

**SEVENTY-FOURTH DAY - MAY 9, 2013****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION****SEVENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 9, 2013

**PRAYER**

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Campbell, Conrad, Davis, B. Harr, Lautenbaugh, Murante, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 113, line 37, strike "Andy Pollock" and insert "Pollock, Andy" then move lines 37 through 45 after line 41 on page 127.

Page 115, after line 45, insert the following:

"Courtney, Robert M.

AARP"

Page 118, strike line 41.

The Journal for the fourth day was approved as corrected.

Page 200, after line 32, insert the following:

"Freeman, Jessica

Nebraska Friends of Midwives"

Page 201, after line 15, insert the following:

"Sherman, Becky

Nebraska Friends of Midwives"

The Journal for the eighth day was approved as corrected.

Page 492, after line 35, insert the following:

"Bredenkamp, Troy

Nebraska Rural Electric Association

Bromm, Curt/Bromm & Associates

Nebraska Medical Center"

The Journal for the thirtieth day was approved as corrected.

Page 564, after line 14, insert "UNO Chapter of the AAUP"  
The Journal for the thirty-fifth day was approved as corrected.

Page 649, after line 3, insert the following:

"Pappas, James E.

Independent Cattlemen of Nebraska (ICON)"

The Journal for the thirty-ninth day was approved as corrected.

Page 1148, line 6, strike "Natalie Peetz" and insert "Peetz, Natalie" then  
move lines 6 and 7 after line 9.

The Journal for the sixty-seventh day was approved as corrected.

Page 1281, line 32, strike "refilled" and insert "refiled".

The Journal for the seventy-third day was approved as corrected.

### GENERAL FILE

**LEGISLATIVE BILL 195.** Senator Schilz renewed his amendment,  
AM1259, found on page 1283, to the committee amendment.

### SENATOR COASH PRESIDING

### SENATOR GLOOR PRESIDING

Senator Wallman moved the previous question. The question is, "Shall the  
debate now close?"

Senator Wallman moved for a call of the house. The motion prevailed with  
28 ayes, 0 nays, and 21 not voting.

Senator Wallman requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

|             |          |          |            |          |
|-------------|----------|----------|------------|----------|
| Adams       | Conrad   | Hansen   | Larson     | Smith    |
| Ashford     | Cook     | Harms    | Lathrop    | Sullivan |
| Avery       | Crawford | Howard   | McGill     | Wallman  |
| Bolz        | Dubas    | Johnson  | Mello      | Wightman |
| Campbell    | Gloor    | Karpisek | Nordquist  |          |
| Christensen | Haar, K. | Kolowski | Schumacher |          |
| Coash       | Hadley   | Krist    | Seiler     |          |

Voting in the negative, 15:

|            |          |             |         |            |
|------------|----------|-------------|---------|------------|
| Bloomfield | Chambers | Kintner     | Murante | Scheer     |
| Brasch     | Davis    | Lautenbaugh | Nelson  | Schilz     |
| Carlson    | Janssen  | McCoy       | Pirsch  | Watermeier |

Excused and not voting, 2:

Harr, B.            Price

The motion to cease debate prevailed with 32 ayes, 15 nays, and 2 excused and not voting.

Senator Schilz requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 14:

|             |         |             |         |            |
|-------------|---------|-------------|---------|------------|
| Bloomfield  | Hansen  | Larson      | Murante | Smith      |
| Brasch      | Janssen | Lautenbaugh | Pirsch  | Watermeier |
| Christensen | Kintner | McCoy       | Schilz  |            |

Voting in the negative, 15:

|          |          |          |            |          |
|----------|----------|----------|------------|----------|
| Adams    | Chambers | Haar, K. | Scheer     | Sullivan |
| Ashford  | Conrad   | Johnson  | Schumacher | Wallman  |
| Campbell | Cook     | Karpisek | Seiler     | Wightman |

Present and not voting, 18:

|         |          |          |         |           |
|---------|----------|----------|---------|-----------|
| Avery   | Crawford | Hadley   | Krist   | Nelson    |
| Bolz    | Davis    | Harms    | Lathrop | Nordquist |
| Carlson | Dubas    | Howard   | McGill  |           |
| Coash   | Gloor    | Kolowski | Mello   |           |

Excused and not voting, 2:

Harr, B.            Price

The Schilz amendment lost with 14 ayes, 15 nays, 18 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 175.** Introduced by Sullivan, 41; Coash, 27; Karpisek, 32.

