

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

