

**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

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