clerk
 22 by March 1 for a primary election, by September 1 for a general
 23 election, or at least fifty days before a special election. ~~Except~~
 24 ~~as otherwise provided by subsection (2) of section 77-27,142.01,~~
 25 ~~the~~ The question may include any terms and conditions set forth
 26 in the resolution proposing the tax, such as a termination date
 27 or the specific project or program for which the revenue received
 1 from such tax will be allocated, and shall include the following
 2 language: Shall the governing body of the incorporated municipality
 3 impose a sales and use tax upon the same transactions within such
 4 municipality on which the State of Nebraska is authorized to impose
 5 a tax? If a majority of the votes cast upon such question shall be
 6 in favor of such tax, then the governing body of such incorporated
 7 municipality shall be empowered as provided by section 77-27,142
 8 and shall forthwith proceed to impose a tax pursuant to the Local
 9 Option Revenue Act. If a majority of those voting on the question
 10 shall be opposed to such tax, then the governing body of the
 11 incorporated municipality shall not impose such a tax.

12 2. Renumber the remaining sections and correct the
 13 repealer accordingly.

Senator McGill filed the following amendment to LB556:
 AM1398

(Amendments to Standing Committee amendments, AM991)

1 1. On page 1, line 19, strike "and"; and in line 20 after
 2 "(b)" insert "In cases in which there is a threat that the child
 3 may harm himself or herself or others, before an initial telehealth
 4 service the health care practitioner shall work with the child and

5 his or her parent or guardian to develop a safety plan. Such plan
 6 shall document actions the child, the health care practitioner, and
 7 the parent or guardian will take in the event of an emergency or
 8 urgent situation occurring during or after the telehealth session.
 9 Such plan may include having a staff member or employee familiar
 10 with the child's treatment plan immediately available in person
 11 to the child, if such measures are deemed necessary by the team
 12 developing the safety plan; and
 13 (c)".
 14 2. On page 9, line 10, after "communications" insert ",
 15 unless provided by an Internet service provider."

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 194. Placed on Final Reading.

LEGISLATIVE BILL 195. Placed on Final Reading.

ST23

The following changes, required to be reported for publication in the Journal, have been made:

1. The Chambers amendment, AM1321, has been incorporated in the E & R amendments, ER99, on page 144, lines 5 through 8.

LEGISLATIVE BILL 196. Placed on Final Reading.

LEGISLATIVE BILL 197. Placed on Final Reading.

LEGISLATIVE BILL 198. Placed on Final Reading.

LEGISLATIVE BILL 199. Placed on Final Reading.

ST24

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Coash amendment, AM1232, sections 33, 34, 35, 36, and 42 have been renumbered as sections 34, 35, 36, 37, and 43, respectively.

2. In the E & R amendments, ER101, on page 1, line 14, "81-2509, 81-2510, 81-2511, 81-2513," has been inserted after the last comma.

3. On page 1, line 7, "to change provisions relating to applications to the Commission on Indian Affairs for state assistance;" has been inserted after the first semicolon; and in line 8 "to outright repeal section 81-2512, Revised Statutes Cumulative Supplement, 2012;" has been inserted after the semicolon.

LEGISLATIVE BILL 200. Placed on Final Reading.

LEGISLATIVE BILL 536. Placed on Final Reading.

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator B. Harr filed the following amendment to LB568:
AM1407

(Amendments to the Standing Committee amendments, AM812)

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

3 Section 1. Sections 1 to 8 of this act shall be known and
4 may be cited as the Health Insurance Exchange Navigator Licensure
5 Act.

6 Sec. 2. For purposes of the Health Insurance Exchange
7 Navigator Licensure Act:

8 (1) Director means the Director of Insurance;

9 (2) Exchange means any health insurance exchange
10 established or operating in this state, including any exchange
11 established or operated by the United States Department of Health
12 and Human Services; and

13 (3) Navigator means any individual or entity, other than
14 an insurance producer or consultant, that performs all of the
15 duties identified in 42 U.S.C. 18031(i)(3), as such section existed
16 on January 1, 2013.

17 Sec. 3. (1) No individual or entity shall perform, offer
18 to perform, or advertise any service as a navigator in this state
19 unless licensed as a navigator by the director.

20 (2) A navigator may:

21 (a) Conduct public education activities to raise
22 awareness of the availability of qualified health plans offered in
1 the exchange and public insurance programs;

2 (b) Distribute fair and impartial information concerning
3 enrollment in (i) all qualified health plans offered in the
4 exchange and the availability of the premium tax credits under
5 section 36B of the Internal Revenue Code of 1986 and cost-sharing
6 reductions under section 1402 of the federal Patient Protection and
7 Affordable Care Act and (ii) public insurance programs;

8 (c) Facilitate enrollment in (i) qualified health plans,
9 without suggesting that an individual select a particular plan, and
10 (ii) public insurance programs;

11 (d) Provide referrals to appropriate state or federal
12 agencies for any enrollee with a grievance, complaint, or question
13 regarding their health plan, coverage, or a determination under
14 such plan coverage; or

15 (e) Provide information in a manner that is culturally
16 and linguistically appropriate to the needs of the population being
17 served by the exchange, including individuals with limited English
18 proficiency, and ensure accessibility and usability of navigator
19 tools and functions for individuals with disabilities in accordance
20 with the Americans with Disabilities Act and section 504 of the
21 Rehabilitation Act.

22 (3) A navigator shall not:

- 23 (a) Engage in any activities that would require an
24 insurance producer license;
25 (b) Offer advice about which health plan is better or
26 worse for a particular individual or employer;
27 (c) Recommend or endorse a particular health plan or
1 advise consumers about which health plan to choose;
2 (d) Provide any information or services related to health
3 plans or other products not offered in the exchange;
4 (e) Accept any compensation or consideration that is
5 dependent, in whole or in part, on whether a person enrolls in or
6 purchases a qualified health plan; or
7 (f) Fail to respond to any written inquiry from the
8 director or request additional reasonable time to respond within
9 fifteen working days.

10 Sec. 4. (1) An individual applying for an individual
11 navigator license shall make application to the director on a
12 form developed by the director and which contains the information
13 prescribed by the director and which, unless preempted by federal
14 law, is accompanied by the initial individual license fee in
15 an amount not to exceed fifty dollars as established by the
16 director. The individual shall declare in the application under
17 penalty of refusal, suspension, or revocation of the license that
18 the statements made in the application are true, correct, and
19 complete to the best of the individual's knowledge and belief.
20 Before approving the application, the director shall find that the
21 individual:

- 22 (a) Is at least eighteen years of age;
23 (b) Has successfully passed the examination prescribed by
24 the director, except that the director shall exempt an individual
25 from the requirement for passage of an examination if the
26 individual has successfully passed an examination prescribed by an
27 exchange established or operating in this state. The director may
1 make arrangements, including contracting with an outside testing
2 service, for administering examinations and collecting fees imposed
3 pursuant to the Health Insurance Exchange Navigator Licensure
4 Act. Each individual applying for an examination shall remit a
5 nonrefundable fee as prescribed by the director; and
6 (c) Has identified any entity navigator with which he or
7 she is affiliated and supervised.

8 (2) An entity applying for an entity navigator license
9 shall make application on a form developed by the director and
10 which contains the information prescribed by the director and
11 which, unless preempted by federal law, is accompanied by the
12 initial entity license fee in an amount not to exceed one hundred
13 dollars as established by the director.

14 (3) The director may require any documents deemed
15 necessary to verify the information contained in an application
16 submitted in accordance with subsections (1) and (2) of this
17 section.

18 (4) Licensed entity navigators shall, in a manner
19 prescribed by the director, periodically provide the director with
20 a list of all individual navigators that it employs, supervises,
21 or is affiliated with.

22 Sec. 5. (1) An individual navigator's license shall
23 expire on the last day of the month of the navigator's birthday in
24 the first year after issuance in which his or her age is divisible
25 by two and an entity navigator's license shall expire on April 30
26 of each year after the year of issuance which is divisible by two.

27 (2) An individual navigator may file an application for
1 renewal of a license on a form developed by the director and,
2 unless preempted by federal law, shall pay the renewal fee in an
3 amount not to exceed fifty dollars as established by the director,
4 and an entity navigator may file an application for renewal of a
5 license on a form developed by the director and, unless preempted
6 by federal law, shall pay the renewal fee in an amount not to
7 exceed one hundred dollars as established by the director. An
8 individual navigator who fails to file timely for license renewal,
9 unless preempted by federal law, shall pay a late fee in an amount
10 not to exceed seventy-five dollars as established by the director,
11 and an entity navigator that fails to file timely for license
12 renewal, unless preempted by federal law, shall pay a late fee
13 in an amount not to exceed one hundred twenty-five dollars as
14 established by the director.

15 (3) Prior to the filing date for application for
16 renewal of a license, a licensed individual navigator shall comply
17 with ongoing training and continuing education requirements. Such
18 navigator shall file with the director, by a method prescribed
19 by the director, satisfactory certification of completion of the
20 continuing education requirements. Any failure to fulfill the
21 ongoing training and continuing education requirements shall result
22 in the expiration of the license.

23 Sec. 6. On contact with an individual who acknowledges
24 having existing health insurance coverage obtained through
25 a licensed insurance producer, a navigator shall inform the
26 individual that he or she may, but is not required to, seek
27 further assistance from that producer or another licensed producer
1 for information, assistance, and any other services and that tax
2 credits may not be available to offset the premium cost of plans
3 that are marketed outside of the exchange.

4 Sec. 7. (1) The director, after notice and hearing, may
5 place on probation, suspend, revoke, or refuse to issue, renew,
6 or reinstate a navigator license, and, in addition, may levy a
7 fine not to exceed one thousand dollars for each violation, or may
8 do any combination of such actions, for violation of the Health
9 Insurance Exchange Navigator Licensure Act.

10 (2) Except as otherwise provided by law, the director
11 may examine and investigate the business affairs and records of
12 any navigator to determine whether the navigator has engaged or is

13 engaging in any violation of the act.

14 (3) An entity navigator license may be suspended or
 15 revoked, or renewal or reinstatement thereof may be refused, or a
 16 fine may be levied, with or without a suspension, revocation, or
 17 refusal to renew a license, if the director finds, after notice and
 18 hearing, that an individual navigator's violation was known by the
 19 employing or supervising entity and the violation was not reported
 20 to the director and no corrective action was undertaken on a timely
 21 basis.

22 Sec. 8. The director may adopt and promulgate rules and
 23 regulations to carry out the Health Insurance Exchange Navigator
 24 Licensure Act.

25 Sec. 9. If any section in this act or any part of any
 26 section is declared invalid or unconstitutional, the declaration
 27 shall not affect the validity or constitutionality of the remaining
 1 portions.

2 Sec. 10. Since an emergency exists, this act takes effect
 3 when passed and approved according to law.

Senator Conrad filed the following amendments to LB568:
 AM1416

(Amendments to AM1407)

- 1 1. On page 2, strike line 27.
- 2 2. On page 3, strike line 1.
- 3 3. Renumber the remaining subdivisions accordingly.

AM1417

(Amendments to AM1407)

- 1 1. On page 3, strike lines 2 and 3 and renumber the
- 2 remaining subdivisions accordingly.

AM1418

(Amendments to AM1407)

- 1 1. On page 3, line 14; and page 5, line 2, after
- 2 "law" insert "and except for an individual working as a navigator
- 3 for a nonprofit organization, religious institution, or federally
- 4 qualified health clinic".
- 5 2. On page 4, line 5, after "director" insert ", except
- 6 an individual working as a navigator for a nonprofit organization,
- 7 religious institution, or federally qualified health clinic";
- 8 and in line 11 after "law" insert "and except for a nonprofit
- 9 organization, religious organization, or federally qualified health
- 10 clinic".

AM1419

(Amendments to AM1407)

- 1 1. On page 4, line 19, strike "periodically" and insert
- 2 "annually"; and strike beginning with the first comma in line 20
- 3 through "with" in line 21.

AM1420

(Amendments to AM1407)

- 1 1. On page 4, strike beginning with "An" in line 22
- 2 through line 26 and insert "A navigator's license shall expire on
- 3 December 31 of the year of issuance.".

AM1421

(Amendments to AM1407)

- 1 1. On page 5, lines 2 and 9, after "law" insert "and
- 2 except for an individual working as a navigator for a nonprofit
- 3 organization, religious institution, or federally qualified health
- 4 clinic"; and in line 12 after "law" insert "and except for
- 5 a nonprofit organization, religious organization, or federally
- 6 qualified health clinic".

AM1422

(Amendments to AM1407)

- 1 1. Strike section 6.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

AM1423

(Amendments to AM1407)

- 1 1. Strike section 7 and insert the following new section:
- 2 Sec. 7. The director shall contact appropriate federal
- 3 entities to report any violation of state or federal law by
- 4 navigators.

AM1424

(Amendments to AM1407)

- 1 1. Strike section 10.

AM1425

(Amendments to AM1407)

- 1 1. On page 1, line 12, after "Services" insert ", but
- 2 excluding any regional insurance exchange".

AM1426

(Amendments to AM1407)

- 1 1. On page 1, strike beginning with the comma in line 10
- 2 through "Services" in line 12.

AM1427

(Amendments to AM1407)

- 1 1. On page 1, line 17, strike "No" and insert "An" and
- 2 after "shall" insert "only"; and strike line 19 and insert "as is
- 3 permitted under federal law.".

AM1428

(Amendments to AM1407)

- 1 1. On page 2, strike lines 25 and 26 and renumber the
- 2 remaining subdivisions accordingly.

AM1429

(Amendments to AM1407)

- 1 1. On page 3, line 6, strike "or"; and in line 9 after
- 2 "days" insert "; or
- 3 (g) Have any other conflict of interest related to health
- 4 plans, products, or providers not within the exchange, including
- 5 that a navigator shall not (i) be a health insurance issuer, (ii)
- 6 be a subsidiary of a health insurance issuer, or (iii) be an
- 7 association that includes a member of, or that lobbies on behalf
- 8 of, the insurance industry in connection with the enrollment of any
- 9 individuals or employees in a qualified health plan or nonqualified
- 10 health plan".

AM1430

(Amendments to AM1407)

- 1 1. Insert the following new section:
- 2 Sec. 8. The Health Insurance Exchange Navigator Licensure
- 3 Act does not apply to any federally qualified health center in this
- 4 state.
- 5 2. On page 1, line 3, strike "8" and insert "9".
- 6 3. Renumber the remaining sections accordingly.

AM1431

(Amendments to AM1407)

- 1 1. On page 6, strike beginning with the first comma in
- 2 line 6 through the comma in line 7.

AM1432

(Amendments to AM1407)

- 1 1. On page 1, line 4, strike "may" and insert "shall".

AM1433

(Amendments to AM1407)

- 1 1. On page 6, after line 13 insert the following new
- 2 subsection:
- 3 "(3) If the director suspends, revokes, does not renew,
- 4 or denies an application for a navigator license, the director
- 5 shall notify the applicant or licensee and advise, in writing, the
- 6 applicant or licensee of the reason for the denial or nonrenewal
- 7 of the application or license. The applicant or licensee may
- 8 make written demand upon the director within thirty days for a
- 9 hearing before the director to determine the reasonableness of the
- 10 director's action. The hearing shall be held within thirty days and

11 shall be held pursuant to the Administrative Procedure Act."; and
12 in line 14 strike "(3)" and insert "(4)".

VISITORS

Visitors to the Chamber were 80 fourth-grade students and teachers from Ashland Park-Robbins Elementary, Omaha; 31 fourth-grade students and teachers from Miller Park School, Omaha; 63 fourth-grade students, teachers, and sponsors from Saddlebrook Elementary, Omaha; and Abby McGrane from Omaha.

The Doctor of the Day was Dr. Jason Bespalec from Geneva.

ADJOURNMENT

At 5:58 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Thursday, May 16, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-NINTH DAY - MAY 16, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SEVENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 16, 2013

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

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

The roll was called and all members were present except Senator Davis who was excused; and Senators Karpisek, Lautenbaugh, McCoy, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-eighth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 93. Placed on Final Reading.

LEGISLATIVE BILL 93A. Placed on Final Reading.

LEGISLATIVE BILL 483. Placed on Final Reading.

LEGISLATIVE BILL 483A. Placed on Final Reading.

LEGISLATIVE BILL 583. Placed on Final Reading.

LEGISLATIVE BILL 623. Placed on Final Reading.

(Signed) John Murante, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 211. Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study and define the need for increased access to, and the costs of, quality expanded learning opportunities for K-12 children in Nebraska, focusing primarily on at-risk children. In conducting this study, the study committee shall consult with

the Nebraska Children and Families Foundation, the Nebraska Association of School Boards, individual school districts, community learning centers, community-based organizations, the State Department of Education, teachers, parents, children, and any other interested organization or individual. This study shall include, but not be limited to, an assessment of the following:

- (1) The definition of quality expanded learning opportunities;
- (2) The effectiveness of expanded learning opportunities on student achievement;
- (3) The definition and number of at-risk students in Nebraska;
- (4) The use of data to identify at-risk students at every grade level;
- (5) Best practices by current expanded learning opportunity programs both in Nebraska and other states;
- (6) An estimate of the costs for Nebraska to adopt these best practices statewide;
- (7) An examination of funding sources to maintain and support a statewide expansion of expanded learning opportunities; and
- (8) Any other issues related to expanded learning opportunities that the study committee deems important.

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

1. That the Appropriations Committee and Education Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 212. Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to examine an allowance or aid component within the Tax Equity and Educational Opportunities Support Act (TEEOSA) for recognizing the costs of school districts that encourage teachers to improve their skills and knowledge in order to increase student achievement. The study may include, but is not limited to, the following knowledge and skill enhancements:

- (1) Attaining an advanced degree in their subject area field;
- (2) Attaining an endorsement in a teacher shortage area;
- (3) Attaining credentials to teach advanced placement courses;
- (4) Attaining credentials to teach in the international baccalaureate program;
- (5) Attaining credentials to qualify as a master teacher pursuant to section 79-8,128;
- (6) Attaining credentials to teach dual enrollment courses established by a school district and an accredited 19 postsecondary educational institution located in Nebraska;

(7) Attaining an endorsement to teach courses in science, technology, engineering, or mathematics; and

(8) Attaining the skills to teach courses in distance education.

The study will also address the effectiveness of using the equalization component of TEEOSA, the teacher education allowance, as the means to promote a policy to improve teacher skills and knowledge versus providing support through TEEOSA as a categorical program available to all school districts, whether receiving equalization aid or not. The study will also include any other related topics the study committee deems appropriate or necessary.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 213. Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study the college savings plans administered under the Nebraska educational savings plan trust and ways to increase plan participation. In conducting this study, the study committee shall consult with the State Treasurer, the plan administrator, First National Bank of Omaha, and other interested parties. Issues considered by the study committee shall include, but not be limited to, the following:

(1) Current plan participation rates and the demographics of plan participants with regard to family income, race, gender, geographic location, and other variables;

(2) Fees currently assessed on plan participants and the use of those fees;

(3) Strategies for raising awareness and encouraging plan participation, especially among lower income families; and

(4) The relationship between educational savings and the likelihood of pursuing a higher education.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 214. Introduced by Carlson, 38.

PURPOSE: To study Nebraska's statutes and rules and regulations relating to the permitting process for small surface water storage reservoirs. This study shall include an examination of the Department of Natural Resources' enforcement of the law and whether modifications to the relevant statutes are required to ensure that the rights and duties of landowners are well-defined.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 15, 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

Husch Blackwell, LLP

Papillion - La Vista School District

Kulesher Jarecke, Kate - Advocacy and Issue Management Inc.

Advocacy and Issue Management Inc.

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>

GENERAL FILE

LEGISLATIVE BILL 568. Senator Conrad renewed her motion, MO77, found on page 1379, to recommit to Banking, Commerce and Insurance Committee.

Senator Conrad withdrew her motion to recommit to committee.

Senator B. Harr withdrew his amendments, AM1218 and AM1407, found

on pages 1195 and 1392.

Senator Conrad withdrew her amendments, AM1416, AM1417, AM1418, AM1419, AM1420, AM1421, AM1422, AM1423, AM1424, AM1425, AM1426, AM1427, AM1428, AM1429, AM1430, AM1431, AM1432, and AM1433, found on pages 1395, 1396, and 1397.

Committee AM812, found on page 841 and considered on page 1379, was renewed.

The committee amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 568A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 556. Title read. Considered.

Committee AM991, found on page 1177, was offered.

Senator McGill offered her amendment, AM1398, found on page 1390, to the committee amendment.

The McGill amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 556A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 216A. Placed on Select File.

LEGISLATIVE BILL 561A. Placed on Select File.

LEGISLATIVE BILL 583A. Placed on Select File.

(Signed) John Murante, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 215. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to study whether the enforcement and servicing of real estate loans secured by a mortgage, trust deed, or other security instrument should be governed solely by state and federal law and not subject to local laws or ordinances.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 216. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to study the provisions of the Nebraska Capital Expansion Act to determine if revisions should be made in the amount of, or the manner in which, funds available for investment by the state investment officer are deposited in banks, capital stock financial institutions, or qualifying mutual financial institutions, to enhance local lending activities.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 217. Introduced by Nordquist, 7; Janssen, 15; Krist, 10; Mello, 5.

WHEREAS, Richard "Rich" F. Lang was born on February 10, 1926, and passed away on May 4, 2013. During his lifetime, Rich Lang lived life to its fullest as a son, husband, father, athlete, coach, firefighter, and United States Marine; and

WHEREAS, as a South Omaha boy, Rich Lang was a standout athlete at Omaha St. Joseph High School, having scored a city record of 61 points long before the three-point shot against rival Sacred Heart High School. He was a star pitcher on baseball teams, earning him the opportunity to play as a semi-pro baseball player across Nebraska and the region, and culminating in his signing with the Brooklyn Dodgers in the minor leagues and competing against the likes of Jackie Robinson; and

WHEREAS, as a teenager Rich Lang scuttled the legal age requirement in order to enlist with the United States Marines so that he could serve with others from his South Omaha neighborhood, his high school, and other members of the "Greatest Generation"; and

WHEREAS, as a young Marine serving in Guam, Rich Lang was shot and seriously injured and became a hero, yet he never accepted the accolades bestowed upon him by others; and

WHEREAS, after he was seriously injured, a mix-up in the War Department records resulted in a letter being sent to his parents in November of 1944 stating that their son, Pvt. Richard Lang, had been killed in action, only to be rectified when 30 days later he called home to tell his father that he was alive and being cared for in a military hospital to which his father responded, "I knew they couldn't kill you."; and

WHEREAS, Rich Lang spent a year in a full body cast, hospitalized due to injuries to his hip, back, and right knee; and

WHEREAS, Rich Lang was awarded the Purple Heart for his valor and the injuries he sustained while fighting in Guam; and

WHEREAS, after returning home from the military hospitals, Rich Lang became a coach at Fremont Bergan Catholic High School, directing the basketball team there to the school's first state basketball championship; and

WHEREAS, upon his eventual return to South Omaha, he served as a member of the Omaha Fire Department and was credited with saving the lives of 40 people because he continued to place himself in harm's way as a first responder. While serving as an Omaha firefighter, he became a hero, yet he never accepted the accolades bestowed upon him by others; and

WHEREAS, because his own athletic career had been cut short due to his wartime injuries, Rich Lang channeled his sports knowledge and competitiveness to help train countless South Omaha boys by coaching them in sports with the same grit and determination in which he himself played, helping mold and shape the lives of those boys who today themselves are husbands, dads, and little league coaches; and

WHEREAS, as a loving husband, Rich Lang personally cared for his wife, Phyllis, who had become ill later in life, but whom Rich refused to allow to live in a care facility, deciding that he would take on the required 24-hour-a-day care of his wife; and

WHEREAS, the citizens of Guam for whom he fought as a Marine to free from captivity would return to the Midwest regularly and honor Rich Lang and other members of the military for their bravery while fighting in Guam; and

WHEREAS, Rich Lang participated as a World War II veteran in traveling to Washington, D.C., with the Heartland Honor Flights on the first trip on May 21, 2008.

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

1. That the Legislature extends its sympathy and sends its condolences to the family of Rich Lang, and recognizes his lifelong service to his state and country.
2. That a copy of this resolution be sent to the family of Rich Lang.

Laid over.

LEGISLATIVE RESOLUTION 218. Introduced by Campbell, 25.

PURPOSE: To study fetal alcohol spectrum disorders (FASD) in Nebraska, including terminology and definitions, how FASDs are caused, how they can be prevented, if and how they are treated, their prevalence, and their economic impact. The study shall seek information from resources including, but not limited to, Nebraska state agencies and behavioral health regions, physicians, judges, behavioral health practitioners, researchers, teachers, substance abuse treatment professionals, other states, and federal agencies.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 219. Introduced by Nordquist, 7; Ashford, 20.

PURPOSE: The purpose of this resolution is to study issues relating to student financial aid programs. The study will focus on the Nebraska Opportunity Grant Program, the Access College Early Scholarship Program, and institutional tuition waiver and tuition remission programs administered by the public colleges and universities in Nebraska. The study shall include, but not be limited to, an examination of the following issues:

- (1) How state-sponsored and public institution-sponsored financial aid programs assist the state in meeting the Nebraska P-16 goals;
- (2) Whether students in all sectors of higher education should be eligible for need-based aid from the primary state need-based aid program;
- (3) Whether students who are not residents of Nebraska who attend public sector institutions in the state are paying a fair share of the Nebraska taxpayer subsidized costs of their education; and

(4) Whether the amount of state dollars for need-based aid should be increased as a percentage of state dollars appropriated for support of higher education in Nebraska.

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

1. That the Appropriations Committee and Education Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 220. Introduced by Janssen, 15; Brasch, 16; Campbell, 25; Carlson, 38; Hadley, 37; Harms, 48; B. Harr, 8; McCoy, 39; Mello, 5; Schilz, 47; Smith, 14; Sullivan, 41.

WHEREAS, Arch Lustberg passed away on February 8, 2013; and

WHEREAS, Mr. Lustberg was a legend in the field of dynamic communication and coached governors, congressional leaders, presidential appointees, leaders in business and industry, as well as many state officials; and

WHEREAS, Mr. Lustberg was a fixture at the Bowhay Institute for Legislative Leadership Development at the Midwestern Legislative Conference of the Council of State Governments where he shared his knowledge with over 600 legislators throughout the years, including many Nebraska state senators; and

WHEREAS, Mr. Lustberg was a veteran of World War II, serving his country as a member of the United States Army; and

WHEREAS, Mr. Lustberg is survived by his wife of 61 years, Jean Anne, by his three children, Larry, Leigh, and Lori, and by three grandsons.

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

1. That the Legislature recognizes the life and contributions of Arch Lustberg and extends its sympathy to his wife and family.

2. That a copy of this resolution be sent to the family of Arch Lustberg.

Laid over.

LEGISLATIVE RESOLUTION 221. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study different aspects of the state's wellness program (Wellness Options). The study shall include, but not be limited to, an examination of the following:

(1) The feasibility study of the wellness program, its goals and objectives, and statutory implications;

- (2) The cost of the wellness program;
- (3) The utilization of the wellness program versus the state's other health plan options including a medical claims analysis; and
- (4) The cost savings to wellness program participants and to the state.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 222. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to gather information and make recommendations necessary for the Legislature to craft a comprehensive early learning strategy for the State of Nebraska. This study shall focus on effective state efforts to create and implement programming for infant-toddler and pre-Kindergarten learners. The study shall include, but not be limited to, an examination of the following:

(1) Nebraska's programming for infant-toddler and pre-Kindergarten learners and their families, including education programs and strategies that strengthen parents as first teachers;

(2) Nebraska's strengths and resources in education and health and human service programs and any existing gaps;

(3) Programs in states that have effective universal early learning strategies;

(4) Other states' strategies to effectively harness funds from a variety of sources, including the Illinois Early Childhood Block Grant program, and how Nebraska could fund such a comprehensive strategy;

(5) Input from public and private stakeholders in early childhood education, human services, and public health;

(6) Any other information that the study committee deems relevant.

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

1. That the Education and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 223. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study issues surrounding open data policies. This study shall include, but not be limited to, an examination of the following issues:

- (1) Current government data policies at the state and municipal level;
- (2) Formatting of government data in Nebraska, including whether such formats are easily accessible to the public;
- (3) Potential economic benefits of making government data more accessible to entrepreneurs, researchers, and other members of the public; and
- (4) Appropriate safeguards to ensure that privacy, confidentiality, and security concerns relating to government data are addressed.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB195:
AM1441

(Amendments to Final Reading copy)

- 1 1. On page 18, strike line 22 and insert "GENERAL FUND
- 2 5,000,000 5,000,000".
- 3 2. On page 19, strike line 3 and insert "PROGRAM TOTAL
- 4 8,604,652 8,650,771".

Senator Lathrop filed the following amendment to LB517:
AM1396

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Legislature finds that:
- 4 (1) Nebraska's water resources are finite and must
- 5 be wisely managed to ensure their continued availability for
- 6 beneficial use;
- 7 (2) The state must invest in: (a) Research and data
- 8 gathering; (b) further integrating the management of Nebraska's
- 9 water supplies; (c) improving the state's aging and antiquated
- 10 water supply infrastructure; (d) building new water supply
- 11 infrastructure; (e) promoting coordination and collaboration among

12 all water users; and (f) providing information to policymakers to
13 justify a stable source of project funds; and

14 (3) To determine the costs of effective conservation,
15 sustainability, and management of Nebraska's water resources, the
16 state's identified water needs must be compiled and organized and a
17 process must be established in order to identify statewide projects
18 and research recommendations.

19 Sec. 2. (1) The Water Sustainability Committee is created
20 as a special legislative committee. The committee shall consist
21 of the chairperson of the Natural Resources Committee of the
22 Legislature and six members appointed by the Executive Board of
1 the Legislative Council and shall be chaired by the chairperson of
2 the Natural Resources Committee. The Water Sustainability Committee
3 shall meet as often as necessary to accomplish the objectives
4 established in sections 1 to 4 of this act. Meetings shall be held
5 in Lincoln as well as other locations outside Lincoln as determined
6 by the chairperson.

7 (2) The Water Sustainability Committee terminates on
8 December 31, 2013.

9 Sec. 3. The Water Sustainability Committee may consult
10 with other groups in its work, including, but not limited to, the
11 University of Nebraska, the Department of Environmental Quality,
12 the Game and Parks Commission, the United States Army Corps of
13 Engineers, the United States Geological Survey, the United States
14 Fish and Wildlife Service, the United States Bureau of Reclamation,
15 and the Natural Resources Conservation Service of the United States
16 Department of Agriculture.

17 Sec. 4. (1) On or before December 31, 2013, the
18 Water Sustainability Committee shall develop and provide a report
19 electronically to the Legislature which contains the following:

20 (a) Recommendations for a strategic plan which
21 prioritizes programs, projects, and activities in need of funding.
22 The recommendations shall give equal consideration to and be
23 classified into the following categories:

24 (i) Research, data, and modeling needed to assist the
25 state in meeting its water management goals;

26 (ii) Rehabilitation or restoration of water supply
27 infrastructure, new water supply infrastructure, or water supply
1 infrastructure maintenance;

2 (iii) Conjunctive management, storage, and integrated
3 management of ground water and surface water; and

4 (iv) Compliance with interstate compacts or agreements or
5 other formal state contracts or agreements;

6 (b) Recommendations for ranking criteria to identify
7 funding priorities based on, but not limited to, the following
8 factors:

9 (i) The extent to which the program, project, or activity
10 provides increased water productivity and otherwise maximizes the
11 beneficial use of Nebraska's water resources for the benefit of its

12 residents;

13 (ii) The extent to which the program, project, or
14 activity assists the state in meeting its obligations under
15 interstate compacts or decrees or other formal state contracts
16 or agreements;

17 (iii) The extent to which the program, project, or
18 activity utilizes objectives described in the Annual Report and
19 Plan of Work for the Nebraska State Water Planning and Review
20 Process issued by the Department of Natural Resources;

21 (iv) The extent to which the program, project, or
22 activity has been approved for, but has not received, funding
23 through an established state program;

24 (v) The cost effectiveness of the program, project, or
25 activity relative to achieving the state's water management goals;

26 (vi) The extent to which the program, project, or
27 activity contributes to the state's ability to leverage state
1 dollars with local or federal government partners or other partners
2 to maximize the use of its resources; and

3 (vii) The extent to which the program, project, or
4 activity contributes to multiple water supply management goals,
5 including, but not limited to, flood control, agricultural
6 uses, recreation benefits, wildlife habitat, conservation of
7 water resources, and preservation of water resources for future
8 generations;

9 (c) Recommendations for legislation on a permanent
10 structure and process through which the programs, projects, or
11 activities described in this section will be provided with funding,
12 including:

13 (i) A permanent governing board structure and membership;

14 (ii) An application process;

15 (iii) A statewide project distribution mechanism; and

16 (iv) A timeframe for funding allocations based on the
17 list of programs, projects, and activities provided for in this
18 section;

19 (d) Recommendations for the annual funding amount and the
20 start date for distribution of funds; and

21 (e) Recommendations for statutory changes relating to
22 regulatory authorities and to funds and programs administered by,
23 and boards and commissions under the direction of, the department,
24 based on the committee's evaluation of the efficiency of such
25 funds, programs, boards, and commissions.

26 (2) The recommendations of the committee shall be reached
27 by consensus, and the vote of each committee member on each
1 recommendation shall be recorded as In Favor, Opposed, or Not
2 Voting and published in the report.

3 (3) The committee shall make every effort to identify and
4 consult with all water use stakeholder groups in Nebraska on the
5 development of the recommendations required under sections 1 to 4
6 of this act.

7 Sec. 5. Since an emergency exists, this act takes effect
 8 when passed and approved according to law.
 9 2. On page 1, strike beginning with line 2 through the
 10 first semicolon in line 4 and insert "the Water Sustainability
 11 Committee; to provide powers and duties;"

GENERAL FILE

LEGISLATIVE BILL 308. Title read. Considered.

Committee AM583, found on page 711, was offered.

Senator Chambers offered his amendment, AM1413, found on page 1386, to the committee amendment.

Senator Bloomfield moved the previous question. The question is, "Shall the debate now close?"

Senator Chambers moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Bloomfield requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:

Adams	Coash	Howard	McGill	Schumacher
Ashford	Cook	Janssen	Mello	Sullivan
Bloomfield	Crawford	Kolowski	Murante	
Bolz	Dubas	Krist	Nelson	
Campbell	Gloor	Larson	Nordquist	
Chambers	Hadley	Lathrop	Price	

Voting in the negative, 19:

Avery	Conrad	Johnson	Pirsch	Wallman
Brasch	Haar, K.	Karpisek	Scheer	Watermeier
Carlson	Hansen	Kintner	Seiler	Wightman
Christensen	Harms	McCoy	Smith	

Present and not voting, 1:

Schilz

Excused and not voting, 3:

Davis Harr, B. Lautenbaugh

The Bloomfield motion to cease debate prevailed with 26 ayes, 19 nays, 1 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Adams	Carlson	Hansen	Krist	Price
Ashford	Chambers	Howard	Larson	Schumacher
Bloomfield	Christensen	Janssen	Mello	Watermeier
Bolz	Conrad	Karpisek	Murante	
Brasch	Cook	Kintner	Pirsch	

Voting in the negative, 16:

Avery	Gloor	Johnson	Seiler
Campbell	Haar, K.	Nelson	Sullivan
Coash	Hadley	Scheer	Wallman
Crawford	Harms	Schilz	Wightman

Present and not voting, 7:

Dubas	Lathrop	McGill	Smith
Kolowski	McCoy	Nordquist	

Excused and not voting, 3:

Davis	Harr, B.	Lautenbaugh
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The Chambers amendment lost with 23 ayes, 16 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following motion:

MO79

Reconsider the vote taken on AM1413.

SPEAKER ADAMS PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 172, 173, and 174 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 172, 173, and 174.

RESOLUTIONS

LEGISLATIVE RESOLUTION 224. Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to examine and evaluate the programs, incentives, and processes used in other states to stimulate renewable energy projects of less than twenty megawatts that can be added without major additional transmission improvements. This study shall include what data is available and needed from private and public power utilities on transmission capacity, what processes and programs are used by the various states to add and encourage the adding of renewable generation into the existing infrastructure, the process and protocol used by the Southwest Power Pool for renewable energy projects under twenty megawatts, identifying what new information may need to be collected, and establishing a process for providing the available unused transmission information in a cost effective way that encourages renewable generation and economic development in Nebraska.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 225. Introduced by Lathrop, 12.

WHEREAS, Dave Garland is retiring after being the principal of St. Gerald Catholic School in Ralston, Nebraska, for the past 28 years; and

WHEREAS, Dave Garland began his teaching career in the Omaha public school system before taking administrative positions in Omaha, Nebraska, and Council Bluffs, Iowa, prior to his tenure at St. Gerald Catholic School; and

WHEREAS, Dave Garland positively impacted the lives of thousands of students and their families due to his commitment to their education and well-being; and

WHEREAS, Dave Garland presided over many changes during his time at St. Gerald's, including the successful addition of the seventh and eighth grades to the school, the establishment of all-day kindergarten, and significant enhancements in computer technology and science curriculum; and

WHEREAS, Dave Garland was honored in 2011 as recipient of the Administrator of the Year Award by the Omaha Archdiocese; and

WHEREAS, Dave Garland looks forward to new opportunities to assist others after his retirement from education.

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

1. That the Legislature honors the work of Dave Garland and his many contributions to the education of Nebraska's young people.

2. That a copy of this resolution be sent to Dave Garland.

Laid over.

LEGISLATIVE RESOLUTION 226. Introduced by Brasch, 16; Bloomfield, 17; Dubas, 34; Schilz, 47.

PURPOSE: The purpose of this resolution is to study concerns surrounding the operation of the Papio-Missouri River Natural Resources District (Papio-Missouri NRD). This study shall include, but not be limited to, an examination of the following issues:

(1) Whether the NRD is accomplishing its statutory objective which is to provide effective coordination, planning, development, and general management of areas which have related resources problems;

(2) Whether the agricultural interests in the Papio-Missouri NRD currently receive fair and adequate representation on the board;

(3) Whether the needs of agricultural stakeholders are being met by the current budget priorities of the Papio-Missouri NRD;

(4) What must be done statutorily to accomplish 3-to-1 board representation or the formation of a new natural resources district for the rural portion of the existing Papio-Missouri NRD;

(5) How 3-to-1 board representation of the rural portion of the existing district would affect the Papio-Missouri NRD;

(6) What fiscal impact would the formation of a new natural resources district have on the Papio-Missouri NRD if Washington, Burt, Thurston, and Dakota Counties created their own natural resources district; and

(7) Whether the interests of agricultural and recreational stakeholders in the rural portions of the Papio-Missouri NRD would be better served by increased board representation or the formation of a new natural resources district.

To carry out the purposes of this resolution, the study committee shall consult with the board, staff, and contractors of the Papio-Missouri NRD, the Nebraska Association of Resources Districts, water use associations, landowners, water users, agricultural interests, and other associations and stakeholders with an interest in the management of natural resources.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 227. Introduced by K. Haar, 21; Howard, 9; Watermeier, 1.

PURPOSE: The purpose of this resolution is to study issues surrounding midwifery credentialing and safety measures. The study shall include, but not be limited to, an examination of the following:

- (1) Other states' requirements for midwifery credentialing required to perform home births;
- (2) Other states' requirements for midwifery homebirth safety measures;
- (3) Other states' requirements for emergency response plans; and
- (4) Any other issues that the study committee deems relevant.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 228. Introduced by Crawford, 45.

PURPOSE: The purpose of this resolution is to study the process by which military spouses and veterans obtain occupational licenses and determine what policy changes, if any, the State of Nebraska should implement to streamline occupational licensing for military spouses who are transferring licenses across state lines, and for service members leaving the military who seek to transfer their military training and skills to civilian occupations.

Veterans, especially veterans who have served since September 11, 2001, have unemployment rates higher than the state and national average. This is despite the fact that service members have extensive military training and experience to offer as potential employees. Studies by the Department of Defense suggest that as many as thirty-five percent of military spouses hold jobs that require occupational licenses or certification. In one survey, nearly forty percent of active duty military spouses indicated that streamlined state-to-state licensure portability would have helped them in their latest move. This study will include, but not be limited to, an examination of the following:

- (1) The history of occupational licensure for military spouses and veterans in Nebraska;
- (2) Licensing portability and reciprocity for service members and spouses holding Emergency Medical Technician/Emergency Medical Services

(EMT/EMS), Licensed Practical Nurse (LPN), and Physician's Assistant (PA) licenses;

(3) Any barriers to licensing portability and reciprocity for service members and military spouses that are specific to Nebraska or specific to these populations; and

(4) Best practices in other states regarding licensing portability and reciprocity for service members and military spouses.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 229. Introduced by Smith, 14; Sullivan, 41.

WHEREAS, Dr. Rick Black began his career in education as an elementary teacher at Cather Elementary in 1973; and

WHEREAS, Dr. Rick Black obtained a degree in elementary education from Peru State College in 1973, received a master's degree in elementary administration from the University of Nebraska at Omaha (UNO) in 1978, and earned a doctoral degree in education administration curriculum and instruction from the University of Nebraska-Lincoln in 1988; and

WHEREAS, Dr. Rick Black has served as superintendent of the state's fourth largest school district, Papillion-La Vista Public Schools, since 2007; and

WHEREAS, under the leadership of Dr. Rick Black, the Papillion-La Vista public school district earned district-wide AdvancED Accreditation, was ranked first among Class A schools statewide in writing, and received 60% voter approval for the passage of a \$59 million bond to meet the needs of the growing district; and

WHEREAS, Dr. Rick Black has been recognized for his work by being named the NASA-AASA Superintendent of the Year in 1997, was placed in the Millard Public Schools Hall of Fame in 1994, and has received such honors as the UNO Distinguished Alumni Award, and the Nebraska Association of School Administrators Distinguished Service Award.

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

1. That the Legislature recognizes Dr. Rick Black for his accomplishments and commends him for the 40 years he has dedicated to nurturing the academic, intellectual, and creative growth of Nebraska's children.

2. That a copy of this resolution be sent to Dr. Rick Black.

Laid over.

AMENDMENTS - Print in Journal

Senator Hadley filed the following amendment to LB104:
AM1446 is available in the Bill Room.

Senator Mello filed the following amendment to LB224:
AM1447

(Amendments to Standing Committee amendments, AM711)

- 1 1. On page 1, line 1, after the first comma insert "line
- 2 11, after 'veteran' insert 'or a business located in a designated
- 3 enterprise zone under the Enterprise Zone Act'; and in".

VISITORS

Visitors to the Chamber were 45 fourth-grade students and teachers from Stolley Park School, Grand Island; 43 fourth-grade students, teachers, and sponsors from Joslyn Elementary, Omaha; and 62 fourth-grade students and teachers from Shoemaker Elementary, Grand Island.

The Doctor of the Day was Dr. Amy Jespersen from Gretna.

ADJOURNMENT

At 12:58 p.m., on a motion by Senator Campbell, the Legislature adjourned until 10:00 a.m., Monday, May 20, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTIETH DAY - MAY 20, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 20, 2013

PRAYER

The prayer was offered by Senator Johnson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Adams presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-ninth day was approved.

MESSAGE FROM THE GOVERNOR

May 16, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 3e, 99, 299, 384e, 384Ae, and 476 were received in my office on May 10, 2013.

These bills were signed and delivered to the Secretary of State on May 16, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Tuesday, May 28, 2013 1:00 p.m.

William Ashburn - Motor Vehicle Industry Licensing Board

(Signed) Annette Dubas, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 230. Introduced by Gloor, 35.

WHEREAS, Ron Bishop has dedicated his career to conservation of soil and water in Nebraska since working for the soil and water conservation service beginning in 1957; and

WHEREAS, Mr. Bishop has been instrumental in the creation of the Central Platte Natural Resources District's ground water quality management program which is a national model; and

WHEREAS, Mr. Bishop served on the executive committee of the Nebraska Water Policy Task Force in 2002; and

WHEREAS, Mr. Bishop served on the governance committee for the Platte River Cooperative Agreement in 2006; and

WHEREAS, Mr. Bishop was instrumental in the development of the Nebraska Habitat Conservation Coalition which won a 2009 court judgment that caused the United States Fish and Wildlife Service to reinstate Nebraska's critical habitat designation; and

WHEREAS, Mr. Bishop collaborated to develop and implement an integrated management plan to manage the Central Platte Natural Resources District's ground and surface water resources; and

WHEREAS, Mr. Bishop helped implement Nebraska's first water banking program which provides water for new and future uses and maintains economic sustainability in rural economies; and

WHEREAS, Mr. Bishop is retiring after 56 years of dedicated service to water and soil conservation.

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

1. That the Legislature congratulates Ron Bishop on his long career, for his many achievements in conservation, and on his well-deserved retirement.

2. That a copy of this resolution be sent to Ron Bishop and the Central Platte Natural Resources District.

Laid over.

LEGISLATIVE RESOLUTION 231. Introduced by Gloor, 35.

WHEREAS, Milt Moravek has dedicated his career to conservation of soil and water in Nebraska since working for the soil and water conservation service beginning in 1965; and

WHEREAS, Mr. Moravek has been instrumental in the creation of the Central Platte Natural Resources District's ground water quality management program which is a national model; and

WHEREAS, Mr. Moravek collaborated to develop a weed control plan in the Platte River basin; and

WHEREAS, Mr. Moravek was instrumental in the building of over 30 flood control structures, the clearing of 500 miles of rivers and streams, and the planting of 3.4 million trees; and

WHEREAS, Mr. Moravek helped implement statewide policies for stream bank stabilization, erosion and sediment control, and irrigation runoff; and

WHEREAS, Mr. Moravek is retiring after 48 years of dedicated service to water and soil conservation.

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

1. That the Legislature congratulates Milt Moravek on his long career, for his many achievements in conservation, and on his well-deserved retirement.

2. That a copy of this resolution be sent to Milt Moravek and the Central Platte Natural Resources District.

Laid over.

LEGISLATIVE RESOLUTION 232. Introduced by Gloor, 35.

PURPOSE: Nebraska has workforce shortages in multiple health care professions and needs to take advantage of every resource available to appropriately fill those shortages. The purpose of this resolution is to study the process of applying for and attaining health care professional licensing when the applicant has a license, education, or credentialing from states and schools outside of Nebraska. The issues to be studied shall include license reciprocity of health care professionals, reactivating a license of a health care professional, documentation or validation issues that may arise in the application process, and other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 233. Introduced by Harms, 48.

PURPOSE: When a customer makes a purchase by credit card or debit card at a business such as a gas station, hotel, restaurant, or other business where the total bill is not immediately known, the business often places a hold on the card for more than the amount of the purchase. The hold can be significantly higher than the final total of the bill and can remain on the account for two to three days, or even longer. This makes the funds in the customer's account inaccessible until the hold is lifted and that is a problem for many Nebraskans who live on a tight budget and may need those funds immediately for necessary items.

The interim study shall include, but not be limited to:

- (1) A review of federal and state laws and rules and regulations currently in place on this subject;
- (2) Testimony by constituents and businesses who are affected by these laws, rules, and regulations; and
- (3) Possible solutions that would help customers have access to their funds when they need it.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2013.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 234. Introduced by Harms, 48.

PURPOSE: The purpose of this resolution is to study ways to assist in the development of budget, revenue, and fiscal note projections through comprehensive and targeted economic or demographic evaluations that are conducted in order to enhance policy decision making and long-range planning to ensure a balanced state budget. This study shall include, but not be limited to, an examination of the following issues:

(1) The best practices across the country regarding the development of fiscal notes and budget projections in order to improve the transparency, quality, and ultimately the understanding of these important projections needed for sound policy decisions and robust public debate;

(2) What steps should be taken to improve the transparency and understanding of the conclusions and methodology behind these projections; and

(3) Whether a consensus-based model, such as Florida's consensus estimating conference, would improve short and long-term projections, or the conclusions drawn from such projections, and if any components of Florida's comprehensive system could be adopted to improve Nebraska's current system.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 235. Introduced by Harms, 48.

PURPOSE: The safe haven law adopted in 2008 (Laws 2008, LB 157) made it legal to leave a child in the custody of an on-duty employee at a hospital licensed by the state and required that the hospital then promptly contact the appropriate authorities to take custody of the child. Later in 2008 a special session was called to amend the law to limit the age for application under the safe haven law to abandoned children thirty days old or younger (Laws 2008, First Spec. Sess., LB 1). Three safe haven child abandonment cases have occurred in the state since that time.

The adoption process can be lengthy, cumbersome, and expensive in court litigation costs. Under the current safe haven law, six months must pass before parental rights can be terminated based upon proof of abandonment and before an adoption petition can be filed in the juvenile court. The purpose of this resolution is to conduct a study to examine if the adoption process can be expedited, whether a distinction can be made between abandonment and willfully handing a child over to the state, and if a safe haven adoption can be facilitated through a less cumbersome process under foster care adoption. This study shall include, but not be limited to, an examination of the following issues:

(1) The intent of the safe haven law and relation to its current application in the state;

(2) The circumstances and disposition of those safe haven cases which have occurred in the state since enactment of the amended law;

(3) Anonymity requirements on birth certificates and whether the Department of Health and Human Services can relinquish those birth certificates with or without a court order from the adoptive parents;

(4) Assessment of the abandonment and termination of parental rights process and the six-month period prior to filing for legal adoption;

(5) Comparison of foster care adoption procedures with adoptive parent procedures under current law; and

(6) Whether there should be an appropriate notification process and time frame for adoption cases arising under the safe haven law.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2013.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 236. Introduced by Harms, 48.

PURPOSE: In 1990 there were 223,068 Nebraska citizens age 65 and older. By 2020, it is projected there will be approximately 323,620 Nebraskans age 65 and older, and 411,527 Nebraskans age 65 and older by 2030. These population projections are based on an increasingly aging population due to advances in medicine, science, and technology which combine to enhance the quality of life and longevity. The purpose of this resolution is to conduct a study to explore methods by which to prevent increases in motor vehicle injuries and fatalities due to these aging population forecasts. This study shall include, but not be limited to, an examination of the following issues:

(1) The type and scope of tests available for use by the Department of Motor Vehicles as a screening tool to detect medical impairments, including an assessment of existing measures or resources currently available or in use by the department;

(2) How exams that detect a medical impairment may provide transportation and safety benefits;

(3) The appropriate age at which to conduct an exam that measures medical impairment;

(4) Any pertinent research regarding medical impairment and dementia and the effectiveness of a doctor's evaluation in the conduct of an exam, and research into which medical experts and physicians are qualified to detect these conditions and consult with the Legislature and the Department of Motor Vehicles on the signs and implications of these conditions;

(5) The fiscal impact associated with hiring or use of additional personnel to conduct exams at the Department of Motor Vehicles;

(6) The potential effect of access to public transportation on an individual who has a disability which affects safe driving in deciding to voluntarily relinquish driving privileges; and

(7) The opportunity to utilize driving courses targeted to older Nebraskans to improve safe driving and help determine appropriate retirement from driving.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2013.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 237. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study and assess the extent to which Nebraska has implemented key provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. This study shall include information on best practices nationally and in other states and make policy recommendations on improving outcomes for children in out-of-home care in key areas. This study may include, but is not limited to, an examination of the following:

(1) The educational outcomes of children and youth in out-of-home care, as well as information on their school stability, the process and timeliness of enrollment in new schools when necessary, and the transfer of educational information and records;

(2) The timeliness and adequacy of health services provided to children and youth in out-of-home care, including the ongoing oversight and coordination of health care services;

(3) The maintenance and strengthening of important relationships for children in out-of-home care, including siblings, relatives, and other trusted adults, and the provision and adequacy of support to kinship families; and

(4) Information on children waiting for permanency, as well as the available incentives and assistance for the adoption or permanent guardianship of children and youth in out-of-home care.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 238. Introduced by Dubas, 34.

PURPOSE: The purpose of this resolution is to study the service delivery system in Nebraska. The study shall examine the Access Nebraska system in general, as well as the separation of the economic assistance programs from the medicaid program, including application processes and data sharing. The

study shall also examine the connection of these systems to the new health care marketplace.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Return LB196 to Select File

Senator Chambers moved to return LB196 to Select File for the following specific amendment:

FA82

Strike the enacting clause.

Senator Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 3:

Chambers	Pirsch	Schumacher
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Voting in the negative, 45:

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

Excused and not voting, 1:

Lautenbaugh

The Chambers motion to return failed with 3 ayes, 45 nays, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 196. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2013-14 and FY2014-15; to provide an operative date; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB197 to Select File

Senator Chambers moved to return LB197 to Select File for the following specific amendment:

FA83

Strike the enacting clause.

Senator Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 1:

Kintner

Voting in the negative, 46:

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

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Lautenbaugh

The Chambers motion to return failed with 1 aye, 46 nays, 1 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

MO80

Reconsider the vote to return LB197 to Select File.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 2:

Chambers Kintner

Voting in the negative, 46:

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

Excused and not voting, 1:

Lautenbaugh

The Chambers motion to reconsider failed with 2 ayes, 46 nays, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 197. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2013-14 and FY2014-15; to define terms; to provide an operative date; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB195 to Select File

Senator Chambers moved to return LB195 to Select File for his specific amendment, AM1441, found on page 1409.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 239. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to study the Supplemental Nutrition Assistance Program (SNAP). The study shall examine the options that other states have enacted and implemented under the SNAP program, and the effect of those options on beneficiaries and the economy. The study shall also examine the SNAP administrative system and investments and improvements that can be made to create system efficiencies and defray current administrative costs including, but not limited to, the feasibility and barriers in creating public-private partnerships.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 240. Introduced by Pirsch, 4.

PURPOSE: The purpose of this resolution is to study the need for potentially amending the Nebraska Wage Payment and Collection Act (Act). On May 3, 2013, the Nebraska Supreme Court ruled in *Fisher v. PayFlex Systems USA*, 285 Neb. 808, that workers must be paid by their employers for earned but unused paid time off (PTO) when leaving employment. The issue in that case was whether a 2007 amendment to section 48-1229 of the Act permits an employer to not pay unused PTO benefits to separating employees even though the statute requires the payment of unused vacation leave, and despite a provision in employer policy that PTO benefits on separation would not be paid. This study shall examine the Supreme Court's ruling, the legislative intent of section 48-1229, whether there is any ambiguity in the law, whether the term "vacation leave" should be defined, if clarification by further amendment of the Act is required, and any other related issues the study committee deems necessary or appropriate.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 241. Introduced by Campbell, 25; Nordquist, 7.

PURPOSE: The purpose of this resolution is to study the financial impact of, and financing options for, medicaid expansion under the Patient Protection and Affordable Care Act for medical assistance for newly eligible individuals described under section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act, as amended. The study shall include, but not be limited to, an examination of the following:

- (1) Cost-sharing options, including deductibles and co-payments;
- (2) The utilization of emergency departments, including a focus on data and conditions that account for reportedly high emergency department utilization by medicaid recipients, and potential strategies to enhance health management and expand opportunity for appropriate levels of health care services for individuals with chronic health conditions;
- (3) Medicaid payment reforms that encourage investment in alternative settings for patients to access health care in a convenient, cost-effective manner and provision of new incentives to involve a greater number and variety of medicaid providers;
- (4) The option of an alternative medicaid expansion program that utilizes federal funding for newly eligible individuals to provide for premium assistance to enable enrollment in a qualified health plan through the federally-operated Nebraska health insurance marketplace (exchange). The review shall include a cost-benefit analysis to include, but not be limited to, administrative costs, the cost of medical services, availability of providers within geographic and specialty networks, provider reimbursements, medical coverage comparison, and access by newly eligible individuals to appropriate health care; and
- (5) The economic impact on the state and local economies from medicaid expansion, including, but not limited to, federal and state spending, employment both inside and outside the health care sector, tax revenue, business and employer costs, household incomes, and health care funding.

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

1. That the Health and Human Services Committee of the Legislature be designated to review, investigate, and assess the financial impact of, and the financing options for, medicaid expansion.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 242. Introduced by Harms, 48.

PURPOSE: The purpose of this study is to examine the methods of encouraging transition from adult education to postsecondary education for adults. This study will examine models to align adult literacy and postsecondary education systems that have been utilized in other states. The study will also consider what changes could be made in Nebraska to implement transition models.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 243. Introduced by Gloor, 35; Campbell, 25.

PURPOSE: The purpose of this resolution is to study the future of emergency medical services in Nebraska. Presently, there are no governmental subdivisions which have the responsibility to ensure that emergency medical services are being provided throughout the state. Nebraska has no statutory guidance requiring any political subdivision, whether local, county, or regional, which is responsible for emergency medical services. The threat to the health care of Nebraskans is created when a local emergency medical service terminates its program and there is no mandate to coordinate a placement for emergency medical services in that geographical area. The study should develop recommendations for future legislation so that a plan of action could be implemented, with statutory guidance, which would include the financial sustainability and oversight so that emergency medical services are maintained throughout the State of Nebraska. The study is not intended to include self-sustaining emergency medical services currently being provided by larger cities in Nebraska with a paid work force.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 244. Introduced by Mello, 5; Conrad, 46; Dubas, 34; Harms, 48.

PURPOSE: The purpose of this resolution is to study issues surrounding the Nebraska Public Safety Communication System. This study shall include, but not be limited to, an examination of current system effectiveness, user accessibility, equipment needs, and user training. The study shall include the history of how the system was created, any cost benefit analysis that was made, who were the major decision makers, and the key decisions that were made. The study shall also determine the costs of updating the system, and what issues present hindrances to providing a public safety communication system that adequately addresses the needs of all interested parties.

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

1. That the Appropriations and Transportation and Telecommunications Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 245. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study issues surrounding recycling. This study shall include, but not be limited to, an examination of the following issues:

(1) The availability of publicly-sponsored or supported recycling programs for Nebraska residents and businesses;

(2) Existing state programs designed to promote recycling, including grants under the Nebraska Litter Reduction and Recycling Act, Waste Reduction and Recycling Incentive Act, and Nebraska Environmental Trust Act;

(3) The economic, environmental, and energy-saving benefits of increased recycling, including the potential use of recycled materials for manufacturing and the reduction of landfill costs to local governments and businesses; and

(4) Potential strategies to further encourage recycling in Nebraska, including possible changes to existing programs to encourage municipal, residential, and commercial recycling.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 246. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Conrad, 46; Karpisek, 32; Mello, 5.

PURPOSE: The purpose of this study is to conduct a comparison of the school employees and Class V school employees retirement plans. The examination shall include, but not be limited to, a comparison of benefits, plan assets and funding obligations, and administrative costs.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 247. Introduced by Nordquist, 7.

PURPOSE: The purpose of this study is to examine purchase of service credits in public retirement plans.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 248. Introduced by Nordquist, 7.

PURPOSE: The purpose of this study is to examine service requirements in the School Employees Retirement Act including, but not limited to, temporary service and service following termination of employment.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 249. Introduced by Kolowski, 31.

WHEREAS, the third-ranked Millard West High School Wildcats won the 2013 Class A Girls State Soccer Championship with a record of 13-3; and

WHEREAS, this victory marked the third state championship that the Millard West Wildcats girls soccer team has won, the other two occurring in 2007 and 2009; and

WHEREAS, this championship girls team was led by a dedicated and talented coach, Jacque Tevis-Butler, who has coached at Millard West High School since its founding in 1995; and

WHEREAS, the legacy of this soccer team will be continued by Jordan Cassalia, Emma Cuda, Erica Hall, Carson Hassel, and Kayla Roesler who as graduating seniors have signed letters of intent to continue their soccer careers at the collegiate level; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Millard West High School Wildcats girls soccer team and coaches for winning the 2013 Class A Girls State Soccer Championship.

2. That a copy of this resolution be sent to Millard West High School.

Laid over.

LEGISLATIVE RESOLUTION 250. Introduced by B. Harr, 8.

PURPOSE: A study to analyze the State of Nebraska's self-insured workers compensation plan administered by the Department of Administrative Services for the State of Nebraska.

1. The study shall include a review of the efficiency and financial stability of the plan, the effectiveness of the operations and its operating policies and procedures, and the equity of the plan's cost allocation to state agencies.

2. The goals of the study are to:

a. Determine if self-insurance is the most cost-effective means of providing coverage for all agencies. The study should review whether any agencies should consider traditional insurance coverage versus the current self-insurance approach;

b. Review the policies and procedures of the Department of Administrative Services for administering the plan. The study should compare the policies and procedures to industry standards;

c. A review of the methodology used by the Department of Administrative Services to allocate the costs of the plan to each agency. The study should consider the equity of the distribution, the stability in budgeting for agencies, and other issues deemed appropriate;

d. The study should consider trends in the insurance industry for reducing plan costs through education, wellness, or other methods;

e. The study should provide historical trends for both funding and payment from the fund;

f. The study should recommend whether it is financially sound for the plan and equitable to plan recipients to pay lump sum settlements to plan recipients. If it is, then policies or guidelines should be suggested; and

g. Other matters as determined by the committee.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 251. Introduced by Nordquist, 7; Lathrop, 12.

PURPOSE: The purpose of this study is to examine court fees earmarked to generate revenue for the Nebraska Judges Retirement System.

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

1. That the Nebraska Retirement Systems Committee and the Judiciary Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 252. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study how amendments to the Local Option Municipal Economic Development Act affect existing economic development plans adopted under the act. Specifically, the study will examine what changes a governing body can make to an economic development plan without a vote of the people when the act is amended and to determine whether the current law needs clarification.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 253. Introduced by McGill, 26.

PURPOSE: To study and assess the impact of Nebraska changing to a home rule state in matters of local concern. This study shall include, but not be limited to, identifying matters of state and local concern, reviewing issues regarding the use of home rule charters by cities, determining the desirability and need to expand the authority granted to cities in light of current legal authority and express limitations on local control, and studying how such change could be implemented effectively.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 254. Introduced by Christensen, 44.

PURPOSE: Currently throughout Nebraska there are irrigated acres which have access to both ground water and surface water on the same acres. Such irrigated acres are often called commingled acres. The purpose of this resolution is to examine the concept of regulating commingled acres to only use surface water during years when surface water is plentiful, and to only use ground water during times of scarce surface water supplies. During times when surface water is scarce it would be saved for surface water-only acres and for compliance with compacts, agreements, and decrees. The

study shall include, but not be limited to, identifying the number of commingled acres in Nebraska, reviewing potential regulation structures to implement such a concept throughout Nebraska, and reviewing the potential positive and negative consequences of such a water policy in Nebraska.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 255. Introduced by Christensen, 44.

PURPOSE: The purpose of this resolution is to examine the concept of moving surface water-only irrigated acres to ground water acres to help compliance with compacts, agreements, and decrees and to examine potential ways to meet contract payments and management expenses for irrigation districts, public power and irrigation districts, and mutual irrigation and canal companies. The study shall include, but not be limited to, identifying the number of surface water-only acres in Nebraska, reviewing potential pathways to transition the moving of surface water-only acres to ground water acres throughout the state, reviewing the potential positive and negative consequences of such a water policy in Nebraska, and examining ways to replace funds needed to meet contract payments and management expenses of irrigation districts, public power and irrigation districts, and mutual irrigation and canal companies.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 256. Introduced by Christensen, 44.

PURPOSE: The purpose of this resolution is to reexamine the consolidation of the Department of Health and Human Services (DHHS) that occurred in 1996 with the enactment of LB 1044. This study shall explore the feasibility of breaking DHHS up into the previous independent agencies that existed

prior to LB 1044, or the need for an additional break up of agencies or divisions to create more manageable agencies that increase accountability to the public. The study shall include, but not be limited to, a review of the reasons for the original consolidation of agencies and whether the goals of the consolidation were met, an examination of whether the break up of DHHS would provide increased manageability and effective delivery of services, and a study of suggested plans of dividing the current programs into new manageable agencies.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 257. Introduced by Nordquist, 7; Bolz, 29; Campbell, 25; Conrad, 46; Cook, 13; Harms, 48; B. Harr, 8; McGill, 26; Mello, 5.

PURPOSE: The purpose of this resolution is to study the early childhood learning and development system across the state to determine how to make the current system more effective in preparing children to succeed in school and later in life. Science shows that meeting a child's cognitive, emotional, and social needs in his or her first five years, during the period of rapid brain growth, is imperative for the success of the child, and provides the state a greater return on its investment than if made at any other time in a person's life.

Study issues to be considered may include, but shall not be limited to, an examination of the following:

(1) Implementation, support, monitoring, and evaluation of a quality rating and improvement system in Nebraska;

(2) How a statewide kindergarten assessment system can support the alignment and coordination of early learning and development standards and practices across the state and build on the current and future knowledge and skills of young children;

(3) Barriers posed by family income and geography to the accessibility of high quality child care and early childhood education opportunities; and

(4) Development and promotion of a unified early childhood data system and the ability to link child level data with K-12 and other key data systems.

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

1. That the Education Committee and Health and Human Services Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 258. Introduced by Krist, 10.

PURPOSE: To study whether alcohol licensee employees should be certified in how to apply the pertinent portions of the Nebraska Liquor Control Act and whether there should be a minimum age requirement for at least one person working at a retail license establishment when alcohol is being sold for consumption on the premises. This study should include, but not be limited to, an examination of the following issues:

- (1) Which, if any, licensees should be affected;
- (2) Which, if any, licensee employees should be affected;
- (3) What requirements should be included in the certification process; and
- (4) Whether a retail licensee that sells alcohol for consumption on the premises should be required to have at least one person who is at least 21 years old on the premises at all times when the establishment is open for business.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 259. Introduced by Nordquist, 7; Mello, 5.

PURPOSE: LB 555 was introduced in 2013 to provide for the utilization of Temporary Assistance for Needy Families (TANF) reserve funds to provide for afterschool programming for children in families that qualify for TANF assistance. The need for this type of programming remains necessary for the success of this population. The purpose of this resolution is to further study this issue, and the study shall include, but not be limited to, the following:

- (1) An evaluation of the potential use of TANF funds to create a grant program for afterschool programs;
- (2) An analysis of the statewide need for afterschool programming grants envisioned under LB 555;

(3) A review of similar programming and the data available in Nebraska and other states; and

(4) A study of the feasibility of creating a grant program for afterschool programming for children in families that qualify for TANF assistance, as envisioned under LB 555.

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

1. That the Appropriations and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 260. Introduced by Nordquist, 7; Campbell, 25; Crawford, 45; Gloor, 35; Hadley, 37; McGill, 26.

PURPOSE: The purpose of this resolution is to examine existing barriers to the delivery of health care services through telehealth technologies in Nebraska. This innovative health care delivery method has the potential to bring health care services to patients where provider shortages exist. Telehealth has been shown to reduce the cost of health care and increase efficiency through better management of chronic diseases, shared health professional staffing, reduced travel times, and fewer or shorter hospital stays. Telehealth offers strategies to overcome challenges to access to care in Nebraska, as well as an opportunity to promote preventive care and wellness in an effort to reduce preventable and costly medical interventions.

The issues addressed by this study shall include, but not be limited to, the following:

(1) Strategies to expand the use of telecommunications or electronic technology by licensed health care providers for diagnosis, consultation, or treatment for medically underserved areas or populations;

(2) The potential use of telecommunications or electronic technology to gather and transmit health information between the patient and the health care provider to monitor a patient's health status;

(3) The potential use of telecommunications or electronic technology to deliver patient education and public health interventions;

(4) The potential use of telecommunications or electronic technology to provide continuing medical education and consultation resources for health care providers;

(5) The standards and technology systems necessary to promote interoperability among provider systems to allow efficient information sharing;

(6) The potential advantages of participation in an interstate compact to set parameters for a unified system of multi-state licensing regarding telehealth services;

- (7) The existing reimbursement structure for telehealth services in the Nebraska Medicaid program and in private insurance plans in our state;
- (8) The ongoing need to protect patient privacy; and
- (9) The removal of existing legal and policy barriers to realizing the full potential of telehealth services in Nebraska.

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

1. That the Health and Human Services Committee and the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature on or before December 31, 2013.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 261. Introduced by Coash, 27.

PURPOSE: The purpose of this resolution is to study barriers to permanent placements for Nebraska children who have been placed out of the home and are wards of the state including, but not limited to, an examination of the following:

- (1) Policies related to terminations of parental rights;
- (2) Department of Health and Human Services procedures related to permanency; and
- (3) The role of judicial discretion in permanency plans.

The study committee shall consult with stakeholders including, but not limited to, the Division of Children and Family Services, the Through the Eyes of the Child Initiative of the Supreme Court, the Foster Care Review Office, and the Nebraska Children's Commission.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 262. Introduced by Coash, 27; Avery, 28; Bloomfield, 17; Brasch, 16; Davis, 43; Dubas, 34; Nordquist, 7.

PURPOSE: To study the issues surrounding the high rate of placement of Nebraska's Native American children involved in the foster care system.

This study shall include, but not be limited to, an examination of the following:

(1) The intersection of Native child welfare and the court system, including opportunities for decisionmakers to gain competency relative to the federal Indian Child Welfare Act and Nebraska Indian Child Welfare Act;

(2) The capacity of culturally competent foster and adoptive homes for Native children;

(3) How Nebraska can improve compliance with the purpose of the federal and state Indian child welfare acts; and

(4) The current methods used to gather data on Native American children.

The study committee shall consult with stakeholders including, but not limited to, the Nebraska Indian Child Welfare Act Coalition, the Division of Children and Family Services of the Department of Health and Human Services, Native Americans from the Omaha, Santee Sioux, Winnebago, and Ponca tribes, the Commission on Indian Affairs, the Nebraska Court Improvement Project, and the Foster Care Review Office.

In holding public hearings by utilizing the authority provided by section 50-406 and the rules of the Legislature, at least one public hearing should be conducted on a Native American reservation, if possible, to ensure the study committee has full access to the tribes' collective experience and expertise in effectuating the Indian child welfare acts.

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

1. That the Health and Human Services, Judiciary, and State-Tribal Relations Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 263. Introduced by Coash, 27.

PURPOSE: The purpose of this resolution is to study the economic impact of the film, television, and commercial industry in Nebraska. This study shall include, but not be limited to, an examination of the following:

(1) The presence of an industry workforce across the state;

(2) The state statutes and local laws affecting Nebraska's competitiveness to attract industry projects;

(3) A review of the most recent jobs created by industry projects;

(4) A review of the most recent sales tax collected from industry projects;

(5) The effect of the industry on Nebraska tourism;

(6) The effect of Nebraska companies producing commercials outside the state; and

(7) The presence and impact of industry-related education programs across the state.

The study committee shall consult with stakeholders including, but not limited to, the Nebraska Film Office, the Nebraska Film Association, the Nebraska Tourism Commission, and the Department of Economic Development.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 264. Introduced by Scheer, 19.

PURPOSE: The purpose of this resolution is to examine the education data system. The study shall include an assessment of the adequacy of the current data system maintained by the State Department of Education to provide timely access to relevant and accurate data to meet various needs, including information for teachers in public schools about student achievement in their classrooms, objective research regarding educational practices, data for policy formation and review, and accountability to the public regarding the performance of the public schools. This study shall include, but not be limited to, an examination of the following:

(1) The costs of the data system;

(2) Legislative access and public access to the department's data system;

(3) The role and inter-relationships between the Nebraska Student and Staff Record System, the Consolidated Data System, the State of the Schools Report, and the Statewide Longitudinal Data System as developed pursuant to federal grant funding;

(4) Timeliness and access to financial information related to school spending, budgets, taxes, and state aid;

(5) Adequacy of school staff data in the Nebraska Student and Staff Record System in relation to teacher and classified staff qualifications, assignments, degree level, college credits, and experience; and

(6) Any other issue related to the education data system that the study committee deems important.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 265. Introduced by Conrad, 46; Avery, 28; Pirsch, 4.

PURPOSE: The purpose of this resolution is to study insurance coverage of amino acid-based elemental formulas and how such coverage interfaces with the Patient Protection and Affordable Care Act under the essential benefits package.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 266. Introduced by Conrad, 46; Hadley, 37; Mello, 5; Nordquist, 7.

PURPOSE: The purpose of this resolution is to study and identify ways in which Nebraska may support and increase venture capital investment in the state. In 2011, Nebraska ranked 47th in venture capitalist investment according to the National Venture Capital Association. Nebraska is largely failing to capture its share of investments in high-growth, innovative economic sectors and businesses.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 267. Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to review the One-Call Notification System Act. The Legislature has not conducted a comprehensive review of the act since its adoption in 1994. Since that time there have been significant changes in technology, excavation techniques, agriculture practices, and the nature of underground infrastructure. The Legislature should undertake a thorough review of the act, including how it

relates to current practices. This study shall include, but not be limited to, an examination of the following issues:

(1) Developments at the federal level, including recent studies by the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration;

(2) A comparison of one-call notification systems across the country to determine best practices regarding exemptions, penalties, liability, and enforcement;

(3) The relevance of the agriculture exemption, particularly when applied to nonowner third parties conducting excavation on agricultural land;

(4) The recent and ongoing technological updates by Diggers Hotline of Nebraska, how these updates assist excavators across the state, and the identification and implementation of best practices for public outreach for full utilization of those updates; and

(5) The effectiveness of current enforcement statutes.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 268. Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to study the issues surrounding new residential and commercial development in our state's urban areas. This study shall include, but not be limited to, an examination of the following:

(1) How school district boundary lines impact the creation and location of new residential and commercial developments;

(2) How school district boundary lines enhance or restrict the growth of municipalities and economic development; and

(3) Any other related topics the study committee deems appropriate.

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

1. That the Education Committee and the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 568. Placed on Select File with amendment.
ER103

- 1 1. In the Standing Committee amendments, AM812:
- 2 a. On page 2, line 26, strike "their" and insert "his or
- 3 her";
- 4 b. On page 5, line 14, strike "Licensed entity
- 5 navigators" and insert "A licensed entity navigator"; in line 21
- 6 after "two" insert an underscored comma; and in line 26 after
- 7 "director" insert an underscored comma; and
- 8 c. On page 6, line 7, after "director" insert an
- 9 underscored comma.
- 10 2. On page 1, strike beginning with "provide" in line
- 11 1 through line 2 and insert "adopt the Health Insurance Exchange
- 12 Navigator Licensure Act; to provide severability; and to declare an
- 13 emergency.".

LEGISLATIVE BILL 568A. Placed on Select File.

LEGISLATIVE BILL 556. Placed on Select File with amendment.
ER105

- 1 1. On page 1, strike beginning with the last comma in
- 2 line 2 through line 11 and insert "; to provide for telehealth
- 3 services for children's behavioral health; to state intent for
- 4 behavioral health screenings; to provide for education and training
- 5 on children's behavioral health; to create a pilot program; to
- 6 change provisions relating to medical assistance coverage and
- 7 telehealth transmission requirements; and to repeal the original
- 8 sections.".

LEGISLATIVE BILL 556A. Placed on Select File with amendment.
ER104

- 1 1. On page 2, line 3, strike "University of Nebraska
- 2 Board of Regents for the" and insert "Board of Regents of the
- 3 University of Nebraska for the University of Nebraska".

(Signed) John Murante, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Kintner asked unanimous consent to add his name as cointroducer to LB308. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs196 and 197.

VISITORS

Visitors to the Chamber were 69 fourth-grade students and teachers from Ezra Elementary, Omaha; Sheila, Chris, and Paetra Collins from Davey; and 44 fourth-grade students from Everett Elementary, Lincoln.

RECESS

At 11:59 a.m., on a motion by Senator Nordquist, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Adams presiding.

ROLL CALL

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

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 20, 2013, at 12:07 p.m. were the following: LBs 196e and 197e.

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

COMMITTEE REPORT

Health and Human Services

LEGISLATIVE RESOLUTION 22. Reported to the Legislature for further consideration with the following amendment:
AM937

- 1 1. Strike the original provisions and insert the
- 2 following new provisions:
- 3 WHEREAS, spending on health care in the United States has
- 4 grown faster than the gross domestic product (GDP), the rate of
- 5 inflation, and the rate of population growth for most of the last
- 6 four decades; and
- 7 WHEREAS, the share of GDP devoted to health care in the
- 8 United States has risen from 5.2% in 1960 to 17.6% in 2009; and
- 9 WHEREAS, the total public and private health care
- 10 expenditure in Nebraska in 2009 was \$12,649,000,000; and
- 11 WHEREAS, since 2000 real hourly wage growth, net of
- 12 health benefits, has stagnated while inflation-adjusted family
- 13 health insurance premiums have increased 58%; and
- 14 WHEREAS, the average employer-based health insurance
- 15 annual premium cost in Nebraska in 2011 was \$13,776; and
- 16 WHEREAS, eleven of Nebraska's ninety-three counties have
- 17 no primary care physicians, and observers believe the lack of
- 18 primary care physicians will become more acute as more people enter
- 19 the health care system as a result of the federal Affordable Care
- 20 Act; and
- 21 WHEREAS, officials estimate that, under current demand,
- 22 Nebraska will be short approximately three hundred primary care

23 physicians by 2014. The number of physicians older than sixty-five
1 years of age has jumped by 78% in the past five years; and

2 WHEREAS, it is anticipated by the University of Nebraska
3 Medical Center that by 2014 the state will need at least 1,685
4 primary care physicians, 314 primary care nurse practitioners, and
5 350 primary care physician assistants to meet the increased demand
6 from the newly insured resulting from health care reform; and

7 WHEREAS, Nebraska's uninsured rate for persons younger
8 than sixty-five years of age is 14.9% (more than 232,000), which is
9 an increase of 67.4% since 2000; and

10 WHEREAS, Nebraska counties with uninsured rates of 21% or
11 greater exist only in rural areas; and

12 WHEREAS, Nebraska's future economic and fiscal success
13 requires a healthy population, high quality health care at lower
14 cost, and greater efficiency; and

15 WHEREAS, Nebraska's families and small businesses are
16 faced with increasing and unsustainable health care costs; and

17 WHEREAS, successful transformation of Nebraska's health
18 care system is essential to the state's economic well-being and the
19 quality of care provided to Nebraskans; and

20 WHEREAS, health care reform is not only a matter
21 of coverage or increasing access. True reform is total system
22 transformation into a patient-centric, high-value enterprise; and

23 WHEREAS, understanding the challenge of health care
24 reform and solving Nebraska's health care system crisis requires
25 a new level of cooperation between all health care partner
26 stakeholders and policymakers in Nebraska; and

27 WHEREAS, state government must provide clear leadership
1 and accountability to health care system transformation efforts and
2 must do so in a way that demands transparency, trust, and full
3 participation from all partner stakeholders.

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

6 1. That the Health and Human Services Committee of
7 the Legislature, in cooperation with the Banking, Commerce and
8 Insurance Committee of the Legislature, be designated to develop
9 policy recommendations towards transformation of Nebraska's health
10 care system.

11 2. In order to develop its policy recommendations,
12 the Health and Human Services Committee of the Legislature, in
13 cooperation with the Banking, Commerce and Insurance Committee of
14 the Legislature, shall bring together through information-gathering
15 meetings and work groups partner stakeholders at all levels,
16 including state and local governments, public and private insurers,
17 health care delivery organizations, employers, specialty societies,
18 consumer groups, patients, consumers, and all other interested
19 parties, to work together with the shared objectives of controlling
20 health care costs and improving health care quality.

21 3. With input from partner stakeholders and in

22 conjunction with the Banking, Commerce and Insurance Committee of
 23 the Legislature, the Health and Human Services Committee of the
 24 Legislature shall:

25 a. Provide a comprehensive review of Nebraska's health
 26 care delivery, cost, and coverage demands;

27 b. Engage stakeholders in dialogue, roundtable
 1 discussions, and public policy discourse;

2 c. Develop a framework for health care system
 3 transformation to meet public health, workforce, delivery, and
 4 budgetary responsibilities; and

5 d. Develop cooperative strategies and initiatives for the
 6 design, implementation, and accountability of services to improve
 7 care, quality, and value while advancing the overall health of
 8 Nebraskans.

9 4. The Health and Human Services Committee of the
 10 Legislature may conduct public hearings and, with the Banking,
 11 Commerce and Insurance Committee of the Legislature, make
 12 recommendations relating to health care for Nebraskans. The Health
 13 and Human Services Committee of the Legislature and the Banking,
 14 Commerce and Insurance Committee of the Legislature shall hold
 15 a joint hearing by November 1, 2013, to discuss the information
 16 obtained pursuant to this resolution.

17 5. The Health and Human Services Committee of the
 18 Legislature and the Banking, Commerce and Insurance Committee
 19 of the Legislature, along with any work groups created pursuant
 20 to this resolution, shall rely on information, data, and subject
 21 matter expertise and consultation from a wide range of entities,
 22 including the Division of Medicaid and Long-Term Care and the
 23 Division of Public Health of the Department of Health and Human
 24 Services, the Department of Insurance, and any other agencies the
 25 committees identify, to provide collaboration with the committees
 26 and any such work groups to attain the goals for health care system
 27 transformation.

1 6. The funding of the activities of the Health and Human
 2 Services Committee of the Legislature under this resolution will be
 3 provided from existing appropriations for the committee from the
 4 Nebraska Health Care Cash Fund.

(Signed) Kathy Campbell, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 269. Introduced by B. Harr, 8.

PURPOSE: The purpose of this resolution is to examine the property tax base structure and compare this structure to those of other states.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 270. Introduced by Davis, 43; Campbell, 25; Coash, 27; Cook, 13; Crawford, 45; Dubas, 34; Gloor, 35; Harms, 48; Howard, 9; Krist, 10.

PURPOSE: The purpose of this resolution is to study identification or creation of methods of keeping elderly Nebraskans safe in their homes where they can receive high quality care and support in order to avoid hospitalization, emergency room visits, and long-term facility care. This study shall include, but not be limited to, an examination of the following:

(1) Ways to reduce overall health care expenditures for the elderly by delivery of affordable care in the comfort and safety of their homes;

(2) How to identify or create methods of assistance for the elderly who often have limited incomes, limited resources, and families living at a distance;

(3) New methods of delivery of high quality in-home services to Nebraskans in underserved areas of the state to reduce overall health care expenditures for the elderly population;

(4) Development of one or more pilot projects in identified communities in order to demonstrate how providing high quality care to Nebraskans in their homes would help meet their health care needs in an affordable manner; and

(5) Weaknesses in the current community health care system which results in early transfers of elderly citizens from their residences.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 271. Introduced by Davis, 43; Bloomfield, 17; Chambers, 11; Hansen, 42; B. Harr, 8; Johnson, 23; Lathrop, 12; Schilz, 47; Wallman, 30.

PURPOSE: The purpose of this resolution is to examine issues, benefits, and costs associated with expanding the brand inspection area to include the

entire State of Nebraska. This study shall identify and quantify the value conferred to cattle owners and to commerce in cattle through ownership verification and documentation, theft detection and deterrence, including detection and prevention of fraud, and in contributions to livestock disease traceability. This study shall also examine means to increase the functionality of brand recording and inspection for purposes of disease traceability, and examine systems of animal ID and documentation and recording of cattle movements and transactions that could be adapted and utilized for purposes of ownership verification, and how such systems might be integrated into the Nebraska brand law.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 272. Introduced by Bolz, 29; Kolowski, 31.

PURPOSE: The purpose of this study is to examine issues related to the use of paraeducators to improve and promote student achievement in public elementary schools.

1. The study will consider State Department of Education data related to teachers and paraeducators assigned to elementary classrooms in the public schools. The study shall consider, but not be limited to:

a. Average number of students in elementary grade classrooms during the day or class period, the average number of English Language Learners, special education students, and high ability learners in elementary grades, and the teacher/student and paraeducator/student ratios in elementary classrooms;

b. Paraeducator training, qualifications, credentials, and years of experience; and

c. Student achievement and growth of students, individually and in the aggregate by school building, especially related to students with individualized education plans, in relation to the skills, training, experience, and qualifications of assigned teacher and paraeducators.

2. The policy issues for study include, but are not limited to:

a. Adequate access to training for paraeducators and the availability of existing training programs;

b. The need for additional credentialing or certification of paraeducators;

c. The adequacy of salaries and benefits for paraeducators;

d. Opportunities for innovation, improving retention, and improved collaboration and existing best practices; and

e. Existing and potential funding streams for staffing purposes.

3. The study will also include any other related topics the committee deems appropriate.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 273. Introduced by Bolz, 29.

PURPOSE: To identify budgeting strategies to support the array of services needed for Nebraska's aging population in a fiscally responsible manner.

Nebraska's elderly population is increasing rapidly. Between 2010 and 2030, the population of persons age 65 and over is expected to grow by 75 percent. As such, strategic initiatives are needed to both care for needs and manage state investments. This interim study shall address, but not be limited to, the following policy areas:

1. Examination of global budgeting strategies in providing for long-term care services for older Nebraskans and model state strategies;

2. Examination of current funding streams providing for the needs of aging Nebraskans, including, but not limited to: The medicaid state plan, medicaid home and community-based services waiver, the Nebraska Community Aging Services Act, care management services, social services block grant, and the Disabled Persons and Family Support Act;

3. Examination of the availability of waivers to promote strategic initiatives in long-term care services for older Nebraskans;

4. Identification of existing data for long-term care services needs and trends as well as additional needs for data collection and analysis;

5. Identification of the full array of long-term care services for older Nebraskans needed in Nebraska, including strategies to assist with individuals aging in place and promoting consumer choice and consumer independence and availability of assessment tools and strategies to identify individual needs as well as ways in which information about services is provided; and

6. Identification of areas for potential savings and investments.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 274. Introduced by Bolz, 29.

PURPOSE: The medicaid management information system supports claims processing, coordination of benefits, surveillance and utilization review, federal and management reporting, and case management. As such, it is essential to the functioning of the medicaid system overall and holds potential to provide information for strategic programmatic and fiscal management. The purpose of this interim study is to maximize opportunities to leverage the new opportunity to build a medicaid management information system that meets the needs of Nebraska now and in the future. The policy issues that the study shall examine include, but are not limited to, are:

1. Opportunities to maximize federal matching dollars available for the system;
2. Development of a strategic analysis of the information management needs in short term and long term to be supported by the system;
3. Best practices and effective systems in other states successfully serving health care needs and saving money;
4. Review of opportunities to maximize information gathering for oversight of managed care contracts;
5. Identification of new payment and delivery models to achieve cost savings and increased reporting and analytical capabilities to manage the program; and
6. Establishing a timeline for the Department of Health and Human Services to implement the building of the system to ensure that it occurs in a timely fashion.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 275. Introduced by Bolz, 29; McGill, 26.

PURPOSE: The purpose of this study is to examine issues relating to the behavioral and mental health needs of children in educational settings.

1. The study will consider the intersection between educational needs and behavioral and mental health care needs. Policy issues the study will consider include, but are not limited to:

a. Needs identified by teachers, school social workers, school nurses, and other staff members in public schools for behavioral and mental health services in school settings;

b. Current staffing patterns for school nurses and social workers and other related school staff members;

c. Needs for additional data collection related to behavioral health needs in educational settings;

d. Existing school-based strategies for addressing behavioral and mental health needs for children, including best practices in other states, pilot strategies, and existing alternative programs and schools;

e. Relationships between graduation rates and behavioral and mental health needs of students;

f. Opportunities for improved coordination between educational settings and the Department of Health and Human Services, especially the behavioral health regions established under the Nebraska Behavioral Health Services Act;

g. Existing funding streams for behavioral and mental health services in schools; and

h. Other issues deemed appropriate by the Education and Health and Human Services Committees of the Legislature.

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

1. That the Education Committee and the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTIONS - Return LB195 to Select File

Senator Chambers renewed his motion, found in this day's Journal, to return LB195 to Select File for his specific amendment, AM1441, found on page 1409.

Senator Chambers withdrew his motion to return.

Senator Chambers moved to return LB195 to Select File for the following specific amendment:

FA84

Strike Section 2.

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB195 with 36 ayes, 1 nay, and 12 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 195. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2015; to transfer funds; to provide duties; to provide an operative date; 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	Lautenbaugh	Seiler
Ashford	Conrad	Harr, B.	McGill	Smith
Avery	Cook	Howard	Mello	Sullivan
Bloomfield	Crawford	Johnson	Murante	Wallman
Bolz	Davis	Karpisek	Nelson	Watermeier
Brasch	Dubas	Kintner	Nordquist	Wightman
Campbell	Gloor	Kolowski	Price	
Carlson	Haar, K.	Krist	Scheer	
Chambers	Hadley	Larson	Schilz	
Christensen	Hansen	Lathrop	Schumacher	

Voting in the negative, 3:

Janssen	McCoy	Pirsch
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Not voting, 0.

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 LB198 with 39 ayes, 2 nays, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 198. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; 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, 42:

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

Voting in the negative, 3:

Janssen	McCoy	Pirsch
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Present and not voting, 4:

Larson	Lautenbaugh	Murante	Schilz
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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 LB199 with 39 ayes, 3 nays, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 199. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 8-1120, 45-621, 53-117.03, 53-117.06, 68-1604, 81-2004.02, 81-2004.05, and 81-2004.08, Reissue Revised Statutes of Nebraska, and sections 43-3718, 43-3719, 43-3720, 58-703, 58-706, 59-1608.04, 60-6,211.05, 71-7611, 72-815, 81-2509, 81-2510, 81-2511, 81-2513, 81-3119, 82-331, 82-332, and 84-510, Revised Statutes Cumulative Supplement, 2012; to provide fund transfers; to create funds; to provide, change, and eliminate the source and use of certain funds; to change provisions relating to grants for court appointed special advocate programs, fees for liquor enforcement training, and housing assistance; to authorize the sale and disposition of proceeds of certain land; to change provisions relating to applications to the Commission on Indian Affairs for state assistance; to harmonize provisions; to repeal the original sections; to outright repeal section 81-2512, Revised Statutes Cumulative Supplement, 2012; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 200. With Emergency Clause.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2012; to provide for fund transfers; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 LB194 with 39 ayes, 4 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 194. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, sections 11, 12, 13, 14, 15, 17, 18, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41, 42, 43, 44, 48, 49, 50, 51, 52, 55, 56, 58, 59, 61, 62, 63, 64, 65, 67, 68, 70, 71, 73, 75, 76, 77, 78, 79, 80, 83, 84, 86, 87, 113, 118, 119, 120, 121, 122, 123, 130, 131, 133, 134, 136, 138, 139, 140, 141, 142, 144, 145, 146, 149, 151, 152, 153, 154, 155, 156, 157, 161, 162, 163, 164, 165, 171, 172, 173, 174, 175, 177, 180, 182, 184, 185, 186, 187, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 204, 205, 206, 209, 211, 212, 213, 217, 219, 225, 227, 229, 230, 232, 233, 234, 236, 237, 239, 241, 242, 244, 247, 250, 251, 253, 255, and 256; Laws 2011, LB376, sections 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17; Laws 2011, LB390, sections 30, 31, and 32; Laws 2012, LB751A, section 1; Laws 2012, LB968, sections 37, 38, 39, 40, 42, 43, 45, 47, 49, 50, 52, 54, 55, 56, 59, 60, 62, 67, 70, and 71; Laws 2012, LB985A, section 4; Laws 2012, LB998A, section 1; Laws 2012,

LB1053A, section 3; and section 90-536, Revised Statutes Cumulative Supplement, 2012; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce appropriations; to state intent; to require a study; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 536. With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; 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	Cook	Janssen	McGill	Seiler
Ashford	Crawford	Johnson	Mello	Smith
Bloomfield	Davis	Karpisek	Murante	Sullivan
Bolz	Dubas	Kintner	Nelson	Wallman
Brasch	Gloor	Kolowski	Nordquist	Watermeier
Campbell	Haar, K.	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Coash	Harms	Lautenbaugh	Schilz	
Conrad	Howard	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 3:

Avery Christensen Harr, B.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 195, 198, 199, 200, 194, and 536.

AMENDMENT - Print in Journal

Senator Schilz filed the following amendment to LB402:
AM1364 is available in the Bill Room.

RESOLUTIONS

LEGISLATIVE RESOLUTION 276. Introduced by Chambers, 11.

PURPOSE: The purpose of this resolution is to study the communications rate structure for persons receiving calls from incarcerated individuals in county and local correctional facilities. National studies have shown that frequent communication between inmates and family members reduces recidivism rates. Nebraska is one of only eight states which does not allow providers to add commissions or financial incentives to state incarceration facilities for communications services provided to inmates. However, this prohibition does not extend to county and municipal correctional facilities. This study shall include, but not be limited to, an examination of the following:

- (1) Whether current telephone rates include the commissions charged as part of the rate charged to persons receiving calls from incarcerated individuals in city and county correctional facilities in Nebraska;
- (2) How commissions are collected, disbursed, and spent if received;
- (3) The real cost of providing telephone service absent commissions;

(4) The financial impact on county or local governments if commissions are eliminated;

(5) Telephone rates charged by local correctional facilities compared with rates charged by state correctional facilities;

(6) Whether county and local correctional facilities could buy inmate telephone services through state contracts for such services and whether this would reduce overall costs;

(7) The impact on family members and friends who are charged current rates on calls they accept from incarcerated individuals;

(8) Video conferencing or peer-to-peer Internet services in lieu of current telephone communications and a determination of whether these alternative services can reduce overall costs for inmates, their families, and correctional facilities; and

(9) Whether face-to-face meetings at incarceration facilities will continue if video conferencing or peer-to-peer Internet services are implemented and recommendations of conditions or circumstances that would warrant face-to-face visits.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 277. Introduced by Ashford, 20.

PURPOSE: To study and review the current costs associated with correctional and detention facilities in Nebraska and the costs to political subdivisions for detention and incarceration of adult and juvenile offenders.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 278. Introduced by Ashford, 20.

PURPOSE: To investigate and review matters and issues which are within the jurisdiction of the Judiciary Committee of the Legislature.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 279. Introduced by Ashford, 20.

PURPOSE: The purpose of this resolution is to study the use of social impact bonds to develop programming for juveniles and adults reentering the community after involvement with the juvenile justice system or the criminal justice system.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 280. Introduced by Karpisek, 32.

PURPOSE: To study the retail license provisions within the Nebraska Liquor Control Act regarding permissible activities and determine whether any or all retail licensees should be permitted to bottle draft beer to be sold for consumption off the premises. This study should include, but not be limited to, an examination of the following issues:

(1) Whether there is a demand for retail licensees to bottle draft beer to be sold for consumption off the premises;

(2) Whether retail licensees should be providing such a product intended to be consumed off the premises;

(3) Whether retail licensees are capable of providing such a product to be sold for consumption off the premises in a manner that preserves the quality of the beer and assures the public's health and safety;

(4) What regulations, if any, would be necessary to protect the public's health regarding the method of bottling draft beer to be sold for consumption off the premises;

(5) What, if any, restrictions should apply to the size of the individual container and the aggregate amount of draft beer the purchaser may remove from the premises; and

(6) To what extent, if any, would allowing retail licensees to provide such a product have on the three-tier system of alcohol licensees.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 281. Introduced by Karpisek, 32.

PURPOSE: To study the nature of and relationship between catering liquor licenses and special designated liquor licenses within the Nebraska Liquor Control Act. This study should include, but not be limited to, an examination of the following issues:

(1) Whether the catering license is currently being utilized as it was originally intended and whether the relationship between catering licenses and special designated liquor licenses follows legislative intent;

(2) The number of catering licenses currently being issued and the recent trends;

(3) Which types of licensees are applying for catering licenses and the reasons if any are non-caterers;

(4) Whether non-caterers should be granted a catering license; and

(5) Whether there should be an enhanced special designated license or catering license for licensees who are frequently granted special designated licenses for the same location.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 282. Introduced by Karpisek, 32.

PURPOSE: To study issues regarding the parity in Nebraska School Activities Association (NSAA) activities between private and public high schools. This study should include, but not be limited to, an examination of the following issues:

(1) How private high schools perform against public high schools in NSAA activities, with a specific focus on sporting contests;

(2) Whether there is parity between private and public high schools in NSAA activities, with a specific focus on sporting contests;

(3) Whether private or public high schools attract student athletes to their respective institutions through methods which may give them an unfair competitive advantage;

(4) What measures are necessary to improve the parity between private and public high schools, if a lack of parity exists; and

(5) What steps other states have taken to improve the parity in their respective extracurricular activities and whether such steps were effective.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 283. Introduced by Karpisek, 32.

PURPOSE: The purpose of this resolution is to investigate and review matters and issues arising during the interim which are within the jurisdiction of the General Affairs Committee of the Legislature.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 284. Introduced by Karpisek, 32.

PURPOSE: The purpose of this study is to review issues surrounding child custody proceedings and parenting time determinations as they pertain to families of divorce. This study shall take into consideration, but not be limited to, the following information:

1. A review and an analysis of research studies that examine how custody and parenting time awards affect outcomes for children both socially and emotionally;

2. A review, a comparison, and an analysis of parent-created parenting plans, attorney-negotiated parenting plans, mediated parenting plans, and court-determined parenting plans;

3. A review and an analysis of relevant legal standards that address the constitutional rights of children and parents;

4. A review and analysis of current and proposed legislation in other states to determine how other states have addressed these issues;

5. A review and an analysis of parenting time guidelines currently used in Nebraska to set and determine standards, including variations of these standards across the state;

6. A review and an analysis of available data on Nebraska divorce and custody proceedings;

7. A review and an analysis of custody decisions related to domestic violence;

8. A review and an analysis of how litigants manipulate the current family law system and the incentives the current system creates for such manipulation;

9. A review and an analysis of the effect of child support guidelines on parenting time decisions and the effect of custody decisions on child support payments;

10. A review and an analysis of what measures could be taken to improve implementation and actual enforcement of custody decisions; and

11. A review and an analysis of custody decisions on subsequent litigation.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 285. Introduced by Lathrop, 12; Ashford, 20.

PURPOSE: To study career education programs in Nebraska's public schools. The study shall include, but not be limited to, an examination of the following issues:

(1) The purpose, role, and mission of career education programs;

(2) The prevalence of, and need for, career education programs at both the middle school and high school levels;

(3) The funding for career education programs, curriculum, and equipment at both the middle school and high school levels and the typical costs for training facilities and programs;

(4) The availability of teachers of career education courses;

(5) The status and role of career guidance in Nebraska schools;

(6) The alignment of secondary career education curriculum to postsecondary career education program curriculum and entrance requirements;

(7) The types and numbers of skilled workers that Nebraska is projected to need in both the short-term and long-term future;

(8) The role of businesses in successful career education programs;

(9) The role of labor organizations in successful career education programs; and

(10) Any other topics related to career education as determined by the study committee.

This study shall be conducted by a select committee consisting of the chairperson of the Education Committee of the Legislature, the chairperson of the Business and Labor Committee of the Legislature, and other members as the chairperson of the Education Committee deems appropriate. The chairperson of the select committee shall be the chairperson of the Education Committee of the Legislature or a member of the Education Committee selected by the chairperson of the Education Committee.

In conducting this study, the select committee shall consult with the State Department of Education, the Department of Economic Development, the Department of Labor, representatives of secondary schools with career education programs, community colleges, an association of school administrators, labor unions, local and state chambers of commerce, business entities, and any other group the select committee deems appropriate.

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

1. That a select committee of the Legislature shall be designated as provided in this resolution to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature on or before December 1, 2013.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 286. Introduced by Lathrop, 12.

PURPOSE: The purpose of this resolution is to review state law regarding child abuse and neglect in instances when a pregnant woman engages in an activity that causes harm to the fetus and determine whether or not current law covers such instances of possible abuse or neglect.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 287. Introduced by Lathrop, 12.

PURPOSE: The purpose of this resolution is to study the requirement that counties pay court filing fees and costs when filing criminal charges and civil proceedings in the county, district, and juvenile courts in Nebraska.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 288. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to examine the role and value of animal health professionals and other volunteers in assisting law enforcement in carrying out duties under the Livestock Animal Welfare Act. This study shall examine constraints to such individuals assisting law enforcement in investigation and resolution of incidents of animal abuse and neglect.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 289. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to examine the feasibility and utility of utilizing fence viewer panels as arbitrators or fact finders in resolving division fence disputes, and whether utilization of fence viewers could reduce litigation and costs to parties in a dispute. This study shall include an evaluation of the fence viewer system provided for in LB 339 introduced in 2013 and pending before the Agriculture Committee, and shall

identify other models for empaneling fence viewers and their authorities, including private fence viewing services.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 290. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to examine the feasibility and utility of designating counties adjacent to the mandatory brand inspection area designated by section 54-1109 as brand inspection service areas. Such designation would provide that while brand inspection would not be mandatory, brand inspection services performed by the Nebraska Brand Committee would be provided to individual requesters within a brand inspection service area at the rates and terms for mandatory brand inspections performed within the brand inspection area. This study shall determine potential utilization of brand inspection within brand inspection service areas and net costs that would be incurred by the Nebraska Brand Committee to provide such service. The study shall make recommendations regarding the inspection fee rate and other charges, and identify any administrative actions that could be taken by the Nebraska Brand Committee that would enable it to provide cost-effective inspection services within brand inspection service areas.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 291. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to examine means by which to coordinate activities by state livestock animal health authorities with the activities of local livestock cruelty and neglect authorities. This resolution is not to examine whether the Department of Agriculture shall have a role as a primary complaint or investigative agency, but rather whether the department's interests, authorities, and resources with respect to livestock

animal disease, carcass disposal, and biosecurity could be useful in assisting in the assessment and ultimate disposition of livestock seized by local authorities.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 292. Introduced by Schilz, 47.

PURPOSE: To study the levy authority of rural and suburban fire protection districts. The study should include a review of issues raised during consideration of LB 62 (Schilz), which was introduced in 2013 and referenced to the Revenue Committee of the Legislature.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 293. Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to examine the prevalence of game processing services performed for compensation by persons not licensed as a food establishment under the Nebraska Pure Food Act. The study shall review the applicability of the Nebraska Pure Food Act and the Federal Meat Inspection Act to such activity.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 294. Introduced by Schilz, 47; Murante, 49.

PURPOSE: The purpose of this resolution is to examine and explore a program which would maximize private health insurance in such a manner so as to cover as many Nebraskans as possible and be implemented to qualify for federal approval and matching funds.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 295. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study any disparity in income between men and women in the State of Nebraska. This study shall examine the reasons for any disparity and make any recommendations for potential legislative action.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 296. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study the effectiveness of career academies in Nebraska high schools and the feasibility of expanding career academies to more schools in the state. This study shall also examine whether parents can afford the tuition charged for career academies and whether the tuition and associated costs of attending discourage participation.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 297. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study the effectiveness of telehealth technology used for behavioral health services in Nebraska. This study shall include the impact of behavioral health screening administration during childhood physicals and the impact of behavioral health treatment made available in physician's offices.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SENATOR GLOOR PRESIDING

GENERAL FILE

LEGISLATIVE BILL 308. Senator McCoy renewed his motion, MO79, found on page 1413, to reconsider the vote taken on AM1413.

Senator Bloomfield moved the previous question. The question is, "Shall the debate now close?"

Senator Bloomfield moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The motion to cease debate prevailed with 26 ayes, 9 nays, and 14 present and not voting.

Senator McCoy requested a roll call vote, in reverse order, on his motion to reconsider.

Voting in the affirmative, 22:

Adams	Christensen	Karpisek	McCoy	Schumacher
Ashford	Cook	Kintner	Mello	Watermeier
Bloomfield	Hansen	Krist	Murante	
Brasch	Howard	Larson	Pirsch	
Chambers	Janssen	Lautenbaugh	Price	

Voting in the negative, 25:

Avery	Davis	Harms	McGill	Seiler
Campbell	Dubas	Harr, B.	Nelson	Smith
Carlson	Gloor	Johnson	Nordquist	Sullivan
Coash	Haar, K.	Kolowski	Scheer	Wallman
Crawford	Hadley	Lathrop	Schilz	Wightman

Present and not voting, 2:

Bolz	Conrad
------	--------

They McCoy motion to reconsider failed with 22 ayes, 25 nays, and 2 present and not voting.

The Chair declared the call raised.

Senator Krist offered the following amendment to the committee amendment:

AM1458

(Amendments to Standing Committee amendments, AM583)

1 1. Insert the following new section:
 2 Section 1. Section 18-1208, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 18-1208 (1) Except as otherwise provided in this section,
 5 after July 19, 2012, a municipality may impose a new occupation
 6 tax or increase the rate of an existing occupation tax, which
 7 new occupation tax or increased rate of an existing occupation
 8 tax is projected to generate annual occupation tax revenue in
 9 excess of the applicable amount listed in subsection (2) of this
 10 section, pursuant to section 14-109, 15-202, 15-203, 16-205, or
 11 17-525 if the question of whether to impose the tax or increase
 12 the rate of an existing occupation tax has been submitted at an
 13 election held within the municipality and in which all registered
 14 voters shall be entitled to vote on the question. The officials
 15 of the municipality shall order the submission of the question by
 16 submitting a certified copy of the resolution proposing the tax
 17 or tax rate increase to the election commissioner or county clerk
 18 at least fifty days before the election. The election shall be
 19 conducted in accordance with the Election Act. If a majority of
 20 the votes cast upon the question are in favor of the new tax or
 21 increased rate of an existing occupation tax, then the governing
 22 body of such municipality shall be empowered to impose the new tax

1 or to impose the increased tax rate. If a majority of those voting
2 on the question are opposed to the new tax or increased rate, then
3 the governing body of the municipality shall not impose the new tax
4 or increased rate but shall maintain any existing occupation tax at
5 its current rate.

6 (2) The applicable amount of annual revenue for each new
7 occupation tax or annual revenue raised by the increased rate for
8 an existing occupation tax for purposes of subsection (1) of this
9 section is:

10 (a) For cities of the metropolitan class, six million
11 dollars;

12 (b) For cities of the primary class, three million
13 dollars;

14 (c) For cities of the first class, seven hundred thousand
15 dollars; and

16 (d) For cities of the second class and villages, three
17 hundred thousand dollars.

18 (3) After July 19, 2012, a municipality shall not be
19 required to submit the following questions to the registered
20 voters:

21 (a) Whether to change the rate of an occupation tax
22 imposed for a specific project which does not provide for deposit
23 of the tax proceeds in the municipality's general fund; or

24 (b) Whether to terminate an occupation tax earlier than
25 the determinable termination date under the original question
26 submitted to the registered voters.

27 This subsection applies to occupation taxes imposed prior
1 to, on, or after July 19, 2012.

2 (4) The authority granted in this section and sections
3 14-109, 15-202, 15-203, 16-205, and 17-525 to impose a new
4 occupation tax or increase the rate of an existing occupation
5 tax is suspended beginning on the effective date of this act
6 through July 15, 2014. An occupation tax which was adopted by
7 a governing body of a municipality and which is required to be
8 approved by the registered voters but which has not been approved
9 by the registered voters prior to the effective date of this act
10 is null and void. Any occupation tax imposed by a governing body
11 and approved by the registered voters, if required, prior to the
12 effective date of this act shall continue to be imposed.

13 ~~(4)-(5)~~ The provisions of this section do not apply to an
14 occupation tax subject to section 86-704.

15 2. Renumber the remaining sections and correct the
16 repealer accordingly.

Senator Krist moved for a call of the house. The motion prevailed with 32
eyes, 0 nays, and 17 not voting.

Senator Krist requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Ashford	Chambers	Hansen	Larson	Price
Bloomfield	Coash	Karpisek	McCoy	Schilz
Brasch	Cook	Kintner	Mello	Watermeier
Carlson	Dubas	Krist	Pirsch	Wightman

Voting in the negative, 15:

Adams	Crawford	Hadley	Kolowski	Seiler
Avery	Gloor	Harms	Nelson	Sullivan
Conrad	Haar, K.	Johnson	Scheer	Wallman

Present and not voting, 12:

Bolz	Davis	Lathrop	Nordquist
Campbell	Harr, B.	McGill	Schumacher
Christensen	Howard	Murante	Smith

Excused and not voting, 2:

Janssen Lautenbaugh

The Krist amendment lost with 20 ayes, 15 nays, 12 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 20, 2013, at 3:07 p.m. were the following: LBs 195e, 198e, 199e, 200e, 194e, and 536e.

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 298. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study issues surrounding the efficiency of state programs. This study shall include, but not be limited to, an examination of the following issues:

(1) Potential areas of fragmentation, overlap, and duplication within individual state agency budgets or between agencies;

(2) Strategies utilized by the federal government and other states to identify areas of fragmentation, overlap, and duplication in government programs; and

(3) Methods to improve the efficiency and effectiveness of state government through the elimination or consolidation of fragmented, overlapping, and duplicate state programs.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 299. Introduced by Nordquist, 7.

PURPOSE: The purpose of this resolution is to examine the possibility of the State of Nebraska operating and managing all activities associated with motor vehicle licensing and registration for all counties statewide.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2013.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 300. Introduced by Campbell, 25.

PURPOSE: Anecdotal information based on Senators' contacts with constituents and work done by the Office of the Public Counsel (cases investigated and prior legislative testimony), in addition to the recent work of the Region 6 Developmental Disabilities Planning Council Grant, indicate that a significant number of individuals dually diagnosed with intellectual or developmental disabilities and mental illness (I/DD and MI) or intellectual or developmental disabilities and behavioral health problems are not receiving effective habilitative or behavioral health services. The purposes of this study are to:

1. Study the treatment and services for people dually diagnosed with I/DD and MI or I/DD and behavioral health, including people who are not eligible for I/DD and MI services based on the current criteria of the Department of

Health and Human Services, as well as people who may be eligible for one set of services or the other but whose services, due to regulatory and other barriers, are inadequate to meet their needs in the community;

2. Identify and quantify gaps in service;

3. Consider the federal Patient Protection and Affordable Care Act's potential impacts; and

4. Make recommendations for administrative or legislative actions to address such gaps.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 301. Introduced by Price, 3; Adams, 24; Avery, 28; Bloomfield, 17; Crawford, 45; Gloor, 35; Hadley, 37; Janssen, 15; Kolowski, 31; Krist, 10; McCoy, 39; Nelson, 6; Scheer, 19; Smith, 14; Sullivan, 41.

WHEREAS, Lieutenant Colonel Ralph Tosti, United States Air Force, Retired, is the Senior Aerospace Science Instructor at Bellevue West High School where he also served on the High School Leadership Committee; and

WHEREAS, Col. Tosti has overseen the Air Force JROTC program and the men's and women's varsity drill teams at Bellevue Public Schools since 1991 during which time his Bellevue West Drill Team won first place and the Best Commander title at the Air Force Nationals competition; and

WHEREAS, Col. Tosti was also an assistant volleyball coach for 10 years at Bellevue West High School where he helped coach his teams to win six consecutive state volleyball titles; and

WHEREAS, prior to his tenure at Bellevue West High School, Col. Tosti served for 28 years in the United States Air Force, and he has also been involved in the BEA, NEA, Military Officers Association, and the Air Force Association; and

WHEREAS, Col. Tosti is retiring as instructor for the Air Force JROTC program at Bellevue West High School on May 23, 2013.

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

1. That the Legislature congratulates Col. Ralph Tosti on his retirement and thanks him for his leadership and combined 50 years of service to the country and to the students and future leaders he mentored in the Air Force JROTC program at Bellevue West High School.

2. That a copy of this resolution be sent to Col. Ralph Tosti.

Laid over.

LEGISLATIVE RESOLUTION 302. Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to study the generation of energy in Nebraska through the use of renewable energy sources and to provide a comparison with other states. The study shall include, but not be limited to, an examination of the following:

- (1) The prevalence of energy generation through the use of renewable sources by Nebraska's public power systems;
- (2) The prevalence of energy generation through the use of renewable sources by private entities generating energy for in-state consumption and for export;
- (3) Federal and state tax incentives provided to entities generating energy through the use of renewable sources;
- (4) Infrastructure needs and costs associated with the generation and transmission of energy generated through the use of renewable sources;
- (5) Renewable energy mandates; and
- (6) Long-term supply strategies in Nebraska and in other states.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 303. Introduced by Coash, 27.

PURPOSE: The purpose of this resolution is to study issues relating to brain injuries. The issues addressed by this study shall include, but not be limited to:

- (1) An examination of community services, including neurobehavioral services, available for brain injury; and
- (2) An examination of the impact of brain injuries on Nebraska's veterans and how a trust fund may help address their needs.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 304. Introduced by B. Harr, 8.

PURPOSE: The purpose of this study is to conduct a thorough review of statutes governing Class V school districts to identify the differences between statutes governing Class V school districts and other school districts, and to determine whether those differences are warranted.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 305. Introduced by B. Harr, 8.

PURPOSE: The purpose of this resolution is to study the governance and efficiency of the State Board of Education.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 306. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study the issue of requiring prospective employees to disclose their criminal backgrounds on initial job applications and to evaluate the need for legislation which would ban employers from requesting this information before prospective employees have an interview, a practice known as "banning the box". The study shall include, but not be limited to, an examination of the following issues:

(1) The need to strengthen protections for prospective employees and applicants who currently must disclose their criminal background on initial job applications;

(2) Identifying exceptions for certain career fields in any legislation that would ban the practice of requiring criminal background information on initial job applications;

(3) The consequences of the practice of requiring criminal background information before a job interview; and

(4) Potential alternatives for employers to use when screening prospective employees that would not require requesting criminal background information on initial job applications.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 307. Introduced by Lautenbaugh, 18.

PURPOSE: The purpose of this resolution is to study the committee and caucus structure of the Legislature. The study shall include, but not be limited to, an examination of the following issues:

(1) The number of bills referenced to each committee;

(2) The amount of time needed to adequately process all legislation being referred to each committee;

(3) The extent to which each congressional district caucus should be ensured equal representation on each committee;

(4) Whether currently existing standing committees can be merged into other standing committees;

(5) Whether the current number of members assigned to each committee is adequate and appropriate;

(6) Whether the number of days in which each committee is scheduled to meet per week should be increased, decreased, or remain the same;

(7) Whether the days of the week in which each committee is scheduled to meet should be changed; and

(8) Any other related topics the study committee deems necessary or appropriate.

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

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 308. Introduced by Wallman, 30.

WHEREAS, Jeryn Creek of Southern High School won a gold medal in the long jump at the 2013 Class C Girls State Track and Field Meet; and

WHEREAS, Jeryn's efforts helped Southern High School to finish in 14th place in the team standings at the state meet; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Jeryn Creek for her outstanding performance at the 2013 Class C Girls State Track and Field Meet.

2. That a copy of this resolution be sent to Jeryn Creek.

Laid over.

LEGISLATIVE RESOLUTION 309. Introduced by Wallman, 30.

PURPOSE: The purpose of this resolution is to examine and make recommendations on how to improve the protection of sensitive commercial crops from losses due to the damaging effects of phenoxy herbicide drift (2, 4-D, Dicamba, etc.) and how to minimize the occurrences of drift damage. This study shall identify sensitive crops grown in Nebraska, including grapes, and their direct and value-added economic importance. This study shall examine the present awareness and policies of commercial and private licensed applicators, utilities, and governmental and public entities and review their training requirements, training effectiveness, and record-keeping requirements. The study shall also examine existing programs of public sprayer education, general awareness of DriftWatch, and potential liabilities of which all applicators should be aware in an effort to lessen the necessity of and extreme difficulties involved in state drift episode investigations.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 310. Introduced by Wallman, 30.

WHEREAS, Derek Zimmerman of Freeman High School won gold medals in the triple jump and long jump and finished fifth in the 100-meter dash at the 2013 Class C Boys State Track and Field Meet; and

WHEREAS, Derek's efforts helped Freeman High School to a third-place team finish at the state meet; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Derek Zimmerman for his outstanding performance at the 2013 Class C Boys State Track and Field Meet.

2. That a copy of this resolution be sent to Derek Zimmerman.

Laid over.

LEGISLATIVE RESOLUTION 311. Introduced by Wallman, 30.

WHEREAS, the Norris High School baseball team won the 2013 Class B State Baseball Championship; and

WHEREAS, Norris defeated Lincoln Pius X 3-2 in a hard-fought championship game; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Norris High School baseball team on winning the 2013 Class B State Baseball Championship.

2. That a copy of this resolution be sent to the Norris High School baseball team and Coach Jason Cullison.

Laid over.

AMENDMENT - Print in Journal

Senator Carlson filed the following amendment to LB308:
AM1460

(Amendments to Standing Committee amendments, AM583)

1 1. Insert the following new sections:

2 Sec. 4. Section 77-27,142, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 77-27,142 (1) Any incorporated municipality other than
5 a city of the metropolitan class by ordinance of its governing
6 body is hereby authorized to impose a sales and use tax of

7 one-half percent, one percent, one and one-half percent, one and
 8 three-quarters percent, or two percent upon the same transactions
 9 that are sourced under the provisions of sections 77-2703.01 to
 10 77-2703.04 within such incorporated municipality on which the State
 11 of Nebraska is authorized to impose a tax pursuant to the Nebraska
 12 Revenue Act of 1967, as amended from time to time. Any city of
 13 the metropolitan class by ordinance of its governing body is hereby
 14 authorized to impose a sales and use tax of one-half percent, one
 15 percent, or one and one-half percent upon the same transactions
 16 that are sourced under the provisions of sections 77-2703.01 to
 17 77-2703.04 within such city of the metropolitan class on which
 18 the State of Nebraska is authorized to impose a tax pursuant to
 19 the Nebraska Revenue Act of 1967, as amended from time to time.
 20 No sales and use tax shall be imposed pursuant to this section
 21 until an election has been held and a majority of the qualified
 22 electors have approved such tax pursuant to sections 77-27,142.01
 1 and 77-27,142.02.

2 (2)(a) Any incorporated municipality that proposes to
 3 impose a municipal sales and use tax at a rate greater than one
 4 and one-half percent or increase a municipal sales and use tax
 5 to a rate greater than one and one-half percent shall submit the
 6 question of such tax or increase at a primary or general election
 7 held within the incorporated municipality. The question shall be
 8 submitted upon an affirmative vote by at least seventy percent
 9 of all of the members of the governing body of the incorporated
 10 municipality.

11 (b) Any rate greater than one and one-half percent shall
 12 be used as follows:

13 (i) ~~In a city of the metropolitan class, the proceeds~~
 14 ~~from the first one quarter percent of the rate greater than one and~~
 15 ~~one half percent shall be used to reduce other taxes, the proceeds~~
 16 ~~from the next one eighth percent of the rate greater than one and~~
 17 ~~one half percent shall be used for public infrastructure projects,~~
 18 ~~and the proceeds from the next one eighth percent of the rate~~
 19 ~~greater than one and one half percent shall be used for purposes of~~
 20 ~~the interlocal agreement or joint public agency agreement described~~
 21 ~~in subsection (3) of this section;~~

22 (ii) ~~(i)~~ In a city of the primary class, up to fifteen
 23 percent of the proceeds from the rate in excess of one and one-half
 24 percent may be used for non-public infrastructure projects of
 25 an interlocal agreement or joint public agency agreement with
 26 another political subdivision within the municipality or the
 27 county in which the municipality is located, and the remaining
 1 proceeds shall be used for public infrastructure projects or
 2 voter-approved infrastructure related to an economic development
 3 program as defined in section 18-2705; and

4 (iii) ~~(ii)~~ In any incorporated municipality other than a
 5 city of the ~~metropolitan or~~ primary class, the proceeds from the
 6 rate in excess of one and one-half percent shall be used for public

7 infrastructure projects or voter-approved infrastructure related to
8 an economic development program as defined in section 18-2705.

9 For purposes of this section, public infrastructure
10 project means and includes, but is not limited to, any of the
11 following projects, or any combination thereof: Public highways and
12 bridges and municipal roads, streets, bridges, and sidewalks; solid
13 waste management facilities; wastewater, storm water, and water
14 treatment works and systems, water distribution facilities, and
15 water resources projects, including, but not limited to, pumping
16 stations, transmission lines, and mains and their appurtenances;
17 hazardous waste disposal systems; resource recovery systems;
18 airports; port facilities; buildings and capital equipment used
19 in the operation of municipal government; convention and tourism
20 facilities; redevelopment projects as defined in section 18-2103;
21 mass transit and other transportation systems, including parking
22 facilities; and equipment necessary for the provision of municipal
23 services.

24 (c) Any rate greater than one and one-half percent shall
25 terminate no more than ten years after its effective date or, if
26 bonds are issued and the local option sales and use tax revenue is
27 pledged for payment of such bonds, upon payment of such bonds and
1 any refunding bonds, whichever date is later, except as provided in
2 subdivision (2)(d) of this section.

3 (d) If a portion of the rate greater than one and
4 one-half percent is stated in the ballot question as being imposed
5 for the purpose of the interlocal agreement or joint public
6 agency agreement described in subdivision ~~(2)(b)(ii)~~ (2)(b)(i) or
7 subsection (3) of this section, and such portion is at least
8 one-eighth percent, there shall be no termination date for the rate
9 representing such portion rounded to the next higher one-quarter or
10 one-half percent.

11 (e) Sections 13-518 to 13-522 apply to the revenue from
12 any such tax or increase.

13 (3)(a) No municipal sales and use tax shall be imposed
14 at a rate greater than one and one-half percent or increased to a
15 rate greater than one and one-half percent unless the municipality
16 is a party to an interlocal agreement pursuant to the Interlocal
17 Cooperation Act or a joint public agency agreement pursuant to the
18 Joint Public Agency Act with a political subdivision within the
19 municipality or the county in which the municipality is located
20 creating a separate legal or administrative entity relating to a
21 public infrastructure project.

22 (b) Except as provided in subdivision ~~(2)(b)(ii)~~
23 (2)(b)(i) of this section, such interlocal agreement or joint
24 public agency agreement shall contain provisions, including
25 benchmarks, relating to the long-term development of unified
26 governance of public infrastructure projects with respect to
27 the parties. The Legislature may provide additional requirements
1 for such agreements, including benchmarks, but such additional

2 requirements shall not apply to any debt outstanding at the time
3 the Legislature enacts such additional requirements. The separate
4 legal or administrative entity created shall not be one that was
5 in existence for one calendar year preceding the submission of the
6 question of such tax or increase at a primary or general election
7 held within the incorporated municipality.

8 (c) Any other public agency as defined in section 13-803
9 may be a party to such interlocal cooperation agreement or joint
10 public agency agreement.

11 (d) A municipality is not required to use all of the
12 additional revenue generated by a sales and use tax imposed at a
13 rate greater than one and one-half percent or increased to a rate
14 greater than one and one-half percent under this subsection for the
15 purposes of the interlocal cooperation agreement or joint public
16 agency agreement set forth in this subsection.

17 (4) The provisions of subsections (2) and (3) of this
18 section do not apply to the first one and one-half percent of a
19 sales and use tax imposed by a municipality.

20 (5) Notwithstanding any provision of any municipal
21 charter, any incorporated municipality or interlocal agency or
22 joint public agency pursuant to an agreement as provided in
23 subsection (3) of this section may issue bonds in one or more
24 series for any municipal purpose and pay the principal of
25 and interest on any such bonds by pledging receipts from the
26 increase in the municipal sales and use taxes authorized by such
27 municipality. Any municipality which has or may issue bonds under
1 this section may dedicate a portion of its property tax levy
2 authority as provided in section 77-3442 to meet debt service
3 obligations under the bonds. For purposes of this subsection, bond
4 means any evidence of indebtedness, including, but not limited to,
5 bonds, notes including notes issued pending long-term financing
6 arrangements, warrants, debentures, obligations under a loan
7 agreement or a lease-purchase agreement, or any similar instrument
8 or obligation.

9 Sec. 5. Section 77-27,142.01, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 77-27,142.01 (1) The governing body of any incorporated
12 municipality may submit the question of changing any terms
13 and conditions of a sales and use tax previously authorized
14 under section 77-27,142. Except as otherwise provided by section
15 77-27,142, the question of modification shall be submitted to the
16 voters at any primary or general election or at a special election
17 if the governing body submits a certified copy of the resolution
18 proposing modification to the election commissioner or county clerk
19 within the time prior to the primary, general, or special election
20 prescribed in section 77-27,142.02.

21 (2) If the change imposes a sales and use tax at a
22 rate greater than one and one-half percent or increases the sales
23 and use tax to a rate greater than one and one-half percent, the

24 question shall include, but not be limited to:

25 (a) The percentage increase of one-quarter percent or
26 one-half percent in the sales and use tax rate;

27 (b) A list of reductions or elimination of other taxes or
1 fees, if any;

2 (c) A description of the projects to be funded, in whole
3 or in part, from the revenue collected, along with any savings or
4 efficiencies resulting from the projects;

5 (d) The year or years within which the revenue will be
6 collected and, if bonds will be issued with some or all of the
7 revenue pledged for payment of such bonds, a statement that the
8 revenue will be collected until the payment in full of such bonds
9 and any refunding bonds; and

10 (e)(i) The percentage of revenue collected to be used
11 for the purposes of the interlocal agreement or joint public
12 agency agreement as provided in subdivision ~~(2)(b)(ii)~~ (2)(b)(i)
13 or subsection (3) of section 77-27,142; (ii) a statement of the
14 overall purpose of the agreement which is the long-term development
15 of unified governance of public infrastructure projects, if
16 applicable; and (iii) the name of any other political subdivision
17 which is a party to the agreement.

18 This subsection does not apply to the first one and
19 one-half percent of a sales and use tax imposed by a municipality.

20 2. Renumber the remaining section and correct the
21 repealer accordingly.

22 3. Strike the Chambers amendment, AM1413.

GENERAL FILE

LEGISLATIVE BILL 298. Senator Chambers offered his amendment, FA74, found on page 1255.

The Chambers amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 34. Title read. Considered.

Committee AM650, found on page 753, was offered.

Senator Chambers offered his amendment, AM1410, found on page 1382, to the committee amendment.

Senator Chambers withdrew and refiled his amendment, AM1410.

Senator Chambers offered the following amendment to the committee amendment:

FA85

Amend AM650

Page 1, line 21 beginning with "all" through "be" in line 22 and insert "the taxpayer may be permitted to establish that all of the taxpayer's locations are".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following motion:

MO82

Bracket until June 5, 2013.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 341. Placed on Final Reading.

LEGISLATIVE BILL 410. Placed on Final Reading.

LEGISLATIVE BILL 563. Placed on Final Reading.

(Signed) John Murante, Chairperson

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB326:
AM1357

(Amendments to Standing Committee amendments, AM434)

- 1 1. Insert the following new section:
- 2 Sec. 10. Unless otherwise allowed by state or federal
- 3 law or regulation, the management of a long-term care facility at
- 4 which an automated medication system is located shall not require a
- 5 resident of the facility to obtain medication through the automated
- 6 medication system and shall not restrict or impair the ability of
- 7 a resident of the facility to obtain medications from the pharmacy
- 8 of the resident's choice.
- 9 2. On page 2, line 10, strike "section 9" and insert
- 10 "sections 9 and 10".
- 11 3. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 312. Introduced by Coash, 27; Campbell, 25.

PURPOSE: The purpose of this resolution is to study issues surrounding the child protective services (CPS) system within the Department of Health and

Human Services (DHHS). This study shall include, but not be limited to, an examination of the following:

- (1) The roles of law enforcement, county attorneys, and CPS staff in potential child abuse and neglect cases;
- (2) The effectiveness of the CPS hotline;
- (3) The procedures used by CPS staff to screen reports of child abuse and neglect including the process used to determine voluntary cases;
- (4) The process by which information is shared between state and local agencies and officials;
- (5) Training procedures for front-line responders in potential child abuse and neglect cases;
- (6) The impact of DHHS efforts to reduce the percentage of children removed from their homes; and
- (7) The State Child and Maternal Death Review Team, as amended by passage of LB 361, including its membership, role, and reporting requirements.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 313. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study comprehensive models of response and treatment for victims of human trafficking. This study shall include any recommendations about an appropriate model for implementation in Nebraska that involves the response of law enforcement, medical professionals, legal parties, the courts, and other treatment providers to create a comprehensive approach to response and treatment.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 314. Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study the use of parent education available within the public schools. This study shall include an examination of models in other states where education is made available to parents in the public schools in the areas of continuing education, literacy, child development and discipline, and other areas.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 315. Introduced by Conrad, 46.

PURPOSE: The purpose of this resolution is to study the development of a new type of corporate entity known as the benefit corporation. The major characteristics of the benefit corporation are (1) the requirement that a benefit corporation must have a corporate purpose to create a material positive impact on society, (2) an expansion of the duties of directors to require consideration of non-financial stakeholders as well as the financial interests of shareholders, and (3) an obligation to report on its overall social and environmental performance using a comprehensive, credible, and transparent standard.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 316. Introduced by Scheer, 19.

PURPOSE: The purpose of this resolution is to study issues raised by LB 312 (2013) which is pending in the Banking, Commerce and Insurance Committee. LB 312 would provide that it is an unfair trade practice in the business of insurance for an insurer to: Refuse to issue, refuse to renew, cancel, or limit the amount of coverage on a property and casualty risk due to weather-related casualties to the risk; surcharge a policyholder for a property and casualty loss on which the insurer did not pay a claim; and

surcharge a policyholder for a property and casualty loss due to weather-related casualties to a previously occupied or noncovered property.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 317. Introduced by Conrad, 46.

PURPOSE: As evidenced by the Nebraska Meatpacking Industry Workers Bill of Rights, Nebraska recognized that the health, safety, and conditions of its workforce were critical to the success of Nebraska's families and communities. However, data and scores of conversations with meatpacking and poultry workers since passage of the Workers Bill of Rights demonstrate that conditions have not sufficiently improved, and that regularly forced overtime by a few employers causes additional serious risks to worker and food safety, and also creates worrisome parental absences for families.

The purpose of this resolution is to examine how forced overtime on a regular and repeated basis as a regular work practice affects Nebraskans working in meatpacking, poultry, food processing, and other factory work. This study shall identify what policies Nebraska should adopt to strengthen its laws to ensure worker and food product safety in these workplaces. This study shall include, but not be limited to, the following:

(1) A review of current overtime conditions in meat and poultry processing plants, food processing plants, and other factories across Nebraska; and

(2) Identifying opportunities to strengthen Nebraska's statutory framework related to regularly and repeated forced overtime and other laws and regulations related to ensuring overtime policies that safeguard worker safety, food safety, and a strong quality of life for Nebraska families and communities.

The study committee should consult with a variety of stakeholders including Nebraska meatpacking employees and other workers, community and health organizations, union representatives, workers' compensation attorneys, company management, government agencies, and university researchers.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 318. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study issues related to mass transit authorities. This study shall include, but not be limited to, an examination of the following issues:

(1) The statutory means by which a municipality other than a city of the metropolitan class would establish a separate transit authority;

(2) The steps that need to be taken at the federal and state levels to facilitate the transfer of transit assets from a municipality to a separate transit authority;

(3) The limitations of the current statutory structure for transit authorities under the Transit Authority Law; and

(4) The long-term future of transportation options and cooperative models in the Omaha and Lincoln areas.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 319. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study issues surrounding Omaha's federally-mandated combined sewer overflow (CSO) project. This study shall include, but not be limited to, an examination of the following issues:

(1) The unique nature of the CSO project, including the size, scope, and restrictions on funding methods imposed on the city by the federal government;

(2) Potential strategies to provide state assistance to defray the costs of the CSO project, including existing funding sources or turnback of sales taxes being paid on sewer and water fees that currently fund the project; and

(3) Regulatory oversight of the CSO project by the Department of Environmental Quality, including whether regulatory flexibility could lower the total costs of the project.

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

1. That the Natural Resources and Revenue Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 320. Introduced by K. Haar, 21.

PURPOSE: To examine statutes and procedures related to the eminent domain laws for oil pipelines and the authorities of local governments to regulate oil pipelines.

The study shall include, but not be limited to, an examination of the following:

1. Issues related to eminent domain authority by pipeline companies. This study should include whether using threats of eminent domain to obtain easements for a route that has subsequently been abandoned violate state or federal law and whether new laws need to be crafted to address this issue;

2. The role of local governing bodies in dealing with siting and routing pipelines, including zoning authority of counties and authority to protect ground water by natural resources districts; and

3. Any other issues necessary or proper to a complete examination of this issue.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 321. Introduced by K. Haar, 21.

PURPOSE: To examine statutes and procedures related to the State of Nebraska's financial responsibility for oil pipelines.

The study shall include, but not be limited to, an examination of the following:

1. Whether there has been adequate financial protection for the State of Nebraska and its taxpayers in the event of a major pipeline leak;

2. Whether there has been adequate financial protection for the State of Nebraska and its taxpayers in the event of pipeline abandonment;

3. An examination of other states' laws on financial protection for the liability of pipeline leaks or abandonment; and

4. Any other issue necessary or proper to complete examination of this issue.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 322. Introduced by K. Haar, 21.

PURPOSE: The purpose of this study is to examine options for stabilization and growth in funding for the Tax Equity and Educational Opportunities Support Act (TEEOSA).

One of the original goals of LB 1059 (1990), which created TEEOSA, was to provide a broad revenue base for the funding of public schools, with a specific target to provide 45 percent of the total costs of operating the public schools from state revenue sources, yet now the state now provides only about 33 percent of the total costs.

Recessionary periods and resulting drops in state revenue have caused this decline in the state share of funding schools and that has led to an increasing reliance on property taxes overall for funding public schools. As a result, stability in funding schools has become an issue, with dramatic peaks and valleys in state funding for schools and unpredictability in state aid receipts for individual districts.

The purpose of the study is to examine concepts for smoothing the growth of state aid to schools through TEEOSA including, but not limited to:

1. Creating a mechanism for setting cost growth based on objective indicators and historic trends of school costs and state revenue growth, as proposed in LB 604 (2013);

2. Establishing a separate state cash reserve for funding TEEOSA;

3. Creating a school funding trust fund with selected revenue sources;

4. Utilizing the revenue from new and dynamic revenue sources such as the internet sales tax and sales taxes on high-end services; and

5. Establishing a trust fund to fill the shortfalls in revenue during period of recession.

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

1. That the Education Committee, Revenue Committee, and Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The study shall

be coordinated with the efforts of the Tax Modernization Commission proposed pursuant to LB 613 (2013).

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 323. Introduced by K. Haar, 21.

PURPOSE: To study statutes and policies related to increasing renewable energy development in Nebraska.

By the end of 2012, Iowa had developed 5,137 megawatts in wind electricity generation capacity, compared to Nebraska's 459 megawatts. Iowa's wind development has provided millions of dollars in economic benefit to its residents, as well as providing tax revenue for the state and political subdivisions. Iowa's wind development was stated as a major factor in Facebook's decision to invest \$1.5 billion in a data center in Iowa and Google's decision to expand its data center in Council Bluffs. Mid-American Energy recently announced that it plans to add another 1,050 megawatts of wind energy to its portfolio in Iowa.

Iowa's electricity rates, which have historically been higher than Nebraska's, are now lower than Nebraska's rates. Mid-American's announcement that they would expand their wind energy development included a statement that they expected it would save their ratepayers \$10 million per year beginning in 2015.

The study shall include, but not be limited to, a review of the following issues:

- (1) Methods used by Iowa to encourage renewable energy development;
- (2) Ways that renewable energy development can help maintain low electric rates;
- (3) Economic benefits and opportunities for renewable energy development;
- (4) New technologies that may be used to enhance the effectiveness of renewable energy projects;
- (5) Whether there are opportunities for Nebraska to show leadership in public policy related to renewable energy, such as policies to promote solar energy development; and
- (6) Any other issues the study committee deems necessary or appropriate.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 324. Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to examine and evaluate the statutory requirements on Nebraska's public power districts.

The study should include:

- (1) An examination of the current requirements on building new generation and reinvesting in current generation resources;
- (2) Additional considerations that could be required before investing in new generation, including, but not limited to, health and environmental impacts, economic development impacts, water usage, risk analysis, and the advantage of obtaining fuels from sources inside the State of Nebraska;
- (3) Methods for ratepayer engagement in the process, including, but not limited to, standing before the Nebraska Power Review Board;
- (4) The role of the Nebraska Power Review Board in approving and overseeing generation; and
- (5) Any other issues that the committee deems relevant.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 325. Introduced by K. Haar, 21.

PURPOSE: The purpose of this study is to examine the effectiveness of the school budget limitation and certification of school budget authority included in the Tax Equity and Educational Opportunities Support Act (TEEOSA). The study will address the following questions:

1. Are the budget limitations necessary to control school spending and cost growth which drive TEEOSA equalization funding?
2. Are the budget limitations effective in equalizing school spending in school districts of different sizes and geographic location?
3. What is the interplay between the budget limitations and property tax levy limitations? Are both necessary?
4. How have the budget lids impacted educational opportunities and delivery of educational services?
5. Are the exemptions from the limitations adequate?
6. Should the current school budget limitations be repealed or modified?

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The study shall be coordinated with the efforts of the Tax Modernization Commission proposed pursuant to LB 613 (2013).

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 326. Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to examine and evaluate net metering in Nebraska and evaluate proposed changes to Nebraska's net metering laws. The study should focus on the economic impact of net metering on private renewable energy production and the impact on the producer, the public power districts, and other energy consumers.

The study should include:

(1) The economic impact on expanding net metering to include systems up to a rated capacity of 100 kilowatts;

(2) The economic impact on expanding the systemwide cap currently at one percent of capacity;

(3) Expected growth in net metering and the effects of expansion;

(4) Effects of federal subsidies and policies on net metering;

(5) Issues and concerns with placing systems larger than twenty-five kilowatts and possible solutions, including, but not limited to, variable caps on systems;

(6) The process that utilities use to determine how net metering systems can be integrated; and

(7) Any other issues that the committee deems relevant.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 327. Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to study and evaluate emergency response planning and preparation for severe weather events and the adequacy, availability, and issues surrounding storm shelters or safe rooms for residents of mobile home parks. This study shall include, but not be limited to, an examination of the following issues:

(1) Requirements in other states on providing shelter from severe weather for mobile home parks;

(2) Sources of funding including, but not limited to, federal, state, and local programs for the construction of shelters or safe rooms for residents of mobile home parks;

(3) Potential legal and liability issues for persons providing shelter; and

(4) Any other issues that the committee deems relevant.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 328. Introduced by Pirsch, 4.

PURPOSE: To study methods to better protect elderly and other vulnerable Nebraskans from financial exploitation.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 329. Introduced by Pirsch, 4.

PURPOSE: To study possible ways the state could use tax policy to encourage more small business start-ups and entrepreneurialism, especially for businesses utilizing technology and innovation.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 330. Introduced by Pirsch, 4.

PURPOSE: To study ways Nebraska can ensure a future workforce well-skilled in STEM (science, technology, engineering, and math) education.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 331. Introduced by Pirsch, 4.

PURPOSE: To study the advisability of stronger penalties for offenders convicted of the crime of sexual assault of a child as well as related deterrents and victim remedies.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 332. Introduced by Pirsch, 4.

PURPOSE: To study ways the state may appropriately reduce property taxes in Nebraska.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 333. Introduced by Pirsch, 4.

PURPOSE: To study ways the state may appropriately reduce income tax rates in Nebraska.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 334. Introduced by Pirsch, 4.

PURPOSE: To study ways to identify and eliminate waste and fraud in government spending.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 335. Introduced by Pirsch, 4.

PURPOSE: To study whether more fair and appropriate methods of agricultural land valuation can be implemented.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 336. Introduced by Pirsch, 4.

PURPOSE: To investigate methods to reduce gang violence.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 337. Introduced by Pirsch, 4.

PURPOSE: To investigate methods to attract investment capital into Nebraska to create more Nebraska jobs and businesses.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 338. Introduced by Pirsch, 4.

PURPOSE: To study issues relating to the regulation of abortion clinics.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 339. Introduced by Pirsch, 4.

PURPOSE: To investigate methods to increase the export of Nebraska agricultural commodities and other Nebraska products.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 340. Introduced by Davis, 43; Avery, 28; Bloomfield, 17; Brasch, 16; Cook, 13; Harms, 48; Johnson, 23; Karpisek, 32; Kolowski, 31; Krist, 10; McGill, 26; Nordquist, 7; Pirsch, 4; Scheer, 19; Schilz, 47; Seiler, 33; Wallman, 30; Wightman, 36.

PURPOSE: The purpose of this resolution is to identify the value of property taxes eliminated by all tax-increment financing (TIF) and other Nebraska business tax incentive programs and determine how the resulting loss of property tax revenue impacts the Tax Equity and Educational Opportunities Support Act (TEEOA) funding formula.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council and Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 341. Introduced by Davis, 43; Avery, 28; Brasch, 16; Cook, 13; Hansen, 42; Harms, 48; Johnson, 23; Karpisek, 32; Kolowski, 31; Krist, 10; McGill, 26; Nordquist, 7; Pirsch, 4; Scheer, 19; Schilz, 47; Seiler, 33; Smith, 14; Wallman, 30; Wightman, 36.

PURPOSE: To study the powers and duties of the Nebraska Emergency Management Agency (NEMA). This study shall include, but not be limited to, an examination of the following issues:

(1) The adequacy and timeliness of NEMA responses to local and regional emergency disasters as experienced during floods in 2011, wildfires in 2012, and recent hazardous material incidents;

(2) Assessment of the Adjutant General's \$10,000 spending authority limit established in section 81-829.42;

(3) Policies and procedures used by NEMA to educate and train staff at local agencies concerning protocols to be used during emergencies;

(4) Improvement of communications among and between participants during emergency mutual aid events;

(5) The creation of Nebraska-based incident management teams to respond throughout the state and to serve as comprehensive resources to augment and help with natural and man-made emergencies;

(6) The potential benefits of Nebraska joining the states of Colorado, North Dakota, South Dakota, and Wyoming in the Great Plains Interstate Fire Compact.

(7) The benefits of identifying and funding a state agency, department, or division with jurisdiction over wildfire management and suppression.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 342. Introduced by Davis, 43; Avery, 28; Bloomfield, 17; Brasch, 16; Cook, 13; Harms, 48; Johnson, 23; Kolowski, 31; Krist, 10; Nordquist, 7; Pirsch, 4; Scheer, 19; Schilz, 47; Seiler, 33; Wallman, 30.

PURPOSE: The purpose of this resolution is to evaluate whether any types of agricultural land are being overvalued relative to their income potential. This study shall examine how to address inconsistencies in the current valuation of agricultural land such as a use value system, if the agricultural industry pays a higher effective total tax rate than other business sectors in Nebraska, and if there needs to be an additional revenue source for local governments such as a sales tax option for schools.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council and Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 343. Introduced by Dubas, 34; Brasch, 16; Hadley, 37; McCoy, 39; Price, 3; Watermeier, 1.

PURPOSE: To study the existing policy to supplement federal universal service support mechanisms and ensure that all Nebraskans, without regard to their location, have comparable accessibility to telecommunications services at affordable prices, recognizing the importance of broadband access for the state's economy to remain competitive, and to review changes to universal service at the federal level and changes in technology.

This study shall investigate the universal service and intercarrier compensation systems to maintain telecommunications services and extend broadband-capable infrastructure. Input shall be solicited from the Public Service Commission, regulated entities, broadband and telecommunications carriers, service users, and the public. Study topics may include, but not be limited to, the following areas:

(1) Modernization of the existing framework for contribution to and use of the Nebraska Telecommunications Universal Service Fund (NTUSF);

(2) The progress or results of the NTUSF broadband pilot program, dedicated wireless program, and broadband mapping grant project;

(3) Ability of Nebraska citizens, schools, businesses, and health care services to access Internet services;

(4) Effects on Nebraska of recent reforms to the federal Universal Service Fund and intercarrier compensation by the Federal Communications Commission;

(5) Other possible funding mechanisms for statewide broadband access ensuring comparable rates for all users; and

(6) Other states' approaches to fund affordable broadband access.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 344. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Conrad, 46; Davis, 43; Karpisek, 32; Mello, 5.

PURPOSE: The state has an interest in the retirement security of Nebraska workers, including the ability of all workers to secure their independence and self-sufficiency upon retirement. Research indicates that since the 1980s there has been a steadily declining savings rate among workers. In addition, only about one-half of workers have access to a retirement savings plan at work. Workers unable to build up sufficient pensions and savings are more likely to become dependent on state services in their old age.

This study shall include, but not be limited to, an examination of the availability and adequacy of retirement savings of Nebraska private sector workers.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 345. Introduced by Christensen, 44.

PURPOSE: The purpose of this study is to examine whether the Legislature should amend the portion of the Nebraska Ground Water Management and Protection Act, which was enacted with the passage of LB 962 in 2004, designating or determining the appropriation status of certain river basins, subbasins, or reaches as fully appropriated or overappropriated to allow for the same potential reevaluation process of the appropriation status of all river basins in Nebraska according to the same scientific standards, procedures, and administrative appeal processes to challenge any appropriation status designated by the Department of Natural Resources.

This study shall include, but not be limited to: Examining whether to amend the act to allow for reevaluation of all river basins, including current fully appropriated or overappropriated river basins, subbasins, or reaches for the protection of Nebraska's water resources, the securing of a stable water source for all users into the future, and the consistent application of Nebraska's water policy throughout this state.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were 63 fourth-grade students, teachers, and sponsors from Wasmer Elementary, Grand Island.

ADJOURNMENT

At 6:36 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Tuesday, May 21, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIRST DAY - MAY 21, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 21, 2013

PRAYER

The prayer was offered by Senator Hadley.

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 Ashford, Cook, Davis, Lautenbaugh, McCoy, Murante, Pirsch, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eightieth day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 176, 177, 178, 179, 180, 185, 195, 196, and 197 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 176, 177, 178, 179, 180, 185, 195, 196, and 197.

SELECT FILE

LEGISLATIVE BILL 306A. Senator Chambers offered the following motion:

MO83

Indefinitely postpone.

Senator Chambers requested a roll call vote on his motion to indefinitely postpone.

The Chambers motion to indefinitely postpone failed with 4 ayes, 38 nays, 2 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:

MO84

Reconsider the vote to indefinitely postpone.

Senator Chambers requested a roll call vote on his motion to reconsider.

The Chambers motion to reconsider failed with 5 ayes, 35 nays, 3 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following motion:

MO86

Bracket until June 5, 2013.

Senator Chambers requested a roll call vote on his motion to bracket.

The Chambers motion to bracket failed with 3 ayes, 34 nays, 7 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment:

FA87

Strike section 1.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Bloomfield	Chambers	Karpisek	Kintner
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Voting in the negative, 40:

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

Excused and not voting, 5:

Janssen	Larson	Lautenbaugh	Price	Watermeier
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The Chambers amendment lost with 4 ayes, 40 nays, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA88

Strike section 2.

Senator Chambers requested a roll call vote on his amendment.

The Chambers amendment lost with 3 ayes, 32 nays, 4 present and not voting, and 10 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 346. Introduced by Kolowski, 31.

WHEREAS, on Saturday, May 18, 2013, the Millard West High School Wildcats won the 2013 Class A Girls' State Track and Field Championship; and

WHEREAS, this victory marked the second year in a row that the Millard West Wildcats girls' track and field team has won the state championship title; and

WHEREAS, this championship girls' team was lead by the dedicated and talented coach Seth Turman; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Millard West High School Wildcats girls' track and field team and coaches for winning the 2013 Class A Girls' Track and Field Championship.

2. That a copy of this resolution be sent to Millard West High School.

Laid over.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 66. Placed on Final Reading.

LEGISLATIVE BILL 140. Placed on Final Reading.

LEGISLATIVE BILL 366. Placed on Final Reading.

LEGISLATIVE BILL 366A. Placed on Final Reading.

LEGISLATIVE BILL 497. Placed on Final Reading.

LEGISLATIVE BILL 561. Placed on Final Reading.

ST26

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Coash amendment, AM1351, section 1 has been renumbered as section 71.

2. In the Ashford amendment, AM1401:

a. On page 1, line 22; and page 2, lines 5 and 9, "the" has been inserted before "Office";

b. On page 6, line 15, "a" has been inserted after each comma; and

c. On page 11, line 7, the comma has been struck.

3. In the Ashford amendment, AM1394:

a. On page 6, line 9, "for" has been inserted after the comma;

b. On page 21, line 8, "the" has been inserted after "or"; and in line 21 "center," has been struck and "and treatment center" inserted;

c. On page 24, line 20, "or" has been struck and shown as stricken; and in line 22 an underscored comma has been inserted after "detention";

d. On page 26, line 6, the second comma has been struck;

e. On page 34, lines 24 and 25, "their" has been struck, shown as stricken, and "his or her" inserted;

f. On page 35, lines 1 and 18, "their" has been struck and "his or her" inserted; and in line 19 "can" has been struck and "may" inserted;

g. On page 37, line 3, the first comma has been struck; and in line 14 "subdivision" has been struck and "subsection" inserted;

h. On page 56, lines 12 through 14, the new matter has been struck; and in line 12 ", evaluation until October 1, 2013, and parole until July 1, 2014," has been inserted after "discharge";

i. On page 71, line 27, "section" has been inserted after "This";

j. On page 99, line 15, "information" has been struck and "informal" inserted; and in line 23 the comma has been struck;

k. On page 101, line 6, after the first comma insert "the"; in lines 14 and 16 "who" has been struck; and in line 27 "a" has been inserted after "means"; and

l. On page 114, line 9, "43-4314, 43-4318, 43-4320, 43-4321, 43-4324, 81-8,245," has been inserted after "43-4203,".

4. On page 1, the matter beginning with "the" in line 1 through line 8 and all amendments thereto have been struck and "juveniles; to amend sections 29-2257, 43-247, 43-251, 43-260.01, 43-260.04, 43-260.05, 43-260.07, 43-279.01, 43-281, 43-284, 43-284.01, 43-404, 43-406, 43-407, 43-408, 43-410, 43-413, 43-414, 43-417, 43-418, 43-419, 43-420, 43-421, 43-422, 43-423, 43-1411.01, 43-2402, 43-2404, 43-2404.01, 43-2411, 43-2930, 43-3503, 81-1417, 83-4,124, 83-4,125, 83-4,132, and 83-4,134, Reissue Revised Statutes of Nebraska, and sections 28-726, 29-2204, 29-2258, 42-364, 43-245, 43-251.01, 43-254, 43-258, 43-272.01, 43-285, 43-286, 43-2,108.05, 43-2,129, 43-405, 43-412, 43-415, 43-416, 43-2404.02, 43-2412, 43-4203, 43-4314, 43-4318, 43-4320, 43-4321, 43-4324, 81-8,245, 83-4,126, 83-4,131, and 83-4,133, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Department of

Health and Human Services, the Office of Juvenile Services, the Office of Probation Administration, probation officers, and juvenile detention, pretrial diversion, evaluation, placement, treatment, parole, and discharge; to change provisions relating to sealed records, parenting plans, custody, termination of parental rights, juvenile facilities, and the Commission Grant Program; to rename and change provisions of the County Juvenile Services Aid Program; to change membership and powers and duties of the Nebraska Coalition for Juvenile Justice; to create the positions of Director of the Community-based Juvenile Services Aid Program and Director of Juvenile Diversion Programs; to create the Community and Family Reentry Process; to state intent regarding the Nebraska Juvenile Service Delivery Project and appropriations; to change duties of the Nebraska Children's Commission; to change powers and duties of the Office of the Inspector General of Nebraska Child Welfare; to provide powers and duties for the Public Counsel; to add a member to the Nebraska Commission on Law Enforcement and Criminal Justice; to provide for applicability of minimum jail standards for staff secure juvenile facilities; to define and redefine terms; to provide for a model alternative response for child abuse or neglect reports; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 634. Placed on Final Reading.

ST25

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "the Nebraska Forest Service" has been struck and "wildfires" inserted.

LEGISLATIVE BILL 634A. Placed on Final Reading.

(Signed) John Murante, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 577A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to amend sections 94, 95, 102, 111, and 161, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013; to appropriate funds to aid in carrying out the provisions of Legislative Bill 577, One Hundred Third Legislature, First Session, 2013; to change appropriations; to provide an operative date; to repeal the original sections; and to declare an emergency.

AMENDMENT - Print in Journal

Senator Crawford filed the following amendment to LB429A:
AM1479

(Amendments to Final Reading copy)

1. On page 2, line 15, strike "261" and insert "33".

VISITORS

Visitors to the Chamber were 65 fourth-grade students and teachers from Carriage Hill Elementary, Papillion; USAF Retired Colonel Bob Batterman from Lincoln; and 15 seventh- and eighth-grade students and teacher from St. Paul Lutheran School, Norfolk.

RECESS

At 11:57 a.m., on a motion by Senator Kolowski, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Heidemann presiding.

ROLL CALL

The roll was called and all members were present except Senators Ashford, Coash, Dubas, Gloor, and Janssen who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 104. ER86, found on page 1182, was adopted.

Senator Smith withdrew his amendment, AM1236, found on page 1261.

Senator McCoy withdrew his amendment, AM1216, found on page 1261.

Senator Smith offered his amendment, AM1408, found on page 1376.

SENATOR KRIST PRESIDING

Senator McGill moved the previous question. The question is, "Shall the debate now close?"

Senator McGill moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Senator Smith requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 14:

Avery	Hansen	Kintner	Murante	Smith
Bloomfield	Janssen	Lautenbaugh	Nelson	Watermeier
Brasch	Johnson	McCoy	Schilz	

Voting in the negative, 23:

Ashford	Cook	Karpisek	McGill	Sullivan
Bolz	Dubas	Kolowski	Nordquist	Wallman
Campbell	Haar, K.	Krist	Scheer	Wightman
Chambers	Hadley	Larson	Schumacher	
Conrad	Harms	Lathrop	Seiler	

Present and not voting, 9:

Adams	Christensen	Davis	Howard	Price
Carlson	Crawford	Harr, B.	Pirsch	

Excused and not voting, 3:

Coash	Gloor	Mello
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The Smith amendment lost with 14 ayes, 23 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Hadley offered his amendment, AM1446, found on page 1418.

Senator Chambers offered the following amendment to the Hadley amendment:

FA91

Amend AM1446

1. On page 1, in line 9, insert a period after "2015" and strike remaining matter through the period in line 10.
2. On page 2, in line 3, insert a period after "2015" and strike remaining matter through the period in line 4.

Pending.

MESSAGES FROM THE GOVERNOR

May 21, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 407e was received in my office on May 15, 2013.

This bill was signed and delivered to the Secretary of State on May 21, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

May 21, 2013

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

With this letter, I am returning LB 194 with my signature and with a line-item reduction.

I vetoed \$200,000 of General Funds appropriated in FY 2012-13 for the U.S. Senior Open golf tournament in Omaha. At this time, with limited funding available for the budget bills and appropriation bills, funding for a golf tournament is not a priority use of taxpayer dollars.

When Members of the Legislature are being asked to reduce funding for bills from education to juvenile justice, it is not appropriate or fair to fund a golf tournament with taxpayer dollars. Even without the use of taxpayer dollars, this golf tournament enjoys very strong private sector support and has reached record ticket sales.

I urge you to sustain this line-item veto of LB 194.

Sincerely,
(Signed) Dave Heineman
Governor

REVISED CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Avery has filed a revised Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

AMENDMENT - Print in Journal

Senator Campbell filed the following amendment to LB507:
AM1485

(Amendments to E & R amendments, ER94)

- 1 1. Strike section 9.
- 2 2. On page 1, line 3, strike "14" and insert "13".
- 3 3. On page 2, line 14, strike "11" and insert "10"; and
- 4 in line 19 strike "rankings" and insert "ratings".
- 5 4. On page 4, line 24; and page 5, lines 2 and 7, strike
- 6 "12" and insert "11".
- 7 5. On page 5, line 20, after "system" insert "until
- 8 the program has an operating license which is in full force and
- 9 effect".
- 10 6. On page 7, line 2, after "ratings" insert "of step
- 11 three or higher"; and in line 8 after "requirements" insert "of
- 12 step two ratings or higher".
- 13 7. On page 8, line 17, after "of" insert "participating".
- 14 8. On page 9, line 15, after "system" insert "and has
- 15 received a rating of step three or higher".
- 16 9. On page 10, strike beginning with "the" in line 22
- 17 through "provider" in line 23 and insert "a quality scale rating of
- 18 step three or higher".
- 19 10. On page 12, line 21, strike "16, 18, 19, and 21" and
- 20 insert "15, 17, 18, and 20".
- 21 11. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 104. The Chambers amendment, FA91, found in this day's Journal, to the Hadley amendment, was renewed.

The Chambers amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

The Hadley amendment, AM1446, found on page 1418 and considered in this day's Journal, as amended, was renewed.

The Hadley amendment, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Schilz offered the following amendment:
AM1359 is available in the Bill Room.

Senator Schilz withdrew his amendment.

Senator Chambers offered the following amendment:
AM1484

1 1. Insert the following new sections:
2 Section 1. Section 77-27,142, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:
4 77-27,142 (1) Any incorporated municipality other than
5 a city of the metropolitan class by ordinance of its governing
6 body is hereby authorized to impose a sales and use tax of
7 one-half percent, one percent, one and one-half percent, one and
8 three-quarters percent, or two percent upon the same transactions
9 that are sourced under the provisions of sections 77-2703.01 to
10 77-2703.04 within such incorporated municipality on which the State
11 of Nebraska is authorized to impose a tax pursuant to the Nebraska
12 Revenue Act of 1967, as amended from time to time. Any city of
13 the metropolitan class by ordinance of its governing body is hereby
14 authorized to impose a sales and use tax of one-half percent, one
15 percent, or one and one-half percent upon the same transactions
16 that are sourced under the provisions of sections 77-2703.01 to
17 77-2703.04 within such city of the metropolitan class on which
18 the State of Nebraska is authorized to impose a tax pursuant to
19 the Nebraska Revenue Act of 1967, as amended from time to time.
20 No sales and use tax shall be imposed pursuant to this section
21 until an election has been held and a majority of the qualified
22 electors have approved such tax pursuant to sections 77-27,142.01
23 and 77-27,142.02.

1 (2)(a) Any incorporated municipality that proposes to
2 impose a municipal sales and use tax at a rate greater than one
3 and one-half percent or increase a municipal sales and use tax
4 to a rate greater than one and one-half percent shall submit the
5 question of such tax or increase at a primary or general election
6 held within the incorporated municipality. The question shall be
7 submitted upon an affirmative vote by at least seventy percent
8 of all of the members of the governing body of the incorporated
9 municipality.

10 (b) Any rate greater than one and one-half percent shall
11 be used as follows:

12 (i) ~~In a city of the metropolitan class, the proceeds~~
13 ~~from the first one quarter percent of the rate greater than one and~~
14 ~~one half percent shall be used to reduce other taxes, the proceeds~~
15 ~~from the next one eighth percent of the rate greater than one and~~
16 ~~one half percent shall be used for public infrastructure projects,~~
17 ~~and the proceeds from the next one eighth percent of the rate~~
18 ~~greater than one and one half percent shall be used for purposes of~~
19 ~~the interlocal agreement or joint public agency agreement described~~

20 ~~in subsection (3) of this section;~~

21 ~~(ii)-(i)~~ In a city of the primary class, up to fifteen
 22 percent of the proceeds from the rate in excess of one and one-half
 23 percent may be used for non-public infrastructure projects of
 24 an interlocal agreement or joint public agency agreement with
 25 another political subdivision within the municipality or the
 26 county in which the municipality is located, and the remaining
 27 proceeds shall be used for public infrastructure projects or
 1 voter-approved infrastructure related to an economic development
 2 program as defined in section 18-2705; and

3 ~~(iii)-(i)~~ In any incorporated municipality other than a
 4 city of the ~~metropolitan or~~ primary class, the proceeds from the
 5 rate in excess of one and one-half percent shall be used for public
 6 infrastructure projects or voter-approved infrastructure related to
 7 an economic development program as defined in section 18-2705.

8 For purposes of this section, public infrastructure
 9 project means and includes, but is not limited to, any of the
 10 following projects, or any combination thereof: Public highways and
 11 bridges and municipal roads, streets, bridges, and sidewalks; solid
 12 waste management facilities; wastewater, storm water, and water
 13 treatment works and systems, water distribution facilities, and
 14 water resources projects, including, but not limited to, pumping
 15 stations, transmission lines, and mains and their appurtenances;
 16 hazardous waste disposal systems; resource recovery systems;
 17 airports; port facilities; buildings and capital equipment used
 18 in the operation of municipal government; convention and tourism
 19 facilities; redevelopment projects as defined in section 18-2103;
 20 mass transit and other transportation systems, including parking
 21 facilities; and equipment necessary for the provision of municipal
 22 services.

23 (c) Any rate greater than one and one-half percent shall
 24 terminate no more than ten years after its effective date or, if
 25 bonds are issued and the local option sales and use tax revenue is
 26 pledged for payment of such bonds, upon payment of such bonds and
 27 any refunding bonds, whichever date is later, except as provided in
 1 subdivision (2)(d) of this section.

2 (d) If a portion of the rate greater than one and
 3 one-half percent is stated in the ballot question as being imposed
 4 for the purpose of the interlocal agreement or joint public
 5 agency agreement described in subdivision ~~(2)(b)(ii)-(2)(b)(i)~~ or
 6 subsection (3) of this section, and such portion is at least
 7 one-eighth percent, there shall be no termination date for the rate
 8 representing such portion rounded to the next higher one-quarter or
 9 one-half percent.

10 (e) Sections 13-518 to 13-522 apply to the revenue from
 11 any such tax or increase.

12 (3)(a) No municipal sales and use tax shall be imposed
 13 at a rate greater than one and one-half percent or increased to a
 14 rate greater than one and one-half percent unless the municipality

15 is a party to an interlocal agreement pursuant to the Interlocal
16 Cooperation Act or a joint public agency agreement pursuant to the
17 Joint Public Agency Act with a political subdivision within the
18 municipality or the county in which the municipality is located
19 creating a separate legal or administrative entity relating to a
20 public infrastructure project.

21 (b) Except as provided in subdivision ~~(2)(b)(ii)~~
22 ~~(2)(b)(i)~~ of this section, such interlocal agreement or joint
23 public agency agreement shall contain provisions, including
24 benchmarks, relating to the long-term development of unified
25 governance of public infrastructure projects with respect to
26 the parties. The Legislature may provide additional requirements
27 for such agreements, including benchmarks, but such additional
1 requirements shall not apply to any debt outstanding at the time
2 the Legislature enacts such additional requirements. The separate
3 legal or administrative entity created shall not be one that was
4 in existence for one calendar year preceding the submission of the
5 question of such tax or increase at a primary or general election
6 held within the incorporated municipality.

7 (c) Any other public agency as defined in section 13-803
8 may be a party to such interlocal cooperation agreement or joint
9 public agency agreement.

10 (d) A municipality is not required to use all of the
11 additional revenue generated by a sales and use tax imposed at a
12 rate greater than one and one-half percent or increased to a rate
13 greater than one and one-half percent under this subsection for the
14 purposes of the interlocal cooperation agreement or joint public
15 agency agreement set forth in this subsection.

16 (4) The provisions of subsections (2) and (3) of this
17 section do not apply to the first one and one-half percent of a
18 sales and use tax imposed by a municipality.

19 (5) Notwithstanding any provision of any municipal
20 charter, any incorporated municipality or interlocal agency or
21 joint public agency pursuant to an agreement as provided in
22 subsection (3) of this section may issue bonds in one or more
23 series for any municipal purpose and pay the principal of
24 and interest on any such bonds by pledging receipts from the
25 increase in the municipal sales and use taxes authorized by such
26 municipality. Any municipality which has or may issue bonds under
27 this section may dedicate a portion of its property tax levy
1 authority as provided in section 77-3442 to meet debt service
2 obligations under the bonds. For purposes of this subsection, bond
3 means any evidence of indebtedness, including, but not limited to,
4 bonds, notes including notes issued pending long-term financing
5 arrangements, warrants, debentures, obligations under a loan
6 agreement or a lease-purchase agreement, or any similar instrument
7 or obligation.

8 Sec. 2. Section 77-27,142.01, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 77-27,142.01 (1) The governing body of any incorporated
 11 municipality may submit the question of changing any terms
 12 and conditions of a sales and use tax previously authorized
 13 under section 77-27,142. Except as otherwise provided by section
 14 77-27,142, the question of modification shall be submitted to the
 15 voters at any primary or general election or at a special election
 16 if the governing body submits a certified copy of the resolution
 17 proposing modification to the election commissioner or county clerk
 18 within the time prior to the primary, general, or special election
 19 prescribed in section 77-27,142.02.

20 (2) If the change imposes a sales and use tax at a
 21 rate greater than one and one-half percent or increases the sales
 22 and use tax to a rate greater than one and one-half percent, the
 23 question shall include, but not be limited to:

24 (a) The percentage increase of one-quarter percent or
 25 one-half percent in the sales and use tax rate;

26 (b) A list of reductions or elimination of other taxes or
 27 fees, if any;

1 (c) A description of the projects to be funded, in whole
 2 or in part, from the revenue collected, along with any savings or
 3 efficiencies resulting from the projects;

4 (d) The year or years within which the revenue will be
 5 collected and, if bonds will be issued with some or all of the
 6 revenue pledged for payment of such bonds, a statement that the
 7 revenue will be collected until the payment in full of such bonds
 8 and any refunding bonds; and

9 (e)(i) The percentage of revenue collected to be used
 10 for the purposes of the interlocal agreement or joint public
 11 agency agreement as provided in subdivision ~~(2)(b)(ii)~~-(2)(b)(i)
 12 or subsection (3) of section 77-27,142; (ii) a statement of the
 13 overall purpose of the agreement which is the long-term development
 14 of unified governance of public infrastructure projects, if
 15 applicable; and (iii) the name of any other political subdivision
 16 which is a party to the agreement.

17 This subsection does not apply to the first one and
 18 one-half percent of a sales and use tax imposed by a municipality.

19 2. Renumber the remaining sections and correct the
 20 repealer accordingly.

Senator Chambers moved for a call of the house. The motion prevailed with
 34 ayes, 0 nays, and 15 not voting.

The Chambers amendment was adopted with 30 ayes, 5 nays, 10 present and
 not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 306A. Senator Chambers offered the following amendment:

FA89

Strike section 3.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 583A. Advanced to Enrollment and Review for Engrossment.

SPEAKER ADAMS PRESIDING

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB6 with 38 ayes, 5 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 6. With Emergency Clause.

A BILL FOR AN ACT relating to gambling; to amend sections 9-1,101, 9-812, 9-831, 38-2121, 71-802, 71-804, and 71-817, Reissue Revised Statutes of Nebraska; to create a commission and a program; to change provisions relating to a fund; to provide powers and duties as prescribed; to harmonize provisions; to eliminate a committee; to provide operative dates; to repeal the original sections; to outright repeal section 71-816, Revised Statutes Cumulative Supplement, 2012; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Coash

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 6A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 6, One Hundred Third Legislature, First Session, 2013; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Coash

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 242.

A BILL FOR AN ACT relating to administrative rules and regulations; to amend section 84-908, Reissue Revised Statutes of Nebraska, and sections 81-8,245 and 84-901.01, Revised Statutes Cumulative Supplement, 2012; to provide duties for the Public Counsel; to provide for a public hearing

regarding certain rules and regulations; to prohibit application of administrative rules as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Coash

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 LB265 with 39 ayes, 5 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 265. With Emergency Clause.

A BILL FOR AN ACT relating to child placement; to amend sections 28-710, 43-1503, 68-1006.01, 71-428, 71-1901, 71-1903, 71-1907, 81-502, 81-505.01, and 83-108.04, Reissue Revised Statutes of Nebraska, and sections 29-2264, 43-2,108.05, 43-1301, 43-1302, 43-1304, 43-4308, 68-1207, 71-1902, 71-1904, 75-302, and 77-2704.12, Revised Statutes Cumulative Supplement, 2012; to adopt the Children's Residential Facilities and Placing Licensure Act; to define and redefine terms; to change provisions relating to Indian child welfare and foster care placement and licensure; to provide requirements for kinship homes and relative homes; to provide for rules and regulations; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Coash

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 6, 6A, 242, and 265.

SENATOR KRIST PRESIDING

MOTION - Return LB225 to Select File

Senator Smith moved to return LB225 to Select File for his specific amendment, AM1379, found on page 1345.

The Smith motion to return prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 225. The Smith specific amendment, AM1379, found on page 1345, was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB225A to Select File

Senator Smith moved to return LB225A to Select File for his specific amendment, FA78, found on page 1345.

The Smith motion to return prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 225A. The Smith specific amendment, FA78, found on page 1345, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

LB225A stands indefinitely postponed.

LEGISLATIVE BILL 216. ER45, found on page 947, was adopted.

Senator McGill offered the following amendment:
AM1466 is available in the Bill Room.

The McGill amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 216A. Senator McGill offered the following amendment:

AM1474

1	1. Strike the original sections and all amendments	
2	thereto and insert the following new sections:	
3	Section 1. Section 106, Legislative Bill 195, One Hundred	
4	Third Legislature, First Session, 2013, is amended to read:	
5	Sec. 106. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN	
6	SERVICES	
7	Program No. 354 - Child Welfare Aid	
8		
9	GENERAL FUND	160,744,885 FY2013-14 FY2014-15
10	GENERAL FUND	160,481,535 160,916,412
11	CASH FUND	2,734,444 2,734,444
12	FEDERAL FUND est.	30,963,503 30,791,976
13	PROGRAM TOTAL	194,442,832 194,442,832
14	FEDERAL FUND est.	30,763,503 30,391,976
15	PROGRAM TOTAL	193,979,482 193,516,132

16 There is included in the appropriation to this program
 17 for FY2013-14 ~~\$160,744,885~~ \$160,481,535 General Funds, \$2,734,444
 18 Cash Funds, and ~~\$30,963,503~~ \$30,763,503 Federal Funds estimate
 19 for state aid, which shall only be used for such purpose. There

20 is included in the appropriation to this program for FY2014-15
 21 ~~\$160,916,412~~ ~~\$160,389,712~~ General Funds, \$2,734,444 Cash Funds, and
 22 ~~\$30,791,976~~ ~~\$30,391,976~~ Federal Funds estimate for state aid, which
 23 shall only be used for such purpose.

1 There is included in the appropriation to this program
 2 for FY2013-14 \$2,734,444 Cash Funds from the Nebraska Health
 3 Care Cash Fund for state aid for the continuation of the
 4 behavioral health provider rate increase. There is included in
 5 the appropriation to this program for FY2014-15 \$2,734,444 Cash
 6 Funds from the Nebraska Health Care Cash Fund for state aid for the
 7 continuation of the behavioral health provider rate increase.

8 Sec. 2. There is hereby appropriated (1) \$1,048,518 from
 9 the General Fund and \$1,227,755 from federal funds for FY2013-14
 10 and (2) \$1,585,597 from the General Fund and \$1,841,596 from
 11 federal funds for FY2014-15 to the Department of Health and Human
 12 Services, for Program 359, to aid in carrying out the provisions of
 13 Legislative Bill 216, One Hundred Third Legislature, First Session,
 14 2013.

15 Total expenditures for permanent and temporary salaries
 16 and per diems from funds appropriated in this section shall not
 17 exceed \$579,072 for FY2013-14 or \$872,376 for FY2014-15.

18 Sec. 3. There is hereby appropriated (1) \$8,090 from the
 19 General Fund and \$7,930 from federal funds for FY2013-14 and (2)
 20 \$105,728 from the General Fund and \$86,504 from federal funds for
 21 FY2014-15 to the Foster Care Review Office, for Program 116, to aid
 22 in carrying out the provisions of Legislative Bill 216, One Hundred
 23 Third Legislature, First Session, 2013.

24 Total expenditures for permanent and temporary salaries
 25 and per diems from funds appropriated in this section shall not
 26 exceed \$16,019 for FY2013-14 or \$100,939 for FY2014-15.

27 Sec. 4. There is hereby appropriated \$40,392 from the
 1 General Fund for FY2014-15 to the Supreme Court, for Program 52,
 2 to aid in carrying out the provisions of Legislative Bill 216, One
 3 Hundred Third Legislature, First Session, 2013.

4 No expenditures for permanent and temporary salaries and
 5 per diems for state employees shall be made from funds appropriated
 6 in this section.

7 Sec. 5. Original section 106, Legislative Bill 195, One
 8 Hundred Third Legislature, First Session, 2013, is repealed.

Senator McGill moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The McGill amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 579. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 579A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 97. ER55, found on page 994, was adopted.

Senator Mello offered his amendment, AM1326, found on page 1288.

The Mello amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 556. ER105, found on page 1447, was adopted.

Senator McGill offered the following amendment:
AM1478

(Amendments to Standing Committee amendments, AM991)

- 1 1. On page 2, line 18, after "intervention" insert
- 2 "in coordination with the regional behavioral health authorities
- 3 established pursuant to section 71-808 in which the clinics
- 4 identified under subsection (2) of this section are located".

The McGill amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 556A. ER104, found on page 1447, was adopted.

Senator McGill offered the following amendment:
AM1471

- 1 1. Insert the following new sections:
- 2 Sec. 2. There is hereby appropriated (1) \$1,336 from
- 3 the General Fund and \$1,633 from Federal Funds for FY2013-14 and
- 4 (2) \$1,384 from the General Fund and \$1,652 from Federal Funds
- 5 for FY2014-15 to the Department of Health and Human Services, for
- 6 Program 348, to aid in carrying out the provisions of Legislative
- 7 Bill 556, One Hundred Third Legislature, First Session, 2013.
- 8 No expenditures for permanent and temporary salaries and
- 9 per diems for state employees shall be made from funds appropriated
- 10 in this section.

The McGill amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 34. Senator Chambers withdrew his motion, MO82, found on page 1487, to bracket until June 5, 2013.

Senator Chambers offered the following amendment to the committee amendment:

FA86

Amend AM650

1. On page 1, line 21, strike beginning with "then" through "be" in line 22 and insert "the plan shall include sufficient documentation to show that all such locations are".

2. On page 6, after line 26, insert "4. On page 4, line 16, strike beginning with "then" through "be" in line 17 and insert "the plan shall include sufficient documentation to show that all such locations are".

Senator Chambers withdrew his amendment.

SENATOR CARLSON PRESIDING

Senator Hadley offered the following amendment to the committee amendment:

AM1481

(Amendments to Standing Committee amendments, AM650)

1 1. On page 1, lines 20 through 22, strike the new matter.

The Hadley amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Committee AM650, found on page 753 and considered on page 1486, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 326. Title read. Considered.

Committee AM434, found on page 625, was offered.

Senator Howard offered her amendment, AM456, found on page 846, to the committee amendment.

The Howard amendment was adopted with 28 ayes, 0 nays, 18 present and

not voting, and 3 excused and not voting.

Senator Schumacher offered his amendment, AM1357, found on page 1487, to the committee amendment.

The Schumacher amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 308. Committee AM583, found on page 711 and considered on page 1412, was renewed.

The committee amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator B. Harr offered the following amendment:
AM1480 is available in the Bill Room.

Senator B. Harr withdrew his amendment.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 573. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 3 nays, 9 present and not voting, and 4 excused and not voting.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 6e, 6Ae, 242, and 265e.

(Signed) Colby Coash

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 2013, at 5:53 p.m. were the following: LBs 6e, 6Ae, 242, and 265e.

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

RESOLUTION**LEGISLATIVE RESOLUTION 347.** Introduced by Krist, 10.

WHEREAS, tobacco cessation programs are available to persons desiring to quit smoking cigarettes. However, many persons addicted to cigarette smoking find it difficult to quit; and

WHEREAS, cigarette smoking is a leading cause of preventable deaths in the United States, but studies show that smokeless tobacco presents a fraction of the health risk of smoking cigarettes; and

WHEREAS, tobacco harm reduction strategies aim to enable smokers who find it difficult to quit smoking cigarettes to switch to smokeless tobacco products. Tobacco control policies that facilitate the migration of smokers to less risky smokeless products may be more effective at reducing the deaths, diseases, and expenses associated with smoking than policies that rely solely on the abstinence-only approach; and

WHEREAS, while tobacco harm reduction strategies are not widely used, a growing body of public health advocates, academics, and tobacco manufacturers recognize the potential societal benefits of such strategies; and

WHEREAS, several public health organizations have publicly acknowledged the substantial reductions in disease risks associated with smokeless tobacco use compared to the use of cigarettes, which is referred to as the risk continuum for tobacco products, and some such organizations have endorsed tobacco harm reduction strategies to encourage smokers to switch to smokeless tobacco.

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

1. That the Legislature recognizes the importance of tobacco harm reduction strategies as an additional policy choice to assist cigarette smokers in quitting.

Laid over.

AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB224:
AM1439

(Amendments to Standing Committee amendments, AM711)

- 1 1. Insert the following new amendments:
- 2 3. Insert the following new sections:
- 3 Section 1. Section 68-906, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 68-906 For purposes of paying medical assistance under
- 6 the Medical Assistance Act and sections 68-1002 and 68-1006, the
- 7 State of Nebraska accepts and assents to all applicable provisions
- 8 of Title XIX and Title XXI of the federal Social Security Act.
- 9 Any reference in the Medical Assistance Act to the federal Social

10 Security Act or other acts or sections of federal law shall be to
11 such federal acts or sections as they existed on January 1, ~~2010~~
12 2013.

13 Sec. 2. Section 68-915, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 68-915 The following persons shall be eligible for
16 medical assistance:

17 (1) Dependent children as defined in section 43-504;

18 (2) Aged, blind, and disabled persons as defined in
19 sections 68-1002 to 68-1005;

20 (3) Children under nineteen years of age who are eligible
21 under section 1905(a)(i) of the federal Social Security Act;

22 (4) Persons who are presumptively eligible as allowed
1 under sections 1920 and 1920B of the federal Social Security Act;

2 (5) Children under nineteen years of age with a family
3 income equal to or less than two hundred percent of the Office
4 of Management and Budget income poverty guideline, as allowed
5 under Title XIX and Title XXI of the federal Social Security Act,
6 without regard to resources, and pregnant women with a family
7 income equal to or less than one hundred eighty-five percent of
8 the Office of Management and Budget income poverty guideline,
9 as allowed under Title XIX and Title XXI of the federal Social
10 Security Act, without regard to resources. Children described
11 in this subdivision and subdivision (6) of this section shall
12 remain eligible for six consecutive months from the date of
13 initial eligibility prior to redetermination of eligibility. The
14 department may review eligibility monthly thereafter pursuant to
15 rules and regulations adopted and promulgated by the department.
16 The department may determine upon such review that a child is
17 ineligible for medical assistance if such child no longer meets
18 eligibility standards established by the department;

19 (6) For purposes of Title XIX of the federal Social
20 Security Act as provided in subdivision (5) of this section,
21 children with a family income as follows:

22 (a) Equal to or less than one hundred fifty percent of
23 the Office of Management and Budget income poverty guideline with
24 eligible children one year of age or younger;

25 (b) Equal to or less than one hundred thirty-three
26 percent of the Office of Management and Budget income poverty
27 guideline with eligible children over one year of age and under six
1 years of age; or

2 (c) Equal to or less than one hundred percent of the
3 Office of Management and Budget income poverty guideline with
4 eligible children six years of age or older and less than nineteen
5 years of age;

6 (7) Persons who are medically needy caretaker relatives
7 as allowed under 42 U.S.C. 1396d(a)(ii);

8 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
9 disabled persons as defined in section 68-1005 with a family income

10 of less than two hundred fifty percent of the Office of Management
 11 and Budget income poverty guideline and who, but for earnings in
 12 excess of the limit established under 42 U.S.C. 1396d(q)(2)(B),
 13 would be considered to be receiving federal Supplemental Security
 14 Income. The department shall apply for a waiver to disregard any
 15 unearned income that is contingent upon a trial work period in
 16 applying the Supplemental Security Income standard. Such disabled
 17 persons shall be subject to payment of premiums as a percentage of
 18 family income beginning at not less than two hundred percent of
 19 the Office of Management and Budget income poverty guideline. Such
 20 premiums shall be graduated based on family income and shall not be
 21 less than two percent or more than ten percent of family income;

22 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
 23 persons who:

24 (a) Have been screened for breast and cervical cancer
 25 under the Centers for Disease Control and Prevention breast and
 26 cervical cancer early detection program established under Title XV
 27 of the federal Public Health Service Act, 42 U.S.C. 300k et seq.,
 1 in accordance with the requirements of section 1504 of such act, 42
 2 U.S.C. 300n, and who need treatment for breast or cervical cancer,
 3 including precancerous and cancerous conditions of the breast or
 4 cervix;

5 (b) Are not otherwise covered under creditable coverage
 6 as defined in section 2701(c) of the federal Public Health Service
 7 Act, 42 U.S.C. 300gg(c);

8 (c) Have not attained sixty-five years of age; and

9 (d) Are not eligible for medical assistance under any
 10 mandatory categorically needy eligibility group; ~~and~~

11 (10) Persons eligible for services described in
 12 subsection (3) of section 68-972; ~~and-~~

13 (11) Any veteran as defined in section 80-401.03 with a
 14 family income of less than one hundred thirty-eight percent of the
 15 Office of Management and Budget income poverty guideline, subject
 16 to a state plan amendment or waiver. The department shall submit
 17 a state plan amendment or waiver for approval by the federal
 18 Centers for Medicare and Medicaid Services to provide coverage
 19 under the medical assistance program to persons eligible under this
 20 subdivision.

21 Except as provided in section 68-972, eligibility shall
 22 be determined under this section using an income budgetary
 23 methodology that determines children's eligibility at no greater
 24 than two hundred percent of the Office of Management and Budget
 25 income poverty guideline and adult eligibility using adult income
 26 standards no greater than the applicable categorical eligibility
 27 standards established pursuant to state or federal law. The
 1 department shall determine eligibility under this section pursuant
 2 to such income budgetary methodology and subdivision (1)(q) of
 3 section 68-1713.

- 4 4. Renumber the remaining sections and correct the
- 5 repealer accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senators McCoy and Schilz asked unanimous consent to add their names as cointroducers to LB225A. No objections. So ordered.

VISITORS

Visitors to the Chamber were 95 fifth-grade students, teachers, and sponsors from Kahoa Elementary, Lincoln.

ADJOURNMENT

At 7:44 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Wednesday, May 22, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SECOND DAY - MAY 22, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 22, 2013

PRAYER

The prayer was offered by Senator Carlson.

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 Karpisek, Larson, Lautenbaugh, Murante, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-first day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 200 and 210 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 200 and 210.

SELECT FILE

LEGISLATIVE BILL 507. ER94, found on page 1236, was adopted.

Senator Watermeier offered his amendment, AM1222, found on page 1258.

SENATOR KRIST PRESIDING

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

The Watermeier amendment lost with 10 ayes, 27 nays, 10 present and not voting, and 2 excused and not voting.

Senator Campbell offered her amendment, AM1485, found on page 1513.

Senator Crawford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

The Campbell amendment was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 507A. Senator Campbell offered the following amendment:

AM1493

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. There is hereby appropriated (1) \$313,467 from
- 4 the General Fund for FY2013-14 and (2) \$1,179,046 from the General
- 5 Fund for FY2014-15 to the State Department of Education, for
- 6 Program 25, to aid in carrying out the provisions of Legislative
- 7 Bill 507, One Hundred Third Legislature, First Session, 2013.
- 8 Total expenditures for permanent and temporary salaries
- 9 and per diems from funds appropriated in this section shall not
- 10 exceed \$107,461 for FY2013-14 or \$282,618 for FY2014-15.
- 11 Sec. 2. There is hereby appropriated (1) \$50,460 from
- 12 the General Fund and \$9,612 from federal funds for FY2013-14 and
- 13 (2) \$100,921 from the General Fund and \$19,223 from federal funds
- 14 for FY2014-15 to the Department of Health and Human Services, for
- 15 Program 33, to aid in carrying out the provisions of Legislative
- 16 Bill 507, One Hundred Third Legislature, First Session, 2013.
- 17 Total expenditures for permanent and temporary salaries
- 18 and per diems from funds appropriated in this section shall not
- 19 exceed \$28,992 for FY2013-14 or \$57,984 for FY2014-15.
- 20 Sec. 3. There is hereby appropriated \$126,700 from the
- 21 General Fund for FY2014-15 to the State Department of Education,
- 22 for Program 158, to aid in carrying out the provisions of
- 23 Legislative Bill 507, One Hundred Third Legislature, First Session,
- 1 2013.
- 2 There is included in the amount shown for this program
- 3 \$100,000 General Funds provided as state aid for FY2014-15 for
- 4 scholarships for early childhood education providers.
- 5 There is included in the amount shown for this program
- 6 \$26,700 General Funds provided as state aid for FY2014-15 for
- 7 incentive bonuses for providers of child care and early childhood
- 8 education programs.

9 Sec. 4. There is hereby appropriated (1) \$857,077 from
 10 the General Fund for FY2013-14 and (2) \$1,714,153 from the General
 11 Fund for FY2014-15 to the Department of Health and Human Services,
 12 for Program 347, to aid in carrying out the provisions of
 13 Legislative Bill 507, One Hundred Third Legislature, First Session,
 14 2013.

15 There is included in the amount shown for this program
 16 \$857,077 General Funds provided as state aid for FY2013-14 and
 17 \$1,714,153 General Funds provided as state aid for FY2014-15 for
 18 aid for the Child Care Subsidy Program.

19 Sec. 5. Since an emergency exists, this act takes effect
 20 when passed and approved according to law.

The Campbell amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 348. Introduced by Davis, 43; Bolz, 29.

WHEREAS, Hunter Sieckmeyer, son of Ken and Cathy Sieckmeyer and a freshman at Lincoln Southeast High School, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Hunter has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, Hunter served as assistant senior patrol leader, patrol leader, assistant patrol leader, troop guide, troop instructor, and chaplain's aide as well as a member of the prestigious Order of the Arrow. To achieve the rank of Eagle Scout, Hunter earned 26 merit badges which was over the required 21 merit badges, qualifying him for the Bronze Eagle Palm; and

WHEREAS, for his Eagle Scout community service project, Hunter planned, organized, executed, and directed the preparation of land for a community garden for Sheridan Lutheran Church in Lincoln. The project involved tilling the area, drilling holes, installing posts and wire, putting in a gate, and creating a walkway in the garden; and

WHEREAS, Hunter, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Hunter Sieckmeyer for achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Hunter Sieckmeyer.

Laid over.

LEGISLATIVE RESOLUTION 349. Introduced by Davis, 43.

WHEREAS, Terran Merriman-Honerkamp, son of Jack Honerkamp and Kate Merriman and a senior at Chadron High School, was named a National Merit Semifinalist; and

WHEREAS, during his high school career, Terran participated in speech, play production, and mock trial activities and was a member of the National Honor Society, Math Club, FBLA, and the Cardinal Singers; and

WHEREAS, Terran's honors and achievements include earning an Eastman Scholarship, a Nebraska Rural Community Schools Association Scholarship, a Chadron Public Schools Foundation - Class of 1960-61 Scholarship, and an Honors Program, Nebraska Top Scholar, and Regents Scholarship from the University of Nebraska-Lincoln; and

WHEREAS, Terran was one of three students selected from a graduating class of only 57 to be recognized by the National Merit Scholarship Corporation, and Terran will enroll in the fall of 2013 as a freshman at the University of Nebraska-Lincoln.

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

1. That the Legislature congratulates Terran Merriman-Honerkamp for the exemplary achievement of being selected as a 2013 National Merit Semifinalist.
2. That a copy of this resolution be sent to Terran Merriman-Honerkamp and his parents and to the staff and administration of Chadron High School.

Laid over.

VISITORS

Visitors to the Chamber were Katie, Jessi, and Jo Heyen from Ceresco; 24 fourth-grade students and teacher from Elmwood-Murdock Elementary, Elmwood; 42 fourth-grade students and teachers from Florence Elementary, Omaha; and 120 second-grade students, teachers, and sponsors from Arnold Elementary, Lincoln.

RECESS

At 11:59 a.m., on a motion by Senator Wightman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Heidemann presiding.

ROLL CALL

The roll was called and all members were present except Senator Kolowski who was excused; and Senators Christensen, Conrad, Janssen, Larson, Price, and Schilz who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 561A. Senator Ashford offered the following amendment:

AM1507

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

3 Section 1. There is hereby appropriated (1) \$19,756,126
4 from the General Fund for FY2013-14 and (2) \$43,965,323 from the
5 General Fund for FY2014-15 to the Supreme Court, for Program 435,
6 to aid in carrying out the provisions of Legislative Bill 561, One
7 Hundred Third Legislature, First Session, 2013.

8 Total expenditures for permanent and temporary salaries
9 and per diems from funds appropriated in this section shall not
10 exceed \$6,661,568 for FY2013-14 or \$8,532,089 for FY2014-15.

11 Sec. 2. There is hereby appropriated (1) \$1,807,404 from
12 the General Fund for FY2013-14 and (2) \$3,801,726 from the General
13 Fund for FY2014-15 to the Nebraska Commission on Law Enforcement
14 and Criminal Justice, for Program 155, to aid in carrying out the
15 provisions of Legislative Bill 561, One Hundred Third Legislature,
16 First Session, 2013.

17 Total expenditures for permanent and temporary salaries
18 and per diems from funds appropriated in this section shall not
19 exceed \$131,844 for FY2013-14 or \$134,810 for FY2014-15.

20 There is included in the appropriation to this program
21 for FY2013-14 \$1,522,425 General Funds for state aid, which
22 shall only be used for such purpose. There is included in the
23 appropriation to this program for FY2014-15 \$3,522,425 General
1 Funds for state aid, which shall only be used for such purpose.

2 Sec. 3. There is hereby appropriated (1) \$600 from the
3 General Fund for FY2013-14 and (2) \$600 from the General Fund
4 for FY2014-15 to the Nebraska Commission on Law Enforcement and
5 Criminal Justice, for Program 203, to aid in carrying out the
6 provisions of Legislative Bill 561, One Hundred Third Legislature,
7 First Session, 2013.

8 No expenditures for permanent and temporary salaries and
9 per diems for state employees shall be made from funds appropriated
10 in this section.

11 Sec. 4. There is hereby appropriated \$56,000 from the

12 General Fund for FY2013-14 to the Department of Health and Human
13 Services, for Program 353, to aid in carrying out the provisions of
14 Legislative Bill 561, One Hundred Third Legislature, First Session,
15 2013.

16 If Legislative Bill 269, One Hundred Third Legislature,
17 First Session, 2013, becomes law, the appropriation made pursuant
18 to this section shall be appropriated to the Foster Care Review
19 Office.

20 No expenditures for permanent and temporary salaries and
21 per diems for state employees shall be made from funds appropriated
22 in this section.

23 Sec. 5. The chief executive officer of the Department of
24 Health and Human Services and the probation administrator of the
25 Supreme Court shall jointly certify to the budget administrator of the
26 budget division of the Department of Administrative Services
27 the portion of the FY2013-14 unexpended appropriation balances
1 available for the transition of cases filed under subdivisions
2 (1), (2), (3)(b), and (4) of section 43-247 from the jurisdiction
3 of the Department of Health and Human Services to the Office of
4 Probation Administration. The certification shall include the costs
5 for personnel, operations, and services. The certified portion of
6 the available unexpended appropriations in Agency 25, Department
7 of Health and Human Services, shall be transferred from the
8 following budget programs: Program 33, Administration, Program 250,
9 Juvenile Services Operations, and Program 354, Child Welfare Aid.
10 The certified portion of the available unexpended appropriations
11 shall be transferred to Agency 5, Supreme Court, Program 435,
12 Probation Community Corrections. The budget administrator of the
13 budget division of the Department of Administrative Services shall
14 administratively transfer during FY2013-14 the portion of the
15 available unexpended appropriation balances, as jointly certified
16 by the chief executive officer of the Department of Health and
17 Human Services and the probation administrator of the Supreme
18 Court for cases filed under subdivisions (1), (2), (3)(b), and
19 (4) of section 43-247 from the following budget programs: Program
20 33, Administration, Program 250, Juvenile Services Operations, and
21 Program 354, Child Welfare Aid to Agency 5, Supreme Court, Program
22 435, Probation Community Corrections. The transfer of the available
23 unexpended appropriations shall be made as necessary throughout the
24 fiscal year to carry out the provisions of Legislative Bill 561,
25 One Hundred Third Legislature, First Session, 2013.

26 The chief executive officer of the Department of Health
27 and Human Services and the probation administrator of the Supreme
1 Court shall jointly certify to the budget administrator of the
2 budget division of the Department of Administrative Services, the
3 remaining unencumbered June 30, 2014, appropriation balances for
4 cases filed under subdivisions (1), (2), (3)(b), and (4) of section
5 43-247 that are available for transfer from Agency 25, Department
6 of Health and Human Services, Program 33, Administration, Program

7 250, Juvenile Services Operations, and Program 354, Child Welfare
 8 Aid to Agency 5, Supreme Court, Program 435, Probation Community
 9 Corrections. The budget administrator of the budget division of
 10 the Department of Administrative Services shall administratively
 11 transfer the certified remaining unencumbered June 30, 2014,
 12 appropriations for cases filed under subdivisions (1), (2), (3)(b),
 13 and (4) of section 43-247 from the following budget programs
 14 in Agency 25, Department of Health and Human Services: Program
 15 33, Administration, Program 250, Juvenile Services Operations, and
 16 Program 354, Child Welfare Aid to Agency 5, Supreme Court, Program
 17 435, Probation Community Corrections. The funds transferred in this
 18 section are hereby appropriated.

19 Sec. 6. Section 93, Legislative Bill 195, One Hundred
 20 Third Legislature, First Session, 2013, is amended to read:

21 Sec. 93. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN
 22 SERVICES

23 Program No. 33 - Administration

	FY2013-14	FY2014-15
24 GENERAL FUND	116,642,068	117,815,106
25 <u>GENERAL FUND</u>	<u>114,726,979</u>	<u>112,238,476</u>
26 CASH FUND	23,789,160	23,964,984
27 FEDERAL FUND est.	275,925,442	270,278,361
1 PROGRAM TOTAL	416,356,670	412,058,451
2 <u>PROGRAM TOTAL</u>	<u>414,441,581</u>	<u>406,481,821</u>
3 SALARY LIMIT	134,562,714	138,264,730

5 The unexpended General Fund appropriation balance
 6 existing on June 30, 2013, is hereby reappropriated.

7 The Department of Administrative Services shall monitor
 8 the appropriations and expenditures for this program according to
 9 the following program classifications:

- 10 No. 261 - General Operations
- 11 No. 262 - Public Health Administration
- 12 No. 263 - Medicaid and Long-Term Care Administration
- 13 No. 264 - Children and Family Services Administration
- 14 No. 265 - Protection and Safety
- 15 No. 266 - Economic and Family Support
- 16 No. 267 - Developmental Disabilities Service Coordination
- 17 No. 268 - Behavioral Health Administration
- 18 No. 269 - Developmental Disabilities Administration

19 There is included in the appropriation to this program
 20 for FY2013-14 \$13,688 Cash Funds for regulatory support for
 21 out-of-hospital emergency care providers licensing from the
 22 Nebraska Health Care Cash Fund. There is included in the
 23 appropriation to this program for FY2014-15 \$13,688 Cash Funds for
 24 regulatory support for out-of-hospital emergency care providers
 25 licensing from the Nebraska Health Care Cash Fund.

26 There is included in the appropriation to this program
 27 for FY2013-14 \$26,000 Cash Funds from the Nebraska Health Care
 1 Cash Fund to continue the Parkinson's Disease Registry. There is

2 included in the appropriation to this program for FY2014-15 \$26,000
3 Cash Funds from the Nebraska Health Care Cash Fund to continue the
4 Parkinson's Disease Registry.

5 There is included in the appropriation to this program
6 \$404,643 Cash Funds for FY2013-14 and \$404,643 Cash Funds for
7 FY2014-15 from the Nebraska Health Care Cash Fund for respite
8 services in each of the service areas designated by the Department
9 of Health and Human Services and for administrative costs,
10 including personnel costs, associated with the Nebraska Lifespan
11 Respite Services Program.

12 There is included in the appropriation to this program
13 for FY2013-14 \$25,000 Cash Funds from the Nebraska Health Care
14 Cash Fund for compulsive gamblers assistance programs. There is
15 included in the appropriation to this program for FY2014-15 \$25,000
16 Cash Funds from the Nebraska Health Care Cash Fund for compulsive
17 gamblers assistance programs.

18 There is included in the appropriation to this program
19 for FY2013-14 \$6,000 Cash Funds from the Nebraska Health Care Cash
20 Fund for costs of smoking cessation covered by medicaid. There is
21 included in the appropriation to this program for FY2014-15 \$6,000
22 Cash Funds from the Nebraska Health Care Cash Fund for costs of
23 smoking cessation covered by medicaid.

24 There is included in the appropriation to this program
25 for FY2013-14 \$2,840,000 Cash Funds and \$25,560,000 Federal Funds
26 for Medicaid Management Information System replacement from the
27 Health and Human Services Cash Fund. There is included in the
1 appropriation to this program for FY2014-15 \$2,840,000 Cash Funds
2 and \$25,560,000 Federal Funds for Medicaid Management Information
3 System replacement from the Health and Human Services Cash Fund.

4 There is included in the appropriation to this program
5 for FY2013-14 \$2,312,500 Cash Funds (Fund 22555) for information
6 technology costs related to the federal Patient Protection and
7 Affordable Care Act implementation from the Health and Human
8 Services Cash Fund. There is included in the appropriation to
9 this program for FY2014-15 \$2,312,000 Cash Funds (Fund 22555)
10 for information technology costs related to the federal Patient
11 Protection and Affordable Care Act implementation from the Health
12 and Human Services Cash Fund.

13 In order to monitor the Department of Health and Human
14 Services service delivery system and to ensure compliance with
15 federal and state law, the Department of Health and Human Services
16 shall develop a quarterly report which shall include, but not be
17 limited to, the following information:

18 (1) Number of days in increments that it takes to process
19 applications (approval or denial) for aid to dependent children,
20 Supplemental Nutrition Assistance Program, Aid to the Aged, Blind,
21 and Disabled, and child care subsidy program, overall and broken
22 down by county;

23 (2) Number of days in increments that it takes to process

24 applications for Medicaid and the Children's Health Insurance
25 Program, separating the data for applicants not applying on the
26 basis of disability from applicants applying on the basis of
27 disability, overall and broken down by county;

1 (3) Reasons for benefit application processing delays
2 (department, client, third party) for all applications that
3 are processed beyond federal and state timeliness in aid to
4 dependent children, Supplemental Nutrition Assistance Program,
5 Aid to the Aged, Blind, and Disabled, Medicaid, and Children's
6 Health Insurance Program statewide, and child care subsidy program,
7 overall and broken down by county. This shall include the number of
8 cases for each respective reason (department, client, third party);

9 (4) The number of case closures in Medicaid, Children's
10 Health Insurance Program, aid to dependent children, Supplemental
11 Nutrition Assistance Program, Aid to the Aged, Blind, and Disabled,
12 and child care subsidy program, and the reason for the closure
13 statewide, overall and broken down by county;

14 (5) The number of case closures due to failure
15 to recertify benefits, including failing to timely provide
16 information, failing to perform a case review, or failing to appear
17 for an appointment, overall and broken down by county;

18 (6) The total number of first-time applicants for
19 benefits, categorized by state and county, and by month;

20 (7) The percentage of applications that are
21 reapplications, categorized by state and county, and by
22 month;

23 (8) The percentage of individuals whose cases are closed
24 who reapply for benefits within thirty days and sixty days after
25 case closure, categorized by state and county, and by month;

26 (9) Average wait time for call center response. The
27 average wait time starting from the time when the call is
1 transferred to the customer service center to the time when
2 the worker answers the call;

3 (10) Number of client call terminations (client hang
4 ups) that occur prior to speaking with a staff member and the
5 average length of time starting from the time when the call is
6 transferred to the customer service center to the time when the
7 caller terminates the call;

8 (11) Average number of minutes per delivery system
9 transaction or task, based on type of transaction, including, but
10 not limited to, application management (new, review, renewal),
11 interviewing (high and low priority), application processing
12 (processing initial, processing daily, processing ready), and
13 change management; and

14 (12) The number of hours and the number of days when call
15 center responses are at a maximum and clients receive a busy signal
16 when calling.

17 It is the intent of the Legislature that the department
18 submit a report to the Clerk of the Legislature that includes the

19 following monthly information on a quarterly basis for workers in
 20 the ACCESSNebraska call centers and in local offices: The number of
 21 social service workers, eligibility technicians, and social service
 22 lead workers and the number of vacancies in these positions at
 23 the beginning of each month; the number of these positions vacated
 24 within a month; and the number of these positions filled within a
 25 month.

26 The reports required by this section shall be submitted
 27 electronically.

1 Sec. 7. Section 100, Legislative Bill 195, One Hundred
 2 Third Legislature, First Session, 2013, is amended to read:

3 Sec. 100. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN
 4 SERVICES

5 Program No. 250 - Juvenile Services Operations	FY2013-14	FY2014-15
6 GENERAL FUND	28,823,535	29,168,097
7 GENERAL FUND	18,707,706	19,052,268
8 CASH FUND	1,085,380	1,085,380
9 FEDERAL FUND est.	712,823	712,823
10 PROGRAM TOTAL	30,621,738	30,966,300
11 PROGRAM TOTAL	20,505,909	20,850,471
12 SALARY LIMIT	11,701,606	11,964,892

13 The unexpended General Fund appropriation balance
 14 existing on June 30, 2013, is hereby reappropriated.

15 The Department of Administrative Services shall monitor
 16 the appropriations and expenditures for this program according to
 17 the following program classifications:

18 No. 315 - Office of Juvenile Services
 19 No. 345 - Juvenile Community-Based Services
 20 No. 364 - Juvenile Parole Administration
 21 No. 371 - Youth Rehabilitation and Treatment
 22 Center-Geneva
 23 No. 374 - Youth Rehabilitation and Treatment
 24 Center-Kearney

25 There is included in the appropriation to this program
 26 for FY2013-14 \$1,000,000 Cash Funds for mental health services to
 27 juvenile offenders under section 43-407 from the Nebraska Health
 1 Care Cash Fund. There is included in the appropriation to this
 2 program for FY2014-15 \$1,000,000 Cash Funds for mental health
 3 services to juvenile offenders under section 43-407 from the
 4 Nebraska Health Care Cash Fund.

5 Sec. 8. Section 106, Legislative Bill 195, One Hundred
 6 Third Legislature, First Session, 2013, is amended to read:

7 Sec. 106. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN
 8 SERVICES

9 Program No. 354 - Child Welfare Aid	FY2013-14	FY2014-15
10 GENERAL FUND	160,744,885	160,916,412
11 GENERAL FUND	157,019,677	137,477,218

14	CASH FUND	2,734,444	2,734,444
15	FEDERAL FUND est.	30,963,503	30,791,976
16	PROGRAM TOTAL	194,442,832	194,442,832
17	<u>PROGRAM TOTAL</u>	<u>190,717,624</u>	<u>171,003,638</u>

18 There is included in the appropriation to this program
 19 for FY2013-14 ~~\$160,744,885~~ \$157,019,677 General Funds, \$2,734,444
 20 Cash Funds, and \$30,963,503 Federal Funds estimate for state aid,
 21 which shall only be used for such purpose. There is included
 22 in the appropriation to this program for FY2014-15 ~~\$160,916,412~~
 23 \$137,477,218 General Funds, \$2,734,444 Cash Funds, and \$30,791,976
 24 Federal Funds estimate for state aid, which shall only be used for
 25 such purpose.

26 There is included in the appropriation to this program
 27 for FY2013-14 \$2,734,444 Cash Funds from the Nebraska Health
 1 Care Cash Fund for state aid for the continuation of the
 2 behavioral health provider rate increase. There is included in
 3 the appropriation to this program for FY2014-15 \$2,734,444 Cash
 4 Funds from the Nebraska Health Care Cash Fund for state aid for the
 5 continuation of the behavioral health provider rate increase.

6 Sec. 9. Original sections 93, 100, and 106, Legislative
 7 Bill 195, One Hundred Third Legislature, First Session, 2013, are
 8 repealed.

9 Sec. 10. Since an emergency exists, this act takes effect
 10 when passed and approved according to law.

The Ashford amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 298. Placed on Select File with amendment.
 ER106 is available in the Bill Room.

LEGISLATIVE BILL 34. Placed on Select File with amendment.
 ER108 is available in the Bill Room.

LEGISLATIVE BILL 326. Placed on Select File with amendment.
 ER109

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 38-2845, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 38-2845 Supervision means the ~~immediate~~ personal guidance
- 6 and direction by ~~the licensed a pharmacist on duty in the~~
- 7 ~~facility~~ of the performance by a pharmacy technician of authorized
- 8 activities or functions subject to verification by such pharmacist.

9 Supervision of a pharmacy technician may occur by means of a
 10 real-time audiovisual communication system. ~~except that when a~~
 11 ~~pharmacy technician performs authorized activities or functions to~~
 12 ~~assist a pharmacist on duty in the facility when the prescribed~~
 13 ~~drugs or devices will be administered by a licensed staff member or~~
 14 ~~consultant or by a licensed physician assistant to persons who are~~
 15 ~~patients or residents of a facility, the activities or functions of~~
 16 ~~such pharmacy technician shall only be subject to verification by a~~
 17 ~~pharmacist on duty in the facility.~~

18 Sec. 2. Section 38-2847, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 38-2847 Verification means the confirmation by a
 21 supervising pharmacist of the accuracy and completeness of the
 22 acts, tasks, or functions undertaken by a pharmacy technician to
 23 assist the pharmacist in the practice of pharmacy. Verification
 1 shall occur by a pharmacist on duty in the facility, except that if
 2 a pharmacy technician performs authorized activities or functions
 3 to assist a pharmacist and the prescribed drugs or devices will
 4 be administered to persons who are patients or residents of a
 5 facility by a credentialed individual authorized to administer
 6 medications, verification may occur by means of a real-time
 7 audiovisual communication system.

8 Sec. 3. Section 71-2444, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 71-2444 Sections 71-2444 to 71-2452 and sections 9 and
 11 10 of this act shall be known and may be cited as the Automated
 12 Medication Systems Act.

13 Sec. 4. Section 71-2445, Reissue Revised Statutes of
 14 Nebraska, is amended to read:

15 71-2445 For purposes of the Automated Medication Systems
 16 Act:

17 (1) Automated medication distribution machine means a
 18 type of automated medication system that stores medication to
 19 be administered to a patient by a person credentialed under the
 20 Uniform Credentialing Act;

21 (2) Automated medication system means a mechanical system
 22 that performs operations or activities, other than compounding,
 23 administration, or other technologies, relative to storage and
 24 packaging for dispensing or distribution of medications and that
 25 collects, controls, and maintains all transaction information
 26 and includes, but is not limited to, a prescription medication
 27 distribution machine or an automated medication distribution
 1 machine. An automated medication system may only be used in
 2 conjunction with the provision of pharmacist care;

3 (3) Chart order means an order for a drug or device
 4 issued by a practitioner for a patient who is in the hospital where
 5 the chart is stored, ~~or~~ for a patient receiving detoxification
 6 treatment or maintenance treatment pursuant to section 28-412, ~~or~~
 7 for a resident in a long-term care facility in which a long-term

8 care automated pharmacy is located from which drugs will be
9 dispensed. Chart order does not include a prescription;

10 (4) Hospital has the definition found in section 71-419;

11 (5) Long-term care automated pharmacy means a designated
12 area in a long-term care facility where an automated medication
13 system is located, that stores medications for dispensing pursuant
14 to a medical order to residents in such long-term care facility,
15 that is installed and operated by a pharmacy licensed under the
16 Health Care Facility Licensure Act, and that is licensed under
17 section 9 of this act;

18 ~~(5)-(6)~~ Long-term care facility means an intermediate
19 care facility, an intermediate care facility for the mentally
20 retarded, a long-term care hospital, a mental health center, a
21 nursing facility, or a skilled nursing facility, as such terms are
22 defined in the Health Care Facility Licensure Act;

23 ~~(6)-(7)~~ Medical order means a prescription, a chart
24 order, or an order for pharmaceutical care issued by a
25 practitioner;

26 ~~(7)-(8)~~ Pharmacist means any person who is licensed by
27 the State of Nebraska to practice pharmacy;

1 ~~(8)-(9)~~ Pharmacist care means the provision by a
2 pharmacist of medication therapy management, with or without the
3 dispensing of drugs or devices, intended to achieve outcomes
4 related to the cure or prevention of a disease, elimination or
5 reduction of a patient's symptoms, or arresting or slowing of a
6 disease process;

7 ~~(9)-(10)~~ Pharmacist remote order entry means entering
8 an order into a computer system or drug utilization review by a
9 pharmacist licensed to practice pharmacy in the State of Nebraska
10 and located within the United States, pursuant to medical orders in
11 a hospital, long-term care facility, or pharmacy licensed under the
12 Health Care Facility Licensure Act;

13 ~~(10)-(11)~~ Practice of pharmacy means (a) the
14 interpretation, evaluation, and implementation of a medical
15 order, (b) the dispensing of drugs and devices, (c) drug product
16 selection, (d) the administration of drugs or devices, (e) drug
17 utilization review, (f) patient counseling, (g) the provision of
18 pharmaceutical care, and (h) the responsibility for compounding
19 and labeling of dispensed or repackaged drugs and devices, proper
20 and safe storage of drugs and devices, and maintenance of proper
21 records. The active practice of pharmacy means the performance of
22 the functions set out in this subdivision by a pharmacist as his or
23 her principal or ordinary occupation;

24 ~~(11)-(12)~~ Practitioner means a certified registered nurse
25 anesthetist, a certified nurse midwife, a dentist, an optometrist,
26 a nurse practitioner, a physician assistant, a physician, a
27 podiatrist, or a veterinarian;

1 ~~(12)-(13)~~ Prescription means an order for a drug or
2 device issued by a practitioner for a specific patient, for

3 emergency use, or for use in immunizations. Prescription does not
4 include a chart order;

5 ~~(13)~~(14) Prescription medication distribution machine
6 means a type of automated medication system that packages, labels,
7 or counts medication in preparation for dispensing of medications
8 by a pharmacist pursuant to a prescription; and

9 ~~(14)~~(15) Telepharmacy means the provision of pharmacist
10 care, by a pharmacist located within the United States, using
11 telecommunications, remote order entry, or other automations and
12 technologies to deliver care to patients or their agents who are
13 located at sites other than where the pharmacist is located.

14 Sec. 5. Section 71-2446, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-2446 Any automated machine that dispenses, delivers,
17 or makes available, other than by administration, prescription
18 medication directly to a patient or caregiver without the provision
19 of pharmacist care is prohibited.

20 Sec. 6. Section 71-2447, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 71-2447 Any hospital, long-term care facility, or
23 pharmacy that uses an automated medication system shall develop,
24 maintain, and comply with policies and procedures developed in
25 consultation with the pharmacist responsible for pharmacist care
26 for that hospital, long-term care facility, or pharmacy. At a
27 minimum, the policies and procedures shall address the following:

- 1 (1) The description and location within the hospital,
2 long-term care facility, or pharmacy of the automated medication
3 system or equipment being used;
- 4 (2) The name of the ~~individual or individuals~~ pharmacist
5 responsible for implementation of and compliance with the policies
6 and procedures;
- 7 (3) Medication access and information access procedures;
- 8 (4) Security of inventory and confidentiality of records
9 in compliance with state and federal laws, rules, and regulations;
- 10 (5) A description of the process used by a pharmacist or
11 pharmacy technician for filling an automated medication system;
- 12 ~~(5)~~(6) A description of how and by whom the automated
13 medication system is being utilized, including processes for
14 ~~filling~~, verifying, dispensing, and distributing medications;
- 15 ~~(6)~~(7) Staff education and training;
- 16 ~~(7)~~(8) Quality assurance and quality improvement
17 programs and processes;
- 18 ~~(8)~~(9) Inoperability or emergency downtime procedures;
- 19 ~~(9)~~(10) Periodic system maintenance; and
- 20 ~~(10)~~(11) Medication security and controls.

21 Sec. 7. Section 71-2448, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-2448 A prescription medication distribution machine:

- 24 (1) Is subject to the requirements of section 71-2447

25 and, if it is in a long-term care automated pharmacy, is subject to
26 section 9 of this act; and

27 (2) May be operated only (a) in a licensed pharmacy
1 where a pharmacist dispenses medications to patients for
2 self-administration pursuant to a prescription or (b) in a
3 long-term care automated pharmacy subject to section 9 of this act.

4 Sec. 8. Section 71-2449, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-2449 (1) An automated medication distribution machine:

7 (a) Is subject to the requirements of section 71-2447

8 and, if it is in a long-term care automated pharmacy, is subject to
9 section 9 of this act; and

10 (b) May be operated in a hospital or long-term care
11 facility for medication administration pursuant to a chart order or
12 prescription by a licensed health care professional.

13 (2) Drugs placed in an automated medication distribution
14 machine shall be in the manufacturer's original packaging or in
15 containers repackaged in compliance with state and federal laws,
16 rules, and regulations relating to repackaging, labeling, and
17 record keeping.

18 (3) The inventory which is transferred to an automated
19 medication distribution machine in a hospital ~~or long-term care~~
20 ~~facility~~ shall be excluded from the percent of total prescription
21 drug sales revenue described in section 71-7454.

22 Sec. 9. (1) In order for an automated medication system
23 to be operated in a long-term care facility, a pharmacist in charge
24 of a pharmacy licensed under the Health Care Facility Licensure
25 Act and located in Nebraska shall annually license the long-term
26 care automated pharmacy in which the automated medication system is
27 located.

1 (2) The pharmacist in charge of a licensed pharmacy shall
2 submit an application for licensure or renewal of licensure to the
3 Division of Public Health of the Department of Health and Human
4 Services with a fee in the amount of the fee the pharmacy pays for
5 licensure or renewal. The application shall include:

6 (a) The name and location of the licensed pharmacy;

7 (b) If controlled substances are stored in the automated
8 medication system, the federal Drug Enforcement Administration
9 registration number of the licensed pharmacy. After the long-term
10 care automated pharmacy is registered with the federal Drug
11 Enforcement Administration, the pharmacist in charge of the
12 licensed pharmacy shall provide the federal Drug Enforcement
13 Administration registration number of the long-term care automated
14 pharmacy to the division and any application for renewal shall
15 include such registration number;

16 (c) The location of the long-term care automated
17 pharmacy; and

18 (d) The name of the pharmacist in charge of the licensed
19 pharmacy.

20 (3) As part of the application process, the division
21 shall conduct an inspection by a pharmacy inspector as provided
22 in section 38-28,101 of the long-term care automated pharmacy. The
23 division shall also conduct inspections of the operation of the
24 long-term care automated pharmacy as necessary.

25 (4) The division shall license a long-term care automated
26 pharmacy which meets the licensure requirements of the Automated
27 Medication Systems Act.

1 (5) A pharmacist in charge of a licensed pharmacy shall
2 apply for a separate license for each location at which it operates
3 one or more long-term care automated pharmacies. The licensed
4 pharmacy shall be the provider pharmacy for the long-term care
5 automated pharmacy.

6 (6) The pharmacist in charge of the licensed pharmacy
7 operating a long-term care automated pharmacy shall:

8 (a) Identify a pharmacist responsible for the operation,
9 supervision, policies, and procedures of the long-term care
10 automated pharmacy;

11 (b) Implement the policies and procedures developed to
12 comply with section 71-2447;

13 (c) Assure compliance with the drug storage and
14 record-keeping requirements of the Pharmacy Practice Act;

15 (d) Assure compliance with the labeling requirements of
16 subsection (8) of this section;

17 (e) Develop and implement policies for the verification
18 of drugs by a pharmacist prior to being loaded into the automated
19 medication system and for the verification of drugs by a pharmacist
20 prior to being released for administration to a resident;

21 (f) Develop and implement policies for inventory,
22 security, and accountability for controlled substances; and

23 (g) Assure that each medical order is reviewed by a
24 pharmacist prior to the release of the drugs by the automated
25 medication system. Emergency doses may be taken from an automated
26 medication system prior to review by a pharmacist if the licensed
27 pharmacy develops and implements policies for emergency doses.

1 (7) Supervision by a pharmacist is sufficient for
2 compliance with the requirement of subdivision (6)(a) of this
3 section if the pharmacist in the licensed pharmacy monitors the
4 automated medication system electronically and keeps records of
5 compliance with such requirement for five years.

6 (8) Each drug dispensed from a long-term care automated
7 pharmacy shall be in a package with a label containing the
8 following information:

9 (a) The name and address of the long-term care automated
10 pharmacy;

11 (b) The prescription number;

12 (c) The name, strength, and dosage form of the drug;

13 (d) The name of the resident;

14 (e) The name of the practitioner who prescribed the drug;

15 (f) The date of filling; and

16 (g) Directions for use.

17 (9) A prescription is required for any controlled
 18 substance dispensed from a long-term care automated pharmacy.

19 (10) The inventory which is transferred to a long-term
 20 care automated pharmacy shall be excluded from the percent of total
 21 prescription drug sales revenue described in section 71-7454.

22 Sec. 10. Unless otherwise allowed by state or federal
 23 law or regulation, the management of a long-term care facility at
 24 which an automated medication system is located shall not require a
 25 resident of the facility to obtain medication through the automated
 26 medication system and shall not restrict or impair the ability of
 27 a resident of the facility to obtain medications from the pharmacy
 1 of the resident's choice.

2 Sec. 11. Section 71-2452, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 71-2452 Any person who violates the Automated Medication
 5 Systems Act may be subject to disciplinary action by the Division
 6 of Public Health of the Department of Health and Human Services
 7 under the Health Care Facility Licensure Act, ~~the Uniform Licensure~~
 8 ~~Law,~~ or the Uniform Credentialing Act.

9 Sec. 12. Original sections 38-2845, 38-2847, 71-2444,
 10 71-2445, 71-2446, 71-2447, 71-2448, 71-2449, and 71-2452, Reissue
 11 Revised Statutes of Nebraska, are repealed.

12 2. On page 1, line 6, strike "registration" and insert
 13 "licensure"; and in line 7 after the semicolon insert "to provide
 14 for a patient's choice of pharmacy;".

LEGISLATIVE BILL 308. Placed on Select File with amendment.
 ER107

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

3 Section 1. Section 77-2715, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 77-2715 (1) A tax is hereby imposed for each taxable
 6 year on the entire income of every resident individual and
 7 on the income of every nonresident individual and partial-year
 8 resident individual which is derived from sources within this
 9 state, except that any individual who has additions to adjusted
 10 gross income pursuant to section 77-2716 of less than five thousand
 11 dollars shall not have an individual income tax liability after
 12 nonrefundable credits under the Nebraska Revenue Act of 1967 that
 13 exceeds his or her individual income tax liability before credits
 14 under the Internal Revenue Code of 1986.

15 (2)(a) ~~The For taxable years beginning or deemed to begin~~
 16 ~~before January 1, 2014, the tax for each resident individual shall~~
 17 be a percentage of such individual's federal adjusted gross income
 18 as modified in sections 77-2716 and 77-2716.01, plus a percentage
 19 of the federal alternative minimum tax and the federal tax on

20 premature or lump-sum distributions from qualified retirement
 21 plans. The additional taxes shall be recomputed by ~~(a)-(i)~~
 22 substituting Nebraska taxable income for federal taxable income,
 23 ~~(b)-(ii)~~ calculating what the federal alternative minimum tax would
 1 be on Nebraska taxable income and adjusting such calculations for
 2 any items which are reflected differently in the determination of
 3 federal taxable income, and ~~(c)-(iii)~~ applying Nebraska rates to
 4 the result. The federal credit for prior year minimum tax, after
 5 the recomputations required by the act, shall be allowed as a
 6 reduction in the income tax due.

7 (b) For taxable years beginning or deemed to begin on
 8 or after January 1, 2014, the tax for each resident individual
 9 shall be a percentage of such individual's federal adjusted
 10 gross income as modified in sections 77-2716 and 77-2716.01,
 11 plus a percentage of the federal tax on premature or lump-sum
 12 distributions from qualified retirement plans. The additional taxes
 13 shall be recomputed by substituting Nebraska taxable income for
 14 federal taxable income and applying Nebraska rates to the result.

15 (3) The tax for each nonresident individual and
 16 partial-year resident individual shall be the portion of the tax
 17 imposed on resident individuals which is attributable to the
 18 income derived from sources within this state. The tax which is
 19 attributable to income derived from sources within this state shall
 20 be determined by subtracting from the liability to this state for
 21 a resident individual with the same total income the credit for
 22 personal exemptions and multiplying the result by a fraction, the
 23 numerator of which is the nonresident individual's or partial-year
 24 resident individual's Nebraska adjusted gross income as determined
 25 by section 77-2733 or 77-2733.01 and the denominator of which
 26 is his or her total federal adjusted gross income, after first
 27 adjusting each by the amounts provided in section 77-2716. If
 1 this determination attributes more or less tax than is reasonably
 2 attributable to income derived from sources within this state, the
 3 taxpayer may petition for or the Tax Commissioner may require the
 4 employment of any other method to attribute an amount of tax which
 5 is reasonable and equitable in the circumstances.

6 (4) The tax for each estate and trust, other than trusts
 7 taxed as corporations under the Internal Revenue Code of 1986,
 8 shall be as determined under section 77-2717.

9 (5) A refund shall be allowed to the extent that the
 10 income tax paid by the individual, estate, or trust for the taxable
 11 year exceeds the income tax payable, except that no refund shall be
 12 made in any amount less than two dollars.

13 Sec. 2. Section 77-2717, Revised Statutes Cumulative
 14 Supplement, 2012, is amended to read:

15 77-2717 (1)(a) ~~The (i) For taxable years beginning or~~
 16 deemed to begin before January 1, 2014, the tax imposed on all
 17 resident estates and trusts shall be a percentage of the federal
 18 taxable income of such estates and trusts as modified in section

19 77-2716, plus a percentage of the federal alternative minimum
20 tax and the federal tax on premature or lump-sum distributions
21 from qualified retirement plans. The additional taxes shall be
22 recomputed by ~~(i)-(A)~~ substituting Nebraska taxable income for
23 federal taxable income, ~~(ii)-(B)~~ calculating what the federal
24 alternative minimum tax would be on Nebraska taxable income and
25 adjusting such calculations for any items which are reflected
26 differently in the determination of federal taxable income, and
27 ~~(iii)-(C)~~ applying Nebraska rates to the result. The federal credit
1 for prior year minimum tax, after the recomputations required
2 by the Nebraska Revenue Act of 1967, and the credits provided
3 in the Nebraska Advantage Microenterprise Tax Credit Act and the
4 Nebraska Advantage Research and Development Act shall be allowed
5 as a reduction in the income tax due. A refundable income tax
6 credit shall be allowed for all resident estates and trusts
7 under the Angel Investment Tax Credit Act, the Nebraska Advantage
8 Microenterprise Tax Credit Act, and the Nebraska Advantage Research
9 and Development Act. A nonrefundable income tax credit shall be
10 allowed for all resident estates and trusts as provided in the New
11 Markets Job Growth Investment Act.

12 (ii) For taxable years beginning or deemed to begin
13 on or after January 1, 2014, the tax imposed on all resident
14 estates and trusts shall be a percentage of the federal taxable
15 income of such estates and trusts as modified in section 77-2716,
16 plus a percentage of the federal tax on premature or lump-sum
17 distributions from qualified retirement plans. The additional taxes
18 shall be recomputed by substituting Nebraska taxable income for
19 federal taxable income and applying Nebraska rates to the result.
20 The credits provided in the Nebraska Advantage Microenterprise Tax
21 Credit Act and the Nebraska Advantage Research and Development
22 Act shall be allowed as a reduction in the income tax due. A
23 refundable income tax credit shall be allowed for all resident
24 estates and trusts under the Angel Investment Tax Credit Act, the
25 Nebraska Advantage Microenterprise Tax Credit Act, and the Nebraska
26 Advantage Research and Development Act. A nonrefundable income tax
27 credit shall be allowed for all resident estates and trusts as
1 provided in the New Markets Job Growth Investment Act.

2 (b) The tax imposed on all nonresident estates and trusts
3 shall be the portion of the tax imposed on resident estates and
4 trusts which is attributable to the income derived from sources
5 within this state. The tax which is attributable to income derived
6 from sources within this state shall be determined by multiplying
7 the liability to this state for a resident estate or trust with
8 the same total income by a fraction, the numerator of which is
9 the nonresident estate's or trust's Nebraska income as determined
10 by sections 77-2724 and 77-2725 and the denominator of which is
11 its total federal income after first adjusting each by the amounts
12 provided in section 77-2716. The federal credit for prior year
13 minimum tax, after the recomputations required by the Nebraska

14 Revenue Act of 1967, reduced by the percentage of the total income
15 which is attributable to income from sources outside this state,
16 and the credits provided in the Nebraska Advantage Microenterprise
17 Tax Credit Act and the Nebraska Advantage Research and Development
18 Act shall be allowed as a reduction in the income tax due. A
19 refundable income tax credit shall be allowed for all nonresident
20 estates and trusts under the Angel Investment Tax Credit Act, the
21 Nebraska Advantage Microenterprise Tax Credit Act, and the Nebraska
22 Advantage Research and Development Act. A nonrefundable income tax
23 credit shall be allowed for all nonresident estates and trusts as
24 provided in the New Markets Job Growth Investment Act.

25 (2) In all instances wherein a fiduciary income tax
26 return is required under the provisions of the Internal Revenue
27 Code, a Nebraska fiduciary return shall be filed, except that a
1 fiduciary return shall not be required to be filed regarding a
2 simple trust if all of the trust's beneficiaries are residents of
3 the State of Nebraska, all of the trust's income is derived from
4 sources in this state, and the trust has no federal tax liability.
5 The fiduciary shall be responsible for making the return for the
6 estate or trust for which he or she acts, whether the income be
7 taxable to the estate or trust or to the beneficiaries thereof.
8 The fiduciary shall include in the return a statement of each
9 beneficiary's distributive share of net income when such income is
10 taxable to such beneficiaries.

11 (3) The beneficiaries of such estate or trust who are
12 residents of this state shall include in their income their
13 proportionate share of such estate's or trust's federal income and
14 shall reduce their Nebraska tax liability by their proportionate
15 share of the credits as provided in the Angel Investment Tax
16 Credit Act, the Nebraska Advantage Microenterprise Tax Credit Act,
17 the Nebraska Advantage Research and Development Act, and the New
18 Markets Job Growth Investment Act. There shall be allowed to a
19 beneficiary a refundable income tax credit under the Beginning
20 Farmer Tax Credit Act for all taxable years beginning or deemed to
21 begin on or after January 1, 2001, under the Internal Revenue Code
22 of 1986, as amended.

23 (4) If any beneficiary of such estate or trust is a
24 nonresident during any part of the estate's or trust's taxable
25 year, he or she shall file a Nebraska income tax return which shall
26 include (a) in Nebraska adjusted gross income that portion of the
27 estate's or trust's Nebraska income, as determined under sections
1 77-2724 and 77-2725, allocable to his or her interest in the estate
2 or trust and (b) a reduction of the Nebraska tax liability by his
3 or her proportionate share of the credits as provided in the Angel
4 Investment Tax Credit Act, the Nebraska Advantage Microenterprise
5 Tax Credit Act, the Nebraska Advantage Research and Development
6 Act, and the New Markets Job Growth Investment Act and shall
7 execute and forward to the fiduciary, on or before the original due
8 date of the Nebraska fiduciary return, an agreement which states

9 that he or she will file a Nebraska income tax return and pay
10 income tax on all income derived from or connected with sources in
11 this state, and such agreement shall be attached to the Nebraska
12 fiduciary return for such taxable year.

13 (5) In the absence of the nonresident beneficiary's
14 executed agreement being attached to the Nebraska fiduciary return,
15 the estate or trust shall remit a portion of such beneficiary's
16 income which was derived from or attributable to Nebraska sources
17 with its Nebraska return for the taxable year. For taxable years
18 beginning or deemed to begin before January 1, 2013, the amount
19 of remittance, in such instance, shall be the highest individual
20 income tax rate determined under section 77-2715.02 multiplied by
21 the nonresident beneficiary's share of the estate or trust income
22 which was derived from or attributable to sources within this
23 state. For taxable years beginning or deemed to begin on or after
24 January 1, 2013, the amount of remittance, in such instance, shall
25 be the highest individual income tax rate determined under section
26 77-2715.03 multiplied by the nonresident beneficiary's share of the
27 estate or trust income which was derived from or attributable to
1 sources within this state. The amount remitted shall be allowed
2 as a credit against the Nebraska income tax liability of the
3 beneficiary.

4 (6) The Tax Commissioner may allow a nonresident
5 beneficiary to not file a Nebraska income tax return if the
6 nonresident beneficiary's only source of Nebraska income was his or
7 her share of the estate's or trust's income which was derived from
8 or attributable to sources within this state, the nonresident did
9 not file an agreement to file a Nebraska income tax return, and
10 the estate or trust has remitted the amount required by subsection
11 (5) of this section on behalf of such nonresident beneficiary. The
12 amount remitted shall be retained in satisfaction of the Nebraska
13 income tax liability of the nonresident beneficiary.

14 (7) For purposes of this section, unless the context
15 otherwise requires, simple trust shall mean any trust instrument
16 which (a) requires that all income shall be distributed currently
17 to the beneficiaries, (b) does not allow amounts to be paid,
18 permanently set aside, or used in the tax year for charitable
19 purposes, and (c) does not distribute amounts allocated in the
20 corpus of the trust. Any trust which does not qualify as a simple
21 trust shall be deemed a complex trust.

22 (8) For purposes of this section, any beneficiary of an
23 estate or trust that is a grantor trust of a nonresident shall be
24 disregarded and this section shall apply as though the nonresident
25 grantor was the beneficiary.

26 Sec. 3. Section 77-2734.07, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 77-2734.07 (1) There shall be added to federal taxable
2 income the amount of any federal deduction because of a
3 carryforward of a net operating loss or any capital loss.

4 (2) There shall be allowed a deduction for a carryforward
 5 of a net operating loss or capital loss that is connected with
 6 operations in Nebraska. For a net operating loss or capital loss
 7 incurred in taxable years beginning or deemed to begin on or after
 8 January 1, 1987, and before January 1, 2014, the deduction shall
 9 be allowed only for each of the five taxable years succeeding the
 10 year of the loss. For a net operating loss incurred in taxable
 11 years beginning or deemed to begin on or after January 1, 2014,
 12 the deduction shall be allowed only for each of the twenty taxable
 13 years succeeding the year of the loss. For a capital loss incurred
 14 in taxable years beginning or deemed to begin on or after January
 15 1, 2014, the deduction shall be allowed only for each of the five
 16 taxable years succeeding the year of the loss.

17 (3) Except as otherwise provided in this section, there
 18 shall be allowed a carryback of a net operating loss or a capital
 19 loss that is connected with operations in Nebraska. For a net
 20 operating loss or capital loss incurred in taxable years beginning
 21 or deemed to begin on or after January 1, 1987, no such carryback
 22 shall be allowed.

23 (4) The amounts in subsections (2) and (3) of this
 24 section shall be computed pursuant to rules and regulations
 25 adopted and promulgated by the Tax Commissioner. Such regulations
 26 shall be in accord with the laws of the United States regarding
 27 carryforwards and carrybacks.

1 Sec. 4. Original sections 77-2715 and 77-2734.07, Reissue
 2 Revised Statutes of Nebraska, and section 77-2717, Revised Statutes
 3 Cumulative Supplement, 2012, are repealed.

4 2. On page 1, lines 1 and 2, strike "section 77-2715" and
 5 insert "sections 77-2715 and 77-2734.07"; and in line 5 after the
 6 semicolon insert "to change provisions relating to deductions for
 7 net operating losses and capital losses;"

LEGISLATIVE BILL 573. Placed on Select File.

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 331. Title read. Considered.

Committee AM852, found on page 867, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 104. Placed on Final Reading.
ST28

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendment, AM525, original section 2 and all amendments thereto have been struck and the following new section inserted:

Sec. 5. Original sections 77-27,142, 77-27,142.01, 77-5715, and 77-5725, Revised Statutes Cumulative Supplement, 2012, are repealed.

2. On page 1, the matter beginning with "the" in line 1 through line 7 and all amendments thereto have been struck and "revenue and taxation; to amend sections 77-27,142, 77-27,142.01, 77-5715, and 77-5725, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to sales and use tax increases under the Local Option Revenue Act; to provide tax incentives for renewable energy projects under the Nebraska Advantage Act; to redefine qualified business; to change provisions relating to tiers; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 225. Placed on Final Reading Second.

LEGISLATIVE BILL 306A. Placed on Final Reading.

LEGISLATIVE BILL 583A. Placed on Final Reading.

(Signed) John Murante, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 350. Introduced by Larson, 40; Janssen, 15; Nordquist, 7; Watermeier, 1.

WHEREAS, the Executive Board of the International Olympic Committee (IOC) has proposed eliminating the sport of wrestling from the Summer Olympic Games beginning in 2020, and the IOC will vote on the proposal at its September 2013 general assembly; and

WHEREAS, wrestling was one of the original sports of the ancient Greek Olympic Games and of the first modern Olympic Games; and

WHEREAS, wrestling has been a traditional strength of the United States Olympic Team, with 124 medals having been awarded to the United States throughout history; and

WHEREAS, the sport of wrestling builds great strength not only of body, but also of character, including the virtues of self-confidence, self-discipline, courage, and sportsmanship; and

WHEREAS, wrestling has produced many outstanding national leaders including Presidents, United States Supreme Court justices, United States

senators, members of Congress, business and military leaders, as well as many outstanding leaders in the State of Nebraska; and

WHEREAS, wrestling provides mainstream opportunities to athletes of all physical builds and body sizes, including blind, deaf, and physically handicapped student athletes who may not otherwise have the opportunity to participate in athletics; and

WHEREAS, according to the Nebraska School Activities Association, 4,679 students competed in wrestling for the 2012-13 season; and

WHEREAS, many of these Nebraska athletes dream of representing the United States on the international stage at the Olympic Games; and

WHEREAS, Dan Brand, Jordan Burroughs, Jim Scherr, Bill Scherr, Rulon Gardner, Matt Lindland, and Brad Vering are seven Olympians who have represented Nebraska.

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

1. That the Legislature urges the International Olympic Committee to reinstate wrestling as a core sport at the Summer Olympic Games.

2. That the Legislature thanks the United States Olympic Committee for its continued support of wrestling and urges the committee to work actively toward the reinstatement of Olympic wrestling.

3. That a copy of this resolution be sent to the International Olympic Committee and the United States Olympic Committee.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 368. Title read. Considered.

Committee AM816, found on page 871, was offered.

Senator Crawford offered her amendment, AM1224, found on page 1210, to the committee amendment.

SPEAKER ADAMS PRESIDING

SENATOR KRIST PRESIDING

SENATOR COASH PRESIDING

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Crawford amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 97. Placed on Final Reading.

LEGISLATIVE BILL 216. Placed on Final Reading.

LEGISLATIVE BILL 216A. Placed on Final Reading.

ST27

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "appropriate" in line 1 through line 4 has been struck and "amend section 106, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013; to appropriate funds to aid in carrying out the provisions of Legislative Bill 216, One Hundred Third Legislature, First Session, 2013; to change appropriations; and to repeal the original section." inserted.

LEGISLATIVE BILL 556. Placed on Final Reading.

LEGISLATIVE BILL 556A. Placed on Final Reading.

LEGISLATIVE BILL 579. Placed on Final Reading.

LEGISLATIVE BILL 579A. Placed on Final Reading.

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 368. Senator Kintner offered the following amendment to the committee amendment:

AM1257

(Amendments to Standing Committee amendments, AM816)

- 1 1. Insert the following new section:
- 2 Sec. 6. An employer shall continue the employment of
- 3 each employee for whom such employer receives a subsidy under the
- 4 Subsidized Employment Pilot Program for not less than two years.
- 5 2. On page 1, line 18, strike "7" and insert "8".
- 6 3. On page 4, line 22, strike "6" and insert "7".
- 7 4. Renumber the remaining sections accordingly.

Senator Kintner withdrew his amendment.

Committee AM816, found on page 871 and considered in this day's Journal, as amended, was renewed.

Senator Kintner offered the following amendment to the committee amendment:

AM1515

(Amendments to Standing Committee amendments, AM816)

- 1 1. Insert the following new section:
- 2 2. Sec. 6. An employer shall continue the employment of
- 3 each employee for whom such employer receives a subsidy under the
- 4 Subsidized Employment Pilot Program for not less than one year
- 5 if the employee is meeting and continues to meet the minimum
- 6 employment standards prescribed by the Subsidized Employment Pilot
- 7 Program, unless the employee voluntarily ceases employment with
- 8 such employer.
- 9 2. On page 1, line 18, strike "7" and insert "8".
- 10 3. On page 4, line 22, strike "6" and insert "7".
- 11 4. Renumber the remaining sections accordingly.

Senator Kintner moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Kintner requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Bloomfield	Hansen	Kintner	Watermeier
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Voting in the negative, 32:

Adams	Coash	Haar, K.	Lathrop	Seiler
Ashford	Conrad	Hadley	McGill	Sullivan
Avery	Cook	Harms	Murante	Wallman
Bolz	Crawford	Harr, B.	Nelson	Wightman
Campbell	Davis	Johnson	Nordquist	
Carlson	Dubas	Karpisek	Scheer	
Chambers	Gloor	Krist	Schumacher	

Present and not voting, 9:

Brasch	Howard	McCoy	Pirsch	Smith
Christensen	Lautenbaugh	Mello	Price	

Excused and not voting, 4:

Janssen	Kolowski	Larson	Schilz
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The Kintner amendment lost with 4 ayes, 32 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 368A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 507. Placed on Final Reading.

ST30

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER94, on page 2, lines 6, 8, and 11, the semicolon has been struck and an underscored comma inserted.

LEGISLATIVE BILL 507A. Placed on Final Reading.

(Signed) John Murante, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 331. Placed on Select File with amendment.

ER110

1 1. On page 1, strike beginning with "the" in line 1
2 through line 4 and insert "postsecondary education; to amend
3 sections 85-1903, 85-1907, 85-2403, and 85-2405, Revised Statutes
4 Cumulative Supplement, 2012; to redefine award and eligible
5 student for purposes of the Nebraska Opportunity Grant Act; to
6 redefine authorization to operate for purposes of the Postsecondary
7 Institution Act; to provide for interstate reciprocity agreements
8 regarding postsecondary distance education; to change provisions
9 for fees under the Postsecondary Institution Act; to harmonize
10 provisions; to repeal the original sections; and to declare an
11 emergency."

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator K. Haar filed the following amendment to LB57:
AM1250

(Amendments to E & R amendments, ER36)

- 1 1. On page 5, line 24; and page 6, lines 10 and 27,
- 2 strike "shall" and insert "may".

Senator Schilz filed the following amendment to LB57:
AM1277

(Amendments to E & R amendments, ER36)

- 1 1. On page 6, line 12, strike "unless approved in the
- 2 original grant" and insert "unless the sale, transfer, or exchange
- 3 was proposed by the grantee in its grant application and approved
- 4 as part of the original grant"; strike beginning with "Such" in
- 5 line 15 through line 16 and insert "Approval shall be granted
- 6 if the sale, transfer, or exchange is consistent with the terms
- 7 and limitations outlined in the contract between the board and
- 8 the grantee."; in line 21 strike "If" through "approval" and
- 9 insert "The board shall provide its written approval or denial
- 10 of the proposed transaction within thirty days after receipt of
- 11 the details of the proposed sale, transfer, or exchange from the
- 12 grantee, unless the board needs additional time to fully consider
- 13 the proposed transaction. If such additional time exceeds sixty
- 14 days after receipt of such details, the proposed transaction shall
- 15 be deemed approved by the board. If the board provides a written
- 16 denial".
- 17 2. On page 7, line 3, strike "on behalf of" and insert
- 18 "from"; strike beginning with "(b)" in line 8 through line 19
- 19 and insert "(b) that at the time the grantee takes title to the
- 20 property, the grantee file with the register of deeds in the
- 21 county or counties in which the property is located the contract or
- 22 notice of the contract between the board and the grantee containing
- 1 the statements and other information required pursuant to this
- 2 section."; and in line 21 strike "trust" and insert "board".

Senator McCoy filed the following amendment to LB348:
AM1248 is available in the Bill Room.

Senator Coash filed the following amendment to LB255:
AM1356

(Amendments to Standing Committee amendments, AM856)

- 1 1. On page 4, line 27; and page 5, line 5, strike "two
- 2 hundred fifty", show as stricken, and insert "five hundred".

Senator Hansen filed the following amendment to LB368:
AM1464

(Amendments to Standing Committee amendments, AM816)

- 1 1. On page 4, line 19; and page 5, line 1, strike "2018"
- 2 and insert "2016".
- 3 2. On page 4, lines 24 and 25, strike "to FY2017-18" and
- 4 insert "and 2015-16".

VISITORS

Visitors to the Chamber were 51 fourth-grade students and teachers from Columbian Elementary, Omaha; 80 fourth-grade students and teachers from Indian Hill Elementary, Omaha; 40 high-school students and teachers from Saline County 4-H Extension, Gage, Wilber, and Jefferson; Robert Rothwell from Beatrice; and 26 fourth-grade students and teacher from Ponca Elementary, Omaha.

ADJOURNMENT

At 6:47 p.m., on a motion by Senator B. Harr, the Legislature adjourned until 9:00 a.m., Thursday, May 23, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-THIRD DAY - MAY 23, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****EIGHTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 23, 2013

PRAYER

The prayer was offered by Senator Hansen.

ROLL CALL

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

The roll was called and all members were present except Senator Kolowski who was excused; and Senators Adams, Ashford, Conrad, Hadley, Karpisek, Price, and Seiler who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-second day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 368. Placed on Select File with amendment.
ER111

- 1 1. On page 1, line 1, after the second semicolon insert
- 2 "to define terms;"; and in line 3 after "provide" insert "powers
- 3 and".

LEGISLATIVE BILL 368A. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 561A. Placed on Final Reading.
ST29

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Ashford amendment, AM1507, on page 7, line 19, the period has been struck, shown as stricken, and an underscored comma inserted.

2. On page 1, the matter beginning with "appropriate" in line 1 through line 3 has been struck and "amend sections 93, 100, and 106, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013; to appropriate funds to aid in carrying out the provisions of Legislative Bill 561, One Hundred Third Legislature, First Session, 2013; to provide for transfers of funds; to change appropriations; to repeal the original sections; and to declare an emergency." inserted.

(Signed) John Murante, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 22, 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

Pollock, Andy
DirecTV
DISH Network LLC
Wright, Sheryl L.
League of Women Voters 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>

MOTION - Return LB429A to Select File

Senator Crawford moved to return LB429A to Select File for her specific amendment, AM1479, found on page 1510.

The Crawford motion to return prevailed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 429A. The Crawford specific amendment, AM1479, found on page 1510, was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 308. ER107, found on page 1547, was adopted.

Senator Carlson withdrew his amendment, AM1460, found on page 1482.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 573. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 331. ER110, found on page 1557, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 368. ER111, found in this day's Journal, was adopted.

Senator Hansen offered his amendment, AM1464, found on page 1559.

Senator Hansen moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Hansen requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Bloomfield	Hansen	Lautenbaugh	Pirsch	Watermeier
Brasch	Janssen	McCoy	Price	
Christensen	Kintner	Murante	Schilz	
Coash	Larson	Nelson	Schumacher	

Voting in the negative, 26:

Adams	Conrad	Haar, K.	Krist	Wallman
Ashford	Cook	Harms	Lathrop	Wightman
Bolz	Crawford	Harr, B.	McGill	
Campbell	Davis	Howard	Nordquist	
Carlson	Dubas	Johnson	Scheer	
Chambers	Gloor	Karpisek	Sullivan	

Present and not voting, 2:

Mello	Smith
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Excused and not voting, 4:

Avery	Hadley	Kolowski	Seiler
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The Hansen amendment lost with 17 ayes, 26 nays, 2 present and not voting,

and 4 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following amendment:

AM1518

(Amendments to Standing Committee amendments, AM816)

- 1 1. On page 5, line 1, after the period insert "No more
- 2 than ten percent of the funds appropriated to carry out sections 1
- 3 to 6 of this act shall be used for administrative costs.".

SPEAKER ADAMS PRESIDING

SENATOR CARLSON PRESIDING

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 351. Introduced by Davis, 43.

WHEREAS, Lane Chasek, son of Rodney and Amy Chasek and a senior at Chadron High School, was named a National Merit Finalist; and

WHEREAS, during his high school career, Lane was a state speech contest qualifier, participated in play production, mock trial activities, and pep band, and was a member of the National Honor Society, Math Club, FBLA, and the All-State Band; and

WHEREAS, Lane's honors and achievements include being a University of Nebraska-Lincoln Chancellor's Scholar and earning an Omaha World-Herald All-Academic Team Award, a First National Bank of Chadron Scholarship, a Chadron High School Pep Band Parents' Scholarship, and the Marine Corps Scholastic Excellence and Semper Fidelis Awards; and

WHEREAS, Lane was one of three students selected from a graduating class of only 57 to be recognized by the National Merit Scholarship Corporation, and Lane will enroll in the fall of 2013 as a freshman at the University of Nebraska-Lincoln.

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

1. That the Legislature congratulates Lane Chasek for the exemplary achievement of being selected as a 2013 National Merit Finalist.

2. That a copy of this resolution be sent to Lane Chasek and his parents and to the staff and administration of Chadron High School.

Laid over.

LEGISLATIVE RESOLUTION 352. Introduced by Davis, 43.

WHEREAS, Shoilee Rahman, daughter of Shafiq and Rafia Rahman and a freshman at Chadron High School, was named the statewide 9th Grade winner of the 2013 Law Day Essay Contest; and

WHEREAS, the essay contest is cosponsored by the Nebraska Supreme Court and the Nebraska State Bar Foundation and asks participants to select their favorite patriotic symbol, song, holiday, or activity and describe how it contributes to the development of better citizens; and

WHEREAS, Shoilee chose Martin Luther King, Jr. Day for her essay subject because Dr. King's leadership and activism during the civil rights era continue to guide people who deal with issues relating to equality; and

WHEREAS, sponsoring teacher Craig Nobiling encouraged Shoilee to enter the contest and Dawes County District Judge Russ Harford presented the winning award to Shoilee.

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

1. That the Legislature congratulates Shoilee Rahman for winning the statewide 9th Grade 2013 Law Day Essay Contest.

2. That a copy of this resolution be sent to Shoilee Rahman and her parents and to Craig Nobiling at Chadron High School.

Laid over.

LEGISLATIVE RESOLUTION 353. Introduced by Schumacher, 22.

WHEREAS, Lindsay, Nebraska, located in Platte County, is celebrating its 125th anniversary; and

WHEREAS, during the late 1860s and early 1870s an Irish settlement was started around the present town of Lindsay and was joined by German settlers in the late 1870s; and

WHEREAS, the founding homesteaders named the town after a community named Lindsay in Ontario, Canada, since many of them hailed from there; and

WHEREAS, the Franciscans organized the Holy Family Catholic Parish in the 1890s to mission to the Irish and German families, and to resolve language differences it was decided that the sermon at the early Sunday Mass would be delivered in German and the later Mass in English; and

WHEREAS, the Holy Family Catholic Church continues to serve over 300 families and supports a parochial K-12 school facility; and

WHEREAS, the village of Lindsay, originally laid out in November 1886, was incorporated as a village on March 7, 1888. Three grain elevators were established at the site within the next few years, and the Scribner and Oakdale branch of the Fremont, Elkhorn and Missouri Valley Railroad went through the town; and

WHEREAS, Lindsay is a thriving community and is home to Lindsay Manufacturing Company, a worldwide supplier of automatic irrigation

equipment that employs hundreds of people from Lindsay and the surrounding area; and

WHEREAS, Lindsay will culminate its quasiquicentennial celebration from July 5 to July 7, 2013.

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

1. That the Legislature recognizes Lindsay's community spirit and congratulates the community on its 125th anniversary.

2. That a copy of this resolution be sent to the Lindsay Village Board.

Laid over.

COMMITTEE REPORTS

Business and Labor

The Business and Labor 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.

Sarah Pillen - Commission of Industrial Relations

Aye: 6 Ashford, Hansen, B. Harr, Lathrop, McGill, Wallman. Nay: 0. Absent: 1 Chambers. Present and not voting: 0.

The Business and Labor 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.

Charles Cole - Boiler Safety Code Advisory Board
Kurt Eberspacher - Boiler Safety Code Advisory Board
Martin Kasl - Boiler Safety Code Advisory Board
Kenneth Stewart - Boiler Safety Code Advisory Board

Aye: 6 Ashford, Hansen, B. Harr, Lathrop, McGill, Wallman. Nay: 0. Absent: 1 Chambers. Present and not voting: 0.

(Signed) Steve Lathrop, Chairperson

SELECT FILE

LEGISLATIVE BILL 368. Senator Nordquist offered the following amendment to the McCoy amendment:

FA99

Amend AM1518

Add the following new sentence: "Administrative cost shall not be defined to include cost for service delivery."

Senator Bolz moved the previous question. The question is, "Shall the

debate now close?"

Senator Bolz moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 26 ayes, 6 nays, 11 present and not voting, and 6 excused and not voting.

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

The Chair declared the call raised.

The McCoy amendment, AM1518, found in this day's Journal, as amended, was renewed.

SENATOR KRIST PRESIDING

The McCoy amendment, as amended, was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 368A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 298. ER106, found on page 1541, was adopted.

Senator B. Harr offered the following amendment:
AM1487

(Amendments to E & R amendments, ER106)

- 1 1. On page 8, lines 19 through 21, reinstate the stricken
- 2 matter and renumber the remaining subdivisions accordingly.

Senator B. Harr withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 326. ER109, found on page 1541, was adopted.

Senator Howard offered the following amendment:
AM1513

(Amendments to E & R amendments, ER109)

- 1 1. On page 9, line 19, strike "and" and insert "or".

The Howard amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 479. ER25, found on page 651, was adopted.

Senator Lathrop offered the following amendment:

AM1322

1 1. Strike the original section and insert the following
 2 new sections:
 3 Section 1. (1) No health plan and no self-funded
 4 employee benefit plan to the extent not preempted by federal
 5 law shall assert any contractual rights to the proceeds of
 6 any resources purchased by or on behalf of the policyholder,
 7 subscriber, certificate holder, or enrollee, including medical
 8 payments coverage under a motor vehicle insurance policy, uninsured
 9 or underinsured motorist coverage, accident or disability income
 10 coverage, specific disease or illness coverage, or hospital
 11 indemnity or other fixed indemnity coverage.

12 (2) This section shall not (a) affect the coordination
 13 of benefits between health plans or self-funded employee benefit
 14 plans, (b) prevent the coordination of benefits between a
 15 health plan or self-funded employee benefit plan and medical
 16 payments coverage under a motor vehicle insurance policy if such
 17 coordination of benefits applies medical payments coverage to
 18 deductible, copayment, and coinsurance amounts after discounts
 19 provided through the health plan or self-funded employee benefit
 20 plan, or (c) prevent the application of the medical payments
 21 coverage under a motor vehicle insurance policy to items not
 22 covered by a health plan or self-funded employee benefit plan.

23 (3) For purposes of this section, health plan means
 1 an individual or group sickness and accident insurance policy or
 2 subscriber contract delivered, issued for delivery, or renewed
 3 in this state except for (a) policies that provide coverage for
 4 specified disease or other limited benefit coverage or hospital
 5 indemnity or other fixed indemnity coverage or (b) self-funded
 6 employee benefit plans to the extent preempted by federal law.

7 Sec. 2. Section 44-710.04, Revised Statutes Cumulative
 8 Supplement, 2012, is amended to read:

9 44-710.04 Except as provided in sections 44-710.05 and
 10 44-787, no policy of sickness and accident insurance delivered or
 11 issued for delivery to any person in this state shall contain
 12 provisions respecting the matters set forth below unless such
 13 provisions are in the words in which the provisions appear in
 14 this section, except that the insurer may, at its option, use in
 15 lieu of any such provision a corresponding provision of different
 16 wording approved by the Director of Insurance which is not less
 17 favorable in any respect to the insured or the beneficiary.
 18 Any such provision contained in the policy shall be preceded
 19 individually by the appropriate caption appearing in this section
 20 or, at the option of the insurer, by such appropriate individual
 21 or group captions or subcaptions as the Director of Insurance may

22 approve.

23 (1) A provision as follows: CHANGE OF OCCUPATION: If the
24 insured be injured or contract sickness after having changed his or
25 her occupation to one classified by the insurer as more hazardous
26 than that stated in this policy or while doing for compensation
27 anything pertaining to an occupation so classified, the insurer
1 will pay only such portion of the indemnities provided in this
2 policy as the premium paid would have purchased at the rates and
3 within the limits fixed by the insurer for such more hazardous
4 occupation. If the insured changes his or her occupation to one
5 classified by the insurer as less hazardous than that stated in
6 this policy, the insurer, upon receipt of proof of such change
7 of occupation, will reduce the premium rate accordingly and will
8 return the excess pro rata unearned premium from the date of change
9 of occupation or from the policy anniversary date immediately
10 preceding receipt of such proof, whichever is the more recent. In
11 applying this provision, the classification of occupational risk
12 and the premium rates shall be such as have been last filed by the
13 insurer prior to the occurrence of the loss for which the insurer
14 is liable or prior to date of proof of change in occupation with
15 the state official having supervision of insurance in the state
16 where the insured resided at the time this policy was issued;
17 but if such filing was not required, then the classification of
18 occupational risk and the premium rates shall be those last made
19 effective by the insurer in such state prior to the occurrence of
20 the loss or prior to the date of proof of change of occupation.

21 (2) A provision as follows: MISSTATEMENT OF AGE: If the
22 age of the insured has been misstated, all amounts payable under
23 this policy shall be such as the premium paid would have purchased
24 at the correct age.

25 (3) ~~A-Except as provided in subdivision (6) of this~~
26 section, a provision as follows: OTHER INSURANCE IN THIS INSURER:
27 If an accident or sickness or accident and sickness policy or
1 policies previously issued by the insurer to the insured be
2 in force concurrently herewith, making the aggregate indemnity
3 for (insert type of coverage or coverages) in
4 excess of \$..... (insert maximum limit of indemnity or
5 indemnities), the excess insurance shall be void and all premiums
6 paid for such excess shall be returned to the insured or to his
7 or her estate; or in lieu thereof: Insurance effective at any one
8 time on the insured under a like policy or policies in this insurer
9 is limited to the one such policy elected by the insured, his or
10 her beneficiary, or his or her estate, as the case may be, and the
11 insurer will return all premiums paid for all other such policies.

12 (4) ~~A-Except as provided in subdivision (6) of this~~
13 section, a provision as follows: INSURANCE WITH OTHER INSURERS: If
14 there be other valid coverage, not with this insurer, providing
15 benefits for the same loss on a provision-of-service basis or on an
16 expense-incurred basis and of which this insurer has not been given

17 written notice prior to the occurrence or commencement of loss, the
18 only liability under any expense-incurred coverage of this policy
19 shall be for such proportion of the loss as the amount which would
20 otherwise have been payable hereunder plus the total of the like
21 amounts under all such other valid coverages for the same loss
22 of which this insurer had notice bears to the total like amounts
23 under all valid coverages for such loss and for the return of such
24 portion of the premiums paid as shall exceed the pro rata portion
25 for the amount so determined. For the purpose of applying this
26 provision when other coverage is on a provision-of-service basis,
27 the like amount of such other coverage shall be taken as the amount
1 which the services rendered would have cost in the absence of such
2 coverage. If the foregoing policy provision is included in a policy
3 which also contains the next following policy provision there shall
4 be added to the caption of the foregoing provision the phrase
5 EXPENSE-INCURRED BENEFITS. The insurer may, at its option, include
6 in this provision a definition of other valid coverage, approved
7 as to form by the Director of Insurance, which definition shall
8 be limited in subject matter to coverage provided by organizations
9 subject to regulation by insurance law or by insurance authorities
10 of this or any other state of the United States or any province
11 of Canada and by hospital or medical service organizations and
12 to any other coverage the inclusion of which may be approved by
13 the Director of Insurance. In the absence of such definition such
14 term shall not include group insurance, automobile medical payments
15 insurance, or coverage provided by hospital or medical service
16 organizations or by union welfare plans or employer or employee
17 benefit organizations. For the purpose of applying the foregoing
18 policy provision with respect to any insured, any amount of benefit
19 provided for such insured pursuant to any compulsory benefit
20 statute, including any workers' compensation or employers liability
21 statute, whether provided by a governmental agency or otherwise
22 shall in all cases be deemed to be other valid coverage of which
23 the insurer has had notice. In applying the foregoing policy
24 provision no third-party liability coverage shall be included as
25 other valid coverage.

26 (5) A-Except as provided in subdivision (6) of this
27 section, a provision as follows: INSURANCE WITH OTHER INSURERS: If
1 there be other valid coverage, not with this insurer, providing
2 benefits for the same loss on other than an expense-incurred basis
3 and of which this insurer has not been given written notice prior
4 to the occurrence or commencement of loss, the only liability for
5 such benefits under this policy shall be for such proportion of
6 the indemnities otherwise provided hereunder for such loss as the
7 like indemnities of which the insurer had notice (including the
8 indemnities under this policy) bear to the total amount of all
9 like indemnities for such loss, and for the return of such portion
10 of the premium paid as shall exceed the pro rata portion for
11 the indemnities thus determined. If the foregoing policy provision

12 is included in a policy which also contains the next preceding
13 policy provision, there shall be added to the caption of the
14 foregoing provision the phrase OTHER BENEFITS. The insurer
15 may, at its option, include in this provision a definition of
16 other valid coverage, approved as to form by the Director of
17 Insurance, which definition shall be limited in subject matter
18 to coverage provided by organizations subject to regulation by
19 insurance law or by insurance authorities of this or any other
20 state of the United States or any province of Canada and to any
21 other coverage the inclusion of which may be approved by the
22 Director of Insurance. In the absence of such definition such term
23 shall not include group insurance or benefits provided by union
24 welfare plans or by employer or employee benefit organizations. For
25 the purpose of applying the foregoing policy provision with respect
26 to any insured, any amount of benefit provided for such insured
27 pursuant to any compulsory benefit statute, including any workers'
1 compensation or employers liability statute, whether provided by a
2 governmental agency or otherwise shall in all cases be deemed to
3 be other valid coverage of which the insurer has had notice. In
4 applying the foregoing policy provision no third-party liability
5 coverage shall be included as other valid coverage.

6 (6) In lieu of the provisions set forth in subdivisions
7 (3) through (5) of this section but subject to section 1 of this
8 act, the insurer may at its option include a provision entitled
9 COORDINATION OF BENEFITS which provides for nonduplication and
10 coordination between two or more coverages based on rules and
11 regulations adopted and promulgated by the director.

12 ~~(6)-(7)~~ A provision as follows: RELATION OF EARNINGS TO
13 INSURANCE: If the total monthly amount of loss-of-time benefits
14 promised for the same loss under all valid loss-of-time coverage
15 upon the insured, whether payable on a weekly or monthly basis,
16 shall exceed the monthly earnings of the insured at the time
17 disability commenced or his or her average monthly earnings for
18 the period of two years immediately preceding a disability for
19 which claim is made, whichever is the greater, the insurer will
20 be liable only for such proportionate amount of such benefits
21 under this policy as the amount of such monthly earnings or such
22 average monthly earnings of the insured bears to the total amount
23 of monthly benefits for the same loss under all such coverage
24 upon the insured at the time such disability commences and for the
25 return of such part of the premiums paid during such two years as
26 shall exceed the pro rata amount of the premiums for the benefits
27 actually paid hereunder; but this shall not operate to reduce the
1 total monthly amount of benefits payable under all such coverage
2 upon the insured below the sum of two hundred dollars or the sum
3 of the monthly benefits specified in such coverages, whichever is
4 the lesser, nor shall it operate to reduce benefits other than
5 those payable for loss of time. The foregoing policy provision may
6 be inserted only in a policy which the insured has the right to

7 continue in force subject to its terms by the timely payment of
8 premiums (a) until at least age fifty or (b) in the case of a
9 policy issued after age forty-four for at least five years from
10 its date of issue. The insurer may, at its option, include in this
11 provision a definition of valid loss-of-time coverage, approved
12 as to form by the Director of Insurance, which definition shall
13 be limited in subject matter to coverage provided by governmental
14 agencies or by organizations subject to regulation by insurance
15 law or by insurance authorities of this or any other state of
16 the United States or any province of Canada or to any other
17 coverage the inclusion of which may be approved by the Director of
18 Insurance or any combination of such coverages. In the absence of
19 such definition such term shall not include any coverage provided
20 for such insured pursuant to any compulsory benefit statute,
21 including any workers' compensation or employers liability statute,
22 or benefits provided by union welfare plans or by employer or
23 employee benefit organizations.

24 ~~(7)-(8)~~ A provision as follows: UNPAID PREMIUM: Upon the
25 payment of a claim under this policy, any premium then due and
26 unpaid or covered by any note or written order may be deducted
27 therefrom.

1 ~~(8)-(9)~~ A provision as follows: CANCELLATION: The insurer
2 may cancel this policy at any time by written notice delivered to
3 the insured which shall be effective only if mailed by certified
4 or registered mail to the named insured at his or her last-known
5 address, as shown by the records of the insurer, at least thirty
6 days prior to the effective date of cancellation, except that
7 cancellation due to failure to pay the premium or in cases of fraud
8 or misrepresentation shall not require that such notice be given at
9 least thirty days prior to cancellation. Subject to any provisions
10 in the policy or a grace period, cancellation for failure to pay a
11 premium shall be effective as of midnight of the last day for which
12 the premium has been paid. In cases of fraud or misrepresentation,
13 coverage shall be canceled upon the date of the notice or any later
14 date designated by the insurer. After the policy has been continued
15 beyond its original term the insured may cancel this policy at
16 any time by written notice delivered or mailed to the insurer,
17 effective upon receipt or on such later date as may be specified
18 in such notice. In the event of cancellation, the insurer will
19 return promptly the unearned portion of any premium paid. If the
20 insured cancels, the earned premium shall be computed by the use
21 of the short-rate table last filed with the state official having
22 supervision of insurance in the state where the insured resided
23 when the policy was issued. If the insurer cancels, the earned
24 premium shall be computed pro rata. Cancellation shall be without
25 prejudice to any claim originating prior to the effective date of
26 cancellation.

27 ~~(9)-(10)~~ A provision as follows: ILLEGAL OCCUPATION: The
1 insurer shall not be liable for any loss to which a contributing

2 cause was the insured's commission of or attempt to commit a felony
3 or to which a contributing cause was the insured's being engaged in
4 an illegal occupation.
5 ~~(10)~~(11) A provision as follows: INTOXICANTS AND
6 NARCOTICS: The insurer shall not be liable for any loss sustained
7 or contracted in consequence of the insured's being intoxicated
8 or under the influence of any narcotic unless administered on the
9 advice of a physician.
10 Sec. 3. Original section 44-710.04, Revised Statutes
11 Cumulative Supplement, 2012, is repealed.

The Lathrop amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION - Return LB66 to Select File

Senator Chambers moved to return LB66 to Select File for the following specific amendment:

FA92

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB66 with 30 ayes, 3 nays, 1 present and not voting, and 15 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 66.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2101, 18-2103, and 18-2147, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for redevelopment of formerly used defense sites as prescribed; to provide for applicability of certain ad valorem taxation provisions as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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, 40:

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

Voting in the negative, 0.

Excused and not voting, 9:

Ashford	Hadley	Harms	Lautenbaugh	Seiler
Gloor	Hansen	Kolowski	Scheer	

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

MOTION - Return LB140 to Select File

Senator Chambers moved to return LB140 to Select File for the following specific amendment:

FA93

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB140 with 34 ayes, 4 nays, 2 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 140.

A BILL FOR AN ACT relating to the Airport Zoning Act; to amend sections 3-301, 3-302, 3-303, 3-304, 3-306, 3-307, 3-308, 3-309, 3-310, 3-311, 3-312, 3-313, 3-314, 3-319, 3-320, 3-324, 3-329, 3-330, 3-331, and 3-333, Reissue Revised Statutes of Nebraska; to provide airport hazard area dimensions; to change provisions relating to airport hazard area zoning regulations, the board of adjustment, and judicial review; to define and redefine terms; to change a penalty; to eliminate provisions relating to appeal of zoning regulations, the board of adjustment, and judicial review;

to harmonize provisions; to repeal the original sections; and to outright repeal sections 3-315, 3-316, 3-317, 3-318, 3-321, 3-322, 3-325, 3-326, and 3-327, 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, 39:

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

Voting in the negative, 1:

Schumacher

Excused and not voting, 9:

Ashford	Hadley	Harms	Lautenbaugh	Seiler
Gloor	Hansen	Kolowski	Scheer	

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

MOTION - Return LB341 to Select File

Senator Chambers moved to return LB341 to Select File for the following specific amendment:

FA94

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB341 with 36 ayes, 4 nays, 2 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 341.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1807, 77-1808, 77-1812, 77-1813, 77-1818, 77-1822, 77-1823, 77-1830, 77-1836, 77-1849, and 77-1936, Reissue Revised Statutes of Nebraska, and sections 77-1824, 77-1824.01, 77-1825, 77-1831, 77-1832, 77-1833, 77-1837, and 77-1902, Revised Statutes Cumulative Supplement, 2012; to change and eliminate provisions relating to tax sales for delinquent property taxes; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1820, 77-1926, and 77-1937, 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Gloor	Hansen	Kolowski	Seiler
Hadley	Harms	Scheer	

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

MOTION - Return LB410 to Select File

Senator Chambers moved to return LB410 to Select File for the following specific amendment:

FA95

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB410 with 33 ayes, 4 nays, 5 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 410. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 43-2507.02, 79-241, 79-1104.02, 79-1118.01, 79-1336, 85-1603, 85-1644, and 85-1656, Reissue Revised Statutes of Nebraska, and sections 79-214, 79-234, 79-237, 79-527, 79-527.01, 79-611, 79-1007.20, 79-1028.01, 79-1204, 79-2104.02, 79-2118, 84-712.05, and 85-1604, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to rules and regulations under the Early Intervention Act, kindergarten admission, the enrollment option program, access to school files, reporting on attendance, transportation, the Tax Equity and Educational Opportunities Support Act, early childhood education, the Special Education Act, educational service units, distance education reimbursement, learning community reporting, disclosure of certain records, and private postsecondary career schools; to redefine terms; to harmonize provisions; to eliminate provisions relating to certain student organizations and obsolete references to a fund; to repeal the original sections; to outright repeal sections 79-297, 79-298, 79-299, 79-2,100, and 79-756, Reissue Revised Statutes of Nebraska; 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Gloor	Hansen	Kolowski	Seiler
Hadley	Harms	Scheer	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB497 to Select File

Senator Chambers moved to return LB497 to Select File for the following specific amendment:

FA96

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB497 with 36 ayes, 3 nays, 3 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 497. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 9-812 and 9-836.01, Reissue Revised Statutes of Nebraska, and sections 79-8,137, 79-8,137.04, and 85-1920, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to distribution of state lottery proceeds; to create the Nebraska Education Improvement Fund; to provide for a study; to change contract provisions relating to programs under the Excellence in Teaching Act; to terminate the Education Innovation Fund and the Nebraska Opportunity Grant Fund; 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Gloor	Hansen	Kolowski	Seiler
Hadley	Harms	Scheer	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB563 to Select File

Senator Chambers moved to return LB563 to Select File for the following specific amendment:

FA97

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 563. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend section 73-510, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to contracts for services; 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Gloor	Hansen	Kolowski	Seiler
Hadley	Harms	Scheer	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB623 to Select File

Senator Chambers moved to return LB623 to Select File for the following specific amendment:

FA98

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 623.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-810, Reissue Revised Statutes of Nebraska; to change provisions relating to bridge construction and road improvements; 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Gloor	Hansen	Kolowski	Seiler
Hadley	Harms	Scheer	

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

SPEAKER ADAMS PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 66, 140, 341, 410, 497, 563, and 623.

COMMITTEE REPORT

Government, Military and Veterans Affairs

LEGISLATIVE BILL 603. Placed on General File with amendment. AM1448 is available in the Bill Room.

(Signed) Bill Avery, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 354. Introduced by Johnson, 23.

WHEREAS, Marissa DeWispelare, a senior at David City Aquinas High School, won gold medals in the Class C Girls 1600 Meter Run and 3200 Meter Run at the 2013 Girls State Track and Field Meet; and

WHEREAS, Marissa is now a four-time state champion in the Girls 3200 Meter Run and defeated all other runners in the 2013 competition by 22 seconds; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Marissa DeWispelare on her victories at the 2013 Class C Girls State Track and Field Meet and on her outstanding high school track and field career.
2. That a copy of this resolution be sent to Marissa DeWispelare.

Laid over.

LEGISLATIVE RESOLUTION 355. Introduced by Johnson, 23.

WHEREAS, Nathan Bazata, a senior at Howells-Dodge High School, won the gold medal in the Class C shot put final as well as all-class gold at the 2013 Boys State Track and Field Meet; and

WHEREAS, Nathan also won gold in the state wrestling championships for the 2012-13 season and is a football recruit for the University of Iowa Hawkeyes; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Nathan Bazata on his outstanding performance at the 2013 Class C Boys State Track and Field Meet and wishes him success in his collegiate athletic career.
2. That a copy of this resolution be sent to Nathan Bazata.

Laid over.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB23:
FA100
Strike the enacting clause.

Senator Chambers filed the following amendment to LB23A:
FA101
Strike the enacting clause.

Senator Chambers filed the following amendment to LB211:
FA102
Strike the enacting clause.

Senator Chambers filed the following amendment to LB211A:
FA103
Strike the enacting clause.

Senator Chambers filed the following amendment to LB269:
FA104
Strike the enacting clause.

Senator Chambers filed the following amendment to LB269A:
FA105
Strike the enacting clause.

Senator Chambers filed the following amendment to LB296:
FA106
Strike the enacting clause.

Senator Chambers filed the following amendment to LB363:
FA107
Strike the enacting clause.

Senator Chambers filed the following amendment to LB363A:
FA108
Strike the enacting clause.

Senator Chambers filed the following amendment to LB429:
FA109
Strike the enacting clause.

Senator Chambers filed the following amendment to LB429A:
FA110
Strike the enacting clause.

Senator Chambers filed the following amendment to LB517:
FA111
Strike the enacting clause.

Senator Chambers filed the following amendment to LB517A:
FA112
Strike the enacting clause.

Senator Chambers filed the following amendment to LB530:
FA113
Strike the enacting clause.

Senator Chambers filed the following amendment to LB530A:
FA114
Strike the enacting clause.

Senator Chambers filed the following amendment to LB93:
FA115
Strike the enacting clause.

Senator Chambers filed the following amendment to LB93A:
FA116
Strike the enacting clause.

Senator Chambers filed the following amendment to LB483:
FA117
Strike the enacting clause.

Senator Chambers filed the following amendment to LB483A:
FA118
Strike the enacting clause.

Senator Chambers filed the following amendment to LB366:
FA119
Strike the enacting clause.

Senator Chambers filed the following amendment to LB366A:
FA120
Strike the enacting clause.

Senator Chambers filed the following amendment to LB561:
FA121
Strike the enacting clause.

Senator Chambers filed the following amendment to LB634:
FA122
Strike the enacting clause.

Senator Chambers filed the following amendment to LB634A:
FA123
Strike the enacting clause.

Senator Chambers filed the following amendment to LB97:
FA124
Strike the enacting clause.

Senator Chambers filed the following amendment to LB104:
FA125
Strike the enacting clause.

Senator Chambers filed the following amendment to LB216:
FA126
Strike the enacting clause.

Senator Chambers filed the following amendment to LB216A:
FA127
Strike the enacting clause.

Senator Chambers filed the following amendment to LB225:
FA128
Strike the enacting clause.

Senator Chambers filed the following amendment to LB306:
FA129
Strike the enacting clause.

Senator Chambers filed the following amendment to LB306A:
FA130
Strike the enacting clause.

Senator Chambers filed the following amendment to LB507:
FA131
Strike the enacting clause.

Senator Chambers filed the following amendment to LB507A:
FA132
Strike the enacting clause.

Senator Chambers filed the following amendment to LB556:
FA133
Strike the enacting clause.

Senator Chambers filed the following amendment to LB556A:
FA134
Strike the enacting clause.

Senator Chambers filed the following amendment to LB579:
FA135
Strike the enacting clause.

Senator Chambers filed the following amendment to LB579A:
FA136
Strike the enacting clause.

Senator Chambers filed the following amendment to LB583:
FA137
Strike the enacting clause.

Senator Chambers filed the following amendment to LB583A:
FA138
Strike the enacting clause.

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 255. Title read. Considered.

Committee AM856, found on page 1125, was offered.

Senator Coash offered his amendment, AM1356, found on page 1558, to the committee amendment.

Senator Coash withdrew his amendment.

The committee amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 90. Title read. Considered.

Senator K. Haar moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 7 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 298. Placed on Final Reading.

LEGISLATIVE BILL 308. Placed on Final Reading.

LEGISLATIVE BILL 326. Placed on Final Reading.

LEGISLATIVE BILL 331. Placed on Final Reading.

LEGISLATIVE BILL 368. Placed on Final Reading.

LEGISLATIVE BILL 368A. Placed on Final Reading.

LEGISLATIVE BILL 429A. Placed on Final Reading Second.

LEGISLATIVE BILL 479. Placed on Final Reading.

ST31

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "prohibit" in line 1 through line 3 and all amendments thereto have been struck and "amend section 44-710.04, Revised Statutes Cumulative Supplement, 2012; to prohibit policy and contract terms relating to contractual rights to proceeds of various insurance as prescribed; to change provisions relating to sickness and accident insurance policies; and to repeal the original section." inserted.

LEGISLATIVE BILL 573. Placed on Final Reading.

(Signed) John Murante, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 2013, at 2:20 p.m. were the following: LBs 66, 140, 341, 410e, 497, 563e, and 623.

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

UNANIMOUS CONSENT - Add Cointroducer

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB505. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Gloor's son, Brock, from New York City; Senator Crawford's husband and sons, David, Nate, and Phil, from Bellevue; and 150 fourth-grade students from Gomez Heritage School, Omaha.

The Doctor of the Day was Dr. Kathy Garner from Omaha.

ADJOURNMENT

At 3:02 p.m., on a motion by Speaker Adams, the Legislature adjourned until 10:00 a.m., Tuesday, May 28, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FOURTH DAY - MAY 28, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****EIGHTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 28, 2013

PRAYER

The prayer was offered by Senator Bolz.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senators Ashford, Christensen, Karpisek, Price, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-third day was approved.

REFERENCE COMMITTEE REPORT

2013 Resolutions calling for an Interim Study

LR111	Interim study to explore the possibility of replicating the Delancey Street Foundation in Nebraska, which is considered one of the nation's leading self-help residential education centers for ex-convicts and former substance abusers	Judiciary
LR143	Interim study to examine children's day health services	Health and Human Services
LR165	Interim study to examine issues surrounding tax settlements	Revenue

LR166	Interim study to examine issues surrounding the creation of revolving funds to finance energy conservation measures in Nebraska K-12 school districts	Education
LR167	Interim study to examine issues surrounding personal identifying information collected by state and local governments and private businesses	Government, Military and Veterans Affairs
LR170	Interim study to examine the liability insurance mandate contained in the Child Care Licensing Act	Health and Human Services
LR175	Interim study to examine the craft brewery industry in Nebraska to develop potential tax policy and statutory law to encourage growth of the industry	General Affairs
LR181	Interim study to examine issues under the jurisdiction of the Education Committee	Education
LR182	Interim study to examine alternatives for the financing and delivery of public early childhood, elementary, and secondary education in Nebraska	Education
LR183	Interim study to examine Nebraska's drainage statutes as they apply to drainage by neighboring landowners under section 31-201 and other related statutes	Natural Resources
LR184	Interim study to examine the costs and benefits associated with lowering the age of majority to eighteen years of age	Judiciary
LR186	Interim study to examine issues relating to enactment of a tax-credit scholarship program as contemplated by LB14, 2013	Revenue
LR187	Interim study to determine whether Nebraska's business entity statutes should be updated	Banking, Commerce and Insurance
LR188	Interim study to examine issues relating to the implementation of the federal Patient Protection and Affordable Care Act as it pertains to Nebraska	Banking, Commerce and Insurance

LR189	Interim study to examine certain statutes to harmonize language, policies, and practices regarding the different classifications of cities and villages	Urban Affairs
LR190	Interim study to examine the 2012 versions of the International Residential Code, the International Building Code, and the International Energy Conservation Code to determine whether Nebraska should update the current state building code	Urban Affairs
LR191	Interim study to examine all state retirement plans administered by the Public Employees Retirement Board	Nebraska Retirement Systems
LR192	Interim study to examine conducting elections by mail	Government, Military and Veterans Affairs
LR193	Interim study to examine the role of political parties in the election process	Government, Military and Veterans Affairs
LR194	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee	Government, Military and Veterans Affairs
LR198	Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board	Nebraska Retirement Systems
LR199	Interim study to acquire additional information, including financial requirements, regarding the state's efforts to establish a statewide virtual/digital educational system	Appropriations
LR201	Interim study to examine policy options available to the State of Nebraska to support military installations, military families, and veterans and their families	Government, Military and Veterans Affairs
LR202	Interim study to examine the issue of election day registration	Government, Military and Veterans Affairs
LR205	Interim study to examine the mission and financing options as authorized by current law of the Game and Parks Commission	Natural Resources
LR206	Interim study to examine the school breakfast program	Education

LR207	Interim study to examine the impact of the possession, sale, trade, and distribution of shark fins in the State of Nebraska	Judiciary
LR208	Interim study to examine security in the public schools	Education
LR209	Interim study to examine the contracts between the Dept. of Health and Human Services and provider agencies for foster care services	Health and Human Services
LR211	Interim study to examine and define the need for increased access to, and the costs of, quality expanded learning opportunities for K-12 children, focusing on at-risk children	Education
LR212	Interim study to examine an allowance or aid component within the state aid formula for recognizing the costs of schools districts that encourage teachers to improve their skills and knowledge in order to increase student achievement	Education
LR213	Interim study to examine the college savings plans administered under the Nebraska educational savings plan trust and ways to increase plan participation	Nebraska Retirement Systems
LR214	Interim study to examine Nebraska's statutes, rules, and regulations relating to the permitting process for small surface water storage reservoirs	Natural Resources
LR215	Interim study to examine issues relating to enforcement and servicing of real estate loans secured by a mortgage, trust deed, or other security instrument	Banking, Commerce and Insurance
LR216	Interim study to examine the provisions of the Nebraska Capital Expansion Act	Banking, Commerce and Insurance
LR218	Interim study to examine fetal alcohol spectrum disorders	Health and Human Services
LR219	Interim study to examine issues relating to student financial aid programs	Education
LR221	Interim study to examine the different aspects of the state's wellness program	Appropriations

LR222	Interim study to gather information and make recommendations necessary for the Legislature to craft a comprehensive early learning strategy for the State of Nebraska	Health and Human Services
LR223	Interim study to examine issues surrounding open data policies	Government, Military and Veterans Affairs
LR224	Interim study to examine the programs, incentives, and processes, used in other states to stimulate renewable energy projects of less than twenty megawatts that can be added without major additional transmission improvements	Natural Resources
LR226	Interim study to examine concerns surrounding the operation of the Papio-Missouri River Natural Resources District	Natural Resources
LR227	Interim study to examine issues surrounding midwifery credentialing and safety measures	Health and Human Services
LR228	Interim study to examine the process by which military spouses and veterans obtain occupational licenses	Health and Human Services
LR232	Interim study to examine the process of applying for and attaining health care professional licensing when the applicant has a license, education, or credentialing from states and schools outside of Nebraska	Health and Human Services
LR233	Interim study to review federal and state laws on the practice of businesses such as gas stations, hotels, or other businesses, placing holds on credit cards for more than the amount of the purchase	Banking, Commerce and Insurance
LR234	Interim study to examine ways to assist in the development of budget, revenue, and fiscal note projections through comprehensive and targeted economic or demographic evaluations that are conducted in order to enhance policy decision making to ensure a balanced state budget	Appropriations
LR235	Interim study to examine the adoption process under the current safe haven law	Judiciary

LR236	Interim study to explore methods by which to prevent increases in motor vehicle injuries and fatalities as a result of the increase in the aging population forecasts	Transportation and Telecommunications
LR237	Interim study to assess the extent to which Nebraska has implemented key provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008	Health and Human Services
LR238	Interim study to examine the Access Nebraska system, as well as the separation of the economic assistance programs from the medicaid program	Health and Human Services
LR239	Interim study to examine the Supplemental Nutrition Assistance Program (SNAP)	Health and Human Services
LR240	Interim study to examine the need for amending the Nebraska Wage Payment and Collection Act relating to payment of paid time off benefits when leaving employment	Business and Labor
LR241	Interim study to examine the financial impact of, and financing options for, medicaid expansion under the Patient Protection and Affordable Care Act for medical assistance for newly eligible individuals	Health and Human Services
LR242	Interim study to examine the methods of encouraging transition from adult education to postsecondary education for adults	Education
LR243	Interim study to examine the future of emergency medical services in Nebraska	Health and Human Services
LR244	Interim study to examine issues surrounding the Nebraska Public Safety Communication System	Appropriations
LR245	Interim study to examine issues relating to recycling	Natural Resources
LR246	Interim study to conduct a comparison of the school employees and Class V school employees retirement plans	Nebraska Retirement Systems

LR247	Interim study to examine purchase of service credits in public retirement plans	Nebraska Retirement Systems
LR248	Interim study to examine service requirements in the School Employees Retirement Act	Nebraska Retirement Systems
LR250	Interim study to examine the State of Nebraska's self-insured workers' compensation plan administered by the Dept. of Administrative Services	Business and Labor
LR251	Interim study to examine court fees earmarked to generate revenue for the Nebraska Judges Retirement System	Judiciary
LR252	Interim study to examine how amendments to the Local Option Municipal Economic Development Act affect existing economic development plans adopted under the act	Urban Affairs
LR253	Interim study to assess the impact of Nebraska changing to a home rule state in matters of local concern	Urban Affairs
LR254	Interim study to examine the concept of regulating commingled acres relating to surface water and ground water	Natural Resources
LR255	Interim study to examine the concept of moving surface water-only irrigated acres to ground water acres to help compliance with compacts, agreements, and decrees	Natural Resources
LR256	Interim study to reexamine the consolidation of the Dept. of Health and Human Services that occurred in 1996 with the enactment of LB1044	Health and Human Services
LR257	Interim study to examine the early childhood learning and development system across the state to determine how to make the current system more effective	Health and Human Services
LR258	Interim study to examine whether alcohol licensee employees should be certified in how to apply pertinent portions of the Nebr. Liquor Control Act	General Affairs

LR259	Interim study to examine providing for the utilization of Temporary Assistance for Needy Families (TANF) reserve funds to provide for afterschool programming for children in families that qualify for assistance	Health and Human Services
LR260	Interim study to examine existing barriers to the delivery of health care services through telehealth technologies in Nebraska	Health and Human Services
LR261	Interim study to examine barriers to permanent placements for Nebraska children who have been placed out of the home and are wards of the state	Health and Human Services
LR262	Interim study to examine the high rate of placement of Nebraska's Native American children involved in the foster care system	Health and Human Services
LR263	Interim study to examine the economic impact of the film, television, and commercial industry in Nebraska	Revenue
LR264	Interim study to examine the education data system	Education
LR265	Interim study to examine insurance coverage of amino acid-based elemental formulas	Banking, Commerce and Insurance
LR266	Interim study to identify ways in which Nebraska may support and increase venture capital investment in the state	Revenue
LR267	Interim study to review the One-Call Notification System Act	Transportation and Telecommunications
LR268	Interim study to examine issues surrounding new residential and commercial development and school district boundaries in our state's urban areas	Urban Affairs
LR269	Interim study to examine the property tax base structure and compare this structure to those of other states	Revenue
LR270	Interim study to examine identification or creation of methods of keeping elderly Nebraskans safe in their homes where they can receive high quality care and support	Health and Human Services

LR271	Interim study to examine issues, benefits, and costs associated with expanding the brand inspection area to include the entire State of Nebraska	Agriculture
LR272	Interim study to examine issues related to the use of paraeducators to improve and promote student achievement in public elementary schools	Education
LR273	Interim study to identify budgeting strategies to support the array of services needed for Nebraska's aging population in a fiscally responsible manner	Appropriations
LR274	Interim study to maximize opportunities to leverage the new opportunity to build a medicaid management information system that meets the needs of Nebraska	Appropriations
LR275	Interim study to examine issues relating to the behavioral and mental health needs of children in educational settings	Health and Human Services
LR276	Interim study to examine the communications rate structure for persons receiving calls from incarcerated individuals in county and local correctional facilities	Transportation and Telecommunications
LR277	Interim study to review the current costs associated with correctional and detention facilities in Nebraska	Judiciary
LR278	Interim study to review matters under the jurisdiction of the Judiciary Committee	Judiciary
LR279	Interim study to examine the use of social impact bonds to develop programming for juveniles and adults reentering the community after involvement with the juvenile justice system or the criminal justice system	Judiciary
LR280	Interim study to examine retail license provisions within the Nebr. Liquor Control Act regarding whether licensees should be permitted to bottle draft beer to be sold for consumption off the premises	General Affairs

LR281	Interim study to examine the nature of and relationship between catering liquor licenses and special designated liquor licenses within the Nebr. Liquor Control Act	General Affairs
LR282	Interim study to examine issues regarding the parity in Nebraska School Activities Association activities between private and public high schools	Education
LR283	Interim study to examine issues under the jurisdiction of the General Affairs Committee	General Affairs
LR284	Interim study to review issues relating to child custody proceedings and parenting time determinations as they pertain to families of divorce	Judiciary
LR285	Interim study to examine career education program in Nebraska's public schools	Education
LR286	Interim study to review state law regarding child abuse and neglect in instances when a pregnant woman engages in an activity that causes harm to the fetus	Judiciary
LR287	Interim study to examine the requirement that counties pay court filing fees and costs when filing criminal charges and civil proceedings in the county, district, and juvenile court	Judiciary
LR288	Interim study to examine the role and value of animal health professionals and other volunteers in assisting law enforcement in carrying out duties under the Livestock Animal Welfare Act	Agriculture
LR289	Interim study to examine the feasibility of utilizing fence viewer panels as arbitrators or fact finders in resolving division fence disputes	Agriculture
LR290	Interim study to examine the feasibility of designating counties adjacent to the mandatory brand inspection area designated by 54-1109 as brand inspection service areas	Agriculture

LR291	Interim study to examine the means by which to coordinate activities by state livestock animal health authorities with the activities of local livestock cruelty and neglect authorities	Agriculture
LR292	Interim study to examine the levy authority of rural and suburban fire protection districts	Revenue
LR293	Interim study to examine the prevalence of game processing services performed for compensation by persons not licensed as a food establishment under the Nebraska Pure Food Act	Agriculture
LR294	Interim study to examine a program which would maximize private health insurance so as to cover as many Nebraskans as possible and be implemented to qualify for federal approval and matching funds	Banking, Commerce and Insurance
LR295	Interim study to examine the disparity in income between men and women in the State of Nebraska	Business and Labor
LR296	Interim study to examine the effectiveness of career academies in Nebraska high schools and the feasibility of expanding career academies to more schools in the state	Education
LR297	Interim study to examine the effectiveness of telehealth technology used for behavioral health services in Nebraska	Health and Human Services
LR298	Interim study to examine issues surrounding the efficiency of state programs	Appropriations
LR299	Interim study to examine the possibility of the State of Nebraska operating and managing all activities associated with motor vehicle licensing and registration for all counties	Transportation and Telecommunications
LR300	Interim study to examine the treatment and services for people dually diagnosed with intellectual or developmental disabilities, mental illness, or behavioral health problems	Health and Human Services

LR302	Interim study to examine the generation of energy in Nebraska through the use of renewable energy sources and to provide a comparison with other states	Natural Resources
LR303	Interim study to examine issues relating to brain injuries	Health and Human Services
LR304	Interim study to identify the differences between statutes governing Class V school districts and other school districts	Education
LR305	Interim study to examine the governance and efficiency of the State Board of Education	Government, Military and Veterans Affairs
LR306	Interim study to examine a practice known as "banning the box," which requires prospective employees to disclose their criminal backgrounds on initial job applications before prospective employees have an interview	Business and Labor
LR307	Interim study to examine the committee and caucus structure of the Legislature	Executive Board
LR309	Interim study to examine issues relating to improving the protection of sensitive commercial crops from losses due to the damaging effects of phenoxy herbicide drift	Agriculture
LR312	Interim study to examine issues relating to the child protective services system within the Dept. of Health and Human Services	Health and Human Services
LR313	Interim study to examine comprehensive models of response and treatment for victims of human trafficking	Judiciary
LR314	Interim study to examine the use of parent education available within the public schools	Education
LR315	Interim study to examine the development of a new type of corporate entity known as the benefit corporation	Banking, Commerce and Insurance
LR316	Interim study to examine unfair insurance trade practices	Banking, Commerce and Insurance

LR317	Interim study to examine how forced overtime on a regular basis as a regular work practice affects Nebraskans working in meatpacking, poultry, food processing, and other factory work	Business and Labor
LR318	Interim study to examine issues relating to mass transit authorities	Urban Affairs
LR319	Interim study to examine issues relating to Omaha's federally mandated combined sewer overflow project	Natural Resources
LR320	Interim study to examine statutes and procedures relating to the eminent domain laws for oil pipelines and the authority of local governments to regulate oil pipelines	Judiciary
LR321	Interim study to examine statutes and procedures relating to the State of Nebraska's financial responsibility for oil pipelines	Natural Resources
LR322	Interim study to examine options for stabilization and growth in state funding for schools	Education
LR323	Interim study to examine statutes and policies relating to increasing renewable energy development in Nebraska	Natural Resources
LR324	Interim study to examine and evaluate the statutory requirements on Nebraska's public power districts	Natural Resources
LR325	Interim study to examine the effectiveness of the school budget limitation and certification of school budget authority included in the state aid formula	Education
LR326	Interim study to examine and evaluate net metering in Nebraska	Natural Resources
LR327	Interim study to examine issues relating to providing storm shelters or safe rooms for residents of mobile home parks	Health and Human Services
LR328	Interim study to examine methods to better protect elderly and other vulnerable Nebraskans from financial exploitation	Judiciary

LR329	Interim study to examine ways the state could use tax policy to encourage more small business start-ups especially for businesses utilizing technology and innovation	Revenue
LR330	Interim study to examine ways Nebraska can ensure a future workforce well-skilled in science, technology, engineering, and math education	Education
LR331	Interim study to examine stronger penalties for offenders convicted of the crime of sexual assault of a child as well as related deterrents and victim remedies	Judiciary
LR332	Interim study to examine ways the state may reduce property taxes	Revenue
LR333	Interim study to examine ways the state may reduce income tax rates	Revenue
LR334	Interim study to identify and eliminate waste and fraud in government spending	Judiciary
LR335	Interim study to examine whether more fair and appropriate methods of agricultural land valuation can be implemented	Revenue
LR336	Interim study to investigate methods to reduce gang violence	Judiciary
LR337	Interim study to investigate methods to attract investment capital into Nebraska to create more jobs and businesses	Business and Labor
LR338	Interim study to examine issues relating to the regulation of abortion clinics	Judiciary
LR339	Interim study to examine methods to increase the export of Nebraska agricultural commodities and other Nebraska products	Agriculture
LR340	Interim study to identify the value of property taxes eliminated by all tax-increment financing and other Nebraska business tax incentive programs	Revenue
LR341	Interim study to examine the powers and duties of the Nebraska Emergency Management Agency	Government, Military and Veterans Affairs

LR342	Interim study to evaluate whether any types of agricultural land are being overvalued relative to their income potential	Revenue
LR343	Interim study to examine the policy to supplement federal universal service support mechanisms and ensure all Nebraskans have comparable accessibility to telecommunications at affordable prices	Transportation and Telecommunications
LR344	Interim study to provide an examination of the availability and adequacy of retirement savings of Nebraska private sector workers	Nebraska Retirement Systems
LR345	Interim study to examine whether the Nebr. Ground Water Management and Protection Act should be amended relating to designating or determining the appropriation status of river basins	Natural Resources

(Signed) John Wightman, Chairperson
Executive Board

MESSAGES FROM THE GOVERNOR

May 25, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 196e, 197e, 200e, and 536e were received in my office on May 20, 2013.

Engrossed Legislative Bills 242 and 265e were received in my office on May 21, 2013.

These bills were signed and delivered to the Secretary of State on May 25, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

May 25, 2013

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

Engrossed Legislative Bills 6e and 6Ae were received in my office on May 21, 2013. These bills were signed and delivered to the Secretary of State on May 25, 2013.

LB 6e creates the independent Commission on Problem Gambling which will administer the Gambling Assistance Program and associated funding. Under current law, the Department of Health and Human Services administers the Gambling Assistance Program but will discontinue the program effective June 30, 2013. Under LB 6e, it is anticipated that the newly created Commission will begin administering the Gambling Assistance Program beginning July 1, 2013.

I will appoint the members of the new Commission by July 1st as required by the law. However, I felt it was important to make a public record of the transition issues that have been shared with the law's introducer. It will take time for the Commission to organize itself, hire staff, and enter into contracts in accordance with state laws. As a result, there may be a delay in the Commission's ability to fully manage its duties and responsibilities. The Department of Revenue will provide the office space and equipment as required by LB 6e and the Department of Health and Human Services will diligently cooperate with the transition of the program. The success of the transition will depend on the ability of the new independent Commission to implement and operationalize the Gamblers Assistance Program.

Sincerely,
(Signed) Dave Heineman
Governor

May 25, 2013

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

With this letter, I am returning LB 195 with my signature and with line-item reductions. My vetoes of appropriations in LB 195 total \$40.2 million in General, federal, and cash funds over the next two years.

It is evident from the mainline budget bills presented to me for the 2013-2015 biennium that you share my priority for education. I appreciate your final funding decisions regarding K-12 education, special education, early childhood education and higher education, especially the tuition freeze for students attending the University of Nebraska and our State colleges for the next two years. We share a commitment to enact a biennial budget without need for a tax increase and to rebuild our cash reserve for tax relief and tax reform in the next legislative session. I also appreciate the funding necessary for a new Central Nebraska Veterans Home.

I have made some line-item reductions to temper your decisions to 1) reinstate previous budget reductions; 2) replace one-time funds or depleted federal funding with ongoing state general fund support; 3) provide special or oversized increases to certain programs and employees; or 4) initiate new programs. We should not lessen the fiscal discipline we have demonstrated to Nebraska taxpayers over the past several years.

I have vetoed \$2,840,000 cash funds and \$25,560,000 federal funds for FY 2013-14 for the replacement of the state's Medicaid Management Information System (MMIS). The Department of Health and Human Services simply does not have resources at its disposal to implement the federal requirements of the Affordable Care Act (ACA), provide better support services for ACCESSNebraska and pursue the replacement of the state's MMIS system concurrently. I have not vetoed FY 2014-15 funding for the project. My veto represents a delay of one year in the MMIS replacement project to allow the agency to devote needed attention to the ACA implementation and ACCESSNebraska. The veto does not eliminate the project from the biennial budget.

I have vetoed the \$2,000,000, which is a 70% increase, added to the Department of Roads for mass transit aid in FY 2013-14 and FY 2014-15. This \$4,000,000 should be used for road construction, a higher priority use of gas tax dollars.

I have vetoed \$102,683 General Funds and \$46,125 Salary Limit in FY 2013-14 and \$82,998 General Funds and \$47,256 Salary Limit in FY 2014-15 provided to the Public Service Commission for the state Railroad Track Inspection Program. The state does not need to supplement railroad inspections being conducted by the Federal Railroad Administration and railroad companies.

I have vetoed \$30,000 General Funds in FY 2013-14 and \$15,000 General Funds in FY 2014-15 from the Legislative Council that has been appropriated to re-establish Nebraska as an annual dues paying member of the Midwest Interstate Passenger Rail Compact. This expenditure is no more justified than when it was eliminated in 2010. It is difficult to justify the allocation of state resources for this purpose when there are many other worthy priorities.

I have vetoed \$200,000 General Funds in both FY 2013-14 and FY 2014-15 provided to the Supreme Court for the Court Appointed Special Advocate (CASA) aid program. This aid program was established in the current budget with cash funds. The amounts for FY 2013-14 and FY 2014-15 reflect a shift in funding for this program from cash fund sources to General Funds. The Supreme Court did not request General Funds to continue this program. There are other priority funding needs to address for juvenile services in this budget.

I have vetoed \$125,000 General Funds, along with \$109,000 of new Salary Limit in FY 2013-14 and \$250,000 General Funds, along with \$218,000 of new Salary Limit in FY 2014-15, provided to the Supreme Court, for an extra salary increase for County Court employees, beyond the annual salary increase included in the budget for other state employees. The Supreme Court did not submit a budget request for this special salary increase for County Court employees and it was not part of my budget recommendations.

I have vetoed a total of \$182,001 General Funds, along with \$182,001 of new Salary Limit in FY 2013-14 and \$187,000 General Funds, along with \$187,000 of new Salary Limit in FY 2014-15 provided to the Supreme Court for reclassification of probation officer positions, which will provide an extra salary increase in addition to the annual wage increase provided for other state employees. Funding for the extra salary increases that will result from this reclassification of probation officers was not included in my budget recommendations.

I have vetoed \$144,669 General Funds in FY 2013-14 and \$144,669 General Funds in FY 2014-15 from the Auditor of Public Accounts to restore that budget to my original General Fund recommendation.

I have vetoed \$32,000 General Funds and \$20,000 Salary Limit in both FY 2013-14 and FY 2014-15 provided to the State Auditor for extra salary increases above the amount provided for other state employees. The need and justification for this special consideration above that of other state employees is not apparent.

I have vetoed \$225,000 General Funds for Learning Community Aid for both FY 2013-14 and FY 2014-15, which will reduce state aid to my original recommendation. The Learning Community Coordinating Council receives approximately \$1,300,000 in total state aid annually and, on average, maintains nearly half of this amount in annual reserve. This veto will reduce the current level of over-funding while still affording for a more reasonable annual cash reserve.

I have vetoed \$150,000 General Funds for FY 2013-14 and \$150,000 General Funds for FY 2014-15 to finance the addition of a Dental Health Director in the Department of Health and Human Services. The Department

of Health and Human Services is actively pursuing grant funding for this position through the Health Resources and Services Administration (HRSA) and the Center for Disease Control (CDC). Announcement of grant awards from both organizations is expected by end of August 2013. Success in obtaining grant funding for the position will eliminate the need for General Fund support. Financing the position with state funds can be revisited next year if the agency is not successful in obtaining grant funding.

I have vetoed the increase of \$50,000 General Funds for FY 2013-14 and \$50,000 General Funds for FY 2014-15 earmarked for each of the state's six Federally Qualified Health Centers (FQHC's). The overall annual \$300,000 increase represents a nearly 17% increase in FQHC funding from FY 2012-13 and is designated solely for dental services. Each FQHC is encouraged to set priorities for the expenditure of funds received from the \$1,800,000 currently earmarked for the FQHC's. The FQHC's should be allowed to prioritize services for the clients each center serves and are encouraged to allocate funding received from the state accordingly.

I have vetoed \$250,000 cash fund appropriations for FY 2013-14 and FY 2014-15 from the Department of Health and Human Services, \$1,250,000 cash fund appropriations for FY 2013-14 and FY 2014-15 from the Department of Economic Development, and \$500,000 cash fund appropriations for FY 2013-14 and FY 2014-15 from the Commission on Public Advocacy made possible by direct transfers from the state Securities Act Cash Fund to special cash fund accounts in these three state agencies. LB 199 transfers \$4,000,000 from the Securities Act Cash Fund to other cash funds and LB 195 earmarks their use for purposes proposed in LB 286: \$500,000 for additional homeless shelter assistance, \$2,500,000 additional affordable housing assistance, and \$1,000,000 additional state aid for legal aid services.

The Securities Act Cash Fund is used to finance the administration and enforcement costs of the Securities Act of Nebraska and to provide miscellaneous receipts to the General Fund to support all requests and legislation requiring appropriations from the General Fund. I do not support these special transfers and earmarks of monies from the Securities Act Cash Fund contained in LB 199 and LB 195. My vetoes will reserve this \$4,000,000 for budget stabilization and further tax relief considerations.

I have reduced the General Funds appropriation to the Coordinating Commission for Postsecondary Education by \$70,034 for each of FY 2013-14 and FY 2014-15. I have also reduced the Salary Limit by \$38,500 for each of FY 2013-14 and FY 2014-15. This removes the funding and Salary Limit for a data analyst position. Funding for this position was previously eliminated as a result of budget reductions. Restoration of this expense is not necessary at this time as no significant additional duties are being added to the Commission's responsibilities.

I have line-item vetoed the extra earmarked \$100,000 General Funds appropriation to the University of Nebraska for FY 2013-14 to conduct research related to the rate of recidivism of persons convicted of driving under the influence. LB 114 (2013) proposed to directly appropriate \$228,706 General Funds for this research without creating a duty for the University to provide this research. The University of Nebraska participated in the Judiciary Committee's LR 249 (2011) study with no additional appropriation at that time. The University has sufficient state aid appropriations to continue this research.

I have vetoed \$48,580 General Funds and \$16,193 federal funds for FY 2013-14 and \$47,830 General Funds and \$15,944 federal funds for FY 2014-15 for increased staffing at the Foster Care Review Office. Ongoing efforts to reduce the number of children in out-of-home foster care will reduce the need for additional staff in the Foster Care Review Office.

I have vetoed \$45,440 cash funds and \$30,635 Salary Limit in FY 2013-14 and FY 2014-15 from the Public Employees Retirement Board for an additional retirement specialist. Efficient use of the Board's current eighteen retirement specialists will meet the needs of plan members.

I have vetoed \$150,000 cash funds and \$133,500 Salary Limit in FY 2013-14 and FY 2014-15 from the Nebraska Tourism Commission for three additional staff positions. LB 1053 (2012 Session Laws) created the Nebraska Tourism Commission as a separate agency effective July 1, 2012. The Legislature and the Governor were advised by proponents of LB 1053 that creating the Nebraska Tourism Commission and operating it as a separate agency would require only twelve positions. My veto recognizes that promise.

I have reduced the Securities Act Cash Fund transfers to the General Fund by \$3,794,502 in FY 2013-14 and \$4,027,590 in FY 2014-15 in amounts that match my veto of appropriations from the General Fund. This \$7,822,092 will remain in reserve for tax relief and tax reform in the next legislative session. My veto of appropriations and transfers does not impact the level of funds available for your final consideration of legislation during this 2013 legislative session.

I urge you to sustain my line-item reductions and veto of these transfers to continue to demonstrate our commitment to spending restraint and for further tax relief for Nebraska citizens in the 2014 legislative session.

Thank you.

Sincerely,
(Signed) Dave Heineman
Governor

Attachment

May 25, 2013

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

With this letter, I am returning LB 198 with my signature and with line-item reductions. My vetoes of General Fund appropriations in LB 198 total \$4.2 million over the next two years and eliminate commitments of future Nebraska Legislatures to appropriate an additional \$12.5 million to complete the funding for projects initiated in LB 198.

I have vetoed \$294,000 General Funds in FY 2013-14 and \$250,000 General Funds in FY 2014-15 from the Capitol Commission for funding of capital improvements. After my veto the Commission will have new appropriations of \$294,000 General Funds in FY 2013-14 and \$250,000 General Funds in FY 2014-15 for ongoing capital improvement projects in the Capitol Building. In addition, it is estimated that the Commission will carryover an estimated \$240,000 of unobligated appropriations on June 30, 2013, to be used for improvements in FY 2013-14 and FY 2014-15. This \$784,000 is adequate to address the priority projects of the Commission for the upcoming biennium. I have not reduced the specific earmarks in LB 198 for conservation and restoration of Capitol space occupied by the Legislature.

I have vetoed \$1,477,000 General Funds for each year of FY 2013-14 and FY 2014-15 for the University of Nebraska Medical Center College of Nursing – Lincoln Campus. This \$2,954,000 appropriation for the University and the commitment of future Nebraska Legislatures to provide the remaining \$11,794,300 to complete this building project was considered and deemed the lessor priority and not funded when the University brought an early request and received an early allocation during the 2012 legislative session of \$65.0 million in state Cash Reserve Funds and \$60.9 million in General Funds for capital projects that will be undertaken by the University with state support in the 2013-2015 biennium. Savings recognized on current projects should be returned to the taxpayer and not used to rationalize an additional capital project requiring even greater appropriations than was saved.

I have vetoed \$113,535 General Funds in FY 2013-14, \$596,059 General Funds in FY 2014-15, and \$709,593 General Funds in future commitments for renovation of the Nebraska History Museum. These amounts exceed the appropriation needed to fund the Nebraska State Historical Society's estimated project costs for necessary building repairs. After my veto, the \$4,580,813 General Funds and \$2,000,000 committed to this project by the 309 Task Force for Building Renewal will be sufficient to address issues of

deferred maintenance, failures in the original building systems, and fire code and ADA code compliance.

I urge you to sustain these reductions to LB 198.

Sincerely,
(Signed) Dave Heineman
Governor

Attachment

May 25, 2013

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

With this letter, I am returning LB 199 with my signature and with line-item reductions.

I vetoed the transfer of \$4,000,000 from the Securities Act Cash Fund to the Homeless Shelter Assistance Trust Fund, the Affordable Housing Trust Fund, and the Legal Aid and Services Fund that are made in LB 199 to enable appropriation of \$4,000,000 in LB 195 for purposes originally proposed in LB 286.

The Securities Act Cash Fund is used to finance the administration and enforcement costs of the Securities Act of Nebraska and to provide miscellaneous receipts to the General Fund to support all requests and legislation requiring appropriations from the General Fund. I do not support these special transfers and earmarks of monies from the Securities Act Cash Fund contained in LB 199 and LB 195. My vetoes will reserve this \$4,000,000 for budget stabilization and further tax relief considerations.

I hope you share my concern regarding these special transfers and I urge you to sustain these reductions in LB 199 along with their accompanying appropriations I vetoed in LB 195.

Sincerely,
(Signed) Dave Heineman
Governor

Attachment

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 66, 140, 341, 410e, 497, 563e, and 623.

(Signed) Galen Hadley

RESOLUTIONS

LEGISLATIVE RESOLUTION 356. Introduced by Hadley, 37.

WHEREAS, Berri Balka passed away in Lincoln, Nebraska, on May 19, 2013; and

WHEREAS, Berri was currently serving as a legislative aide to State Senator Galen Hadley, and prior to that directed the Department of Revenue as Tax Commissioner under Governor Ben Nelson from 1991-99. He also served as deputy director and director of the Department of Insurance under Governor Jim Exon from 1975-78; and

WHEREAS, born and raised on a farm and ranch near Lisco, Nebraska, Berri attended Garden County High School and participated in Cornhusker Boys' State. He graduated with a B.A. in mathematics and economics from the University of Wyoming, and then served as an officer in the United States Army; and

WHEREAS, after completing his military service, Berri received a J.D. degree from the University of Nebraska College of Law and practiced real estate, commercial, and insurance law in the state before entering government service; and

WHEREAS, in addition to his Nebraska law practice experience, Berri was engaged in marketing and insurance consulting, and was also involved in finance and insurance activities in Nevada. Prior to serving as Tax Commissioner, he worked for the insurance division of an international corporation in Arizona, later directing its United Kingdom insurance operations in London, England; and

WHEREAS, Berri served as Tax Commissioner during the launch of the Nebraska Lottery, creation of the Tax Equalization and Review Commission (TERC), and implementation of the Tax Equity and Educational Opportunities Support Act (TEEOSA); and

WHEREAS, Berri is survived by his wife, Judy, two daughters, and two grandsons.

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

1. That the Legislature extends its sympathy to the family, friends, and state colleagues of Berri Balka and recognizes him for his many years of dedicated service to the State of Nebraska.

2. That a copy of this resolution be sent to Judy Balka and her family.

Laid over.

LEGISLATIVE RESOLUTION 357. Introduced by Davis, 43.

WHEREAS, Abigail McFee, daughter of Rienna Young and a senior at Chadron High School, was named a National Merit Finalist; and

WHEREAS, during her high school career, Abigail participated in mock trial and speech activities and was a member of the National Honor Society; and

WHEREAS, Abigail's honors and achievements include earning an Omaha World-Herald Academic Team Award, a Marine Corps Scholastic Excellence Award, a Clark University Presidential Scholarship, a Hampshire College Bell Ringer Scholarship, a First National Bank of Chadron Scholarship, a Jack Kent Cooke Foundation College Scholarship, and University of Puget Sound Catharine Gold Christ and Trustees Scholarships; and

WHEREAS, Abigail was one of three students selected from a graduating class of only 57 to be recognized by the National Merit Scholarship Corporation, and Abigail will enroll in the fall of 2013 as a freshman at Tufts University.

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

1. That the Legislature congratulates Abigail McFee for the exemplary achievement of being selected as a 2013 National Merit Finalist.

2. That a copy of this resolution be sent to Abigail McFee and her mother and to the staff and administration of Chadron High School.

Laid over.

SELECT FILE

LEGISLATIVE BILL 34. ER108, found on page 1541, was adopted.

Senator Chambers withdrew his amendment, AM1410, found on page 1382 and considered on page 1486.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 545. ER96, found on page 1258, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 224. Title read. Considered.

Committee AM711, found on page 807, was offered.

Senator Krist offered his amendment, AM1439, found on page 1527, to the committee amendment.

Senator Krist withdrew his amendment.

The committee amendment was adopted with 31 ayes, 2 nays, 6 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 6 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 348. Title read. Considered.

Committee AM642, found on page 756, was offered.

Senator McCoy withdrew his amendment, AM1248, found on page 1558.

Senator Chambers offered the following motion:

MO89

Bracket until June 5, 2013.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 255. Placed on Select File with amendment.
ER112

- 1 1. On page 1, strike beginning with "27-804" in line 1
- 2 through line 17 and insert "28-801, 28-801.01, 28-804, 28-830, and
- 3 28-831, Reissue Revised Statutes of Nebraska, and sections 28-707,
- 4 28-802, 28-1354, 43-248, 43-250, and 81-1430, Revised Statutes
- 5 Cumulative Supplement, 2012; to change provisions relating to child
- 6 abuse; to change provisions and penalties relating to prostitution,
- 7 solicitation of prostitution, pandering, and keeping a place of
- 8 prostitution; to provide an affirmative defense to prosecution for
- 9 prostitution for certain trafficking victims; to provide immunity
- 10 from prosecution for prostitution for persons under eighteen
- 11 years of age; to define and redefine terms and change penalty
- 12 provisions relating to human trafficking offenses; to provide
- 13 for temporary custody and disposition of juveniles committing
- 14 prostitution; to provide duties for the human trafficking task
- 15 force; to eliminate obsolete provisions; to harmonize provisions;
- 16 to provide an operative date; to provide severability; to repeal
- 17 the original sections; and to outright repeal section 28-832,
- 18 Reissue Revised Statutes of Nebraska."
- 19 2. On page 2, strike lines 1 through 4.

LEGISLATIVE BILL 90. Placed on Select File.

(Signed) John Murante, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 66, 140, 341, 410e, 497, 563e, and 623.

(Signed) Rick Kolowski

RESOLUTION

LEGISLATIVE RESOLUTION 358. Introduced by Smith, 14.

WHEREAS, the Papillion-La Vista boys track and field team ranked second overall in all-class gold team scoring at the 2013 Boys State Track and Field Championships; and

WHEREAS, team member Kenzo Cotton ranked first in all-class gold breaking the state record in the 100-meter dash and first in all-class gold in the 200-meter dash; and

WHEREAS, team member Nicholas Bartels ranked first in all-class gold in the 110-meter hurdles and first in all-class gold in the 300-meter hurdles; and

WHEREAS, team members Kenzo Cotton, Nicholas Bartels, Jalen Allison, and Lucas Hostetler ranked first in all-class gold breaking the state record in the 400-meter relay; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Papillion-La Vista boys track and field team members for their outstanding accomplishments in the 2013 Class A Boys State Track and Field Championships.

2. That a copy of this resolution be sent to the Papillion-La Vista boys track and field team and Coach Joe Pilakowski.

Laid over.

AMENDMENTS - Print in Journal

Senator Schumacher filed the following amendment to LB613:
AM1522

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 50-406, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 50-406 In the discharge of any duty ~~herein imposed the~~
- 6 ~~council, or any committee thereof, shall have authority to by~~
- 7 the Legislative Council, by statute, or by a resolution of the
- 8 Legislature, the council, any committee thereof, and any standing
- 9 or special committee created by statute or resolution of the

10 Legislature may hold public hearings and may administer oaths,
 11 issue subpoenas when the committee has received prior approval
 12 by a majority vote of the Executive Board of the Legislative
 13 Council to issue subpoenas in connection with the specific inquiry
 14 or investigation in question, upon approval of a majority of
 15 ~~the council or committee,~~ compel the attendance of witnesses,
 16 and the production of any papers, books, accounts, documents,
 17 and testimony, and to cause the depositions of witnesses either
 18 ~~residing within or without the state~~ to be taken in the manner
 19 prescribed by law for taking depositions in civil actions in the
 20 district court. The council or the committee may require any state
 21 agency, political subdivision, or person to provide information
 22 relevant to the committee's work, and the state agency, political
 23 subdivision, or person shall provide the information requested
 1 within thirty days after the request except as provided for in
 2 a subpoena. The statute or resolution creating a committee may
 3 prescribe limitations on the authority granted by this section.
 4 Litigation to compel or quash compliance with authority
 5 exercised pursuant to this section shall be advanced on the court
 6 docket and heard and decided by the court as quickly as possible.
 7 Either party may appeal to the Court of Appeals within ten days
 8 after a decision is rendered.

9 The district court of Lancaster County has jurisdiction
 10 over all litigation arising under this section. In all
 11 such litigation the executive board shall provide for legal
 12 representation for the council or committee.

13 Sec. 2. Original section 50-406, Reissue Revised Statutes
 14 of Nebraska, is repealed.

15 Sec. 3. Since an emergency exists, this act takes effect
 16 when passed and approved according to law.

Senator Schilz filed the following amendment to LB104:
 AM1494 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducer

Senator Price asked unanimous consent to add his name as cointroducer to
 LB224. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Bolz's stepfather and mother, Lyle
 and Pam Eisenhauer from Sterling, and grandparents, Bob and Barb Fey
 from Palmyra; 66 fifth-grade students and teachers from Swanson
 Elementary, Omaha; Senator Johnson's daughter, son-in-law, granddaughter,
 and grandsons, Val, Tom, Lila, Hayden, and Nolan, from Grant; and 41
 fourth-grade students and teachers from Rockbrook Elementary, Omaha.

RECESS

At 11:59 a.m., on a motion by Senator Murante, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Adams presiding.

ROLL CALL

The roll was called and all members were present except Senators Ashford, K. Haar, Janssen, Larson, Lautenbaugh, Price, Schilz, and Watermeier who were excused until they arrive.

AMENDMENT - Print in Journal

Senator McGill filed the following amendment to LB255: AM1536 is available in the Bill Room.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 203, 204, 217, 220, 225, 229, 230, 231, 249, 301, 308, 310, 311, and 346 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 203, 204, 217, 220, 225, 229, 230, 231, 249, 301, 308, 310, 311, and 346.

MOTION - Override Line-Item Vetoes on LB195

The Appropriations Committee offered the following motion to LB195: MO92

To override the Governor's line-item vetoes contained in the following sections:

1. Section 18 Supreme Court, Program 52 Operations Court Appointed Special Advocate aid and additional salary increases to County Court employees.
2. Section 47 Department of Education, Program 158 Education Aid, for Learning Community Aid.
3. Section 93 Department of Health and Human Services, Program 33 Administration for only the general fund appropriations for the addition of a Dental Health Director.
4. Section 102 Department of Health and Human Services, Program 347 Public Assistance, for cash fund appropriations for the Homeless Shelter Assistance Trust Fund.

5. Section 110 Department of Health and Human Services Program 502 Public Health Aid for general fund aid for the Federally Qualified Health Centers.
6. Sections 119 and 120, Department of Roads, Program 305 Assistance to Local Transit Authorities for mass transit aid.
7. Section 167 Coordinating Commission for Postsecondary Education, Program 640 Postsecondary Education Coordination for a data analyst position.
8. Section 222 Department of Economic Development, Program 601 Community and Rural Development for the cash fund appropriation to the Affordable Housing Trust Fund.
9. Section 258 Commission on Public Advocacy, Program 426 Legal Services Aid, from the Legal Aid and Services Fund.
10. Section 266 Fund Transfers, in FY2013-14 of \$3,794,502 vetoed of the transfer from the Securities Act Cash Fund to the General Fund, and in FY2014-15, \$4,027,590 vetoed of the transfer from the Securities Act Cash Fund to the General Fund.

SENATOR KRIST PRESIDING

Pending.

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 249. Placed on General File.

(Signed) Annette Dubas, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 224. Placed on Select File with amendment.
ER113

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 73-101.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 73-101.01 (1) When a public contract is to be awarded to
- 6 the lowest responsible bidder, a resident bidder shall be allowed
- 7 a preference over a nonresident bidder from a state which gives or
- 8 requires a preference to bidders from that state. The preference
- 9 shall be equal to the preference given or required by the state of
- 10 the nonresident bidder.
- 11 ~~Resident bidder as used in (2) When a public contract is~~
- 12 ~~to be awarded to the lowest responsible bidder, a resident disabled~~
- 13 ~~veteran shall be allowed a preference over any other resident or~~
- 14 ~~nonresident bidder if all other factors are equal.~~
- 15 (3) For purposes of sections 73-101.01 and 73-101.02

16 (a) Resident bidder means ~~shall mean~~ any person,
 17 partnership, foreign or domestic limited liability company,
 18 association, or foreign or domestic corporation authorized to
 19 engage in business in the State of Nebraska and which has met
 20 the residency requirement of the state of the nonresident bidder
 21 necessary for receiving the benefit of that state's preference
 22 law on the date when any bid for a public contract is first

23 advertised or announced or has had a bona fide establishment for
 1 doing business within this state for the length of time established
 2 by the state of the nonresident bidder necessary for receiving the
 3 benefit of that state's preference law on the date when any bid for
 4 a public contract is first advertised or announced; and-

5 (b) Resident disabled veteran means an individual (i)
 6 who resides in the State of Nebraska, who served in the United
 7 States Armed Forces, including any reserve component or the
 8 National Guard, who was discharged or otherwise separated with
 9 a characterization of honorable or general (under honorable
 10 conditions), and who possesses a disability rating letter issued
 11 by the United States Department of Veterans Affairs establishing a
 12 service-connected disability or a disability determination from the
 13 United States Department of Defense and (ii) who owns and controls
 14 a business (A) not less than fifty-one percent of which is owned
 15 by one or more individuals described in subdivision (i) of this
 16 subdivision or, in the case of a publicly owned business, not less
 17 than fifty-one percent of the stock of which is owned by one or
 18 more individuals described in subdivision (i) of this subdivision
 19 and (B) the management and daily business operations of which are
 20 controlled by one or more individuals described in subdivision (i)
 21 of this subdivision.

22 (4) Any contract entered into without compliance with
 23 sections 73-101.01 and 73-101.02 shall be null and void.

24 Sec. 2. Original section 73-101.01, Reissue Revised
 25 Statutes of Nebraska, is repealed.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 34. Placed on Final Reading.

LEGISLATIVE BILL 545. Placed on Final Reading.

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB298:
 FA139

Strike the enacting clause.

Senator Chambers filed the following amendment to LB308:
FA140
Strike the enacting clause.

Senator Chambers filed the following amendment to LB326:
FA141
Strike the enacting clause.

Senator Chambers filed the following amendment to LB331:
FA142
Strike the enacting clause.

Senator Chambers filed the following amendment to LB368:
FA143
Strike the enacting clause.

Senator Chambers filed the following amendment to LB368A:
FA144
Strike the enacting clause.

Senator Chambers filed the following amendment to LB429:
FA145
Strike the enacting clause.

Senator Chambers filed the following amendment to LB429A:
FA146
Strike the enacting clause.

Senator Chambers filed the following amendment to LB479:
FA147
Strike the enacting clause.

Senator Chambers filed the following amendment to LB561:
FA148
Strike the enacting clause.

COMMITTEE REPORT

Transportation and Telecommunications

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.

William Ashburn - Motor Vehicle Industry Licensing Board

Aye: 7 Brasch, Dubas, Hadley, McCoy, Price, Smith, Watermeier. Nay: 0.
Absent: 1 Janssen. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

MOTION - Override Line-Item Vetoes on LB195

The Appropriations Committee renewed their motion, MO92, found in this day's Journal, to override the Governor's line-item vetoes contained in the following sections of LB195:

1. Section 18 Supreme Court, Program 52 Operations Court Appointed Special Advocate aid and additional salary increases to County Court employees.
2. Section 47 Department of Education, Program 158 Education Aid, for Learning Community Aid.
3. Section 93 Department of Health and Human Services, Program 33 Administration for only the general fund appropriations for the addition of a Dental Health Director.
4. Section 102 Department of Health and Human Services, Program 347 Public Assistance, for cash fund appropriations for the Homeless Shelter Assistance Trust Fund.
5. Section 110 Department of Health and Human Services Program 502 Public Health Aid for general fund aid for the Federally Qualified Health Centers.
6. Sections 119 and 120, Department of Roads, Program 305 Assistance to Local Transit Authorities for mass transit aid.
7. Section 167 Coordinating Commission for Postsecondary Education, Program 640 Postsecondary Education Coordination for a data analyst position.
8. Section 222 Department of Economic Development, Program 601 Community and Rural Development for the cash fund appropriation to the Affordable Housing Trust Fund.
9. Section 258 Commission on Public Advocacy, Program 426 Legal Services Aid, from the Legal Aid and Services Fund.
10. Section 266 Fund Transfers, in FY2013-14 of \$3,794,502 vetoed of the transfer from the Securities Act Cash Fund to the General Fund, and in FY2014-15, \$4,027,590 vetoed of the transfer from the Securities Act Cash Fund to the General Fund.

Senator Mello moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

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

Voting in the affirmative, 32:

Adams	Conrad	Harms	Lautenbaugh	Seiler
Ashford	Cook	Harr, B.	McGill	Sullivan
Avery	Crawford	Howard	Mello	Wallman
Bolz	Dubas	Karpisek	Nelson	Wightman
Campbell	Gloor	Kolowski	Nordquist	
Carlson	Haar, K.	Krist	Scheer	
Chambers	Hadley	Lathrop	Schumacher	

Voting in the negative, 5:

Bloomfield	Brasch	Hansen	McCoy	Watermeier
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Present and not voting, 11:

Christensen	Johnson	Murante	Schilz
Coash	Kintner	Pirsch	Smith
Davis	Larson	Price	

Excused and not voting, 1:

Janssen

Having received a constitutional three-fifths majority voting in the affirmative, those portions of the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Veto on LB195

Senator Chambers offered the following motion to LB195:
MO93

Override the Governor's line-item veto contained in Section 34 - Auditor of Public Accounts, Program 506 State Agency and County Post Audits.

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

Senator Chambers requested a roll call vote on the motion to override the Governor's line-item veto.

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

Voting in the affirmative, 24:

Adams	Coash	Gloor	Kolowski	Schumacher
Bloomfield	Cook	Haar, K.	Krist	Sullivan
Campbell	Crawford	Harr, B.	Lathrop	Wallman
Chambers	Davis	Howard	McGill	Watermeier
Christensen	Dubas	Karpisek	Pirsch	

Voting in the negative, 16:

Ashford	Hansen	Larson	Scheer
Avery	Harms	McCoy	Schilz
Brasch	Johnson	Murante	Seiler
Carlson	Kintner	Nelson	Smith

Present and not voting, 8:

Bolz	Hadley	Mello	Price
Conrad	Lautenbaugh	Nordquist	Wightman

Excused and not voting, 1:

Janssen

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Veto on LB195

Senator Dubas offered the following motion to LB195:

MO95

Override the Governor's line-item veto contained in Section 56 - Program 54 - Enforcement of Standards - Common Carriers.

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

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

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

Voting in the affirmative, 18:

Campbell	Davis	Harr, B.	Kolowski	Sullivan
Chambers	Dubas	Howard	Krist	Wallman
Cook	Haar, K.	Johnson	Lathrop	
Crawford	Hansen	Karpisek	McGill	

Voting in the negative, 25:

Adams	Carlson	Harms	Murante	Schilz
Ashford	Christensen	Kintner	Nelson	Schumacher
Avery	Coash	Larson	Pirsch	Seiler
Bloomfield	Gloor	Lautenbaugh	Price	Smith
Brasch	Hadley	McCoy	Scheer	Watermeier

Present and not voting, 5:

Bolz	Conrad	Mello	Nordquist	Wightman
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Excused and not voting, 1:

Janssen

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Veto on LB195

Senator Dubas offered the following motion to LB195:

MO96

Override the Governor's line-item veto contained in Section 15, Program 501 - Intergovernmental Cooperation for dues to the Midwest Interstate Passenger Rail Compact.

SENATOR GLOOR PRESIDING

Senator Dubas moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Dubas requested a roll call vote on the motion to override the Governor's line-item veto.

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

Voting in the affirmative, 13:

Chambers	Dubas	Howard	Lathrop	Wallman
Cook	Haar, K.	Karpisek	Price	
Crawford	Harr, B.	Kolowski	Smith	

Voting in the negative, 29:

Adams	Christensen	Harms	McCoy	Schumacher
Ashford	Coash	Johnson	Murante	Seiler
Avery	Davis	Kintner	Nelson	Sullivan
Bloomfield	Gloor	Krist	Pirsch	Watermeier
Brasch	Hadley	Larson	Scheer	Wightman
Carlson	Hansen	Lautenbaugh	Schilz	

Present and not voting, 6:

Bolz	Conrad	Mello
Campbell	McGill	Nordquist

Excused and not voting, 1:

Janssen

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Vetoes on LB195

Senator Krist offered the following motion to LB195:
MO97

Override the Governor's line-item veto contained in Sections 19, 21, and 22, the Supreme Court, Program 67 Probation Services, Program 420 State Specialized Court Operations, and Program 435 Probation Community Corrections, General Funds and Salary Limit, for the veto of the increase in funding for Probation Officer Reclassification.

Senator Krist withdrew his motion to override the Governor's line-item vetoes.

MOTION - Override Line-Item Vetoes on LB198

The Appropriations Committee offered the following motion to LB198:
MO90

Becomes law notwithstanding the line-item vetoes of the Governor.

Senator Mello moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

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

Voting in the affirmative, 34:

Adams	Coash	Hadley	Kolowski	Scheer
Ashford	Conrad	Hansen	Krist	Schumacher
Avery	Cook	Harms	Lathrop	Seiler
Bolz	Crawford	Harr, B.	McGill	Sullivan
Campbell	Dubas	Howard	Mello	Wallman
Carlson	Gloor	Johnson	Nelson	Wightman
Chambers	Haar, K.	Karpisek	Nordquist	

Voting in the negative, 5:

Bloomfield	Larson	Lautenbaugh	McCoy	Pirsch
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Present and not voting, 9:

Brasch	Davis	Murante	Schilz	Watermeier
Christensen	Kintner	Price	Smith	

Excused and not voting, 1:

Janssen

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Vetoes on LB199

The Appropriations Committee offered the following motion to LB199:
MO91

Becomes law notwithstanding the line-item vetoes of the Governor.

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

Voting in the affirmative, 36:

Adams	Cook	Harms	Lathrop	Seiler
Ashford	Crawford	Harr, B.	McGill	Sullivan
Avery	Davis	Howard	Mello	Wallman
Bolz	Dubas	Johnson	Murante	Wightman
Campbell	Gloor	Karpisek	Nelson	
Carlson	Haar, K.	Kolowski	Nordquist	
Coash	Hadley	Krist	Scheer	
Conrad	Hansen	Larson	Schumacher	

Voting in the negative, 3:

Bloomfield	McCoy	Pirsch
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Present and not voting, 8:

Brasch	Christensen	Price	Smith
Chambers	Kintner	Schilz	Watermeier

Excused and not voting, 2:

Janssen	Lautenbaugh
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

APPROPRIATIONS COMMITTEE REPORT ON LB 194

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line-item vetoes contained in LB 194. The Appropriations Committee makes no recommendation on the vetoes contained in LB 194.

(Signed) Heath Mello, Chair
Appropriations Committee

MOTION - Override Line-Item Veto on LB194

Senator Carlson offered the following motion to LB194:

MO98

Becomes law notwithstanding the line-item veto of the Governor.

SENATOR COASH PRESIDING

Senator Carlson withdrew his motion to become law notwithstanding the line-item veto of the Governor.

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.

Kristopher Covi - 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.

Robert Batt - Nebraska Liquor Control Commission

Aye: 7 Coash, Johnson, Karpisek, Krist, Lautenbaugh, Murante, Schilz. Nay: 0. Absent: 0. Present and not voting: 1 Bloomfield.

(Signed) Russ Karpisek, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 359. Introduced by McCoy, 39.

WHEREAS, Kali Smith of Bellevue, Nebraska, has assisted with the promotion and passage of LB 298 (2013), which has come to be known as Tyler's Law; and

WHEREAS, Tyler's Law would close a legal loophole to outlaw the use of chemically engineered and synthetic designer drugs; and

WHEREAS, Kali and her family have also started the Tyler J. Smith Purple Project to educate students about the dangers of using such synthetic substances; and

WHEREAS, Kali's efforts will be instrumental in preventing other young people like Kali's son, Tyler, from losing their lives to these dangerous drugs.

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

1. That the Legislature thanks Kali Smith and her family for their support of Tyler's Law and for raising awareness in the schools and online about the dangers of teen drug use by launching the Tyler J. Smith Purple Project.

2. That a copy of this resolution be sent to Kali Smith and her family.

Laid over.

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB574:
AM1198

- 1 1. Insert the following new sections:
 2 Section 1. Section 2-259, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 2-259 Pursuant to a request by a county agricultural
 5 society, the county board of any county may levy an additional
 6 levy of three and five-tenths cents on each one hundred dollars
 7 of taxable valuation, or any part thereof, for the purpose of
 8 acquiring an interest in real property to comprise a portion
 9 or all of the county fairgrounds, ~~or~~ for the purpose of
 10 capital construction on and renovation, repair, improvement,
 11 and maintenance of the county fairgrounds, over and above the
 12 operational tax levy authorized in section 2-257, or for the
 13 purpose of purchasing equipment. Such levy shall not exceed the
 14 amount actually required for such acquisition or work and shall be
 15 subject to section 77-3443.
 16 Sec. 2. Section 2-264, Reissue Revised Statutes of
 17 Nebraska, is amended to read:
 18 2-264 ~~A county agricultural society may exchange its real~~
 19 ~~estate and improvements for other real estate or to sell its~~
 20 ~~real estate for the purpose of acquiring other real estate for~~
 21 ~~fairgrounds, and may make, execute, deliver, and accept all proper~~
 22 ~~or necessary conveyances in and about such exchange, sale, or~~
 23 ~~purchase, and the right of the county in the original grounds and~~
 1 ~~improvements as provided for in section 2-263 shall extend to the~~
 2 ~~real estate derived from exchange or purchase.~~
 3 A county agricultural society may exchange its real
 4 estate and improvements for other real estate and improvements or
 5 may lease or sell its real estate and improvements and may make,
 6 execute, deliver, and accept all proper or necessary conveyances
 7 relating to such exchange, lease, sale, or purchase. The right of
 8 the county to real estate and improvements as provided in section
 9 2-263 shall extend to real estate, improvements, or proceeds
 10 derived from any exchange, sale, or purchase of real estate or
 11 improvements acquired with the additional tax levy provided in
 12 section 2-259.
 13 A county agricultural society may purchase real estate
 14 and improve the same. The payment of the purchase price may be
 15 secured by mortgage or deed of trust.
 16 2. Renumber the remaining sections and correct the
 17 repealer accordingly.

ADJOURNMENT

At 5:52 p.m., on a motion by Senator Larson, the Legislature adjourned until
9:00 a.m., Wednesday, May 29, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIFTH DAY - MAY 29, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****EIGHTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 29, 2013

PRAYER

The prayer was offered by Pastor MaryEllen Gaither, First Presbyterian Church, Humboldt.

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 Senator Seiler who was excused; and Senators Lautenbaugh and Price who were excused until they arrive.

SPEAKER ADAMS PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-fourth day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 347, 348, and 349 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 347, 348, and 349.

COMMUNICATION

May 28, 2013

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

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Heineman of LB194e, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

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

PJO:jk

COMMUNICATION

May 28, 2013

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

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB195e with a certificate attached thereto signed by the President of the Legislature certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 195e, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority, has overridden said line-item vetoes as follows, and having passed the Legislature by the constitutional majority the bill has become law this 28th day of May 2013.

Section 18 Supreme Court, Program 52 Operations Court Appointed Special Advocate aid and additional salary increases to County Court employees.

Section 47 Department of Education, Program 158 Education Aid, for Learning Community Aid.

Section 93 Department of Health and Human Services, Program 33 Administration for only the general fund appropriations for the addition of a Dental Health Director.

Section 102 Department of Health and Human Services, Program 347 Public Assistance, for cash fund appropriations for the Homeless Shelter Assistance Trust Fund.

Section 110 Department of Health and Human Services Program 502 Public Health Aid for general fund aid for the Federally Qualified Health Centers.

Sections 119 and 120, Department of Roads, Program 305 Assistance to Local Transit Authorities for mass transit aid.

Section 167 Coordinating Commission for Postsecondary Education, Program 640 Postsecondary Education Coordination for a data analyst position.

Section 222 Department of Economic Development, Program 601 Community and Rural Development for the cash fund appropriation to the Affordable Housing Trust Fund.

Section 258 Commission on Public Advocacy, Program 426 Legal Services Aid, from the Legal Aid and Services Fund.

Section 266 Fund Transfers, in FY2013-14 of \$3,794,502 vetoed of the transfer from the Securities Act Cash Fund to the General Fund, and in FY2014-15, \$4,027,590 vetoed of the transfer from the Securities Act Cash Fund to the General Fund.

(Signed) Greg Adams
President of the Legislature

COMMUNICATION

May 28, 2013

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

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB198e with a certificate attached thereto signed by the President of the Legislature, certifying the passage of the line-item vetoes, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 198e, having been returned by the Governor with his signature, but with line-item vetoes, the Legislature by the constitutional majority has overridden the line-item vetoes and the bill has become law this 28th day of May 2013.

(Signed) Greg Adams
President of the Legislature

COMMUNICATION

May 28, 2013

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

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB199e with a certificate attached thereto signed by the President of the Legislature, certifying the passage of the line-item vetoes, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 199e, having been returned by the Governor with his signature, but with line-item vetoes, the Legislature by the constitutional majority has overridden the line-item vetoes and the bill has become law this 28th day of May 2013.

(Signed) Greg Adams
President of the Legislature

SENATOR GLOOR PRESIDING

WITHDRAW - Amendment to LB97

Senator Chambers withdrew his amendment, FA124, found on page 1584, to LB97.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB97 with 40 ayes, 2 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 97.

A BILL FOR AN ACT relating to land banks; to amend sections 77-1759, 77-1807, 77-1809, 77-1810, 77-3211, and 77-3213, Reissue Revised Statutes of Nebraska, and sections 77-1736.06, 77-1915, 77-1916, and 77-2704.15, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Municipal Land Bank Act; to change provisions relating to property tax refunds, payment of taxes, and collection of delinquent real property taxes; to exempt purchases from sales and use taxes as prescribed; to provide for transfers of real property from land reutilization authorities; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Lautenbaugh Seiler

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

WITHDRAW - Amendment to LB225

Senator Chambers withdrew his amendment, FA128, found on page 1585, to LB225.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 225.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Newborn Critical Congenital Heart Disease Screening Act.

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

Voting in the negative, 0.

Excused and not voting, 2:

Lautenbaugh Seiler

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

WITHDRAW - Amendment to LB298

Senator Chambers withdrew his amendment, FA139, found on page 1618, to LB298.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB298 with 36 ayes, 5 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 298. With Emergency Clause.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-405 and 28-416, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to controlled substances schedules and penalties; 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, 44:

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

Voting in the negative, 2:

Chambers Cook

Present and not voting, 1:

Howard

Excused and not voting, 2:

Lautenbaugh Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB326

Senator Chambers withdrew his amendment, FA141, found on page 1619, to LB326.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB326 with 35 ayes, 2 nays, 10 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 326.

A BILL FOR AN ACT relating to pharmacists; to amend sections 38-2845, 38-2847, 71-2444, 71-2445, 71-2446, 71-2447, 71-2448, 71-2449, and 71-2452, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions of the Pharmacy Practice Act and the Automated Medication Systems Act; to provide for licensure of long-term care automated pharmacies; to provide for a patient's choice of pharmacy; 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
Ashford	Cook	Howard	McGill	Smith
Avery	Crawford	Janssen	Mello	Sullivan
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Kolowski	Pirsch	
Chambers	Hadley	Krist	Price	
Christensen	Hansen	Larson	Scheer	
Coash	Harms	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

Lautenbaugh Seiler

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

WITHDRAW - Amendment to LB331

Senator Chambers withdrew his amendment, FA142, found on page 1619, to LB331.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 331. With Emergency Clause.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-1903, 85-1907, 85-2403, and 85-2405, Revised Statutes Cumulative Supplement, 2012; to redefine award and eligible student for purposes of the Nebraska Opportunity Grant Act; to redefine authorization to operate for purposes of the Postsecondary Institution Act; to provide for interstate reciprocity agreements regarding postsecondary distance education; to change provisions for fees under the Postsecondary Institution Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Lautenbaugh Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB368

Senator Chambers withdrew his amendment, FA143, found on page 1619, to LB368.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 368.

A BILL FOR AN ACT relating to employment; to state findings; to define terms; to create and provide for a subsidized employment pilot program; to provide powers and duties for the Department of Health and Human Services and the Department of Labor; to provide for termination of the program; to state intent relating to appropriations; and to provide an operative date.

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, 34:

Adams	Cook	Harms	Lathrop	Scheer
Ashford	Crawford	Harr, B.	McCoy	Schumacher
Bolz	Davis	Howard	McGill	Smith
Campbell	Dubas	Johnson	Mello	Sullivan
Carlson	Gloor	Karpisek	Murante	Wallman
Chambers	Haar, K.	Kolowski	Nelson	Wightman
Conrad	Hadley	Krist	Nordquist	

Voting in the negative, 7:

Bloomfield	Hansen	Kintner	Schilz
Christensen	Janssen	Larson	

Present and not voting, 6:

Avery	Coash	Price
Brasch	Pirsch	Watermeier

Excused and not voting, 2:

Lautenbaugh Seiler

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

WITHDRAW - Amendment to LB368A

Senator Chambers withdrew his amendment, FA144, found on page 1619, to LB368A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 368A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 368, 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, 36:

Adams	Conrad	Harms	McCoy	Smith
Ashford	Cook	Harr, B.	McGill	Sullivan
Avery	Crawford	Howard	Mello	Wallman
Bolz	Davis	Johnson	Murante	Wightman
Campbell	Dubas	Karpisek	Nelson	
Carlson	Gloor	Kolowski	Nordquist	
Chambers	Haar, K.	Krist	Scheer	
Coash	Hadley	Lathrop	Schumacher	

Voting in the negative, 3:

Christensen	Kintner	Larson
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Present and not voting, 8:

Bloomfield	Hansen	Pirsch	Schilz
Brasch	Janssen	Price	Watermeier

Excused and not voting, 2:

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

WITHDRAW - Amendment to LB479

Senator Chambers withdrew his amendment, FA147, found on page 1619, to LB479.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB479 with 35 ayes, 2 nays, 10 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 479.

A BILL FOR AN ACT relating to insurance; to amend section 44-710.04, Revised Statutes Cumulative Supplement, 2012; to prohibit policy and contract terms relating to contractual rights to proceeds of various insurance as prescribed; to change provisions relating to sickness and accident insurance policies; 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	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	Mello	Sullivan
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Kolowski	Pirsch	
Chambers	Hadley	Krist	Price	
Christensen	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Lautenbaugh Seiler

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

WITHDRAW - Amendment to LB23

Senator Chambers withdrew his amendment, FA100, found on page 1582, to LB23.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB23 with 35 ayes, 4 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 23.

A BILL FOR AN ACT relating to intellectual disability; to amend sections 21-610, 23-104.03, 28-105.01, 30-2624, 31-113, 38-2404, 42-374, 43-289, 44-710.01, 68-911, 68-919, 68-921, 68-1801, 68-1802, 68-1803, 68-1805, 68-1806, 68-1807, 68-1808, 68-1809, 71-413, 71-421, 71-434, 71-1101, 71-1104, 71-1107, 71-1110, 71-2102, 71-2411, 71-2445, 71-5803.09, 71-6018.01, 71-6039, 71-6721, 71-6725, 71-6727, 77-1827, 79-712, 79-1118.01, 79-1128, 83-101.06, 83-112, 83-217, 83-218, 83-363, 83-381, 83-382, 83-383, 83-386, 83-387, 83-389, and 83-1205, Reissue Revised Statutes of Nebraska, and sections 28-401, 38-2826.01, 68-1202, 68-1804, 77-2704.12, and 79-1124, Revised Statutes Cumulative Supplement, 2012; to change terminology related to mental retardation; to define and redefine terms; to rename an act and a fund; to change allocation provisions for taxes on intermediate care facilities; to eliminate obsolete provisions; 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	Coash	Harms	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Sullivan
Bloomfield	Crawford	Janssen	Mello	Wallman
Bolz	Davis	Johnson	Murante	Watermeier
Brasch	Dubas	Karpisek	Nelson	Wightman
Campbell	Gloor	Kintner	Nordquist	
Carlson	Haar, K.	Kolowski	Pirsch	
Chambers	Hadley	Krist	Price	
Christensen	Hansen	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 2:

Lautenbaugh Seiler

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

WITHDRAW - Amendment to LB23A

Senator Chambers withdrew his amendment, FA101, found on page 1582, to LB23A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 23A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 23, 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	Christensen	Hadley	Kolowski	Price
Ashford	Coash	Hansen	Lathrop	Scheer
Avery	Conrad	Harms	McCoy	Schilz
Bloomfield	Cook	Harr, B.	McGill	Schumacher
Bolz	Crawford	Howard	Mello	Smith
Brasch	Davis	Janssen	Murante	Sullivan
Campbell	Dubas	Johnson	Nelson	Wallman
Carlson	Gloor	Karpisek	Nordquist	Watermeier
Chambers	Haar, K.	Kintner	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Krist Larson

Excused and not voting, 2:

Lautenbaugh Seiler

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

WITHDRAW - Amendment to LB93

Senator Chambers withdrew his amendment, FA115, found on page 1583, to LB93.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB93 with 37 ayes, 4 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 93.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-479, 60-484, and 60-4,117, Revised Statutes Cumulative Supplement, 2012; to provide for the notation of a person's status as a veteran on operators' licenses and state identification cards; to change application provisions; to provide for a registry of veterans; to harmonize provisions; to provide operative dates; 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	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	Mello	Sullivan
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Kolowski	Pirsch	
Chambers	Hadley	Krist	Price	
Christensen	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Lautenbaugh Seiler

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

WITHDRAW - Amendment to LB93A

Senator Chambers withdrew his amendment, FA116, found on page 1584, to LB93A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 93A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 93, 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Lautenbaugh Seiler

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

WITHDRAW - Amendment to LB104

Senator Chambers withdrew his amendment, FA125, found on page 1584, to LB104.

MOTION - Return LB104 to Select File

Senator Schilz moved to return LB104 to Select File for his specific amendment, AM1494, found on page 1615.

Senator B. Harr moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

Senator Schilz requested a roll call vote, in reverse order, on his motion to return.

Voting in the affirmative, 21:

Bloomfield	Hansen	Kolowski	Nelson	Sullivan
Brasch	Harms	Larson	Pirsch	
Christensen	Janssen	Lautenbaugh	Scheer	
Coash	Karpisek	McCoy	Schilz	
Davis	Kintner	Murante	Smith	

Voting in the negative, 17:

Adams	Chambers	Gloor	McGill	Watermeier
Ashford	Conrad	Haar, K.	Nordquist	
Avery	Cook	Hadley	Schumacher	
Campbell	Crawford	Lathrop	Wallman	

Present and not voting, 10:

Bolz	Dubas	Howard	Krist	Price
Carlson	Harr, B.	Johnson	Mello	Wightman

Excused and not voting, 1:

Seiler

The Schilz motion to return failed with 21 ayes, 17 nays, 10 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB104 with 38 ayes, 6 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 104. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,142, 77-27,142.01, 77-5715, and 77-5725, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to sales and use tax increases under the Local Option Revenue Act; to provide tax incentives for renewable energy projects under the Nebraska Advantage Act; to redefine qualified business; to change provisions relating to tiers; 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, 38:

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

Voting in the negative, 2:

Hansen	Janssen
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Present and not voting, 8:

Bloomfield	Lautenbaugh	Murante	Schilz
Brasch	McCoy	Nelson	Smith

Excused and not voting, 1:

Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB211

Senator Chambers withdrew his amendment, FA102, found on page 1582, to LB211.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB211 with 38 ayes, 4 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 211. With Emergency Clause.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-1412, 85-1418, 85-1502, 85-1539, 85-1540, 85-2233, and 85-2234, Revised Statutes Cumulative Supplement, 2012; to change and provide duties for the Coordinating Commission for Postsecondary Education; to change and eliminate provisions relating to statewide coordination of community college boards; to provide a duty relating to membership on a committee as prescribed; to change provisions relating to distribution of state aid and grants; to provide an operative date; 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	Conrad	Harr, B.	Lautenbaugh	Schilz
Ashford	Cook	Howard	McCoy	Schumacher
Avery	Crawford	Janssen	McGill	Smith
Bloomfield	Davis	Johnson	Mello	Sullivan
Brasch	Dubas	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Chambers	Hadley	Krist	Pirsch	
Christensen	Hansen	Larson	Price	
Coash	Harms	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Bolz

Excused and not voting, 1:

Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB211A

Senator Chambers withdrew his amendment, FA103, found on page 1582, to LB211A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 211A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 211, One Hundred Third Legislature, First Session, 2013; 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	Conrad	Harr, B.	Lautenbaugh	Schilz
Ashford	Cook	Howard	McCoy	Schumacher
Avery	Crawford	Janssen	McGill	Smith
Bloomfield	Davis	Johnson	Mello	Sullivan
Brasch	Dubas	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Chambers	Hadley	Krist	Pirsch	
Christensen	Hansen	Larson	Price	
Coash	Harms	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Bolz

Excused and not voting, 1:

Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB216

Senator Chambers withdrew his amendment, FA126, found on page 1584, to LB216.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB216 with 37 ayes, 4 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 216. With Emergency Clause.

A BILL FOR AN ACT relating to state wards; to amend sections 43-285, 43-905, 43-1311.03, and 71-1902, Revised Statutes Cumulative Supplement, 2012; to adopt the Young Adult Voluntary Services and Support Act; to change provisions relating to independent living transition proposals, extended guardianship services and support, and licensure of foster family homes; to harmonize provisions; to provide severability; 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, 44:

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

Voting in the negative, 2:

Bloomfield Kintner

Present and not voting, 2:

Janssen Larson

Excused and not voting, 1:

Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB216A

Senator Chambers withdrew his amendment, FA127, found on page 1584, to LB216A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 216A.

A BILL FOR AN ACT relating to appropriations; to amend section 106, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013; to appropriate funds to aid in carrying out the provisions of Legislative Bill 216, One Hundred Third Legislature, First Session, 2013; to change appropriations; 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	McCoy	Schilz
Ashford	Cook	Harr, B.	McGill	Schumacher
Avery	Crawford	Howard	Mello	Smith
Bolz	Davis	Johnson	Murante	Sullivan
Brasch	Dubas	Karpisek	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Chambers	Hadley	Lathrop	Price	
Coash	Hansen	Lautenbaugh	Scheer	

Voting in the negative, 0.

Present and not voting, 5:

Bloomfield Christensen Janssen Kintner Larson

Excused and not voting, 1:

Seiler

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

WITHDRAW - Amendment to LB269

Senator Chambers withdrew his amendment, FA104, found on page 1583, to LB269.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB269 with 37 ayes, 4 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 269. With Emergency Clause.

A BILL FOR AN ACT relating to children and families; to amend section 71-3406, Reissue Revised Statutes of Nebraska, and sections 43-285, 43-905, 43-1311.03, 43-4101, 43-4202, 43-4203, 43-4208, 68-1207, 71-1904, and 81-3133, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to state wards, foster care, the Nebraska Children's Commission, child welfare services, the State Child Death Review Team, and reporting requirements for certain child welfare expenditures; to require application for federal reimbursement of certain costs, employment of a policy analyst, foster home licensing requirements, certain provisions in contracts for child welfare services, and a formal grievance process for the child welfare system and the juvenile justice system; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB269A

Senator Chambers withdrew his amendment, FA105, found on page 1583, to LB269A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 269A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend section 105, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013; to appropriate funds to aid in carrying out the provisions of Legislative Bill 269, One Hundred Third Legislature, First Session, 2013; to change appropriations; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB296

Senator Chambers withdrew his amendment, FA106, found on page 1583, to LB296.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB296 with 37 ayes, 4 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 296.

A BILL FOR AN ACT relating to the Nebraska educational savings plan; to amend sections 77-2716, 85-1802, and 85-1809, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to income tax reductions for contributions; to redefine a term; to change provisions relating to participation agreements; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB306

Senator Chambers withdrew his amendment, FA129, found on page 1585, to LB306.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB306 with 32 ayes, 7 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 306. With Emergency Clause.

A BILL FOR AN ACT relating to judges; to amend sections 24-201.01, 24-703, and 24-710.13, Revised Statutes Cumulative Supplement, 2012; to change judges' salaries; to change provisions related to retirement contributions and the Nebraska Retirement Fund for Judges fees as prescribed; to eliminate obsolete language; to provide an operative date; to provide severability; 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, 41:

Adams	Coash	Hansen	McCoy	Schumacher
Ashford	Conrad	Harms	McGill	Smith
Avery	Cook	Harr, B.	Mello	Sullivan
Bolz	Crawford	Howard	Murante	Watermeier
Brasch	Davis	Johnson	Nordquist	Wightman
Campbell	Dubas	Kolowski	Pirsch	
Carlson	Gloor	Krist	Price	
Chambers	Haar, K.	Lathrop	Scheer	
Christensen	Hadley	Lautenbaugh	Schilz	

Voting in the negative, 6:

Bloomfield	Karpisek	Larson
Janssen	Kintner	Nelson

Present and not voting, 1:

Wallman

Excused and not voting, 1:

Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB306A to Select File

Senator Chambers moved to return LB306A to Select File for his specific amendment, FA130, found on page 1585.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 306A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 306, One Hundred Third Legislature, First Session, 2013; to provide an operative date; 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, 39:

Adams	Conrad	Hansen	Lautenbaugh	Scheer
Ashford	Cook	Harms	McCoy	Schilz
Avery	Crawford	Harr, B.	McGill	Schumacher
Bolz	Davis	Howard	Mello	Smith
Campbell	Dubas	Johnson	Murante	Sullivan
Carlson	Gloor	Kolowski	Nordquist	Wallman
Chambers	Haar, K.	Krist	Pirsch	Watermeier
Coash	Hadley	Lathrop	Price	

Voting in the negative, 6:

Bloomfield	Janssen	Kintner
Brasch	Karpisek	Nelson

Present and not voting, 3:

Christensen	Larson	Wightman
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Excused and not voting, 1:

Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB308

Senator Chambers withdrew his amendment, FA140, found on page 1619, to LB308.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB308 with 39 ayes, 4 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 308.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715 and 77-2734.07, Reissue Revised Statutes of Nebraska, and section 77-2717, Revised Statutes Cumulative Supplement, 2012; to change income tax calculations relating to the federal alternative minimum tax; to change

provisions relating to deductions for net operating losses and capital losses; 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, 48:

Adams	Coash	Harms	Lathrop	Scheer
Ashford	Conrad	Harr, B.	Lautenbaugh	Schilz
Avery	Cook	Howard	McCoy	Schumacher
Bloomfield	Crawford	Janssen	McGill	Smith
Bolz	Davis	Johnson	Mello	Sullivan
Brasch	Dubas	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Chambers	Hadley	Krist	Pirsch	
Christensen	Hansen	Larson	Price	

Voting in the negative, 0.

Excused and not voting, 1:

Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB363

Senator Chambers withdrew his amendment, FA107, found on page 1583, to LB363.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 363.

A BILL FOR AN ACT relating to public records; to amend section 84-712.03, Reissue Revised Statutes of Nebraska, and section 84-712, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to access; 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	Conrad	Harr, B.	Lautenbaugh	Schilz
Ashford	Cook	Howard	McCoy	Schumacher
Avery	Crawford	Janssen	McGill	Smith
Bolz	Davis	Johnson	Mello	Sullivan
Brasch	Dubas	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Chambers	Hadley	Krist	Pirsch	
Christensen	Hansen	Larson	Price	
Coash	Harms	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 1:

Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB363A

Senator Chambers withdrew his amendment, FA108, found on page 1583, to LB363A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 363A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 363, 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, 47:

Adams	Conrad	Harr, B.	Lautenbaugh	Schilz
Ashford	Cook	Howard	McCoy	Schumacher
Avery	Crawford	Janssen	McGill	Smith
Bloomfield	Davis	Johnson	Mello	Sullivan
Bolz	Dubas	Karpisek	Murante	Wallman
Brasch	Gloor	Kintner	Nelson	Watermeier
Campbell	Haar, K.	Kolowski	Nordquist	Wightman
Carlson	Hadley	Krist	Pirsch	
Chambers	Hansen	Larson	Price	
Coash	Harms	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Christensen

Excused and not voting, 1:

Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER ADAMS PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 97, 225, 298, 326, 331, 368, 368A, 479, 23, 23A, 93, 93A, 104, 211, 211A, 216, 216A, 269, 269A, 296, 306, 306A, 308, 363, and 363A.

RESOLUTIONS

LEGISLATIVE RESOLUTION 360. Introduced by Coash, 27; Ashford, 20; Conrad, 46; B. Harr, 8; Howard, 9; Lathrop, 12; Lautenbaugh, 18; Pirsch, 4; Schumacher, 22; Wightman, 36.

WHEREAS, Court of Appeals Judge Richard D. Sievers of Lincoln, Nebraska, will retire from the bench on May 31, 2013; and

WHEREAS, Judge Sievers became one of the original Court of Appeals judges in December of 1991; and

WHEREAS, Judge Sievers served as the court's Chief Judge from 1992 through 1996; and

WHEREAS, Judge Sievers distinguished himself throughout his legal career by promoting access to the legal system and educating Nebraska youth on the workings of the third branch of government; and

WHEREAS, Judge Sievers served on several national and local committees including the National Advisory Council for the American Judicature Society, the Supreme Court's Practice and Procedure Committee, the board of directors for Nebraska Continuing Legal Education, and the board of directors for Legal Services of Southeast Nebraska; and

WHEREAS, Judge Sievers also served for seven years as the Nebraska board of directors representative for the National High School Mock Trial Championship; and

WHEREAS, Judge Sievers was founding chairman of the Supreme Court Pro Se Litigation Committee, and was recognized as the 2005 Outstanding Judge for Service to the Community, the highest honor given by the Supreme Court; and

WHEREAS, during his tenure on the Court of Appeals, Judge Sievers authored approximately 1,600 opinions covering virtually all aspects of civil and criminal litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Judge Richard D. Sievers for his many accomplishments, thanks him for his many years of outstanding service to the Nebraska legal system, and extends its best wishes to Judge Sievers on his retirement from the bench.

2. That a copy of this resolution be sent to Judge Richard D. Sievers.

Laid over.

LEGISLATIVE RESOLUTION 361. Introduced by Sullivan, 41; Adams, 24; Avery, 28; Bloomfield, 17; Bolz, 29; Coash, 27; Cook, 13; Davis, 43; K. Haar, 21; B. Harr, 8; Johnson, 23; Kolowski, 31; McCoy, 39; Nordquist, 7; Price, 3; Scheer, 19; Schumacher, 22; Wallman, 30; Watermeier, 1.

WHEREAS, Dr. Roger Breed, Commissioner of Education, has distinguished himself throughout his 42-year career as an educator in the State of Nebraska; and

WHEREAS, Dr. Breed was recognized in 2007 by the Nebraska Council of School Administrators as Superintendent of the Year; and

WHEREAS, Dr. Breed has served on the Nebraska State Accreditation Committee, the executive board of the Nebraska Council of School Administrators, and the Greater Nebraska Schools Association; and

WHEREAS, Dr. Breed was recently named recipient of the National Educational Administrator of the Year Award presented by the National Association of Educational Office Professionals, and was recipient of the Jack Halstrom Friend of Education Award; and

WHEREAS, as Commissioner of Education, Dr. Breed led the implementation of statewide reading, mathematics, and science tests, established a new state accountability system, and worked with the court system to address excessive absenteeism in public schools; and

WHEREAS, Dr. Breed has also served as co-chairman of the Nebraska P-16 Initiative and the Chief Justice Task Force for Truancy Intervention; and
WHEREAS, Dr. Breed is retiring as Commissioner of Education effective June 30, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Dr. Roger Breed for his many accomplishments and honors, thanks him for his many years of outstanding service to the state, and extends its best wishes to Dr. Breed on his retirement.

2. That a copy of this resolution be sent to Dr. Roger Breed.

Laid over.

COMMITTEE REPORT

Natural Resources

The Natural Resources 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.

Michelle Bucklin - Environmental Quality Council
Joseph Citta Jr. - Environmental Quality Council
Mark Czaplewski - Environmental Quality Council
Rodney Gangwish - Environmental Quality Council
Robert Hall - Environmental Quality Council
Lance Hedquist - Environmental Quality Council
Alden Zuhlke - Environmental Quality Council

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

RECESS

At 11:59 a.m., on a motion by Senator Bloomfield, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

ROLL CALL

The roll was called and all members were present except Senator Seiler who was excused; and Senators Adams, Avery, Lautenbaugh, and Price who were excused until they arrive.

RESOLUTION**LEGISLATIVE RESOLUTION 362.** Introduced by Davis, 43.

WHEREAS, Commander Darren Nelson, United States Navy, has enjoyed a distinguished naval career since receiving his commission and bachelor of science degree from the University of Nebraska in 1993; and

WHEREAS, Commander Nelson's naval career includes serving as communications officer on the USS Bainbridge, damage control officer on the USS Barry, combat systems officer on the USS Ingraham, 1st lieutenant on the USS Saipan, and executive officer on the USS Gunston Hall, and assignment to the U.S. Naval War College where he received a masters of arts in national security and strategic studies; and

WHEREAS, Commander Nelson's personal decorations include the Meritorious Service Medal, Navy and Marine Corps Commendation Medal, Navy and Marine Corps Achievement Medal, and various campaign and service ribbons; and

WHEREAS, the USS Arlington is a new San Antonio-class amphibious transport dock built to transport and land Marines along with their equipment and supplies. The ship is 684 feet long, 105 feet wide, and has a displacement weight of 25,000 tons which is similar in size to the USS Enterprise, one of the most famous U.S. aircraft carriers of World War II; and

WHEREAS, Commander Nelson has been assigned initial command of the USS Arlington following its ceremonial commissioning on April 6, 2013; and

WHEREAS, Commander Nelson, son of Joan Nelson and the late Harvey Nelson, grew up in Rushville, Nebraska, where he was active in athletics, speech, plays, and other activities and graduated from Rushville High School in 1988.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Commander Darren Nelson for being named commander of the new USS Arlington by the United States Navy.

2. That a copy of this resolution be sent to Commander Nelson and to his mother Joan Nelson of Rushville, Nebraska.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 29, 2013, at 12:02 p.m. were the following: LBs 97, 225, 298e, 326, 331e, 368, 368A, 479, 23, 23A, 93, 93A, 104e, 211e, 211Ae, 216e, 216A, 269e, 269Ae, 296, 306e, 306Ae, 308, 363, and 363A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

May 29, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 66, 140, 341, 410e, 497e, 563e, and 623 were received in my office on May 23, 2013.

These bills were signed and delivered to the Secretary of State on May 29, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

WITHDRAW - Amendment to LB366

Senator Chambers withdrew his amendment, FA119, found on page 1584, to LB366.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB366 with 34 ayes, 2 nays, 7 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 366. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend section 9-812, Reissue Revised Statutes of Nebraska; to adopt the Diploma of High School Equivalency Assistance Act; to eliminate obsolete provisions and provide an additional use of the Education Innovation Fund; to harmonize provisions; 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, 42:

Ashford	Conrad	Harms	McCoy	Schumacher
Bloomfield	Cook	Harr, B.	McGill	Smith
Bolz	Crawford	Janssen	Mello	Sullivan
Brasch	Davis	Johnson	Murante	Wallman
Campbell	Dubas	Karpisek	Nelson	Watermeier
Carlson	Gloor	Kintner	Nordquist	Wightman
Chambers	Haar, K.	Kolowski	Pirsch	
Christensen	Hadley	Krist	Scheer	
Coash	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Larson

Excused and not voting, 6:

Adams	Howard	Price
Avery	Lautenbaugh	Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB366A

Senator Chambers withdrew his amendment, FA120, found on page 1584, to LB366A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 366A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 366, One Hundred Third Legislature, First Session, 2013; 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, 41:

Ashford	Cook	Harr, B.	McGill	Smith
Bloomfield	Crawford	Janssen	Mello	Sullivan
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Kolowski	Pirsch	
Chambers	Hadley	Krist	Scheer	
Coash	Hansen	Lathrop	Schilz	
Conrad	Harms	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 2:

Christensen Larson

Excused and not voting, 6:

Adams	Howard	Price
Avery	Lautenbaugh	Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendments to LB429

Senator Chambers withdrew his amendments, FA109 and FA145, found on pages 1583 and 1619, to LB429.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 429.

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend sections 84-602 and 84-602.02, Revised Statutes Cumulative Supplement, 2012; to require disclosure of state contracts as prescribed; 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, 43:

Ashford	Conrad	Harms	Lathrop	Schilz
Bloomfield	Cook	Harr, B.	McCoy	Schumacher
Bolz	Crawford	Janssen	McGill	Smith
Brasch	Davis	Johnson	Mello	Sullivan
Campbell	Dubas	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 6:

Adams	Howard	Price
Avery	Lautenbaugh	Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendments to LB429A

Senator Chambers withdrew his amendments, FA110 and FA146, found on pages 1583 and 1619, to LB429A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 429A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 429, 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, 43:

Ashford	Conrad	Harms	Lathrop	Schilz
Bloomfield	Cook	Harr, B.	McCoy	Schumacher
Bolz	Crawford	Janssen	McGill	Smith
Brasch	Davis	Johnson	Mello	Sullivan
Campbell	Dubas	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 6:

Adams	Howard	Price
Avery	Lautenbaugh	Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB483

Senator Chambers withdrew his amendment, FA117, found on page 1584, to LB483.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 483.

A BILL FOR AN ACT relating to correctional services; to amend section 83-150, Reissue Revised Statutes of Nebraska; to state intent; to provide for a reentry planning pilot program in adult correctional facilities; to change provisions relating to the use of a fund; 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, 41:

Adams	Coash	Harms	McGill	Smith
Ashford	Conrad	Harr, B.	Mello	Sullivan
Bloomfield	Cook	Johnson	Murante	Wallman
Bolz	Crawford	Karpisek	Nelson	Watermeier
Brasch	Davis	Kolowski	Nordquist	Wightman
Campbell	Dubas	Krist	Pirsch	
Carlson	Gloor	Larson	Scheer	
Chambers	Haar, K.	Lathrop	Schilz	
Christensen	Hadley	McCoy	Schumacher	

Voting in the negative, 1:

Kintner

Present and not voting, 2:

Hansen	Janssen
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Excused and not voting, 5:

Avery Howard Lautenbaugh Price Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB483A

Senator Chambers withdrew his amendment, FA118, found on page 1584, to LB483A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 483A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 483, 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, 42:

Adams	Coash	Harms	McCoy	Schumacher
Ashford	Conrad	Harr, B.	McGill	Smith
Bloomfield	Cook	Howard	Mello	Sullivan
Bolz	Crawford	Johnson	Murante	Wallman
Brasch	Davis	Karpisek	Nelson	Watermeier
Campbell	Dubas	Kolowski	Nordquist	Wightman
Carlson	Gloor	Krist	Pirsch	
Chambers	Haar, K.	Larson	Scheer	
Christensen	Hadley	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 3:

Hansen Janssen Kintner

Excused and not voting, 4:

Avery Lautenbaugh Price Seiler

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

WITHDRAW - Amendment to LB507

Senator Chambers withdrew his amendment, FA131, found on page 1585, to LB507.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB507 with 37 ayes, 4 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 507. With Emergency Clause.

A BILL FOR AN ACT relating to children; to amend sections 68-1206 and 71-1919, Reissue Revised Statutes of Nebraska, and section 43-536, Revised Statutes Cumulative Supplement, 2012; to adopt the Step Up to Quality Child Care Act; to change provisions relating to reimbursement rates for child care, child care assistance, and grounds for discipline of a license under the Child Care Licensing Act; to harmonize provisions; to provide operative dates; 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, 42:

Adams	Conrad	Harms	McCoy	Schumacher
Ashford	Cook	Harr, B.	McGill	Smith
Bolz	Crawford	Howard	Mello	Sullivan
Brasch	Davis	Johnson	Murante	Wallman
Campbell	Dubas	Karpisek	Nelson	Watermeier
Carlson	Gloor	Kolowski	Nordquist	Wightman
Chambers	Haar, K.	Krist	Pirsch	
Christensen	Hadley	Larson	Scheer	
Coash	Hansen	Lathrop	Schilz	

Voting in the negative, 1:

Kintner

Present and not voting, 2:

Bloomfield Janssen

Excused and not voting, 4:

Avery Lautenbaugh Price Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB507A

Senator Chambers withdrew his amendment, FA132, found on page 1585, to LB507A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 507A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 507, One Hundred Third Legislature, First Session, 2013; 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, 43:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harms	McCoy	Schumacher
Bloomfield	Cook	Harr, B.	McGill	Smith
Bolz	Crawford	Howard	Mello	Sullivan
Brasch	Davis	Johnson	Murante	Wallman
Campbell	Dubas	Karpisek	Nelson	Watermeier
Carlson	Gloor	Kolowski	Nordquist	Wightman
Chambers	Haar, K.	Krist	Pirsch	
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 1:

Kintner

Present and not voting, 1:

Janssen

Excused and not voting, 4:

Avery Lautenbaugh Price Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendments to LB517

Senator Lathrop withdrew his amendments, AM1308 and AM1396, found on pages 1303 and 1409, to LB517.

Senator Chambers withdrew his amendment, FA111, found on page 1583, to LB517.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 517. With Emergency Clause.

A BILL FOR AN ACT relating to water management; to state findings; to create the Water Funding Task Force; to provide powers and duties for the task force and the Department of Natural Resources; to provide a termination date; 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	Krist	Pirsch
Ashford	Conrad	Harms	Larson	Scheer
Bloomfield	Cook	Harr, B.	Lathrop	Schilz
Bolz	Crawford	Howard	McCoy	Schumacher
Brasch	Davis	Janssen	McGill	Smith
Campbell	Dubas	Johnson	Mello	Sullivan
Carlson	Gloor	Karpisek	Murante	Wallman
Chambers	Haar, K.	Kintner	Nelson	Watermeier
Christensen	Hadley	Kolowski	Nordquist	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Avery Lautenbaugh Price Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill

was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB517A

Senator Chambers withdrew his amendment, FA112, found on page 1583, to LB517A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 517A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 517, One Hundred Third Legislature, First Session, 2013; 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	Krist	Pirsch
Ashford	Conrad	Harms	Larson	Scheer
Bloomfield	Cook	Harr, B.	Lathrop	Schilz
Bolz	Crawford	Howard	McCoy	Schumacher
Brasch	Davis	Janssen	McGill	Smith
Campbell	Dubas	Johnson	Mello	Sullivan
Carlson	Gloor	Karpisek	Murante	Wallman
Chambers	Haar, K.	Kintner	Nelson	Watermeier
Christensen	Hadley	Kolowski	Nordquist	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Avery	Lautenbaugh	Price	Seiler
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB530

Senator Chambers withdrew his amendment, FA113, found on page 1583, to LB530.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB530 with 39 ayes, 4 nays, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 530. With Emergency Clause.

A BILL FOR AN ACT relating to foster care; to amend sections 43-4202, 43-4203, and 43-4213, Revised Statutes Cumulative Supplement, 2012; to state intent; to provide duties for the Division of Children and Family Services of the Department of Health and Human Services and the Nebraska Children's Commission; to change a termination date; to create the Foster Care Reimbursement Rate Committee; to provide powers and duties; to change provisions relating to stipends for foster parents; to eliminate a committee; to harmonize provisions; to repeal the original sections; to outright repeal section 43-4212, Revised Statutes Cumulative Supplement, 2012; 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, 44:

Adams	Conrad	Harms	Larson	Scheer
Ashford	Cook	Harr, B.	Lathrop	Schilz
Bolz	Crawford	Howard	McCoy	Schumacher
Brasch	Davis	Janssen	McGill	Smith
Campbell	Dubas	Johnson	Mello	Sullivan
Carlson	Gloor	Karpisek	Murante	Wallman
Chambers	Haar, K.	Kintner	Nelson	Watermeier
Christensen	Hadley	Kolowski	Nordquist	Wightman
Coash	Hansen	Krist	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 4:

Avery	Lautenbaugh	Price	Seiler
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB530A

Senator Chambers withdrew his amendment, FA114, found on page 1583, to LB530A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 530A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 530, 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, 44:

Adams	Coash	Hansen	Krist	Pirsch
Ashford	Conrad	Harms	Larson	Scheer
Bloomfield	Cook	Harr, B.	Lathrop	Schumacher
Bolz	Crawford	Howard	McCoy	Smith
Brasch	Davis	Janssen	McGill	Sullivan
Campbell	Dubas	Johnson	Mello	Wallman
Carlson	Gloor	Karpisek	Murante	Watermeier
Chambers	Haar, K.	Kintner	Nelson	Wightman
Christensen	Hadley	Kolowski	Nordquist	

Voting in the negative, 0.

Present and not voting, 1:

Schilz

Excused and not voting, 4:

Avery	Lautenbaugh	Price	Seiler
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB556

Senator Chambers withdrew his amendment, FA133, found on page 1585,

to LB556.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB556 with 37 ayes, 6 nays, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 556.

A BILL FOR AN ACT relating to children's health care; to amend sections 68-911 and 71-8506, Reissue Revised Statutes of Nebraska; to provide for telehealth services for children's behavioral health; to state intent for behavioral health screenings; to provide for education and training on children's behavioral health; to create a pilot program; to change provisions relating to medical assistance coverage and telehealth transmission 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, 42:

Adams	Conrad	Harms	Lathrop	Schumacher
Ashford	Cook	Harr, B.	McCoy	Smith
Bolz	Crawford	Howard	McGill	Sullivan
Brasch	Davis	Johnson	Mello	Wallman
Campbell	Dubas	Karpisek	Murante	Watermeier
Carlson	Gloor	Kintner	Nelson	Wightman
Chambers	Haar, K.	Kolowski	Nordquist	
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield	Janssen	Schilz
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Excused and not voting, 4:

Avery	Lautenbaugh	Price	Seiler
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB556A

Senator Chambers withdrew his amendment, FA134, found on page 1585, to LB556A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 556A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 556, 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, 42:

Adams	Coash	Hansen	Larson	Schilz
Ashford	Conrad	Harms	Lathrop	Schumacher
Bloomfield	Cook	Harr, B.	McCoy	Sullivan
Bolz	Crawford	Howard	McGill	Wallman
Brasch	Davis	Johnson	Mello	Watermeier
Campbell	Dubas	Karpisek	Murante	Wightman
Carlson	Gloor	Kintner	Nordquist	
Chambers	Haar, K.	Kolowski	Pirsch	
Christensen	Hadley	Krist	Scheer	

Voting in the negative, 0.

Present and not voting, 3:

Janssen	Nelson	Smith
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Excused and not voting, 4:

Avery	Lautenbaugh	Price	Seiler
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendments to LB561

Senator Chambers withdrew his amendments, FA121 and FA148, found on pages 1584 and 1619, to LB561.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB561 with 38 ayes, 3 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 561. With Emergency Clause.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-2257, 43-247, 43-251, 43-260.01, 43-260.04, 43-260.05, 43-260.07, 43-279.01, 43-281, 43-284, 43-284.01, 43-404, 43-406, 43-407, 43-408, 43-410, 43-413, 43-414, 43-417, 43-418, 43-419, 43-420, 43-421, 43-422, 43-423, 43-1411.01, 43-2402, 43-2404, 43-2404.01, 43-2411, 43-2930, 43-3503, 81-1417, 83-4,124, 83-4,125, 83-4,132, and 83-4,134, Reissue Revised Statutes of Nebraska, and sections 28-726, 29-2204, 29-2258, 42-364, 43-245, 43-251.01, 43-254, 43-258, 43-272.01, 43-285, 43-286, 43-2,108.05, 43-2,129, 43-405, 43-412, 43-415, 43-416, 43-2404.02, 43-2412, 43-4203, 43-4314, 43-4318, 43-4320, 43-4321, 43-4324, 81-8,245, 83-4,126, 83-4,131, and 83-4,133, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Department of Health and Human Services, the Office of Juvenile Services, the Office of Probation Administration, probation officers, and juvenile detention, pretrial diversion, evaluation, placement, treatment, parole, and discharge; to change provisions relating to sealed records, parenting plans, custody, termination of parental rights, juvenile facilities, and the Commission Grant Program; to rename and change provisions of the County Juvenile Services Aid Program; to change membership and powers and duties of the Nebraska Coalition for Juvenile Justice; to create the positions of Director of the Community-based Juvenile Services Aid Program and Director of Juvenile Diversion Programs; to create the Community and Family Reentry Process; to state intent regarding the Nebraska Juvenile Service Delivery Project and appropriations; to change duties of the Nebraska Children's Commission; to change powers and duties of the Office of the Inspector General of Nebraska Child Welfare; to provide powers and duties for the Public Counsel; to add a member to the Nebraska Commission on Law Enforcement and Criminal Justice; to provide for applicability of minimum jail standards for staff secure juvenile facilities; to define and redefine terms; to provide for a model alternative response for child abuse or neglect reports; 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, 44:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Bloomfield	Cook	Harr, B.	McCoy	Schumacher
Bolz	Crawford	Howard	McGill	Smith
Brasch	Davis	Janssen	Mello	Sullivan
Campbell	Dubas	Johnson	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

Voting in the negative, 1:

Karpisek

Excused and not voting, 4:

Avery	Lautenbaugh	Price	Seiler
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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 LB561A with 40 ayes, 2 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 561A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend sections 93, 100, and 106, Legislative Bill 195, One Hundred Third Legislature, First Session, 2013; to appropriate funds to aid in carrying out the provisions of Legislative Bill 561, One Hundred Third Legislature, First Session, 2013; to provide for transfers of funds; to change appropriations; 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, 45:

Adams	Coash	Hansen	Larson	Pirsch
Ashford	Conrad	Harms	Lathrop	Scheer
Bloomfield	Cook	Harr, B.	Lautenbaugh	Schilz
Bolz	Crawford	Howard	McCoy	Schumacher
Brasch	Davis	Janssen	McGill	Smith
Campbell	Dubas	Johnson	Mello	Sullivan
Carlson	Gloor	Kintner	Murante	Wallman
Chambers	Haar, K.	Kolowski	Nelson	Watermeier
Christensen	Hadley	Krist	Nordquist	Wightman

Voting in the negative, 1:

Karpisek

Excused and not voting, 3:

Avery Price Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB573 to Select File

Senator Chambers moved to return LB573 to Select File for the following specific amendment:

FA150

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 573.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.08, Reissue Revised Statutes of Nebraska; to change provisions relating to an adjustment to income for certain capital gains and extraordinary dividends; 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, 46:

Adams	Conrad	Harr, B.	Lautenbaugh	Schumacher
Ashford	Cook	Howard	McCoy	Smith
Bloomfield	Crawford	Janssen	McGill	Sullivan
Bolz	Davis	Johnson	Mello	Wallman
Brasch	Dubas	Karpisek	Murante	Watermeier
Campbell	Gloor	Kintner	Nelson	Wightman
Carlson	Haar, K.	Kolowski	Nordquist	
Chambers	Hadley	Krist	Pirsch	
Christensen	Hansen	Larson	Scheer	
Coash	Harms	Lathrop	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

Avery Price Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB579

Senator Chambers withdrew his amendment, FA135, found on page 1585, to LB579.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 579.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-117, Reissue Revised Statutes of Nebraska; to provide a duty for the Nebraska Liquor Control Commission regarding administration and enforcement of the 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, 42:

Adams	Cook	Harr, B.	Lautenbaugh	Schumacher
Ashford	Crawford	Howard	McCoy	Smith
Bloomfield	Davis	Janssen	McGill	Sullivan
Bolz	Dubas	Johnson	Mello	Wallman
Campbell	Gloor	Karpisek	Nelson	Watermeier
Carlson	Haar, K.	Kintner	Nordquist	Wightman
Chambers	Hadley	Kolowski	Pirsch	
Christensen	Hansen	Krist	Scheer	
Conrad	Harms	Lathrop	Schilz	

Voting in the negative, 1:

Larson

Present and not voting, 3:

Brasch Coash Murante

Excused and not voting, 3:

Avery Price Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB579A

Senator Chambers withdrew his amendment, FA136, found on page 1585, to LB579A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 579A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 579, 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, 41:

Adams	Cook	Harr, B.	Lautenbaugh	Smith
Ashford	Crawford	Howard	McCoy	Sullivan
Bloomfield	Davis	Janssen	McGill	Wallman
Bolz	Dubas	Johnson	Mello	Watermeier
Campbell	Gloor	Karpisek	Nordquist	Wightman
Carlson	Haar, K.	Kintner	Pirsch	
Chambers	Hadley	Kolowski	Scheer	
Christensen	Hansen	Krist	Schilz	
Conrad	Harms	Lathrop	Schumacher	

Voting in the negative, 1:

Larson

Present and not voting, 4:

Brasch	Coash	Murante	Nelson
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Excused and not voting, 3:

Avery	Price	Seiler
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB583

Senator Chambers withdrew his amendment, FA137, found on page 1585, to LB583.

MOTION - Return LB583 to Select File

Senator Larson moved to return LB583 to Select File for the following specific amendment:

AM1502

(Amendments to Final Reading copy)

1. On page 3, line 7, after the semicolon insert "and";
- 2 strike lines 8 through 18; and in line 19 strike "(11)" and insert
- 3 "(10)".

Senator Larson requested a roll call vote, in reverse order, on his motion to return.

Voting in the affirmative, 13:

Bloomfield	Hansen	Larson	Murante	Smith
Brasch	Janssen	Lautenbaugh	Nelson	
Christensen	Kintner	McCoy	Schilz	

Voting in the negative, 31:

Adams	Conrad	Hadley	Krist	Sullivan
Ashford	Cook	Harms	Lathrop	Wallman
Bolz	Crawford	Harr, B.	McGill	Wightman
Campbell	Davis	Howard	Mello	
Carlson	Dubas	Johnson	Nordquist	
Chambers	Gloor	Karpisek	Scheer	
Coash	Haar, K.	Kolowski	Schumacher	

Present and not voting, 1:

Pirsch

Excused and not voting, 4:

Avery	Price	Seiler	Watermeier
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The Larson motion to return failed with 13 ayes, 31 nays, 1 present and not voting, and 4 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 583.

A BILL FOR AN ACT relating to the Climate Assessment Response Committee; to amend section 2-4902, Reissue Revised Statutes of Nebraska; to provide duties for the Climate Assessment Response Committee; 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, 32:

Adams	Cook	Hansen	Krist	Smith
Ashford	Crawford	Harms	Lathrop	Sullivan
Bolz	Davis	Harr, B.	McGill	Wallman
Campbell	Dubas	Howard	Mello	Wightman
Carlson	Gloor	Johnson	Nordquist	
Chambers	Haar, K.	Karpisek	Scheer	
Conrad	Hadley	Kolowski	Schumacher	

Voting in the negative, 12:

Bloomfield	Coash	Larson	Murante
Brasch	Janssen	Lautenbaugh	Nelson
Christensen	Kintner	McCoy	Pirsch

Present and not voting, 1:

Schilz

Excused and not voting, 4:

Avery	Price	Seiler	Watermeier
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB583A

Senator Chambers withdrew his amendment, FA138, found on page 1585, to LB583A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 583A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 583, 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, 33:

Adams	Cook	Hansen	Krist	Scheer
Ashford	Crawford	Harms	Lathrop	Schumacher
Bolz	Davis	Harr, B.	McGill	Sullivan
Campbell	Dubas	Howard	Mello	Wallman
Carlson	Gloor	Johnson	Murante	Wightman
Chambers	Haar, K.	Karpisek	Nelson	
Conrad	Hadley	Kolowski	Nordquist	

Voting in the negative, 7:

Brasch	Janssen	Lautenbaugh	Pirsch
Coash	Larson	McCoy	

Present and not voting, 5:

Bloomfield Christensen Kintner Schilz Smith

Excused and not voting, 4:

Avery Price Seiler Watermeier

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB634

Senator Chambers withdrew his amendment, FA122, found on page 1584, to LB634.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 634. With Emergency Clause.

A BILL FOR AN ACT relating to wildfires; to adopt the Wildfire Control Act of 2013; 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	Krist	Nordquist
Ashford	Conrad	Harms	Larson	Pirsch
Bloomfield	Cook	Harr, B.	Lathrop	Scheer
Bolz	Crawford	Howard	Lautenbaugh	Schilz
Brasch	Davis	Janssen	McCoy	Schumacher
Campbell	Dubas	Johnson	McGill	Smith
Carlson	Gloor	Karpisek	Mello	Sullivan
Chambers	Haar, K.	Kintner	Murante	Wallman
Christensen	Hadley	Kolowski	Nelson	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Avery Price Seiler Watermeier

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB634A

Senator Chambers withdrew his amendment, FA123, found on page 1584, to LB634A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 634A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 634, One Hundred Third Legislature, First Session, 2013; 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, 44:

Adams	Coash	Hansen	Krist	Pirsch
Ashford	Conrad	Harms	Larson	Scheer
Bloomfield	Cook	Harr, B.	Lathrop	Schilz
Bolz	Crawford	Howard	Lautenbaugh	Schumacher
Brasch	Davis	Janssen	McCoy	Smith
Campbell	Dubas	Johnson	Mello	Sullivan
Carlson	Gloor	Karpisek	Murante	Wallman
Chambers	Haar, K.	Kintner	Nelson	Wightman
Christensen	Hadley	Kolowski	Nordquist	

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 4:

Avery	Price	Seiler	Watermeier
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER ADAMS PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 366, 366A, 429, 429A, 483, 483A, 507, 507A, 517, 517A, 530, 530A, 556, 556A, 561, 561A, 573, 579, 579A, 583, 583A, 634, and 634A.

SENATOR KRIST PRESIDING**SELECT FILE**

LEGISLATIVE BILL 255. ER112, found on page 1613, was adopted.

Senator McGill offered her amendment, AM1536, found on page 1616.

Senator Pirsch offered the following amendment to the McGill amendment:
FA149

Amend AM1536

Insert on page 3, line 24, after the word "was" the following words: "at the time of the alleged offense";

To insert on page 5, line 20, after the word "was" the following words: "at the time of the alleged offense."

The Pirsch amendment lost with 2 ayes, 17 nays, 24 present and not voting, and 6 excused and not voting.

The McGill amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 90. Senator Smith offered the following amendment:

FA151

Strike the enacting clause.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Smith moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Smith amendment lost with 12 ayes, 26 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 224. ER113, found on page 1617, was adopted.

Senator Mello withdrew his amendment, AM1447, found on page 1418.

Senator Janssen offered the following amendment:

AM1540

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 Section 1. (1) When a state contract is to be awarded to
- 4 the lowest responsible bidder, a resident disabled veteran shall be
- 5 allowed a preference over any other resident or nonresident bidder
- 6 if all other factors are equal.
- 7 (2) For purposes of this section, resident disabled
- 8 veteran means an individual (a) who resides in the State of
- 9 Nebraska, who served in the United States Armed Forces, including
- 10 any reserve component or the National Guard, who was discharged or
- 11 otherwise separated with a characterization of honorable or general
- 12 (under honorable conditions), and who possesses a disability
- 13 rating letter issued by the United States Department of Veterans
- 14 Affairs establishing a service-connected disability or a disability
- 15 determination from the United States Department of Defense and
- 16 (b) who owns and controls a business (i) not less than fifty-one
- 17 percent of which is owned by one or more individuals described in
- 18 subdivision (a) of this subsection or, in the case of a publicly
- 19 owned business, not less than fifty-one percent of the stock of
- 20 which is owned by one or more individuals described in subdivision
- 21 (a) of this subsection and (ii) the management and daily business
- 22 operations of which are controlled by one or more individuals
- 23 described in subdivision (a) of this subsection.

Senator Mello offered the following amendment to the Janssen amendment:
AM1544

(Amendments to AM1540)

- 1 1. On page 1, line 4, after "veteran" insert "or
- 2 a business located in a designated enterprise zone under the
- 3 Enterprise Zone Act".

The Mello amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following amendment to the Janssen amendment:

FA152

Amend AM1540

On page 1, in lines 16-18 strike, "(i) not less than fifty-one percent of which is owned by one or more individuals described in subdivision (a) of this subsection".

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 363. Introduced by Mello, 5; Ashford, 20; Howard, 9; Nordquist, 7.

WHEREAS, Inclusive Communities was originally founded in 1938 as the Midlands chapter of the National Conference for Community and Justice by prominent Omahans, including Otto Swanson, W. Dale Clark, Milton Livingston, and Ralph Svoboda; and

WHEREAS, the mission of Inclusive Communities is to confront prejudice, bigotry, and discrimination by promoting genuine respect, understanding, and appreciation of diversity in appearance, class, culture, faith, and ability; and

WHEREAS, Inclusive Communities holds human resource and leadership programs which work with middle school and high school students through the IncluCity series and Service Learning Internship Program, as well as with businesses and members of the community through Omaha Table Talk and Customized Business Solutions, to educate and empower individuals to make their communities more accepting, understanding, and ultimately more productive; and

WHEREAS, in addition to educational programs, Inclusive Communities collaborates with other organizations and coalitions to advocate for equality for all people; and

WHEREAS, Inclusive Communities will celebrate its 75th anniversary at the 2013 Humanitarian Dinner on May 30, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Inclusive Communities for its work to strengthen Nebraska communities through education and promotion of diversity and congratulates Inclusive Communities on celebrating its 75th anniversary.

2. That a copy of this resolution be sent to Inclusive Communities.

Laid over.

LEGISLATIVE RESOLUTION 364. Introduced by Wightman, 36.

WHEREAS, Superintendent John Grinde of Cozad Public Schools is retiring after 21 years of distinguished service and leadership to the school district; and

WHEREAS, Superintendent Grinde has spent 59 years in education as a student, teacher, and administrator; and

WHEREAS, Superintendent Grinde developed a culture of listening, gathering ideas, and bringing people together to make better decisions for the growth and education of students; and

WHEREAS, Superintendent Grinde leaves an enduring legacy of cooperation and partnership with the school district, hospital, and the city of Cozad which has helped build the entire community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Superintendent John Grinde on his retirement and recognizes his passion for education and his many years of dedicated service to his community.

2. That a copy of this resolution be sent to Superintendent John Grinde.

Laid over.

LEGISLATIVE RESOLUTION 365. Introduced by Larson, 40.

WHEREAS, the O'Neill St. Mary's Lady Cardinals won the 2013 Class D Girls State Track Championship; and

WHEREAS, the O'Neill St. Mary's Lady Cardinals sent twelve athletes to the state meet who competed in fifteen events; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the O'Neill St. Mary's Lady Cardinals track team on winning the 2013 Class D Girls State Track Championship.

2. That a copy of this resolution be sent to the O'Neill St. Mary's Lady Cardinals track team and to coaches Mary Kersenbrock, Janae Chochon, Terry Viterna, M. J. Kersenbrock, and Kami Sholes.

Laid over.

LEGISLATIVE RESOLUTION 366. Introduced by McCoy, 39.

WHEREAS, Aaron and Erin Ruskamp of Waverly, Nebraska, are expecting the birth of their third son, Jude James Aaron Ruskamp; and

WHEREAS, the Ruskamps celebrate Jude's life and welcome him as a brother to Kyson and Gavin Ruskamp; and

WHEREAS, the Ruskamp family has started Prayers for Jude Ruskamp and 100 Miles for Jude on Facebook to encourage people to walk, bike, run, or skate in Jude's name to raise awareness about anencephaly.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Aaron and Erin Ruskamp and their family for their courageous efforts to raise awareness of anencephaly and celebrate the life of their son, Jude.

2. That a copy of this resolution be sent to Aaron and Erin Ruskamp.

Laid over.

LEGISLATIVE RESOLUTION 367. Introduced by Conrad, 46; Ashford, 20; Howard, 9; Mello, 5.

WHEREAS, Legal Aid of Nebraska is a nonprofit poverty law firm first founded as the Legal Aid Society of Omaha in 1963 for the purpose of providing free legal assistance in civil cases for those who could not afford an attorney in Omaha and northeast Nebraska; and

WHEREAS, Southeast Nebraska Legal Services was founded in 1964 in Lincoln, and Western Nebraska Legal Services was founded in 1965 in Grand Island and Scottsbluff, both for the purpose of providing free legal assistance in civil cases for those who could not afford an attorney in Lincoln and in central and western Nebraska; and

WHEREAS, the Rural Response Hotline was formed in 1984 as part of the Legal Aid Society of Omaha to provide assistance to farmers and ranchers in crisis; and

WHEREAS, the three regional legal aid programs merged in 2000 to form one statewide legal aid program known first as Nebraska Legal Services and then as Legal Aid of Nebraska; and

WHEREAS, Legal Aid of Nebraska operates a statewide legal phone and Internet-based hotline providing free legal advice to 15,000 low-income Nebraskans each year; and

WHEREAS, Legal Aid of Nebraska provides free extended legal assistance to 1,800 low-income Nebraskans each year in housing, domestic relations, public benefits, consumer law, and other areas of poverty law; and

WHEREAS, Legal Aid of Nebraska operates a statewide elder hotline providing free legal advice to hundreds of elderly Nebraskans each year regardless of income; and

WHEREAS, Legal Aid of Nebraska provides free legal assistance to hundreds of Native Americans each year in Nebraska's four tribal courts; and

WHEREAS, Legal Aid of Nebraska represents hundreds of domestic violence victims in civil courts in areas including permanent restraining orders, child custody, and child support; and

WHEREAS, Legal Aid of Nebraska has full-time offices in Omaha, Lincoln, Bancroft, Norfolk, Grand Island, North Platte, and Scottsbluff and one part-time office in Lexington; and

WHEREAS, Legal Aid of Nebraska's mission is to provide dignity, hope, self-sufficiency, and justice through quality civil legal aid for those who have nowhere else to turn.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends special recognition to Legal Aid of Nebraska on the observance of its 50th anniversary of incorporation.

2. That a copy of this resolution be sent to Executive Director Dave Pantos at Legal Aid of Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 368. Introduced by Mello, 5; Nordquist, 7.

WHEREAS, the South Omaha Neighborhood Alliance (SONA) recently named the recipients of its 2013 Project of the Year Award, 2013 Volunteer of the Year Award, and 2013 Outstanding Volunteer Awards; and

WHEREAS, these awards are annually presented to recognize service and contributions to the South Omaha community; and

WHEREAS, the winner of the SONA 2013 Project of the Year Award is the South Omaha Biker Crew for their annual S.O.B. Parking Lot Party, which has raised over \$30,000 during the past five years in support of Omaha's graffiti ban; and

WHEREAS, the winner of the SONA 2013 Volunteer of the Year Award is Mike Battershell for his contributions as president of SONA and the Hanscom Park Neighborhood Association; and

WHEREAS, the winners of the SONA 2013 Outstanding Volunteer Awards are Daisy Gomez and Francisco Guzman Jemenez, seniors at Omaha Bryan High School, and Maria Maldonado and Danielle Valadez, seniors at Omaha South High School; and

WHEREAS, these awards will be presented and the winners recognized at the 2013 SONA Banquet on June 6, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the South Omaha Biker Crew, Mike Battershell, Daisy Gomez, Francisco Guzman Jemenez, Maria Maldonado, and Danielle Valadez on receiving their 2013 South Omaha Neighborhood Alliance awards.

2. That a copy of this resolution be sent to the South Omaha Biker Crew, Mike Battershell, Daisy Gomez, Francisco Guzman Jemenez, Maria Maldonado, and Danielle Valadez.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 29, 2013, at 3:36 p.m. were the following: LBs 366e, 366Ae, 429, 429A, 483, 483A, 507e, 507Ae, 517e, 517Ae, 530e, 530A, 556, 556A, 561e, 561Ae, 573, 579, 579A, 583, 583A, 634e, and 634A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

May 29, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 561e and 561Ae were received, signed, and delivered to the Secretary of State on May 29, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB224:
FA153

Amend AM1540

Add a new section: "Section 2. Any contract entered into without compliance with section 1 shall be null and void."

Senator B. Harr filed the following amendment to LB568:
AM1545

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 8 of this act shall be known
- 4 and may be cited as the Health Insurance Exchange Navigator
- 5 Registration Act.
- 6 Sec. 2. For purposes of the Health Insurance Exchange
- 7 Navigator Registration Act:
- 8 (1) Director means the Director of Insurance;
- 9 (2) Exchange means any health insurance exchange
- 10 established or operating in this state, including any exchange
- 11 established or operated by the United States Department of Health
- 12 and Human Services; and
- 13 (3) Navigator means any individual or entity, other than
- 14 an insurance producer or consultant, that receives any funding,
- 15 directly or indirectly, from an exchange, the state, or the
- 16 federal government to perform the duties identified in 42 U.S.C.
- 17 18031(i)(3), as such section existed on January 1, 2013.
- 18 Sec. 3. (1) No individual or entity shall perform, offer
- 19 to perform, or advertise any service as a navigator in this state
- 20 unless registered as a navigator by the director.
- 21 (2) A navigator shall not:

- 22 (a) Engage in any activities that would require an
23 insurance producer license;
1 (b) Violate section 44-4050;
2 (c) Recommend or endorse a particular health plan;
3 (d) Accept any compensation or consideration from an
4 insurance company, broker, or consultant that is dependent, in
5 whole or in part, on whether a person enrolls in or purchases a
6 qualified health plan; or
7 (e) Fail to respond to any written inquiry from the
8 director regarding the navigator's duties as a navigator or fail
9 to request additional reasonable time to respond within fifteen
10 working days.

11 Sec. 4. (1) An individual applying for an individual
12 navigator registration shall make application to the director on a
13 form developed by the director which, unless preempted by federal
14 law, is accompanied by the initial individual registration fee in
15 an amount not to exceed twenty-five dollars as established by the
16 director. The individual shall declare in the application under
17 penalty of refusal, suspension, or revocation of the registration
18 that the statements made in the application are true, correct,
19 and complete to the best of the individual's knowledge and belief.
20 Before approving the application, the director shall find that the
21 individual:

- 22 (a) Is at least eighteen years of age;
23 (b) Has successfully passed an examination prescribed by
24 an exchange established or operating in this state and has been
25 authorized to act as a navigator; and
26 (c) Has identified any entity navigator with which he or
27 she is affiliated and supervised.

1 (2) An entity applying for an entity navigator
2 registration shall make application on a form developed by the
3 director and which contains the information prescribed by the
4 director and which, unless preempted by federal law, is accompanied
5 by the initial entity registration fee in an amount not to exceed
6 fifty dollars as established by the director.

7 (3) The director may require any documents deemed
8 necessary to verify the information contained in an application
9 submitted in accordance with subsections (1) and (2) of this
10 section.

11 (4) A registered navigator shall, in a manner prescribed
12 by the director, notify the director within thirty days of
13 any federal action that restricts or terminates the navigator's
14 authorization to act as a navigator.

15 (5) A registered entity navigator shall, in a manner
16 prescribed by the director, provide the director with a list of all
17 individual navigators that it employs, supervises, or is affiliated
18 with.

19 Sec. 5. (1) Individual and entity registrations shall
20 expire one year after the date of issuance.

21 (2) An individual navigator may file an application for
22 renewal of a registration on a form developed by the director
23 and, unless preempted by federal law, shall pay the renewal fee
24 in an amount not to exceed twenty-five dollars as established by
25 the director, and an entity navigator may file an application for
26 renewal of a registration on a form developed by the director
27 and, unless preempted by federal law, shall pay the renewal fee
1 in an amount not to exceed fifty dollars as established by the
2 director. An individual navigator who fails to file prior to the
3 expiration of the current registration for registration renewal,
4 unless preempted by federal law, shall pay a late fee in an amount
5 not to exceed fifty dollars as established by the director, and an
6 entity navigator that fails to file prior to the expiration of the
7 current registration for registration renewal, unless preempted by
8 federal law, shall pay a late fee in an amount not to exceed fifty
9 dollars as established by the director.

10 (3) Any failure to fulfill the federal ongoing training
11 and continuing education requirements shall result in the
12 expiration of the registration.

13 Sec. 6. On contact with an individual who acknowledges
14 having existing health insurance coverage obtained through a
15 licensed insurance producer, a navigator shall make a reasonable
16 effort to inform the individual that he or she may, but is
17 not required to, seek further assistance from that producer or
18 another licensed producer for information, assistance, and any
19 other services and that tax credits may not be available to
20 offset the premium cost of plans that are marketed outside of the
21 exchange.

22 Sec. 7. (1) The director, after notice and hearing, may
23 place on probation, suspend, revoke, or refuse to issue, renew,
24 or reinstate a navigator registration for violation of the Health
25 Insurance Exchange Navigator Registration Act.

26 (2) Except as otherwise provided by law, the director
27 may examine and investigate the business affairs and records
1 of any navigator as such business affairs and records regard
2 the navigator's duties as a navigator to determine whether the
3 navigator has engaged or is engaging in any violation of the act.

4 (3) An entity navigator registration may be suspended
5 or revoked or renewal or reinstatement thereof may be refused if
6 the director finds, after notice and hearing, that an individual
7 navigator's violation was known by the employing or supervising
8 entity navigator and the violation was not reported to the director
9 and no corrective action was undertaken.

10 Sec. 8. The director may adopt and promulgate rules and
11 regulations to carry out the Health Insurance Exchange Navigator
12 Registration Act.

13 Sec. 9. If any section in this act or any part of any
14 section is declared invalid or unconstitutional, the declaration
15 shall not affect the validity or constitutionality of the remaining

16 portions.

17 Sec. 10. Since an emergency exists, this act takes effect
18 when passed and approved according to law.

Senator Murante filed the following amendment to LB224:

FA154

Amend AM1540

On line 19, strike "not less than fifty-one percent." and replace with "more than fifty percent."

Senator Chambers filed the following amendment to LB224:

FA155

Amend AM1540

1. On page 1, in line 8, strike "an individual" and insert "any person";
2. In lines 17, 20 and 22 strike "individuals" and insert "persons".

VISITORS

Visitors to the Chamber were Jessica Murphy from Lincoln; and Jan Schmeits from Columbus.

The Doctor of the Day was Dr. Ryan Becker from Omaha.

ADJOURNMENT

At 5:29 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Thursday, May 30, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SIXTH DAY - MAY 30, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 30, 2013

PRAYER

The prayer was offered by Senator Crawford.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senator Price who was excused; and Senators Ashford, Conrad, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fifth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 90. Placed on Final Reading.

LEGISLATIVE BILL 255. Placed on Final Reading.

ST32

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "27-804" in line 1 through line 17 and all amendments thereto have been struck and "28-801, 28-801.01, 28-804, 28-830, and 28-831, Reissue Revised Statutes of Nebraska, and sections 28-707, 28-802, 28-1354, 43-248, 43-250, and 81-1430, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to child abuse; to change provisions and penalties relating to prostitution, solicitation of prostitution, pandering, and keeping a place of prostitution; to provide an affirmative defense to prosecution for prostitution for certain trafficking victims; to provide an affirmative defense to prosecution for solicitation of prostitution for certain trafficking victims; to provide immunity from prosecution for prostitution for persons under eighteen years

of age; to define and redefine terms and change penalty provisions relating to human trafficking offenses; to provide for temporary custody and disposition of juveniles committing prostitution; to provide duties for the human trafficking task force; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections." inserted.

(Signed) John Murante, Chairperson

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB34 with 36 ayes, 3 nays, 5 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 34.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5707.01, 77-5709, 77-5712, 77-5720, 77-5728, and 77-5734, Reissue Revised Statutes of Nebraska, and sections 77-5719, 77-5723, 77-5726, 77-5731, and 77-5735, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change provisions relating to applications, credits, reports, and transfers of incentives; 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	Coash	Harr, B.	McCoy	Seiler
Ashford	Cook	Howard	McGill	Smith
Avery	Crawford	Janssen	Mello	Sullivan
Bloomfield	Davis	Johnson	Murante	Wallman
Bolz	Dubas	Karpisek	Nelson	Watermeier
Brasch	Gloor	Kintner	Nordquist	Wightman
Campbell	Haar, K.	Kolowski	Pirsch	
Carlson	Hadley	Krist	Scheer	
Chambers	Hansen	Lathrop	Schilz	
Christensen	Harms	Lautenbaugh	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Conrad Larson Price

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 LB545 with 35 ayes, 8 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 545.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 71-1567, 71-4609, 75-134, 75-136, 75-139, 75-156, 75-722, 86-123, 86-158, 86-209, 86-255, 86-269, and 86-578, Reissue Revised Statutes of Nebraska, and section 57-1409, Revised Statutes Cumulative Supplement, 2012; to change appeal procedures as prescribed; to provide for motions for reconsideration; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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, 43:

Adams	Coash	Harr, B.	Lautenbaugh	Schilz
Ashford	Cook	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Gloor	Karpisek	Murante	Wallman
Campbell	Haar, K.	Kintner	Nelson	Watermeier
Carlson	Hadley	Kolowski	Nordquist	Wightman
Chambers	Hansen	Krist	Pirsch	
Christensen	Harms	Lathrop	Scheer	

Voting in the negative, 2:

Avery Schumacher

Present and not voting, 1:

Crawford

Excused and not voting, 3:

Conrad Larson Price

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 34 and 545.

SELECT FILE

LEGISLATIVE BILL 224. Senator Chambers withdrew his amendments, FA152, FA153, and FA155, found on pages 1688, 1693, and 1696.

Senator Murante withdrew his amendment, FA154, found on page 1696.

Senator Janssen renewed his amendment, AM1540, found on page 1688.

Senator Janssen offered the following amendment to his amendment: AM1546

(Amendments to AM1540)

- 1 1. Strike amendment 1 and all amendments thereto and
- 2 insert the following new amendment:
- 3 1. Strike the original sections and all amendments
- 4 thereto and insert the following new section:
- 5 Section 1. (1) When a state contract is to be awarded
- 6 to the lowest responsible bidder, a resident disabled veteran
- 7 or a business located in a designated enterprise zone under the
- 8 Enterprise Zone Act shall be allowed a preference over any other
- 9 resident or nonresident bidder if all other factors are equal.
- 10 (2) For purposes of this section, resident disabled
- 11 veteran means an individual (a) who resides in the State of
- 12 Nebraska, who served in the United States Armed Forces, including
- 13 any reserve component or the National Guard, who was discharged
- 14 or otherwise separated with a characterization of honorable
- 15 or general (under honorable conditions), and who possesses a
- 16 disability rating letter issued by the United States Department
- 17 of Veterans Affairs establishing a service-connected disability
- 18 or a disability determination from the United States Department
- 19 of Defense and (b)(i) who owns and controls a business or, in
- 20 the case of a publicly owned business, more than fifty percent
- 21 of the stock is owned by one or more individuals described in
- 22 subdivision (a) of this subsection and (ii) the management and
- 1 daily business operations of the business are controlled by one or
- 2 more individuals described in subdivision (a) of this subsection.
- 3 (3) Any contract entered into without compliance with
- 4 this section shall be null and void.

The Janssen amendment was adopted with 41 ayes, 0 nays, 5 present and not

voting, and 3 excused and not voting.

Senator Chambers offered the following amendment to the Janssen amendment:

FA156

Amend AM1546

1. On page 1, in line 11, strike "an individual" and insert "any person";
2. On page 1, in line 21 and on page 2, in line 2, strike "individuals" and insert "persons".

The Chambers amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

The Janssen amendment, AM1540, as amended, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 155. Read. Considered.

Committee AM1328, found on page 1281, was offered.

SENATOR COASH PRESIDING

PRESIDENT HEIDEMANN PRESIDING

The committee amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LR155, as amended, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 613. ER31, found on page 815, was adopted.

Senator Chambers withdrew his motion, MO26, found on page 745, to bracket until June 1, 2013.

Senator Krist withdrew his amendment, AM744, found on page 795.

Senator Chambers withdrew his amendments, FA37, AM778, and AM1077, found on pages 800, 822, and 1080.

Senator Schumacher offered his amendment, AM1522, found on page 1614.

SPEAKER ADAMS PRESIDING

The Schumacher amendment was adopted with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

Senator Schumacher offered the following amendment:

AM1548

(Amendments to AM1522)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 50-407, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 50-407 In case of disobedience on the part of any person
- 5 to comply with any subpoena issued on behalf of the council or any
- 6 committee thereof or of the refusal of any witness to testify on
- 7 any matters regarding which he or she may be lawfully interrogated,
- 8 the district court ~~for any county of Lancaster County~~ or the
- 9 judge thereof, on application of a member of the council, shall
- 10 compel obedience by proceedings for contempt as in the case of
- 11 disobedience of the requirements of a subpoena issued from such
- 12 court or a refusal to testify therein.
- 13 If a witness refuses to testify before a special
- 14 committee of the Legislature authorized pursuant to section 50-404
- 15 on the basis of the privilege against self-incrimination, the
- 16 chairperson of the committee may request a court order pursuant to
- 17 sections 29-2011.02 and 29-2011.03.
- 18 2. Renumber the remaining sections and correct the
- 19 repealer accordingly.

The Schumacher amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 30, 2013, at 9:38 a.m. were the following: LBs 34 and 545.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 369. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Davis, 43; Karpisek, 32; Kolowski, 31; Mello, 5.

PURPOSE: The purpose of this resolution is to conduct a study and analysis of guidance principles for pension divestment policy decisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 370. Introduced by Mello, 5.

WHEREAS, Johnny Goodman is considered by many to be the greatest golfer in Nebraska state history; and

WHEREAS, Johnny Goodman was born and raised in South Omaha, Nebraska, and attended Omaha South High School; and

WHEREAS, Johnny Goodman rose from poverty and hardship to national prominence as a self-taught golfer; and

WHEREAS, Johnny Goodman achieved tremendous success during his golfing career, including winning the United States Open, and was the last amateur golfer to win the United States Open; and

WHEREAS, the city of Omaha now has a public golf course dedicated to Johnny Goodman and his lifetime accomplishments; and

WHEREAS, Johnny Goodman is currently under consideration for induction into the World Golf Hall of Fame.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the exceptional contributions of Johnny Goodman to the sport of golf and to the State of Nebraska.

2. That a copy of this resolution be sent to the Omaha South High School Alumni Association's Packers Sports Greats Hall of Fame and to the Johnny Goodman Championship Golf Course.

Laid over.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 224. Placed on Final Reading.

ST33

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "public" in line 1 through line 4 has been struck and "state contracts; to require a preference for awarding state contracts to resident disabled veterans and certain businesses as prescribed." inserted.

(Signed) John Murante, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Schumacher asked unanimous consent to add his name as cointroducer to LR155. No objections. So ordered.

Senator Chambers asked unanimous consent to add his name as cointroducer to LB613. No objections. So ordered.

COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR155.

(Signed) John Murante, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 155. Introduced by Chambers, 11; Schumacher, 22.

WHEREAS, the economy is continually changing, creating the need to continually review and update the state's tax laws; and

WHEREAS, state, county, and other local tax policies are interdependent, and a study should be undertaken of possible consequences when adjustments are made to state tax laws; and

WHEREAS, the purpose of such a study is to review and evaluate the state's tax laws regarding, but not limited to, sales and use taxes, income taxes, property taxes, and other miscellaneous taxes and credits and incentives; and

WHEREAS, community discourse and involvement are essential to the success of a study, and the public shall be provided with opportunities to be engaged in a variety of ways.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The Tax Modernization Committee is created as a special legislative committee and shall comprise:

- (a) The members of the Revenue Committee;
- (b) The chairperson of the Appropriations Committee;
- (c) The chairperson of the Health and Human Services Committee;
- (d) The chairperson of the Education Committee;
- (e) The chairperson of the Agriculture Committee;
- (f) The chairperson of the Legislature's Planning Committee; and

(g) Two other members of the Legislature selected by the Executive Board of the Legislative Council.

2. The chairperson of the Revenue Committee shall serve as the chairperson of the Tax Modernization Committee, which shall meet as often as is deemed necessary in order to accomplish the objectives enumerated in this resolution. At least one meeting shall be held concurrently with a meeting of the Legislative Council convened by the chairperson of the Executive Board.

3. The Tax Modernization Committee shall consider, but not be limited to, the following elements:

(a) Fairness. In order to formulate an equitable system of taxation, the committee shall review and analyze the tax burden created by sales and use taxes, income taxes, property taxes, and other miscellaneous taxes imposed on families, businesses, and sectors of industry within the state;

(b) Competitiveness. Any modification of the tax system should be designed to ensure that such modification in no way impedes or restricts the state's ability to attract well-paying jobs and investment while keeping and protecting existing jobs and businesses. The committee also shall review and analyze how the state compares to other states with reference to taxes imposed on businesses and identify ways to enhance business competitiveness;

(c) Simplicity and compliance. The tax system should be easy to understand and comply with. The committee shall formulate recommendations designed to ensure ease of compliance for individuals and businesses and efficient administration by the state;

(d) Stability. A stable tax system generates revenue that is relatively dependable and not prone to unpredictable fluctuations. The committee shall ensure that any recommended changes will maintain or improve stability;

(e) Adequacy. The tax modernization process should create a tax system that generates adequate revenue to fund essential state services and obligations. The tax structure should ensure that revenue will meet spending needs; and

(f) Complementary tax systems. Updating of the tax system should address the interrelationships among tax systems within the state revenue system as a whole.

4. The Tax Modernization Committee shall examine previous studies, including but not limited to, the Tax Policy Reform Commission from 2005 to 2007 and the comprehensive tax study conducted by Syracuse University from 1986 to 1988 and ascertain findings and recommendations contained in the studies that can be of assistance to the committee in carrying out its charge under this resolution.

5. The Tax Modernization Committee may require any state agency or political subdivision to provide information relevant to the committee's work, and the state agency or political subdivision shall provide the information requested within thirty days after the request. The committee may hold public hearings and, pursuant to section 50-406 and the rules of the Legislature, may exercise its authority to administer oaths, issue subpoenas, compel attendance of witnesses and the production of

documents, and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

6. The Tax Modernization Committee shall issue a report to the Executive Board and to the Governor not later than December 15, 2013, containing any recommendations to update state, county and local tax policies, and proposed language for any needed legislation. The report to the Legislature shall be submitted electronically. The committee shall identify areas requiring further study and analysis.

VISITORS

Visitors to the Chamber were Kolby Schneider from Paxton; 40 graduate students and teachers from the Education Administration Department of UNO College; 8 students and sponsors from Norfolk City Council for Kids; a group from CC Aurora Home School, York, Superior, and Hendersen; and 19 members of St. Mark Kid Zone, Lincoln.

RECESS

At 11:55 a.m., on a motion by Senator Gloor, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

ROLL CALL

The roll was called and all members were present except Senators Larson and Price who were excused; and Senators Ashford, Conrad, Cook, and Lautenbaugh who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 574. Title read. Considered.

Committee AM446, found on page 807, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA157

Amend AM446

Page 1, line 1, strike "1".

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Chambers amendment lost with 7 ayes, 18 nays, 20 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 371. Introduced by Kolowski, 31.

WHEREAS, in 2008 Bruce Froendt successfully conceptualized, developed, raised funds for, and built the ALLPLAY Complex, which is a \$1.5 million outdoor sports and recreation facility designed especially for persons with disabilities in Omaha; and

WHEREAS, located in Seymour Smith Park near 72nd and Harrison Street in Omaha, the entire complex features a barrier-free design. The fields and playgrounds have rubberized surfaces to soften falls which makes the complex perfect for people using wheelchairs, walkers, or braces and for those with visual impairments; and

WHEREAS, Bruce Froendt founded the ALLPLAY Miracle Baseball League for children with disabilities with over 235 children with disabilities participating in 2013; and

WHEREAS, volunteers called "buddies," who may be adults, high school youth, or family members, assist Miracle League players during games. As a result, players and buddies often form special bonds through a positive, encouraging, and inspiring environment filled with fun and special moments; and

WHEREAS, the thrill of playing, cheers from family and friends in the stands, and developed friendships make the Miracle League a special place for players, buddies, and volunteers; and

WHEREAS, coordinating with other organizations such as Special Olympics, Children's Hospital, Easter Seals, Cornhusker State Games, local schools, and more, Bruce Froendt expanded the use of the ALLPLAY Complex to include wheelchair softball teams and other events; and

WHEREAS, donors for the complex include the William and Ruth Scott Family Foundation, Peter Kiewit Foundation, Lozier Foundation, city of Omaha, and many other generous supporters who make this incredible experience possible for hundreds of children each year; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend in great measure upon the dedication of people like Bruce Froendt who use their considerable talents, heart, and resources to help others.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Bruce Froendt as an outstanding leader and mentor whose vision is that everyone deserves the opportunity to play baseball and have an accessible place to play.

2. That a copy of this resolution be sent to Bruce Froendt.

Laid over.

LEGISLATIVE RESOLUTION 372. Introduced by Davis, 43; Coash, 27.

WHEREAS, Carrie Reeves of Whiteclay, Nebraska, will celebrate her 103rd birthday this year; and

WHEREAS, Carrie was born on December 2, 1910, on the Lehman homestead north of Rushville, Nebraska; and

WHEREAS, Carrie was married in 1932 to Louis Reeves and had four children, Gerald, Joyce, Maurice, and Hollis; and

WHEREAS, Carrie began work at the Whiteclay Post Office in 1959 as a part-time employee and was named postmaster in 1973, a position she held until 1986 when she retired at the age of 75 after working for the post office for 27 years; and

WHEREAS, Carrie is well-known throughout northwest Nebraska for her long service to postal patrons, her assistance to elderly Native Americans, and for her famous popcorn balls which she continued to make until the age of 100.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Carrie Reeves for exemplifying the pioneering spirit of Nebraska and congratulates her on the occasion of her 103rd birthday.

2. That a copy of this resolution be sent to Carrie Reeves.

Laid over.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 97, 225, 298e, 326, 331e, 479, 23, 23A, 93, 93A, 104e, 211e, 211Ae, 216e, 216A, 269e, 269Ae, 296, 306e, 306Ae, 308, 363, 363A, 366e, 366Ae, 429, 429A, 483, 483A, 507e, 507Ae, 517e, 517Ae, 530e, 530A, 556, 556A, 561e, 561Ae, 573, 579, 579A, 634e, and 634Ae.

(Signed) Les Seiler

GENERAL FILE

LEGISLATIVE BILL 574. Senator Chambers offered the following motion:

MO100

Unanimous consent to bracket until June 5, 2013.

No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 22. Read. Considered.

Committee AM937, found on page 1448, was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

LR22, as amended, was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

VISITORS

Visitors to the Chamber were 21 members from Omaha Public School's Migrant Education Program.

ADJOURNMENT

At 3:25 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Friday, May 31, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SEVENTH DAY - MAY 31, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****EIGHTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, May 31, 2013

PRAYER

The prayer was offered by Senator Sullivan.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senators Bolz, Larson, McCoy, and Price who were excused; and Senators Ashford, Coash, Cook, K. Haar, Kolowski, Lautenbaugh, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1708, line 27, strike "290e" and insert "298e".
The Journal for the eighty-sixth day was approved as corrected.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 613. Placed on Final Reading.
ST34

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "revenue" in line 1 through line 3 and all amendments thereto have been struck and "the Legislature; to amend sections 50-406 and 50-407, Reissue Revised Statutes of Nebraska; to change powers of the Legislative Council and committees of the Legislature; to provide for litigation and appeals; to change provisions relating to court jurisdiction; to repeal the original sections; and to declare an emergency." inserted.

(Signed) John Murante, Chairperson

COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR22.

(Signed) John Murante, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 22. Introduced by Campbell, 25; Gloor, 35.

WHEREAS, spending on health care in the United States has grown faster than the gross domestic product (GDP), the rate of inflation, and the rate of population growth for most of the last four decades; and

WHEREAS, the share of GDP devoted to health care in the United States has risen from 5.2% in 1960 to 17.6% in 2009; and

WHEREAS, the total public and private health care expenditure in Nebraska in 2009 was \$12,649,000,000; and

WHEREAS, since 2000 real hourly wage growth, net of health benefits, has stagnated while inflation-adjusted family health insurance premiums have increased 58%; and

WHEREAS, the average employer-based health insurance annual premium cost in Nebraska in 2011 was \$13,776; and

WHEREAS, eleven of Nebraska's ninety-three counties have no primary care physicians, and observers believe the lack of primary care physicians will become more acute as more people enter the health care system as a result of the federal Affordable Care Act; and

WHEREAS, officials estimate that, under current demand, Nebraska will be short approximately three hundred primary care physicians by 2014. The number of physicians older than sixty-five years of age has jumped by 78% in the past five years; and

WHEREAS, it is anticipated by the University of Nebraska Medical Center that by 2014 the state will need at least 1,685 primary care physicians, 314 primary care nurse practitioners, and 350 primary care physician assistants to meet the increased demand from the newly insured resulting from health care reform; and

WHEREAS, Nebraska's uninsured rate for persons younger than sixty-five years of age is 14.9% (more than 232,000), which is an increase of 67.4% since 2000; and

WHEREAS, Nebraska counties with uninsured rates of 21% or greater exist only in rural areas; and

WHEREAS, Nebraska's future economic and fiscal success requires a healthy population, high quality health care at lower cost, and greater efficiency; and

WHEREAS, Nebraska's families and small businesses are faced with increasing and unsustainable health care costs; and

WHEREAS, successful transformation of Nebraska's health care system is essential to the state's economic well-being and the quality of care provided to Nebraskans; and

WHEREAS, health care reform is not only a matter of coverage or increasing access. True reform is total system transformation into a patient-centric, high-value enterprise; and

WHEREAS, understanding the challenge of health care reform and solving Nebraska's health care system crisis requires a new level of cooperation between all health care partner stakeholders and policymakers in Nebraska; and

WHEREAS, state government must provide clear leadership and accountability to health care system transformation efforts and must do so in a way that demands transparency, trust, and full participation from all partner stakeholders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature, in cooperation with the Banking, Commerce and Insurance Committee of the Legislature, be designated to develop policy recommendations towards transformation of Nebraska's health care system.

2. In order to develop its policy recommendations, the Health and Human Services Committee of the Legislature, in cooperation with the Banking, Commerce and Insurance Committee of the Legislature, shall bring together through information-gathering meetings and work groups partner stakeholders at all levels, including state and local governments, public and private insurers, health care delivery organizations, employers, specialty societies, consumer groups, patients, consumers, and all other interested parties, to work together with the shared objectives of controlling health care costs and improving health care quality.

3. With input from partner stakeholders and in conjunction with the Banking, Commerce and Insurance Committee of the Legislature, the Health and Human Services Committee of the Legislature shall:

a. Provide a comprehensive review of Nebraska's health care delivery, cost, and coverage demands;

b. Engage stakeholders in dialogue, roundtable discussions, and public policy discourse;

c. Develop a framework for health care system transformation to meet public health, workforce, delivery, and budgetary responsibilities; and

d. Develop cooperative strategies and initiatives for the design, implementation, and accountability of services to improve care, quality, and value while advancing the overall health of Nebraskans.

4. The Health and Human Services Committee of the Legislature may conduct public hearings and, with the Banking, Commerce and Insurance Committee of the Legislature, make recommendations relating to health care for Nebraskans. The Health and Human Services Committee of the Legislature and the Banking, Commerce and Insurance Committee of the Legislature shall hold a joint hearing by November 1, 2013, to discuss the information obtained pursuant to this resolution.

5. The Health and Human Services Committee of the Legislature and the Banking, Commerce and Insurance Committee of the Legislature, along with any work groups created pursuant to this resolution, shall rely on information, data, and subject matter expertise and consultation from a wide range of entities, including the Division of Medicaid and Long-Term Care and the Division of Public Health of the Department of Health and Human Services, the Department of Insurance, and any other agencies the committees identify, to provide collaboration with the committees and any such work groups to attain the goals for health care system transformation.

6. The funding of the activities of the Health and Human Services Committee of the Legislature under this resolution will be provided from existing appropriations for the committee from the Nebraska Health Care Cash Fund.

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>

SELECT FILE

LEGISLATIVE BILL 568. ER103, found on page 1447, was adopted.

Senator B. Harr offered his amendment, AM1545, found on page 1693.

Senator Gloor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

The B. Harr amendment was adopted with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

2013 Resolution calling for an Interim Study

LR369	Interim study to conduct an analysis of guidance principles for pension divestment policy decisions	Nebraska Retirement Systems
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(Signed) John Wightman, Chairperson
 Executive Board

COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 392. Placed on General File.

(Signed) Brad Ashford, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 373. Introduced by Brasch, 16.

WHEREAS, Lucas Wiechman, a student at Wisner-Pilger High School, won the gold medal in the Class C finals of the 300 meter hurdles at the 2013 Boys State Track and Field Championship; and

WHEREAS, Lucas won first place with a time of 40.03 seconds; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Lucas Wiechman on his outstanding performance at the 2013 Class C Boys State Track and Field Championship.

2. That a copy of this resolution be sent to Lucas Wiechman.

Laid over.

LEGISLATIVE RESOLUTION 374. Introduced by Brasch, 16.

WHEREAS, Colten Vahle, a student at Wisner-Pilger High School, won the gold medal in the Class C high jump at the 2013 Boys State Track and Field Championship; and

WHEREAS, Colten won first place with a jump height of 6 feet, 8 inches; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Colten Vahle on his outstanding performance at the 2013 Class C Boys State Track and Field Championship.

2. That a copy of this resolution be sent to Colten Vahle.

Laid over.

LEGISLATIVE RESOLUTION 375. Introduced by Brasch, 16.

WHEREAS, Samantha Liermann, a student at Wisner-Pilger High School, won the gold medal in the Class C shot put at the 2013 Girls State Track and Field Championship; and

WHEREAS, Samantha won first place with a throw distance of 45 feet, 3 inches; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Samantha Liermann on her outstanding performance at the 2013 Class C Girls State Track and Field Championship.

2. That a copy of this resolution be sent to Samantha Liermann.

Laid over.

LEGISLATIVE RESOLUTION 376. Introduced by Brasch, 16.

WHEREAS, Jerrica Tietz, a student at Bancroft-Rosalie High School, is a first place winner in the 2013 Congressional Art Competition sponsored by the Congressional Institute; and

WHEREAS, Jerrica's winning entry was a pencil drawing of her late niece and godchild, Faith Hallien; and

WHEREAS, as a first place winner, Jerrica will travel to Washington, D.C., in June where her artwork will be hung and displayed for a full year at the United States Capitol; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Jerrica Tietz for becoming a first place winner in the 2013 Congressional Art Competition.

2. That a copy of this resolution be sent to Jerrica Tietz.

Laid over.

AMENDMENTS - Print in Journal

Senator Avery filed the following amendments to LB57:

AM1533

(Amendments to E & R amendments, ER36)

- 1 1. On page 5, line 20, strike "three", show as stricken,
- 2 and insert "six".

AM1532

(Amendments to E & R amendments, ER36)

- 1 1. On page 5, line 11, strike "a numeric", show as
- 2 stricken, and insert "an alphanumeric".

AM1531

(Amendments to E & R amendments, ER36)

- 1 1. On page 5, line 9, after "Act" insert "and sections
- 2 84-712 to 84-712.09".

AM1530

(Amendments to E & R amendments, ER36)

- 1 1. On page 4, lines 16 and 21, strike "July", show as
- 2 stricken, and insert "January".

AM1529

(Amendments to E & R amendments, ER36)

- 1 1. On page 3, strike beginning with "remitted" in line
- 2 13 through line 17, show as stricken, and insert "appropriated for
- 3 fiscal year 2013-14 to the Department of Natural Resources, for
- 4 Program 334, to aid in carrying out the provisions of Legislative
- 5 Bill 517, One Hundred Third Legislature, First Session, 2013.".

SELECT FILE

LEGISLATIVE BILL 568. Senator Chambers offered the following motion:

MO101

Bracket until June 3, 2013.

SENATOR GLOOR PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 1:

Bloomfield

Voting in the negative, 35:

Adams	Crawford	Howard	Lathrop	Schumacher
Avery	Davis	Janssen	Mello	Seiler
Brasch	Dubas	Johnson	Murante	Smith
Campbell	Gloor	Karpisek	Nelson	Sullivan
Carlson	Haar, K.	Kintner	Pirsch	Wallman
Christensen	Hadley	Kolowski	Scheer	Watermeier
Conrad	Harr, B.	Krist	Schilz	Wightman

Present and not voting, 1:

Chambers

Absent and not voting, 1:

McGill

Excused and not voting, 11:

Ashford	Cook	Larson	Nordquist
Bolz	Hansen	Lautenbaugh	Price
Coash	Harms	McCoy	

The Chambers motion to bracket failed with 1 aye, 35 nays, 1 present and not voting, 1 absent and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO102

Reconsider the vote to bracket.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 568A. Advanced to Enrollment and Review for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 40. Read. Considered.

SPEAKER ADAMS PRESIDING

LR40 was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 155, 22, and 40.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 568. Placed on Final Reading.

ST35

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER103, on page 1, line 12, "Licensure" has been struck and "Registration" inserted.

LEGISLATIVE BILL 568A. Placed on Final Reading.

(Signed) John Murante, Chairperson

ADJOURNMENT

At 1:01 p.m., on a motion by Senator Kolowski, the Legislature adjourned until 10:00 a.m., Monday, June 3, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-EIGHTH DAY - JUNE 3, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, June 3, 2013

PRAYER

The prayer was offered by Senator McCoy.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senators Ashford, Coash, Conrad, Lautenbaugh, Mello, Murante, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-seventh day was approved.

MESSAGE FROM THE GOVERNOR

June 3, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 296, 308, and 573 were received in my office on May 29, 2013.

These bills were signed and delivered to the Secretary of State on June 3, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Print in Journal

Senator Adams filed the following motion:

Suspend Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 98, 229, 231, 232, 232A, 233, 289, 342, 343, 417, 443, 504, 544, and 625.

SELECT FILE

LEGISLATIVE BILL 57. ER36, found on page 898, was adopted.

Senator Schilz offered his amendment, AM869, found on page 881.

Senator Larson offered the following motion:

MO103

Unanimous consent to bracket until January 10, 2014.

No objections. So ordered.

MOTIONS - Approve Appointments

Senator Lathrop moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1566:

Commission of Industrial Relations
Sarah Pillen

Voting in the affirmative, 29:

Bloomfield	Crawford	Janssen	McCoy	Schumacher
Bolz	Davis	Johnson	Nelson	Seiler
Brasch	Gloor	Karpisek	Pirsch	Smith
Campbell	Haar, K.	Kintner	Price	Wallman
Carlson	Hansen	Kolowski	Scheer	Watermeier
Cook	Harms	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 15:

Adams	Chambers	Hadley	Krist	Nordquist
Ashford	Christensen	Harr, B.	McGill	Sullivan
Avery	Dubas	Howard	Mello	Wightman

Excused and not voting, 5:

Coash	Conrad	Larson	Lautenbaugh	Murante
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The appointment was confirmed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Lathrop moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1566:

Boiler Safety Code Advisory Board

Charles Cole

Kurt Eberspacher

Martin Kasl

Kenneth Stewart

Voting in the affirmative, 30:

Bloomfield	Cook	Howard	McCoy	Schumacher
Bolz	Crawford	Janssen	Mello	Seiler
Brasch	Gloor	Johnson	Nelson	Smith
Campbell	Haar, K.	Karpisek	Nordquist	Sullivan
Carlson	Hansen	Kolowski	Pirsch	Wallman
Christensen	Harms	Lathrop	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 14:

Adams	Chambers	Hadley	Krist	Schilz
Ashford	Davis	Harr, B.	McGill	Watermeier
Avery	Dubas	Kintner	Price	

Excused and not voting, 5:

Coash	Conrad	Larson	Lautenbaugh	Murante
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The appointments were confirmed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1627:

State Racing Commission

Kristopher Covi

Voting in the affirmative, 33:

Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	Mello	Sullivan
Bolz	Gloor	Johnson	Nelson	Wallman
Brasch	Haar, K.	Karpisek	Nordquist	Watermeier
Campbell	Hadley	Kintner	Pirsch	Wightman
Carlson	Hansen	Kolowski	Scheer	
Christensen	Harms	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 11:

Adams	Davis	Krist	Schilz
Ashford	Dubas	Lathrop	Seiler
Chambers	Harr, B.	Price	

Excused and not voting, 5:

Coash	Conrad	Larson	Lautenbaugh	Murante
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The appointment was confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1627:

Nebraska Liquor Control Commission
Robert Batt

Voting in the affirmative, 30:

Adams	Carlson	Hansen	Kintner	Pirsch
Avery	Cook	Harms	Kolowski	Scheer
Bloomfield	Crawford	Harr, B.	McCoy	Smith
Bolz	Gloor	Janssen	Mello	Sullivan
Brasch	Haar, K.	Johnson	Nelson	Wallman
Campbell	Hadley	Karpisek	Nordquist	Watermeier

Voting in the negative, 0.

Present and not voting, 13:

Ashford	Davis	Krist	Price	Seiler
Chambers	Dubas	Lathrop	Schilz	
Christensen	Howard	McGill	Schumacher	

Excused and not voting, 6:

Coash	Larson	Murante
Conrad	Lautenbaugh	Wightman

The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1378:

Department of Health and Human Services
Joseph M. Acierno, Director

Voting in the affirmative, 30:

Avery	Cook	Hansen	Karpisek	Pirsch
Bloomfield	Crawford	Harms	Kintner	Scheer
Bolz	Dubas	Harr, B.	Kolowski	Schumacher
Brasch	Gloor	Howard	McCoy	Sullivan
Carlson	Haar, K.	Janssen	Mello	Wallman
Conrad	Hadley	Johnson	Nelson	Watermeier

Voting in the negative, 0.

Present and not voting, 14:

Adams	Chambers	Krist	Nordquist	Seiler
Ashford	Christensen	Lathrop	Price	Smith
Campbell	Davis	McGill	Schilz	

Excused and not voting, 5:

Coash	Larson	Lautenbaugh	Murante	Wightman
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The appointment was confirmed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1379:

Commission for the Deaf and Hard of Hearing
Michael Brummer
Margaret Propp

Voting in the affirmative, 32:

Avery	Cook	Harr, B.	McCoy	Seiler
Bloomfield	Crawford	Howard	Mello	Sullivan
Bolz	Gloor	Janssen	Nelson	Wallman
Brasch	Haar, K.	Johnson	Pirsch	Watermeier
Campbell	Hadley	Karpisek	Price	
Carlson	Hansen	Kintner	Scheer	
Conrad	Harms	Kolowski	Schumacher	

Voting in the negative, 0.

Present and not voting, 12:

Adams	Christensen	Krist	Nordquist
Ashford	Davis	Lathrop	Schilz
Chambers	Dubas	McGill	Smith

Excused and not voting, 5:

Coash	Larson	Lautenbaugh	Murante	Wightman
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The appointments were confirmed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 907:

Nebraska Environmental Trust Board
 Henry Rick Brandt
 Gerry Lauritzen
 Sherry Vinton

Voting in the affirmative, 30:

Ashford	Carlson	Hansen	Kintner	Price
Avery	Conrad	Harms	Kolowski	Scheer
Bloomfield	Cook	Howard	McCoy	Seiler
Bolz	Crawford	Janssen	Mello	Sullivan
Brasch	Dubas	Johnson	Nelson	Wallman
Campbell	Haar, K.	Karpisek	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 15:

Adams	Davis	Harr, B.	McGill	Schumacher
Chambers	Gloor	Krist	Nordquist	Smith
Christensen	Hadley	Lathrop	Schilz	Watermeier

Excused and not voting, 4:

Coash Larson Lautenbaugh Murante

The appointments were confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1661:

Environmental Quality Council

Michelle Bucklin

Joseph Citta Jr.

Mark Czaplewski

Rodney Gangwish

Robert Hall

Lance Hedquist

Alden Zuhlke

Voting in the affirmative, 31:

Avery	Cook	Howard	Nelson	Sullivan
Bloomfield	Crawford	Janssen	Nordquist	Wallman
Bolz	Dubas	Johnson	Pirsch	Wightman
Brasch	Gloor	Karpisek	Price	
Campbell	Haar, K.	Kintner	Scheer	
Carlson	Hadley	Kolowski	Schumacher	
Conrad	Harms	Mello	Seiler	

Voting in the negative, 0.

Present and not voting, 14:

Adams	Christensen	Harr, B.	McCoy	Smith
Ashford	Davis	Krist	McGill	Watermeier
Chambers	Hansen	Lathrop	Schilz	

Excused and not voting, 4:

Coash Larson Lautenbaugh Murante

The appointments were confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1619:

Motor Vehicle Industry Licensing Board

William Ashburn

Voting in the affirmative, 33:

Adams	Cook	Harms	McCoy	Schumacher
Avery	Crawford	Howard	Mello	Seiler
Bloomfield	Dubas	Janssen	Nelson	Sullivan
Bolz	Gloor	Johnson	Nordquist	Wallman
Brasch	Haar, K.	Karpisek	Pirsch	Wightman
Campbell	Hadley	Kintner	Price	
Conrad	Hansen	Kolowski	Scheer	

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Christensen	Krist	Schilz
Carlson	Davis	Lathrop	Smith
Chambers	Harr, B.	McGill	Watermeier

Excused and not voting, 4:

Coash	Larson	Lautenbaugh	Murante
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The appointment was confirmed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 385. Placed on General File with amendment.
AM1539

1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 43-2,129, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:
5 43-2,129 Sections 43-245 to 43-2,129 and section 2 of
6 this act shall be known and may be cited as the Nebraska Juvenile
7 Code.
8 Sec. 2. When determining the suitability of a foster
9 care placement of a juvenile in a kinship home or relative home
10 as defined in section 71-1901, the Department of Health and Human
11 Services or child-placing agency shall not discriminate on the
12 basis of race, color, religion, sex, sexual orientation, gender
13 identity, disability, marital status, or national origin. Foster
14 care placement decisions shall be made based upon the health,
15 safety, well-being, and best interests of the child, taking into
16 consideration the requirements of the federal Fostering Connections
17 to Success and Increasing Adoptions Act of 2008, 42 U.S.C. 1305 et
18 seq., and the federal Howard M. Metzbaum MultiEthnic Placement
19 Act of 1994, Pub.L. 103-382, as such acts, sections, and law

20 existed on January 1, 2013, and the Nebraska Indian Child Welfare
21 Act.

22 Sec. 3. Section 71-1902, Revised Statutes Cumulative
23 Supplement, 2012, as amended by section 41, Legislative Bill 265,
24 One Hundred Third Legislature, First Session, 2013, is amended to
25 read:

26 71-1902 (1) The department shall adopt and promulgate
27 rules and regulations on requirements for licenses, waivers,
28 variances, and approval of foster family homes taking into
29 consideration the health, safety, well-being, and best interests of
30 the child. An initial assessment of a foster family home shall be
31 completed and shall focus on the safety, protection, and immediate
32 health, educational, developmental, and emotional needs of the
33 child and the willingness and ability of the foster home, relative
34 home, or kinship home to provide a safe, stable, and nurturing
35 environment for a child for whom the department or child-placing
36 agency has assumed responsibility.

37 (2)(a) Except as otherwise provided in this section, no
38 person shall furnish or offer to furnish foster care for one or
39 more children without having in full force and effect a written
40 license issued by the department upon such terms and conditions
41 as may be prescribed by general rules and regulations adopted
42 and promulgated by the department. The terms and conditions for
43 licensure may allow foster family homes to meet licensing standards
44 through variances equivalent to the established standards.

45 (b) The department may issue a time-limited, nonrenewable
46 provisional license to an applicant who is unable to comply
47 with all licensure requirements and standards, is making a good
48 faith effort to comply, and is capable of compliance within the
49 time period stated in the license. The department may issue a
50 time-limited, nonrenewable probationary license to a licensee who
51 agrees to establish compliance with rules and regulations that,
52 when violated, do not present an unreasonable risk to the health,
53 safety, or well-being of the foster children in the care of the
54 applicant.

55 (3) Kinship homes and relative homes are exempt from
56 licensure, however, such homes should make efforts to be licensed
57 if such license will facilitate the permanency plan of the
58 child. The department and child-placing agencies shall, when
59 requested or as part of the child's permanency plan, provide
60 resources for and assistance with licensure, including, but
61 not limited to, information on licensure, waivers for relative
62 homes, kinship-specific and relative-specific foster care training,
63 referral to local service providers and support groups, and funding
64 and resources available to address home safety or other barriers
65 to licensure.

66 (4) Prior to placement in a nonlicensed relative home
67 or kinship home, approval shall be obtained from the department.
68 Requirements for initial approval shall include, but not be limited

19 to, the initial assessment provided for in subsection (1) of this
 20 section, a home visit to assure adequate and safe housing, and a
 21 criminal background check of all adult residents. Final approval
 22 shall include, but not be limited to, requirements as appropriate
 23 under section 71-1903. The department or child-placing agency shall
 24 provide assistance to an approved relative home or kinship home to
 25 support the care, protection, and nurturing of the child. Support
 26 may include, but not be limited to, information on licensure,
 27 waivers, and variances, kinship-specific and relative-specific
 1 foster care training, mental and physical health care, options
 2 for funding for needs of the child, and service providers and
 3 support groups to address the needs of relative and kinship
 4 parents, families, and children.

5 (5) When issuing a license, waiver, variance, or approval
 6 of a kinship home or relative home pursuant to sections 71-1901
 7 to 71-1906.01, the department shall not discriminate on the basis
 8 of race, color, religion, sex, sexual orientation, gender identity,
 9 disability, marital status, or national origin.

10 ~~(5)~~(6) All nonprovisional and nonprobationary licenses
 11 issued under sections 71-1901 to 71-1906.01 shall expire two years
 12 from the date of issuance and shall be subject to renewal under the
 13 same terms and conditions as the original license, except that if
 14 a licensee submits a completed renewal application thirty days or
 15 more before the license's expiration date, the license shall remain
 16 in effect until the department either renews the license or denies
 17 the renewal application. No license issued pursuant to this section
 18 shall be renewed unless the licensee has completed the required
 19 hours of training in foster care in the preceding twelve months as
 20 prescribed by the department. A license may be revoked for cause,
 21 after notice and hearing, in accordance with rules and regulations
 22 adopted and promulgated by the department.

23 Sec. 4. Original section 43-2,129, Revised Statutes
 24 Cumulative Supplement, 2012, and section 71-1902, Revised Statutes
 25 Cumulative Supplement, 2012, as amended by section 41, Legislative
 26 Bill 265, One Hundred Third Legislature, First Session, 2013, are
 27 repealed.

(Signed) Brad Ashford, Chairperson

Natural Resources

LEGISLATIVE RESOLUTION 171. Reported to the Legislature for further consideration.

(Signed) Tom Carlson, Chairperson

RESOLUTIONS**LEGISLATIVE RESOLUTION 377.** Introduced by Larson, 40.

WHEREAS, the Hartington Public School Wildcats boys track and field team won the 2013 Class D Boys State Track and Field Championship with a score of 55 points; and

WHEREAS, team members Alec Fuelberth, Nick Miller, Brandon Mainquist, and Joe Noecker placed first in the Class D Boys 400 Meter Relay with a time of 44.20 seconds; and

WHEREAS, team member Adam Hochstein placed first in the Class D Boys 1600 Meter Run with a time of 4:38.79; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Hartington Public School Wildcats boys track and field team on winning the 2013 Class D Boys State Track and Field Championship and recognizes team members Alec Fuelberth, Nick Miller, Brandon Mainquist, Joe Noecker, and Adam Hochstein for their individual accomplishments.

2. That a copy of this resolution be sent to the Hartington Public School Wildcats boys track and field team and Coach Blair Kalin.

Laid over.

LEGISLATIVE RESOLUTION 378. Introduced by Larson, 40.

WHEREAS, the town of Fordyce, Nebraska, located in Cedar County, is celebrating its 100th anniversary; and

WHEREAS, during the early 1900s when the Chicago, St. Paul, Minneapolis and Omaha Railway was extended from Hartington to Crofton, a German settlement was started around the present town of Fordyce; and

WHEREAS, the founding homesteaders named the town after William F. Fordyce who was a dispatcher with the railroad for over 25 years; and

WHEREAS, the eighty acres on which Fordyce is located were purchased from the Gilman Land Company by Dr. J. M. Tolcott and D. A. Matthews. These two men were granted a charter by the state in 1907 to start the first bank in Fordyce; and

WHEREAS, in the spring of 1908, a delegation from the Fordyce area went to Omaha to secure permission to build a Catholic church. On February 18, 1909, Father Mueller of St. Helena blessed the new St. John the Baptist Catholic Church; and

WHEREAS, a two-room school was built in 1909 and a new parochial school was completed in 1920 and grades first through fifth are currently offered at West Catholic Elementary School; and

WHEREAS, by 1910 the town's businesses included a bank, saloon, hotel, hardware store, grocery store, meat market, clothing store, blacksmith shop, post office, lumberyard, two grain elevators, and a pool hall; and

WHEREAS, the village of Fordyce, originally laid out in 1907, was incorporated as a village on August 4, 1913; and

WHEREAS, Fordyce is a thriving farm community and is home to Fordyce Co-op and Lumber Supply, Menford Electric, T & R Butcher Block, Chuck's Body Shop, Cedar Security Bank, Ruthies Day Care, DelMonico's Saloon, Gause Honey Company, Steven's Auto, Wiebelhaus Trucking, and Wiebelhaus Station; and

WHEREAS, Fordyce will culminate its centennial celebration on June 8, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Fordyce's community spirit and congratulates the community on its 100th anniversary.

2. That a copy of this resolution be sent to the Fordyce Village Board.

Laid over.

LEGISLATIVE RESOLUTION 379. Introduced by Davis, 43.

WHEREAS, Jessica Schwanebeck, daughter of Derek and Lesa Schwanebeck of Ellsworth, Nebraska, and a 2013 graduate of Hyannis High School, has accepted an appointment to the United States Air Force Academy; and

WHEREAS, Jessica participated in volleyball, basketball, and track for four years in high school. She was captain of the volleyball and basketball teams, all-conference first team in volleyball for three years, all-conference honorable mention in basketball for four years, and was a state qualifier in track for two years. As a member of the Hyannis Association of Female Athletes, Jessica was named Hyannis Female Athlete of the Year for the past three years; and

WHEREAS, Jessica's other high school activities included participation in FFA, the Academic Decathlon, and the Quiz Bowl. She was a member of the National Honor Society and Hyannis Student Council, and served as president of the National Honor Society her senior year, as well as vice president of FFA and the student council. She attended the Nebraska State FFA Convention for four years and Nebraska Academic Decathlon for two years. Jessica has also been involved in several volunteer activities such as blood drives, soup suppers, church camps, and distributing presents at a children's home in Fremont, Nebraska; and

WHEREAS, during her senior year, Jessica interviewed with representatives of Congressman Adrian Smith and Senator Mike Johanns to seek nomination to the United States Military Academy (West Point) and the United States Air Force Academy. She was nominated by Congressman Smith and Senator Johanns to both academies; and

WHEREAS, Jessica was accepted at both West Point and the Air Force Academy. She chose the Air Force Academy and is one of approximately 1,200 of the 12,000 applicants to be accepted to the Academy this year. Jessica will begin Basic Cadet Training on June 27, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Jessica Schwanebeck for the exemplary achievement of being nominated and appointed as a cadet to the United States Air Force Academy.

2. That a copy of this resolution be sent to Jessica Schwanebeck and her parents, Derek and Lesa Schwanebeck.

Laid over.

LEGISLATIVE RESOLUTION 380. Introduced by Pirsch, 4.

WHEREAS, Michael Pirnie of Omaha, Nebraska, has been awarded a Fulbright Scholarship; and

WHEREAS, Michael is currently a political science and global studies major at Nebraska Wesleyan University and is also serving as a page with the Legislature; and

WHEREAS, as a recipient of the Fulbright Scholarship, Michael will teach English in Taiwan at an elementary or junior high school during the 2013-14 school year and plans to pursue a career in international education policy; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Michael Pirnie on being awarded a Fulbright Scholarship to teach English in Taiwan.

2. That a copy of this resolution be sent to Michael Pirnie.

Laid over.

LEGISLATIVE RESOLUTION 381. Introduced by Pirsch, 4.

WHEREAS, Bess Streeter Aldrich Elementary School in Omaha, Nebraska, was a recipient of a School Bus Arts Grant from the Nebraska Arts Council; and

WHEREAS, the fifth grade class at Bess Streeter Aldrich Elementary School attended the Omaha Symphony Concerts for Youth at the Holland Center in Omaha to experience an interactive professional performance; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the students at Bess Streeter Aldrich Elementary School on receiving a Nebraska Arts Council School Bus Arts Grant.

2. That a copy of this resolution be sent to Bess Streeter Aldrich Elementary School.

Laid over.

LEGISLATIVE RESOLUTION 382. Introduced by Pirsch, 4.

WHEREAS, Matthew Feilmeier, Christina Fossum, and Hannah Hippen, all of Omaha, Nebraska, were selected to participate in the 2013 Attorney General's Youth Advisory Council; and

WHEREAS, the annual Attorney General's Youth Advisory Council serves to engage the state's young people in the processes of government and law and prepares students for roles as future leaders; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Matthew Feilmeier, Christina Fossum, and Hannah Hippen for being selected for the 2013 Attorney General's Youth Advisory Council and commends them for their participation in the conference.

2. That a copy of this resolution be sent to Matthew Feilmeier, Christina Fossum, and Hannah Hippen.

Laid over.

LEGISLATIVE RESOLUTION 383. Introduced by Pirsch, 4.

WHEREAS, Peter Xu, a student at Millard North High School, earned a perfect score on the ACT college entrance exam; and

WHEREAS, Peter was one of only fifteen high school students statewide to achieve a perfect score on the ACT exam, which tests a student's knowledge of English, mathematics, reading, and science; and

WHEREAS, approximately 1.6 million students in the nation take the ACT each year, and fewer than one student in one thousand earns a perfect score; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Peter Xu on achieving a perfect score on the ACT college entrance exam.
2. That a copy of this resolution be sent to Peter Xu.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Christensen asked unanimous consent to add his name as cointroducer to LB255. No objections. So ordered.

VISITOR

Visitor to the Chamber was Senator Watermeier's wife, Jean Ann, from Syracuse.

RECESS

At 11:39 a.m., on a motion by Senator Cook, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Heidemann presiding.

ROLL CALL

The roll was called and all members were present except Senators Chambers, Howard, and Schilz who were excused; and Senators Coash, Conrad, Janssen, Karpisek, Larson, Lautenbaugh, Murante, and Price who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

June 3, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 225, 634e, and 634Ae were received in my office on May 29, 2013.

These bills were signed and delivered to the Secretary of State on June 3, 2013.

Sincerely,

(Signed) Dave Heineman
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 384. Introduced by Schumacher, 22; Adams, 24; Ashford, 20; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Chambers, 11; Christensen, 44; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; B. Harr, 8; Howard, 9; Johnson, 23; Karpisek, 32; Kolowski, 31; Krist, 10; Lathrop, 12; McGill, 26; Nelson, 6; Nordquist, 7; Pirsch, 4; Scheer, 19; Seiler, 33; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, the Auditor of Public Accounts is a constitutionally created and elected state office; and

WHEREAS, the Auditor of Public Accounts is responsible for assessing the adequacy of financial controls over billions of state and federal dollars spent by state agencies and political subdivisions; and

WHEREAS, it is essential to the people of the State of Nebraska to have the office of the Auditor of Public Accounts adequately funded; and

WHEREAS, the Auditor of Public Accounts' budget for the FY2013-15 biennium was reduced to approximately FY2005 levels as a result of a gubernatorial veto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby acknowledges that the office of the Auditor of Public Accounts will require a deficit appropriation to augment its FY2013-15 budget in a manner consistent with the budget passed by the Legislature on May 20, 2013.

Laid over.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 606. Placed on General File.

LEGISLATIVE BILL 191. Placed on General File with amendment. AM707

- 1 1. On page 3, strike lines 2 through 7 and insert the
- 2 following new subdivision:
- 3 "(d) Located within a district designated pursuant to
- 4 a preservation ordinance or any other ordinance duly adopted
- 5 by a political subdivision of the state providing for the
- 6 rehabilitation, preservation, or restoration of real property of
- 7 historic significance that has been approved by the officer and
- 8 is determined by the officer to be contributing to the historical

9 significance of such district;"; and in line 10 after the first
10 "of" insert "at least".

11 2. On page 4, strike beginning with "(a)" in line 10
12 through line 12 and insert "twenty percent of eligible expenditures
13 up to and including five million dollars.".

14 3. On page 9, line 17, after "person's" insert "income".

15 4. On page 10, line 12, before "The" insert "(1)"; and
16 after line 15 insert the following new subsection:

17 "(2) The Nebraska State Historical Society and the
18 Department of Revenue shall issue a joint report electronically
19 to the Revenue Committee of the Legislature no later than December
20 31, 2020. The report shall include, but is not limited to, (a)
21 the total number of applications submitted under the Nebraska
22 Job Creation and Mainstreet Revitalization Act, (b) the number of
23 applications approved or conditionally approved, (c) the number of
1 applications outstanding, if any, (d) the number of applications
2 denied and the basis for denial, (e) the total amount of eligible
3 expenditures approved, (f) the total amount of credits issued,
4 claimed, and still available for use, (g) the total amount of fees
5 collected, (h) the name and address location of each historically
6 significant real property identified in each application, whether
7 approved or denied, (i) the total amount of credits transferred,
8 sold, and assigned and a certification of the ownership of the
9 credits, (j) the total amount of credits claimed against each tax
10 type by category, and (k) the total amount of credits recaptured,
11 if any.".

(Signed) Galen Hadley, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 351, 352, 353, 354, and 355 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 351, 352, 353, 354, and 355.

MOTION - Return LB255 to Select File

Senator McGill moved to return LB255 to Select File for the following specific amendment:

AM1551

(Amendments to Final Reading copy)

1 1. Insert the following new section:

2 Sec. 9. Section 43-247, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 43-247 The juvenile court shall have exclusive original

5 jurisdiction as to any juvenile defined in subdivision (1) of this
6 section who is under the age of sixteen, as to any juvenile defined
7 in subdivision (3) of this section, and as to the parties and
8 proceedings provided in subdivisions (5), (6), and (8) of this
9 section. As used in this section, all references to the juvenile's
10 age shall be the age at the time the act which occasioned the
11 juvenile court action occurred. The juvenile court shall have
12 concurrent original jurisdiction with the district court as to any
13 juvenile defined in subdivision (2) of this section. The juvenile
14 court shall have concurrent original jurisdiction with the district
15 court and county court as to any juvenile defined in subdivision
16 (1) of this section who is age sixteen or seventeen, any juvenile
17 defined in subdivision (4) of this section, and any proceeding
18 under subdivision (7) or (11) of this section. The juvenile court
19 shall have concurrent original jurisdiction with the county court
20 as to any proceeding under subdivision (9) or (10) of this section.
21 Notwithstanding any disposition entered by the juvenile court
22 under the Nebraska Juvenile Code, the juvenile court's jurisdiction
1 over any individual adjudged to be within the provisions of this
2 section shall continue until the individual reaches the age of
3 majority or the court otherwise discharges the individual from its
4 jurisdiction.

5 The juvenile court in each county as herein provided
6 shall have jurisdiction of:

- 7 (1) Any juvenile who has committed an act other than
8 a traffic offense which would constitute a misdemeanor or an
9 infraction under the laws of this state, or violation of a city or
10 village ordinance;
- 11 (2) Any juvenile who has committed an act which would
12 constitute a felony under the laws of this state;
- 13 (3) Any juvenile (a) who is homeless or destitute, or
14 without proper support through no fault of his or her parent,
15 guardian, or custodian; who is abandoned by his or her parent,
16 guardian, or custodian; who lacks proper parental care by reason of
17 the fault or habits of his or her parent, guardian, or custodian;
18 whose parent, guardian, or custodian neglects or refuses to provide
19 proper or necessary subsistence, education, or other care necessary
20 for the health, morals, or well-being of such juvenile; whose
21 parent, guardian, or custodian is unable to provide or neglects
22 or refuses to provide special care made necessary by the mental
23 condition of the juvenile; or who is in a situation or engages in
24 an occupation, including prostitution, dangerous to life or limb or
25 injurious to the health or morals of such juvenile, (b) who, by
26 reason of being wayward or habitually disobedient, is uncontrolled
27 by his or her parent, guardian, or custodian; who departs himself
1 or herself so as to injure or endanger seriously the morals or
2 health of himself, herself, or others; or who is habitually truant
3 from home or school, or (c) who is mentally ill and dangerous as
4 defined in section 71-908;

- 5 (4) Any juvenile who has committed an act which would
 6 constitute a traffic offense as defined in section 43-245;
 7 (5) The parent, guardian, or custodian of any juvenile
 8 described in this section;
 9 (6) The proceedings for termination of parental rights as
 10 provided in the Nebraska Juvenile Code;
 11 (7) The proceedings for termination of parental rights as
 12 provided in section 42-364;
 13 (8) Any juvenile who has been voluntarily relinquished,
 14 pursuant to section 43-106.01, to the Department of Health and
 15 Human Services or any child placement agency licensed by the
 16 Department of Health and Human Services;
 17 (9) Any juvenile who was a ward of the juvenile court at
 18 the inception of his or her guardianship and whose guardianship has
 19 been disrupted or terminated;
 20 (10) The adoption or guardianship proceedings for a
 21 child over which the juvenile court already has jurisdiction under
 22 another provision of the Nebraska Juvenile Code; and
 23 (11) The paternity or custody determination for a child
 24 over which the juvenile court already has jurisdiction.
 25 Notwithstanding the provisions of the Nebraska Juvenile
 26 Code, the determination of jurisdiction over any Indian child as
 27 defined in section 43-1503 shall be subject to the Nebraska Indian
 1 Child Welfare Act; and the district court shall have exclusive
 2 jurisdiction in proceedings brought pursuant to section 71-510.
 3 2. On page 1, line 2; and page 32, line 4, strike "and
 4 28-831" and insert "28-831, and 43-247".
 5 3. Renumber the remaining sections accordingly.

The McGill motion to return prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 255. The McGill specific amendment, AM1551, found in this day's Journal, was adopted with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

EASE

The Legislature was at ease from 1:48 p.m. until 2:06 p.m.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 255. Placed on Final Reading Second.

(Signed) John Murante, Chairperson

VISITOR

The Doctor of the Day was Dr. Jayashree Paknikar from Omaha.

ADJOURNMENT

At 2:07 p.m., on a motion by Senator Avery, the Legislature adjourned until 10:00 a.m., Tuesday, June 4, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-NINTH DAY - JUNE 4, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****EIGHTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, June 4, 2013

PRAYER

The prayer was offered by Senator Nelson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Adams presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

Page 1722, line 7, after "289" insert "342" and line 8, after "443" insert "504".
The Journal for the eighty-eighth day was approved as corrected.

MESSAGE FROM THE GOVERNOR

June 4, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 93, 93A, 97, 211e, 211Ae, 269e, 269Ae, 298e, 326, 331e, 363, 363A, 366e, 366Ae, 429, 429A, 479, 483, 483A, 507e, 507Ae, 517e, 517Ae, 530e, 530A, 556, 556A, 579, 579A, 583, and 583A were received in my office on May 29, 2013.

Engrossed Legislative Bills 34 and 545 were received in my office on May 30, 2013.

These bills were signed and delivered to the Secretary of State on June 4, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 90.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to sales and use taxes on the furnishing of electricity service; 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, 41:

Adams	Christensen	Hansen	Lathrop	Schumacher
Ashford	Conrad	Harms	McCoy	Seiler
Avery	Cook	Harr, B.	McGill	Sullivan
Bloomfield	Crawford	Howard	Mello	Wallman
Bolz	Davis	Johnson	Nelson	Wightman
Brasch	Dubas	Karpisek	Nordquist	
Campbell	Gloor	Kintner	Pirsch	
Carlson	Haar, K.	Kolowski	Price	
Chambers	Hadley	Krist	Scheer	

Voting in the negative, 7:

Coash	Larson	Murante	Smith
Janssen	Lautenbaugh	Schilz	

Present and not voting, 1:

Watermeier

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 224.

A BILL FOR AN ACT relating to state contracts; to require a preference for awarding state contracts to resident disabled veterans and certain businesses as prescribed.

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, 49:

Adams	Coash	Harms	Lathrop	Scheer
Ashford	Conrad	Harr, B.	Lautenbaugh	Schilz
Avery	Cook	Howard	McCoy	Schumacher
Bloomfield	Crawford	Janssen	McGill	Seiler
Bolz	Davis	Johnson	Mello	Smith
Brasch	Dubas	Karpisek	Murante	Sullivan
Campbell	Gloor	Kintner	Nelson	Wallman
Carlson	Haar, K.	Kolowski	Nordquist	Watermeier
Chambers	Hadley	Krist	Pirsch	Wightman
Christensen	Hansen	Larson	Price	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 568. With Emergency Clause.

A BILL FOR AN ACT relating to insurance; to adopt the Health Insurance Exchange Navigator Registration Act; to provide severability; 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, 49:

Adams	Coash	Harms	Lathrop	Scheer
Ashford	Conrad	Harr, B.	Lautenbaugh	Schilz
Avery	Cook	Howard	McCoy	Schumacher
Bloomfield	Crawford	Janssen	McGill	Seiler
Bolz	Davis	Johnson	Mello	Smith
Brasch	Dubas	Karpisek	Murante	Sullivan
Campbell	Gloor	Kintner	Nelson	Wallman
Carlson	Haar, K.	Kolowski	Nordquist	Watermeier
Chambers	Hadley	Krist	Pirsch	Wightman
Christensen	Hansen	Larson	Price	

Voting in the negative, 0.

Not voting, 0.

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 568A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 568, One Hundred Third Legislature, First Session, 2013; 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, 49:

Adams	Coash	Harms	Lathrop	Scheer
Ashford	Conrad	Harr, B.	Lautenbaugh	Schilz
Avery	Cook	Howard	McCoy	Schumacher
Bloomfield	Crawford	Janssen	McGill	Seiler
Bolz	Davis	Johnson	Mello	Smith
Brasch	Dubas	Karpisek	Murante	Sullivan
Campbell	Gloor	Kintner	Nelson	Wallman
Carlson	Haar, K.	Kolowski	Nordquist	Watermeier
Chambers	Hadley	Krist	Pirsch	Wightman
Christensen	Hansen	Larson	Price	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 90, 224, 568, and 568A.

RESOLUTION

LEGISLATIVE RESOLUTION 171. Read. Considered.

SENATOR KRIST PRESIDING

SPEAKER ADAMS PRESIDING

Senator Chambers requested a record vote on the adoption of the resolution.

Voting in the affirmative, 46:

Adams	Coash	Howard	McCoy	Schumacher
Ashford	Conrad	Janssen	McGill	Seiler
Avery	Cook	Johnson	Mello	Smith
Bloomfield	Crawford	Karpisek	Murante	Sullivan
Bolz	Dubas	Kintner	Nelson	Wallman
Brasch	Gloor	Kolowski	Nordquist	Wightman
Campbell	Haar, K.	Krist	Pirsch	
Carlson	Hadley	Larson	Price	
Chambers	Hansen	Lathrop	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 2:

Davis Harr, B.

Excused and not voting, 1:

Watermeier

LR171 was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR171.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 356, 357, and 358 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 356, 357, and 358.

EASE

The Legislature was at ease from 10:46 a.m. until 10:58 a.m.

SENATOR GLOOR PRESIDING

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 4, 2013, at 10:31 a.m. were the following: LBs 90, 224, 568e, and 568Ae.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 385. Introduced by Hansen, 42; Schilz, 47.

WHEREAS, Nebraska's beef industry has long provided a foundation for the state's economy and culture; and

WHEREAS, the Nebraska Stock Growers Association originated 125 years ago to provide vision in representing ranchers' interests for the strength of their families and beef production; and

WHEREAS, the Nebraska Livestock Feeders Association and the Nebraska Feedlot Council merged with the Nebraska Stock Growers Association in 1988 to form the Nebraska Cattlemen as a strong and powerful voice working for the betterment of Nebraska policy creation at all levels; and

WHEREAS, Nebraska's cow-calf and cattle feeding businesses help Nebraska to rank in the top three states nationally in virtually all beef categories of production annually and provide employment and tax revenue which support state and local programs; and

WHEREAS, beef producers share common goals as members of the Nebraska Cattlemen with the primary focus to make Nebraska the beef epicenter; and

WHEREAS, the Nebraska Cattlemen is a strong and well-respected association that nurtures profitability for Nebraska beef producers and provides leadership to the cattle industry in Nebraska, across the United States, and around the world.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the importance of Nebraska's beef cattle industry and thanks the Nebraska Cattlemen for their leadership.

2. That a copy of this resolution be sent to Michael Kelsey, executive director of the Nebraska Cattlemen.

Laid over.

LEGISLATIVE RESOLUTION 386. Introduced by Davis, 43; Avery, 28; Bloomfield, 17; Christensen, 44; Coash, 27; Conrad, 46; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Johnson, 23; Kintner, 2; Mello, 5; Nordquist, 7; Price, 3; Scheer, 19; Schumacher, 22; Seiler, 33; Smith, 14; Wallman, 30; Wightman, 36.

WHEREAS, Cody, Nebraska, is located in Cherry County which, at 6,048 square miles, is the largest of Nebraska's counties and one of the largest counties in the nation; and

WHEREAS, Cody had been without a grocery store for over 14 years, and since before 1999 residents of Cody have changed time zones and traveled 38 miles one way to buy groceries; and

WHEREAS, because parents moved their children to schools in the towns where they could do their grocery shopping, the Cody-Kilgore Unified Schools system saw declining enrollment; and

WHEREAS, the Cody grocery store project was based on an idea generated by teachers Stacey Adamson and Tracee Ford, and supported by the residents of Cody, the school board, and the village board, and assisted by a Rural Economic Development Grant and stimulus funds from the United States Department of Agriculture, the Nebraska Game and Parks Commission, the University of Nebraska at Kearney Students in Free Enterprise team, the Catholic Campaign for Human Development, the Sherwood Foundation, Scotty's Ranchland Foods in Valentine, and many others; and

WHEREAS, the Circle C Market was started in 2009, the new straw bale building was completed in the fall of 2012, and the grand opening was held during Memorial Day weekend in 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations to the residents and elected officials of Cody, Nebraska, and the students, staff, and administration of the Cody-Kilgore Unified Schools, the Cowboy G.R.I.T. Student Steering Committee, and teachers Stacey Adamson and Tracee Ford for envisioning and developing the Circle C Market.

2. That a copy of this resolution be sent to the Cody Village Board of Trustees and to Cody-Kilgore Unified Schools Superintendent and Principal Todd Chessmore.

Laid over.

VISITORS

Visitors to the Chamber were 38 fourth-grade students and teachers from Wilson Focus School, Omaha.

ADJOURNMENT

At 11:00 a.m., on a motion by Senator Ashford, the Legislature adjourned until 10:00 a.m., Wednesday, June 5, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

NINETIETH DAY - JUNE 5, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
NINETIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, June 5, 2013

PRAYER

The prayer was offered by Senator Harms.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senator Schilz who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-ninth day was approved.

MESSAGES FROM THE GOVERNOR

June 4, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 23 and 23A were received in my office on May 29, 2013.

These bills were signed and delivered to the Secretary of State on June 4, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

June 4, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 104e, 216e, 216A, 306e, 306Ae, 368, and 368A were received in my office on May 29, 2013.

These bills were signed and delivered to the Secretary of State on June 4, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

June 5, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 90, 224, 568e, and 568Ae were received in my office on June 4, 2013.

These bills were signed and delivered to the Secretary of State on June 5, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

COMMITTEE REPORT

Transportation and Telecommunications

LEGISLATIVE BILL 383. Placed on General File with amendment. AM1169 is available in the Bill Room.

(Signed) Annette Dubas, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 387. Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Crawford, 45; Howard, 9; Krist, 10; Watermeier, 1.

PURPOSE: The purpose of this resolution is to examine how Nebraska is utilizing Temporary Assistance for Needy Families (TANF) funds. The study should focus on, but not be limited to, gathering information on utilization, transfer, and availability of TANF block grant funds. The study should also include a breakdown of funding utilization by use including, but not limited to, basic assistance, administration, work-related activities, child care, tax credits, pregnancy prevention, and other non-assistance as well as specific uses within those categories.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 388. Introduced by Kolowski, 31.

WHEREAS, Jeff Slobotski launched his Omaha-based blog, Silicon Prairie News, in 2008 at age 30 to highlight Midwestern innovation. Silicon Prairie News soon morphed into a full news site covering the Midwest tech scene and is dedicated to connecting, engaging, and supporting entrepreneurs, creators, and investors; and

WHEREAS, while traveling across America as a sales rep for Truist, a social responsibility-powering tech company, Jeff regularly visited the country's startup hubs. Intrigued by his experiences, Jeff began chronicling his travels on a personal blog. Impressed by the burgeoning startup scene in Omaha and the Midwest, Jeff was inspired to create a new site to exclusively cover startups in Omaha and the Midwest and Silicon Prairie News was born; and

WHEREAS, initially the site published just a few stories each week, usually short profiles of Omaha-based companies. Five years later Jeff has built the site into a robust platform with constantly updated content, developed a webcast, hired a team of eight full-time employees, and opened additional offices in Des Moines and Kansas City; and

WHEREAS, following his online success, in 2009 Jeff launched the Big Omaha conference which brings together more than 700 entrepreneurs from more than 30 states as well as a handful of countries around the globe each year to share their knowledge and push ideas forward; and

WHEREAS, Jeff was named one of Omaha's Ten Outstanding Young Omahans by the Omaha Jaycees and was recently highlighted as one of the "Up and Comers" in Forbes Magazine. Jeff also received the Midlands Business Journal's "Forty Under 40" award, and is a member of the Young Entrepreneur Council; and

WHEREAS, Jeff is heavily involved as a volunteer in community organizations, including Packs of Promise, a nonprofit group he founded to assist Omaha's homeless during the winter. Jeff also serves on the Greater Omaha Chamber of Commerce Board of Directors and is a member of the World Economic Forum's Global Shapers; and

WHEREAS, Jeff is a 1996 graduate of Millard West High School and one of the first class of students enrolled under the leadership of Principal Dr. Rick Kolowski. Jeff looks back on his high school experience as a pivotal part of shaping him into who he is today and giving him the opportunity to think and dream bigger; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend in great measure upon the dedication of people like Jeff Slobotski who use their considerable innovation, heart, and resources to push the state and nation forward.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Jeff Slobotski as an outstanding leader and innovator dedicated to championing the amazing talent that exists in Nebraska.

2. That a copy of this resolution be sent to Jeff and Molly Slobotski and their family.

Laid over.

LEGISLATIVE RESOLUTION 389. Introduced by Revenue Committee: Hadley, 37, Chairperson; Janssen, 15; Pirsch, 4; Schumacher, 22; Sullivan, 41.

PURPOSE: The purpose of this resolution is to study local use of taxing powers, including occupation tax and other forms of taxation, and to examine the fiscal relationship between state and local governments. This study shall include, but not be limited to, an analysis of options for changing these taxing powers and fiscal relationships.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

2013 Resolution calling for an Interim Study

LR387	Interim study to examine how Nebraska is utilizing Temporary Assistance for Needy Families (TANF) funds	Health and Human Services
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(Signed) John Wightman, Chairperson
Executive Board

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>

EXECUTIVE BOARD REPORT

Senator Wightman, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

LB517 Water Funding Task Force

Senator Christensen
Senator Davis
Senator Kolowski
Senator Schilz
Senator Watermeier

LR155 Tax Modernization Committee

Senator Bolz
Senator Nordquist

(Signed) John Wightman, Chairperson
Legislative Council, Executive Board

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB255 with 40 ayes, 5 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 255.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-801, 28-801.01, 28-804, 28-830, 28-831, and 43-247, Reissue Revised Statutes of Nebraska, and sections 28-707, 28-802, 28-1354, 43-248, 43-250, and 81-1430, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to child abuse; to change provisions and penalties relating to prostitution, solicitation of prostitution, pandering, and keeping a place of prostitution; to provide an affirmative defense to prosecution for prostitution for certain trafficking victims; to provide an affirmative defense to prosecution for solicitation of prostitution for certain trafficking victims; to provide immunity from prosecution for prostitution for persons under eighteen years of age; to define and redefine terms and change penalty provisions relating to human trafficking offenses; to provide for temporary custody and disposition of juveniles committing prostitution; to provide duties for the human trafficking task force; to harmonize provisions; to provide an operative date; to provide severability; 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	Lathrop	Schumacher
Ashford	Conrad	Harr, B.	McCoy	Seiler
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	Mello	Sullivan
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Kolowski	Pirsch	
Chambers	Hadley	Krist	Price	
Christensen	Hansen	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 1:

Schilz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB613 to Select File

Senator Chambers moved to return LB613 to Select File for the following specific amendment:

FA158

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 613. With Emergency Clause.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-406 and 50-407, Reissue Revised Statutes of Nebraska; to change powers of the Legislative Council and committees of the Legislature; to provide for litigation and appeals; to change provisions relating to court jurisdiction; 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	Lathrop	Schumacher
Ashford	Conrad	Harr, B.	McCoy	Seiler
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	Mello	Sullivan
Bolz	Davis	Johnson	Murante	Wallman
Brasch	Dubas	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Kolowski	Pirsch	
Chambers	Hadley	Krist	Price	
Christensen	Hansen	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 1:

Schilz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 255 and 613.

RESOLUTIONS

LEGISLATIVE RESOLUTION 350. Read. Considered.

LEGISLATIVE RESOLUTION 359. Read. Considered.

LEGISLATIVE RESOLUTION 370. Read. Considered.

LEGISLATIVE RESOLUTION 371. Read. Considered.

LEGISLATIVE RESOLUTION 372. Read. Considered.

LEGISLATIVE RESOLUTION 373. Read. Considered.

LEGISLATIVE RESOLUTION 374. Read. Considered.

LEGISLATIVE RESOLUTION 375. Read. Considered.

LEGISLATIVE RESOLUTION 376. Read. Considered.

LEGISLATIVE RESOLUTION 377. Read. Considered.

LEGISLATIVE RESOLUTION 378. Read. Considered.

LEGISLATIVE RESOLUTION 379. Read. Considered.

LEGISLATIVE RESOLUTION 380. Read. Considered.

LEGISLATIVE RESOLUTION 381. Read. Considered.

LEGISLATIVE RESOLUTION 382. Read. Considered.

LEGISLATIVE RESOLUTION 383. Read. Considered.

LEGISLATIVE RESOLUTION 385. Read. Considered.

LEGISLATIVE RESOLUTION 386. Read. Considered.

LRs 350, 359, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 385, and 386 were adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

MOTION - Suspend Rules

Senator Kolowski offered the following motion to LR388:

MO104

Suspend the rules, Rule 4, Sec. 6, to permit consideration of LR388.

The Kolowski motion to suspend the rules prevailed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 388. Read. Considered.

LR388 was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 360, 361, 362, 363, 364, 365, 366, 367, and 368 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 360, 361, 362, 363, 364, 365, 366, 367, 368, 350, 359, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 385, 386, and 388.

COMMITTEE REPORT

Business and Labor

LEGISLATIVE BILL 373. Placed on General File with amendment.
AM1550

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 45-1201, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 45-1201 Sections 45-1201 to 45-1210 and section 5 of this
- 6 act shall be known and may be cited as the Nebraska Construction
- 7 Prompt Pay Act.
- 8 Sec. 2. Section 45-1202, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 45-1202 For purposes of the Nebraska Construction Prompt
- 11 Pay Act:
- 12 (1) Contractor includes individuals, firms, partnerships,
- 13 limited liability companies, corporations, or other associations of
- 14 persons engaged in the business of the construction, alteration,
- 15 repairing, dismantling, or demolition of buildings, roads, bridges,

16 viaducts, sewers, water and gas mains, streets, disposal plants,
 17 water filters, tanks and towers, airports, dams, levees and canals,
 18 water wells, pipelines, transmission and power lines, and every
 19 other type of structure, project, development, or improvement
 20 coming within the definition of real property and personal
 21 property, including such construction, repairing, or alteration
 22 of such property to be held either for sale or rental. Contractor
 23 also includes any subcontractor engaged in the business of such
 1 activities and any person who is providing or arranging for labor
 2 for such activities, either as an employee or as an independent
 3 contractor, for any contractor or person;

4 (2) Owner means a person (a) who has an interest in any
 5 real property improved, (b) for whom an improvement is made, or
 6 (c) who contracted for an improvement to be made. Owner includes
 7 a person, an entity, or any political subdivision of this state.
 8 Owner does not include the State of Nebraska;

9 (3) Owner's representative means an architect, an
 10 engineer, or a construction manager in charge of a project for
 11 the owner or such other contract representative or officer as
 12 designated in the contract document as the party representing the
 13 owner's interest regarding administration and oversight of the
 14 project;

15 (4) Real property means real estate that is improved,
 16 including private and public land, and leaseholds, tenements, and
 17 improvements placed on the real property;

18 (5) Receipt means actual receipt of cash or funds by the
 19 contractor or subcontractor; ~~and~~

20 (6) Subcontractor means a person or an entity that has
 21 contracted to furnish labor or materials to, or performed labor or
 22 supplied materials for, a contractor or another subcontractor in
 23 connection with a contract to improve real property. Subcontractor
 24 includes materialmen and suppliers; ~~and-~~

25 (7) Substantially complete means the stage of a
 26 construction project when the project, or a designated portion
 27 thereof, is sufficiently complete in accordance with the contract
 1 so that the owner can occupy or utilize the project for its
 2 intended use.

3 Sec. 3. Section 45-1203, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 45-1203 (1) When a contractor has performed work in
 6 accordance with the provisions of a contract with an owner, the
 7 owner shall pay the contractor within thirty days after receipt by
 8 the owner or the owner's representative of a payment request made
 9 pursuant to the contract.

10 (2) When a subcontractor has performed work in accordance
 11 with the provisions of a subcontract and all conditions precedent
 12 to payment contained in the subcontract have been satisfied, the
 13 contractor shall pay the subcontractor and the subcontractor shall
 14 pay his, her, or its subcontractor, within ten days after receipt

15 by the contractor or subcontractor of each periodic or final
 16 payment, the full amount received for the subcontractor's work
 17 and materials based on work completed or service provided under
 18 the subcontract for which the subcontractor has properly requested
 19 payment, if the subcontractor provides or has provided satisfactory
 20 and reasonable assurances of continued performance and financial
 21 responsibility to complete the work.

22 (3) The owner or the owner's representative shall release
 23 and pay all retainage for work completed in accordance with
 24 the provisions of the contract within forty-five days after
 25 the project, or a designated portion thereof, is substantially
 26 complete. When a subcontractor has performed work in accordance
 27 with the provisions of a subcontract and all conditions precedent
 1 to payment contained in the subcontract have been satisfied, the
 2 contractor shall pay all retainage due such subcontractor within
 3 ten days after receipt of the retainage.

4 Sec. 4. Section 45-1204, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 45-1204 When work has been performed pursuant to a
 7 contract, a party may only withhold payment:

8 ~~(4) For retainage, in an amount not to exceed the~~
 9 ~~amount specified in the contract, if applicable, until the work is~~
 10 ~~substantially complete;~~

11 (1) For retainage by any owner, contractor, or
 12 subcontractor, in an amount not to exceed the amount specified
 13 in the applicable contract, which shall not exceed a rate of ten
 14 percent. If the scope of work for the contractor or subcontractor
 15 from which retainage is withheld is fifty percent complete and if
 16 the contractor or subcontractor has performed work in accordance
 17 with the provisions in the applicable contract, no more than
 18 five percent of any additional progress payment may be withheld
 19 as retainage if the contractor or subcontractor provides or
 20 has provided satisfactory and reasonable assurances of continued
 21 performance and financial responsibility to complete the work;

22 (2) Of a reasonable amount, to the extent that such
 23 withholding is allowed in the contract, for any of the following
 24 reasons:

25 (a) Reasonable evidence showing that the contractual
 26 completion date will not be met due to unsatisfactory job progress;

27 (b) Third-party claims filed or reasonable evidence that
 1 such a claim will be filed with respect to work under the contract;
 2 or

3 (c) Failure of the contractor to make timely payments for
 4 labor, equipment, subcontractors, or materials; or

5 (3) After substantial completion, in an amount not to
 6 exceed one hundred twenty-five percent of the estimated cost to
 7 complete the work remaining on the contract.

8 Sec. 5. Any individual, partnership, firm, limited
 9 liability company, corporation, or company may bring an action to

10 recover any damages caused to such person or entity by a violation
11 of the Nebraska Construction Prompt Pay Act. In addition to an
12 award of damages, the court may award a plaintiff reasonable
13 attorney's fees and costs as the court determines is appropriate.

14 Sec. 6. Original sections 45-1201, 45-1202, 45-1203, and
15 45-1204, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Steve Lathrop, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 5, 2013, at 10:40 a.m. were the following: LBs 255 and 613e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducer

Senator McCoy asked unanimous consent to add his name as cointroducer to LB382. No objections. So ordered.

VISITORS

Visitors to the Chamber were Kendra Nebel from Ceresco and Melissa Davis from Raymond.

RECESS

At 10:57 a.m., on a motion by Speaker Adams, the Legislature recessed until 2:30 p.m.

AFTER RECESS

The Legislature reconvened at 2:30 p.m., President Heidemann presiding.

ROLL CALL

The roll was called and all members were present except Senators Chambers, Conrad, Janssen, and Larson who were excused.

MESSAGE FROM THE GOVERNOR

June 5, 2013

Patrick J. O'Donnell
 Clerk of the Legislature
 State Capitol, Room 2018
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 255 and 613e were received, signed, and delivered to the Secretary of State earlier today.

Sincerely,
 (Signed) Dave Heineman
 Governor

MOTION - Notify Governor

Senator Campbell moved that a committee of five be appointed to notify the Governor that the One Hundred Third Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Brasch, Hansen, Murante, Schilz, and Sullivan to serve on said committee.

The committee returned and escorted Governor Dave Heineman to the rostrum where he delivered a message to the members.

The committee escorted Governor Dave Heineman from the Chamber.

REFERENCE COMMITTEE REPORT

2013 Resolution calling for an Interim Study

LR389	Interim study to examine the local use of taxing powers, including occupation tax and other forms of taxation, and to examine the fiscal relationship between state and local governments	Revenue
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(Signed) John Wightman, Chairperson
 Executive Board

UNANIMOUS CONSENT - Suspend Rules

Senator Adams asked unanimous consent on the adoption of his motion, found on page 1722 and corrected on page 1741, to suspend Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 98, 229, 231, 232, 232A, 233, 289, 342, 343, 417, 443, 504, 544, and 625.

No objections. So ordered.

MOTION - Journal, Session Laws, and Indexes

Senator Hadley moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the permanent Journal and Session Laws.

The motion prevailed.

VISITORS

Visitor to the Chamber was Senator Nordquist's wife, Shannon, from Omaha.

The Doctor of the Day was Dr. Pat Hotovy from York.

MOTION - Adjourn Sine Die

Senator Adams moved that the Journal for the Ninetieth Day, as prepared by the Clerk of the Legislature, be approved and that the One Hundred Third Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 3:02 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature