

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