**PURPOSE:** The purpose of this resolution is to study the craft brewery industry in Nebraska to develop potential tax policy and statutory law to encourage growth of the craft beer industry in the state. This study shall include, but not be limited to, an examination of the following issues:

- (1) Self-distribution as a method of providing access to market, increasing consumer choice, and improving viability of new brewery startups;
- (2) Comparability and equity of the Nebraska excise tax on craft beer;
- (3) Establishment of a craft beer checkoff program to support and promote Nebraska craft breweries;
- (4) Truth in product labeling; and
- (5) Development of Nebraska-grown ingredients including hops for Nebraska breweries.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **NOTICE OF COMMITTEE HEARING**

Natural Resources

Room 1525

Monday, May 20, 2013 9:00 a.m.

LR171

(Signed) Tom Carlson, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 195.** Senator Lautenbaugh offered his amendment, AM1195, found on page 1284, to the committee amendment.

Pending.

### **AMENDMENT - Print in Journal**

Senator Mello filed the following amendment to LB97:  
AM1326

(Amendments to E & R amendments, ER55)

1. On page 15, line 3, strike "previously".

### **VISITORS**

Visitors to the Chamber were 72 fourth-grade students and teachers from Gates Elementary, Grand Island; 64 fourth-grade students and teachers from

Lost Creek Elementary, Columbus; Bob Gunia from Omaha; 44 fourth-grade students and teachers from Tekamah-Herman School, Tekamah; and 49 fourth-grade students and teachers from Montclair Elementary, Omaha.

### **RECESS**

At 12:01 p.m., on a motion by Senator Harms, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Adams presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Christensen, Cook, Davis, B. Harr, Price, and Watermeier who were excused until they arrive.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 161, 162, 163, 164, 168, and 169 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 161, 162, 163, 164, 168, and 169.

### **GENERAL FILE**

**LEGISLATIVE BILL 195.** The Lautenbaugh amendment, AM1195, found on page 1284 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?"

Senator Wallman moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Wallman requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 34:

|          |          |          |           |            |
|----------|----------|----------|-----------|------------|
| Adams    | Conrad   | Hansen   | Lathrop   | Schumacher |
| Ashford  | Crawford | Harms    | McGill    | Seiler     |
| Avery    | Davis    | Howard   | Mello     | Smith      |
| Bolz     | Dubas    | Johnson  | Nordquist | Sullivan   |
| Brasch   | Gloor    | Karpisek | Price     | Wallman    |
| Campbell | Haar, K. | Kolowski | Scheer    | Wightman   |
| Coash    | Hadley   | Krist    | Schilz    |            |

Voting in the negative, 13:

|            |             |             |         |            |
|------------|-------------|-------------|---------|------------|
| Bloomfield | Christensen | Larson      | Murante | Watermeier |
| Carlson    | Janssen     | Lautenbaugh | Nelson  |            |
| Chambers   | Kintner     | McCoy       | Pirsch  |            |

Excused and not voting, 2:

Cook                      Harr, B.

The motion to cease debate prevailed with 34 ayes, 13 nays, and 2 excused and not voting.

The Lautenbaugh amendment lost with 18 ayes, 25 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

### AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB402:  
AM1237

(Amendments to Standing Committee amendments, AM684)

1. On page 5, line 22, strike "facility", show as
- 2 stricken, and insert "C-BED project".

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 176.** Introduced by Seiler, 33.

WHEREAS, Alcott Elementary School in Hastings, Nebraska, was selected as a National Model Professional Learning Community School by All Things PLC; and

WHEREAS, Alcott Elementary School joins only 160 other schools nationwide and one other school in Nebraska as a recipient of this honor; and

WHEREAS, despite challenging demographics, Alcott Elementary School now outperforms the average school in Nebraska in both math and reading,

having increased math proficiency from 51% in 2009-10 to 74% in 2011-12 and reading proficiency from 55% to 81% during that same period; and

WHEREAS, all other measures of student achievement indicate that this significant upward trend is continuing at Alcott Elementary School; and

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

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

1. That the Legislature congratulates the students and teachers at Alcott Elementary School for gaining prestigious recognition as a National Model Professional Learning Community School.

2. That a copy of this resolution be sent to Principal Lawrence Tunks at Alcott Elementary School.

Laid over.

**LEGISLATIVE RESOLUTION 177.** Introduced by Hadley, 37; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Conrad, 46; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hansen, 42; Harms, 48; Howard, 9; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Murante, 49; Nelson, 6; Nordquist, 7; Pirsch, 4; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, on April 17, 2013, an explosion at a fertilizer plant in the town of West, Texas, population 2,800, leveled part of the town. Most of the victims were first responders from fire departments in West and other nearby towns who were on the scene trying to control the fire that preceded the blast; and

WHEREAS, like all states throughout the nation, Texas relies heavily on volunteer firefighters to respond when the call goes out summoning volunteers to drop everything they are doing and, in an instant, leave their ordinary lives and become extraordinary people; and

WHEREAS, Texas has 1,435 registered fire departments, of which 85% are mostly or entirely volunteer, including the town of West; and

WHEREAS, the fourteen victims who died in the blast included a grandmother, a town secretary, a fire truck builder, a town festival organizer, a Superman fan, fishing enthusiasts, hunters, fathers, men preparing to become emergency medical technicians, and devoted church and local organization members; and

WHEREAS, volunteer firefighters and first responders are people who are tough and selfless enough to put in a full day's work and then be ready for more; and

WHEREAS, the firefighters killed in the West, Texas, blast were:

KEVIN W. SANDERS, age 33, who was a husband, father, teacher, Superman fan, and volunteer firefighter with the Bruceville-Eddy Volunteer

Fire Department near West and was taking an EMT class in West when the plant caught fire;

MORRIS BRIDGES, JR., age 41, who was a husband, father, motorcyclist, and volunteer firefighter for three years on the West Volunteer Fire Department;

JOEY PUSTEJOVSKY, age 29, who was a husband, father, secretary for the town of West, and volunteer firefighter on West's Volunteer Fire Department;

PERRY CALVIN, age 37, who was a husband, father, self-employed farmer, and volunteer firefighter at Navarro Mills and Martens Fire Departments and was attending an EMT class in West at the time of the fire;

KENNETH HARRIS, age 52, who was a husband, a father, and an off-duty Dallas Fire-Rescue Captain who rushed to the emergency to offer his help to other firefighters responding to the scene;

DOUGLAS SNOKHOUS, age 50, who was a husband, father, shop supervisor at Central Texas Iron Works in Waco, and 15-year volunteer on the West Volunteer Fire Department;

ROBERT SNOKHOUS, age 48, who was a husband, a father, an employee at Central Texas Iron Works in Waco, and a member of the West Volunteer Fire Department;

CODY DRAGOO, age 50, who was a husband, an employee at the fertilizer plant, and a member of the West Volunteer Fire Department;

JERRY DANE CHAPMAN, age 26, who was a member of the Abbott Volunteer Fire Department and was near the end of his training to become an emergency medical technician; and

CYRUS A. REED, age 29, who was a member of the Abbott and Bynum Volunteer Fire Departments and, at the time of the explosion, was in a classroom attending the last session of his training to be an emergency medical technician.

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

1. That the Legislature extends its condolences to the families and friends of the firefighters killed in West, Texas, on April 17, 2013.

2. That the Legislature expresses its appreciation to all volunteer firefighters throughout the State of Nebraska and the nation who respond to danger when called.

Laid over.

**LEGISLATIVE RESOLUTION 178.** Introduced by Hadley, 37.

WHEREAS, the Great Platte River Road Archway in Kearney, Nebraska, is a powerful and historical experience which brings the history of westward migration to life, and has been a prominent and iconic Kearney attraction since it was conceived by former Governor Frank Morrison; and

WHEREAS, the Great Platte River Road Archway Foundation looks forward to a spectacular summer season with the opening of a visitors center located inside the archway and expects a flood of tourists to descend upon



Kearney for the Lincoln Highway national centennial festivities from June 30 to July 1, 2013; and

WHEREAS, the foundation projects an increase in admissions this year when the new Interstate 80 interchange opens one mile east of the archway providing easier access for travelers; and

WHEREAS, the foundation and community leaders plan to seek the assistance of the city of Kearney and Buffalo County to aid the archway with the type of support utilized by museums and other community attractions.

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

1. That the Legislature commends the Great Platte River Road Archway Foundation, the city of Kearney, Buffalo County, local leaders, and supporters for taking the initiative and having the insight to support the Great Platte River Road Archway.

2. That a copy of this resolution be sent to the Great Platte River Road Archway Foundation and its chairman, Dr. Joel Johnson.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 195.** Senator Karpisek offered the following amendment to the committee amendment:

AM1185

(Amendments to Standing Committee amendments, AM656)

- 1 1. On page 111, strike lines 6 and 7 and insert
- 2 "GENERAL FUND 512,938,651 528,326,810
- 3 PROGRAM TOTAL 512,938,651 528,326,810"; in line 19 strike
- 4 "\$2,698,962" and insert "\$2,673,011"; and in line 20 strike
- 5 "\$2,806,921" and insert "\$2,753,201".

### SENATOR CARLSON PRESIDING

Senator Karpisek withdrew his amendment.

Committee AM656, found on page 1200 and considered on page 1267, as amended, was renewed.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 368A.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 368, One Hundred Third Legislature, First Session, 2013.

**LEGISLATIVE BILL 522A.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 522, One Hundred Third Legislature, First Session, 2013.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 179.** Introduced by Smith, 14; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Murante, 49; Nelson, 6; Nordquist, 7; Pirsch, 4; Price, 3; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, the United States Navy possesses the USS Nebraska (SSBN 739), a nuclear-powered submarine of the Trident II class named after the State of Nebraska; and

WHEREAS, the people of Nebraska and the sailors who serve on the USS Nebraska share a special and unique bond, including partnership in the Omaha Navy League, the Big Red Sub Club, and the Nebraska Admirals Association; and

WHEREAS, from initial launch and continuing throughout its history, the crew members of the USS Nebraska have demonstrated patriotism, pride, and professionalism and faithfully executed their demanding duties which bestows great honor upon all Nebraskans; and

WHEREAS, the USS Nebraska has earned an enviable reputation as one of the most combat-ready and elite fighting units in the United States Armed Forces, and this distinction has been formally recognized on multiple occasions through receipt of the prestigious Submarine Force Battle Efficiency "E" Award; and

WHEREAS, numerous prominent Nebraskans have proudly observed the professional operation of the vessel, both in the surfaced and submerged operating modes, and as a consequence of such ceremonial dunking have been appointed honorary submariners of the United States Navy; and

WHEREAS, the commanders of the USS Nebraska have on many occasions served as representatives of the United States military within Nebraska, including during the annual Nebraska statehood celebration at the State Capitol; and

WHEREAS, the USS Nebraska was commissioned on July 10, 1993, marking 2013 as the 20th anniversary of its commissioning; and

WHEREAS, the Nebraska Admirals Association and the Big Red Sub Club have jointly planned and executed a fitting ceremony in recognition of the 20th anniversary of the commissioning of the USS Nebraska.

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

1. That the Legislature recognizes the 20th anniversary of the commissioning of the USS Nebraska.

2. That the Legislature encourages the citizens of Nebraska to send support and thanks to those men and women who sacrifice and serve in defense of global peace.

3. That a copy of this resolution be sent to the commanders of the USS Nebraska.

Laid over.

### **CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Watermeier has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

### **GENERAL FILE**

**LEGISLATIVE BILL 198.** Title read. Considered.

Committee AM658, found on page 1204, was offered.

Senator Lautenbaugh offered his amendment, AM1187, found on page 1268, to the committee amendment.

### **SENATOR COASH PRESIDING**

Senator Lautenbaugh withdrew his amendment.

### **SENATOR KRIST PRESIDING**

Senator Hansen offered his amendment, AM1188, found on page 1281, to the committee amendment.

Senator Hansen moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Hansen requested a roll call vote on his amendment.

Voting in the affirmative, 6:

|             |        |         |
|-------------|--------|---------|
| Bloomfield  | Hansen | Murante |
| Christensen | McCoy  | Schilz  |

Voting in the negative, 32:

|          |          |          |           |          |
|----------|----------|----------|-----------|----------|
| Adams    | Chambers | Hadley   | Krist     | Seiler   |
| Ashford  | Coash    | Harms    | Lathrop   | Smith    |
| Avery    | Conrad   | Harr, B. | McGill    | Sullivan |
| Bolz     | Cook     | Howard   | Mello     | Wightman |
| Brasch   | Crawford | Johnson  | Nordquist |          |
| Campbell | Davis    | Karpisek | Price     |          |
| Carlson  | Dubas    | Kolowski | Scheer    |          |

Present and not voting, 9:

|         |             |        |            |            |
|---------|-------------|--------|------------|------------|
| Gloor   | Larson      | Nelson | Schumacher | Watermeier |
| Kintner | Lautenbaugh | Pirsch | Wallman    |            |

Excused and not voting, 2:

Haar, K.      Janssen

The Hansen amendment lost with 6 ayes, 32 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 199.** Title read. Considered.

Committee AM659, found on page 1204, was offered.

Senator Mello offered his amendment, AM1207, found on page 1206, to the committee amendment.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 5 nays, and 13 not voting.

The Mello amendment was adopted with 32 ayes, 4 nays, 10 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 561A.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 561, One Hundred Third Legislature, First Session, 2013.

### **GENERAL FILE**

**LEGISLATIVE BILL 200.** Title read. Considered.

Committee AM1124, found on page 1204, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 194.** Title read. Considered.

### **SENATOR COASH PRESIDING**

Committee AM655, found on page 1200, was offered.

Senator Dubas offered the Dubas-Chambers amendment, AM1324, found on page 1282, to the committee amendment.

Senator Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 6 nays, and 11 not voting.

Senator Dubas requested a record vote on the Dubas-Chambers amendment.

Senator Chambers requested a roll call vote on the Dubas-Chambers amendment.

Voting in the affirmative, 21:

|            |          |             |            |            |
|------------|----------|-------------|------------|------------|
| Bloomfield | Dubas    | Karpisek    | McGill     | Watermeier |
| Campbell   | Harr, B. | Kolowski    | Schumacher |            |
| Cook       | Howard   | Krist       | Seiler     |            |
| Crawford   | Janssen  | Lathrop     | Sullivan   |            |
| Davis      | Johnson  | Lautenbaugh | Wallman    |            |

Voting in the negative, 18:

|         |             |         |        |          |
|---------|-------------|---------|--------|----------|
| Adams   | Christensen | Hansen  | McCoy  | Schilz   |
| Avery   | Coash       | Harms   | Mello  | Wightman |
| Brasch  | Gloor       | Kintner | Nelson |          |
| Carlson | Hadley      | Larson  | Scheer |          |

Present and not voting, 9:

|         |          |           |        |       |
|---------|----------|-----------|--------|-------|
| Ashford | Chambers | Murante   | Pirsch | Smith |
| Bolz    | Conrad   | Nordquist | Price  |       |

Excused and not voting, 1:

Haar, K.

The Dubas-Chambers amendment lost with 21 ayes, 18 nays, 9 present and not voting, and 1 excused and not voting.

Pending.

### AMENDMENTS - Print in Journal

Senator Krist filed the following amendment to LB194:

AM1342

(Amendments to Standing Committee amendments, AM655)

- 1 1. On page 34, after line 1 insert the following new
- 2 paragraph:
- 3 "It is the intent of the Legislature that for each
- 4 state-owned aircraft purchased on or after May 1, 2013, the
- 5 department establish a preventative maintenance fund and a
- 6 replacement fund that will be used only for such aircraft."

Senator Wallman filed the following amendment to LB194:

AM1345

(Amendments to Standing Committee amendments, AM655)

- 1 Purpose: Decrease funding for the replacement airplane.
- 2 Amendment:
- 3 1. On page 33, line 24, strike "2,164,760" and insert
- 4 "1,500,000"; in line 26 strike "2,863,881" and insert "2,199,121";
- 5 and after line 26 insert the following:
- 6 "The Department of Aeronautics shall contract for an

- 7 independent study to determine the following:  
 8 (1) Whether the state should purchase a plane and assume  
 9 the resulting short-term and long-term costs and liabilities or  
 10 whether privately owned aircraft should be used through rental,  
 11 time-share, lease, or other arrangements; and  
 12 (2) If it is determined that the state should purchase  
 13 its own airplane, what airplane will best fit the needs of the  
 14 state. This would include, but not be limited to, a determination  
 15 of performance and passenger requirements; whether to purchase  
 16 a new aircraft with warranty versus a used plane; and the  
 17 identification of the short-term and long-term (life-cycle) costs  
 18 of all aircraft under consideration."

### VISITORS

Visitors to the Chamber were 10 fourth-grade students and teachers from Howells/Dodge; 25 fourth-grade students, teachers, and sponsors from Exeter Milligan; 36 seventh- and eighth-grade students, teachers, and sponsors from Trinity Lutheran School, Fremont; and 27 fourth-grade students, teacher, and sponsors from Randolph.

### MOTION - Adjournment

Senator Krist moved to adjourn until 9:00 a.m., Friday, May 10, 2013.

Senator Chambers requested a machine vote on the motion to adjourn.

Senator Chambers requested a record vote on the motion to adjourn.

Voting in the affirmative, 23:

|         |        |          |        |            |
|---------|--------|----------|--------|------------|
| Ashford | Cook   | Johnson  | Mello  | Smith      |
| Avery   | Gloor  | Kintner  | Nelson | Watermeier |
| Brasch  | Hadley | Kolowski | Price  | Wightman   |
| Carlson | Hansen | Krist    | Schilz |            |
| Coash   | Harms  | Larson   | Seiler |            |

Voting in the negative, 21:

|             |          |             |            |         |
|-------------|----------|-------------|------------|---------|
| Adams       | Crawford | Karpisek    | Murante    | Wallman |
| Bloomfield  | Davis    | Lathrop     | Nordquist  |         |
| Chambers    | Harr, B. | Lautenbaugh | Pirsch     |         |
| Christensen | Howard   | McCoy       | Schumacher |         |
| Conrad      | Janssen  | McGill      | Sullivan   |         |

Present and not voting, 4:

|      |          |       |        |
|------|----------|-------|--------|
| Bolz | Campbell | Dubas | Scheer |
|------|----------|-------|--------|

Excused and not voting, 1:

Haar, K.

The Krist motion to adjourn prevailed with 23 ayes, 21 nays, 4 present and not voting, and 1 excused and not voting, and at 11:05 p.m., the Legislature adjourned until 9:00 a.m., Friday, May 10, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature