

TWENTIETH DAY - FEBRUARY 6, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 6, 2013

PRAYER

The prayer was offered by Senator Bolz.

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 7. Placed on General File.

LEGISLATIVE BILL 156. Placed on General File.

LEGISLATIVE BILL 225. Placed on General File with amendment.
AM90

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 5 of this act shall be known
- 4 and may be cited as the Newborn Critical Congenital Heart Disease
- 5 Screening Act.
- 6 Sec. 2. The Legislature finds that:
- 7 (1) Critical congenital heart disease is among the most
- 8 common birth defects;
- 9 (2) Critical congenital heart disease is the leading
- 10 cause of death for infants born with a birth defect;
- 11 (3) A major cause of infant mortality as a result of
- 12 critical congenital heart disease is that a significant number
- 13 of newborns affected are not diagnosed in the newborn nursery as

14 having critical congenital heart disease; and

15 (4) An effective mechanism for critical congenital heart
16 disease screening of newborns can reduce infant mortality.

17 Sec. 3. For purposes of the Newborn Critical Congenital
18 Heart Disease Screening Act:

19 (1) Birthing facility means a hospital or other health
20 care facility in this state which provides birthing and newborn
21 care services;

22 (2) Critical congenital heart disease screening means
23 a testing procedure or procedures intended to detect hypoplastic
1 left heart syndrome, pulmonary atresia, tetralogy of Fallot, total
2 anomalous pulmonary venous return, transposition of the great
3 arteries, tricuspid atresia, and truncus arteriosus;

4 (3) Department means the Department of Health and Human
5 Services;

6 (4) Newborn means a child from birth through twenty-nine
7 days old; and

8 (5) Parent means a natural parent, a stepparent, an
9 adoptive parent, a legal guardian, or any other legal custodian of
10 a child.

11 Sec. 4. (1) All newborns in this state shall undergo
12 critical congenital heart disease screening in accordance with
13 standards determined in rules and regulations adopted and
14 promulgated by the department.

15 (2) In a birthing facility, the attending physician of
16 the newborn shall screen or cause the screening of the newborn
17 required under subsection (1) of this section.

18 (3) For deliveries that are planned outside of a birthing
19 facility, the prenatal care provider shall inform the parent of the
20 importance of critical congenital heart disease screening and the
21 requirement for all newborns to be screened. The parent shall be
22 responsible for causing the screening to be performed within the
23 period and in the manner prescribed by the department.

24 (4) For a birth that does not take place in a birthing
25 facility, whether or not there is a prenatal care provider, and
26 the newborn is not admitted to a birthing facility, the person
27 registering such birth shall be responsible for obtaining critical
1 congenital heart disease screening for the newborn within the
2 period and in the manner prescribed by the department.

3 Sec. 5. The department shall:

4 (1) In consultation with a panel of persons having
5 expertise in the field of critical congenital heart disease
6 screening, develop approved methods of critical congenital heart
7 disease screening;

8 (2) Develop educational materials explaining critical
9 congenital heart disease screening and the requirement for all
10 newborns to be screened. The materials shall be provided to
11 birthing facilities and health care providers and to parents of
12 newborns not born in a birthing facility;

- 13 (3) Apply for all available federal funding to carry out
14 the Newborn Critical Congenital Heart Disease Screening Act; and
15 (4) Adopt and promulgate rules and regulations necessary
16 to implement the act.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 180. Placed on General File.

LEGISLATIVE BILL 311. Placed on General File.

(Signed) Bill Avery, Chairperson

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 13, 2013 1:30 p.m.

LB215
LB222
LB217
LB192

Thursday, February 14, 2013 1:30 p.m.

Wayne Boyd - State Personnel Board
LB235
LB525
LB271

(Signed) Bill Avery, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 48. Introduced by Janssen, 15.

WHEREAS, Don Dolejs was born on May 3, 1930, in Omaha, Nebraska; and

WHEREAS, Don Dolejs attended Our Lady of Lourdes Grade School and Creighton Preparatory School, graduating in 1948; and

WHEREAS, Don Dolejs joined the United States Coast Guard and served during the Korean Conflict; and

WHEREAS, Don Dolejs graduated from the University of Nebraska in 1956, earning a bachelor of arts in business administration; and

WHEREAS, Don Dolejs married his beloved Mary Kay King in 1956; and

WHEREAS, Don Dolejs ran a successful Anheuser-Busch distributorship in Fremont, Nebraska, for forty-one years; and

WHEREAS, Don Dolejs was a lifelong promoter of Fremont, Nebraska. He was generous with his time and talents, serving key roles with the Fremont Area Community Foundation, as well as being an active member of his church, the Boy Scouts of America, and several service clubs; and

WHEREAS, Don Dolejs was a devoted husband and loving father to his children, Debra, Christopher, Bradley, and Douglas, as well as their extended families; and

WHEREAS, Don Dolejs died January 25, 2013, in Palm Desert, California.

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

1. That the Legislature honors Don Dolejs for his service to his community, state, and country.

2. That the Legislature extends its deep sympathy to the family of Don Dolejs.

3. That a copy of this resolution be sent to the family of Don Dolejs.

Laid over.

LEGISLATIVE RESOLUTION 49. Introduced by Janssen, 15.

WHEREAS, on August 11, 2012, the United States women's volleyball team won the silver medal in the 2012 Summer Olympics in London, United Kingdom; and

WHEREAS, Jordan Larson, a native of Hooper, Nebraska, and her teammates Danielle Scott-Arruda, Tayyiba Haneef-Park, Lindsey Berg, Tamari Miyashiro, Nicole Davis, Megan Hodge, Christa Harmotto, Logan Tom, Foluke Akinradewo, Courtney Thompson, and Destinee Hooker displayed admirable courage, determination, and sportsmanship throughout the Olympic Games; and

WHEREAS, Jordan Larson and her teammates brought home the fourth Olympic medal in volleyball since the sport joined the Olympics in 1964; and

WHEREAS, Jordan Larson has inspired countless Nebraska youth to pursue their educational studies, athletic goals, and Olympic dreams.

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

1. That the Legislature congratulates Nebraska native Jordan Larson and her teammates on winning a silver medal in the women's volleyball competition at the 2012 Summer Olympics.

2. That a copy of this resolution be sent to Jordan Larson.

Laid over.

SELECT FILE

LEGISLATIVE BILL 87. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 111. Senator McGill offered the following amendment:

AM98

- 1 1. Insert the following new section:
- 2 Sec. 8. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The McGill amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 112. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 113. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 49. ER2, found on page 341, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 125. ER3, found on page 341, was adopted.

Senator B. Harr offered the following amendment:

AM139

- 1 1. On page 1, strike beginning with "in" in line 8
- 2 through "class" in line 9 and insert "in subsection (3) or (4) of
- 3 this section"; in lines 15 and 16 strike "subsection (1) of this
- 4 section" and insert "section 14-201 for the election of elective
- 5 officers of a city of the metropolitan class"; in line 17 strike
- 6 "four years", show as stricken, and insert "terms as provided in
- 7 subsection (4) of this section."; and in line 20 strike the new
- 8 matter and insert "(4)(a) In 2013, candidates from all districts
- 9 for election to such board of education".
- 10 2. On page 2, line 1, after the period insert the
- 11 following new subdivision:
- 12 "(b) In 2014, candidates for election to such board of
- 13 education from even-numbered districts shall be nominated at the
- 14 statewide primary election and elected at the statewide general
- 15 election and shall take office on the first Monday in January 2015.
- 16 Terms of the members elected from such even-numbered districts
- 17 in 2013 shall expire on such date. In 2016, candidates for
- 18 election to such board of education from odd-numbered districts

19 shall be nominated at the statewide primary election and elected
 20 at the statewide general election and shall take office on the
 21 first Monday in January 2017. Terms of the members elected
 22 from odd-numbered districts in 2013 shall expire on such date.
 1 Thereafter, all members shall be nominated at the statewide primary
 2 election and elected at the statewide general election, shall take
 3 office on the first Monday in January following their election,
 4 and shall serve terms of four years or until their successors are
 5 elected and qualified. Candidates for election to such board of
 6 education shall be nominated upon the nonpartisan ballot."
 7 3. On page 3, line 13, strike "XX" and insert
 8 "OPS13-002".
 9 4. On page 11, strike lines 14 through 19, show the old
 10 matter as stricken, and insert "terms of the members shall expire
 11 as provided in section 32-545. All Class V district".

Senator Lautenbaugh offered the following amendment to the B. Harr amendment:

FA3

Amend AM139

Insert on page 2 at line 8 after OPS13-002: "; and in line 14 after "bill" insert ". Such districts are drawn using the boundaries of the Class V school district as they existed on the effective date of this act."

The Lautenbaugh amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

The B. Harr amendment, as amended, was adopted with 26 ayes, 10 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 155. Advanced to Enrollment and Review for Engrossment.

ANNOUNCEMENT

The Chair announced today is Senator Murante's and Senator Wallman's birthdays.

GENERAL FILE

LEGISLATIVE BILL 250. Title read. Considered.

Committee AM7, found on page 328, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

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

LEGISLATIVE BILL 67. Title read. Considered.

Committee AM23, found on page 328, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 164. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 211. Placed on General File with amendment. AM67 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

Agriculture

LEGISLATIVE BILL 70. Placed on General File with amendment. AM44

- 1 1. Insert the following section:
- 2 Sec. 7. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 3, strike lines 10 through 12, show as
- 5 stricken, and insert "shall be an ex officio member of the board
- 6 but shall have no vote in board matters.".
- 7 3. On page 4, strike lines 19 through 25 and insert
- 8 "(2) Whenever the number of members of the board as
- 9 determined by subsection (1) of this section results in less than
- 10 seven members, the Governor shall appoint a member or members from
- 11 the state at large to maintain membership of the board at seven
- 12 members. Whenever such appointment is required, the board shall
- 13 call for and submit a list of two or more nominees for each
- 14 additional member needed to the Governor, and the Governor shall
- 15 appoint a member or members from the nominees submitted pursuant to
- 16 this subsection.
- 17 (3) Nominations in the case of term expiration or new or
- 18 at-large membership and for all other vacancies shall be provided
- 19 according to the process prescribed in section 2-3951.04. The
- 20 Governor may choose the members of the board from the nominees
- 21 submitted or may reject all nominees. If the Governor rejects all
- 22 nominees, names of nominees shall again be provided to the Governor
- 23 until the appointment is filled.".

- 1 4. On page 7, strike lines 4 through 8 and show as
2 stricken.

(Signed) Ken Schilz, Chairperson

Urban Affairs

LEGISLATIVE BILL 31. Placed on General File.

LEGISLATIVE BILL 295. Placed on General File.

LEGISLATIVE BILL 88. Placed on General File with amendment.

AM137

- 1 1. Strike the original sections and insert the following
2 sections:
3 Section 1. Section 15-905, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 15-905 Every city of the primary class ~~shall have power~~
6 ~~to may~~ regulate in the area which is within the corporate limits
7 of the city or within three miles of the corporate limits
8 of the city and outside of any organized city or village,
9 and except as to construction on farmsteads outside of the
10 corporate limits (1) the minimum standards of construction of
11 buildings, dwellings, and other structures, in order to provide
12 safe and sound condition thereof for the preservation of health,
13 safety, security, and general welfare, which standards may include
14 regulations as to electric wiring, heating, plumbing, pipefitting,
15 sewer connections, ventilation, size of habitable rooms, and the
16 method of constructing buildings, dwellings, and other structures,
17 and to provide for inspection thereof, and building permits and
18 fees therefor, (2) the removal and tearing down of buildings,
19 dwellings, and other structures in such areas which constitute
20 nuisances because of the dilapidated, unsafe, or rundown condition
21 or conditions, and (3) except as to the United States of America,
22 the State of Nebraska, a county, or a village, in the area
23 outside of the corporate limits of the city of the primary
1 class, the nature, kind, and manner of constructing streets,
2 alleys, sidewalks, curbing or abridging curbs, driveway approaches
3 constructed on or to public right-of-way, and sewage disposal
4 facilities. For farmsteads located within three miles of the
5 corporate limits of the city and outside of any organized city or
6 village, the city council may decide whether buildings, dwellings,
7 and other structures located on such farmsteads and used as
8 residences shall be subject to the city's permit requirements. A
9 farmstead is defined as property of twenty acres or more which
10 produces one thousand dollars or more of farm products each year.
11 Sec. 2. Original section 15-905, Reissue Revised Statutes
12 of Nebraska, is repealed.

(Signed) Amanda McGill, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

Room 1525

Thursday, February 21, 2013 1:30 p.m.

Lynn Berggren - Nebraska Game and Parks Commission
Charles "Tod" Brodersen - Nebraska Ethanol Board
Mark A. Ondracek - Nebraska Ethanol Board

Friday, February 22, 2013 1:30 p.m.

Stephen Lichter - Nebraska Power Review Board
Tim Wistrom - Nebraska Oil and Gas Conservation Commission

(Signed) Tom Carlson, Chairperson

Revenue

Room 1524

Wednesday, February 13, 2013 1:30 p.m.

LB97
LB341
LB571
LB191
LB153

Thursday, February 14, 2013 1:30 p.m.

LB572
LB501
LB104
LB627

Wednesday, February 20, 2013 1:30 p.m.

LB457
LB81
LB328
LB281

Thursday, February 21, 2013 1:30 p.m.

LB14
LB308
LB475
LB82

Friday, February 22, 2013 1:30 p.m.

LB547
LB468
LB53

Wednesday, February 27, 2013 1:30 p.m.

LB266
LB531
LB370
LB600

Thursday, February 28, 2013 1:30 p.m.

LB101
LB145
LB55
LB574

Friday, March 1, 2013 1:30 p.m.

LB237
LB348
LB43
LB110

Wednesday, March 6, 2013 1:30 p.m.

LB411
LB419
LB489
LB490

Thursday, March 7, 2013 1:30 p.m.

LB346
LB502
LB96
LB90
LB606

Wednesday, March 13, 2013 1:30 p.m.

LB439
LB440
LB474
LB488
LB150

Thursday, March 14, 2013 1:30 p.m.

LB63
LB64
LB159
LB251

Friday, March 15, 2013 1:30 p.m.

LB282
LB175
LB447
LB516

Wednesday, March 20, 2013 1:30 p.m.

LB581
LB333
LB618
LB414
LB558

Thursday, March 21, 2013 1:30 p.m.

LR2CA
LB317
LB62

(Signed) Galen Hadley, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 50. Introduced by Bloomfield, 17; Bolz, 29; Johnson, 23; Kintner, 2; Scheer, 19; Schumacher, 22; Wallman, 30.

WHEREAS, Sergeant Floyd, a member of the Lewis and Clark Expedition who was buried on a bluff in 1804, was probably one of the first white men in what is now South Sioux City, Nebraska. The story of South Sioux City is entwined in the tale of several towns and activities on both sides of the Missouri River; and

WHEREAS, Gustave Pecaout, a French-speaking native of Switzerland, emigrated to America and engaged in fur trading, building a cabin near the river in 1854. During the winter of 1855-56, a group of men cut wood and hauled it across the frozen river to the people living there; and

WHEREAS, a town site was registered in August 1856 and named "Harney City" for the general in charge of the troops stationed in the vicinity as protection against Indian raids. Existing only on paper, this town failed to develop; and

WHEREAS, another town site was surveyed near the Burlington Railroad in 1856. Named "Pacific City," it was granted incorporation papers in 1858. The ravages of flood waters quickly discouraged the inhabitants, and a later flood, when the river changed its course, left what became known as "Silver Lake" at this site; and

WHEREAS, the Harney City location, taken over by a new town site company, changed its name to "Newport." Before filing the official papers in 1857, however, it was given the name "Covington." Later that year another plat was incorporated as "South Covington." These towns merged in 1870; and

WHEREAS, in 1856, between Covington and the bend on the Missouri River, a Mr. Stanton laid out a town which he named for himself. At its peak, "Stanton" boasted 30 buildings, 13 of which were saloons; and

WHEREAS, still another town was platted and incorporated in 1887. This settlement called itself "South Sioux City"; and

WHEREAS, recognizing the need to "organize or dissolve," South Sioux City leaders brought forth the matter of the consolidation of these rival villages into one town. In a special election in 1893, the merger was approved. Both Stanton and Covington became part of the present city, parts of which had been washed away by the ever-changing Missouri River. In an attempt to bring law and order to the community, Dakota County authorities ordered all gambling houses closed, and a new image of law and order was initiated. In 1895 the "Combination Bridge" was built across the Missouri River. It was large enough to accommodate trains, street cars, pedestrians, and horse-drawn vehicles; and

WHEREAS, the population has risen steadily since the early 1900s. In its Jubilee Year the count was 4,000. In its centennial year, the population topped 9,000; and

WHEREAS, the Sergeant Floyd Memorial Bridge across the Missouri River was built in 1976. The four-lane Siouxland Veterans Memorial Bridge was completed in 1981; and

WHEREAS, South Sioux City offers almost every type of business, civic organization, and activity. Camping and recreational facilities on the 22-acre Scenic Park, located at the east end of the bridge, have been renovated and repaired. The town's centennial, celebrated in 1987, provided an opportunity to take stock of the events that shaped the town's history and to chart a course for the future of South Sioux City, the 15th largest city in Nebraska; and

WHEREAS, South Sioux City, Nebraska, population of 13,353, celebrated its well-deserved 125th anniversary on August 3 and 4, 2012, during the Cardinal Days Festival.

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

1. That the Legislature congratulates South Sioux City, Nebraska, on its 125th anniversary.

2. That a copy of this resolution be sent to the city council of South Sioux City, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 51. Introduced by Bloomfield, 17; Bolz, 29; Johnson, 23; Kintner, 2; Scheer, 19; Schumacher, 22; Wallman, 30.

WHEREAS, nestled in the rolling hills of northeast Nebraska, the village of Emerson has the distinction of being located in three counties. The largest western section (Emerson Township 46%) is in Dixon County, the northeast part (Emerson Precinct 28%) is in Dakota County, and the southeast part (Perry Township 26%) is in Thurston County; and

WHEREAS, the village of Emerson was established as a junction on the Chicago, St. Paul, Minneapolis and Omaha Railway in 1881; and

WHEREAS, the village of Emerson was first known as "Kenesaw Junction," but there was another town in Nebraska by that name, so a new name of "Emerson," for the author Ralph Waldo Emerson, was chosen; and

WHEREAS, Emerson had what is referred to as the "Winnebago Invasion." In 1882 the Indian reservation extended to the edge of Emerson's initial plat. Many settlers, however, built on the land beyond the town where they had no rights. On a morning in May, a delegation of Indian warriors in full attire delivered a decree of the Winnebago Council meeting, which stated that "these people are to be off the reservation within an hour." There was a wild scramble, but by nightfall the collection of temporary shanties had been moved across the line into the village proper. Later the reservation line was established at the Thurston County line; and

WHEREAS, Emerson was incorporated in July 1888 when the population was between 200 and 300. By 1893 the village had grown to 600 residents; and

WHEREAS, Emerson, born as a railroad junction, had 67 trains daily until well into the 1930s and was the home for many railroad workers. There were three section houses, an extensive waterworks, car scales, and a good stockyard. Every four hours a passenger train left for Omaha, Nebraska, Sioux City, Iowa, or Norfolk, Nebraska. Four hotels flourished, and at one time the town had a cigar factory and a roller mill. As rail traffic declined, truck lines took over. The depot and roundhouse still stand but now house other business establishments, and the tracks have been removed; and

WHEREAS, Emerson is the headquarters of the National Farm Crisis Organization; and

WHEREAS, the village of Emerson, population of 840, is preparing to celebrate its 125th anniversary with full fanfare from Thursday, May 30, through Sunday, June 2, 2013.

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

1. That the Legislature congratulates the village of Emerson, Nebraska, on its 125th anniversary.

2. That a copy of this resolution be sent to the Emerson Village Board.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 210. Title read. Considered.

Committee AM100, found on page 344, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 40. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 137. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 78. Title read. Considered.

Committee AM104, found on page 344, was offered.

Senator Harms offered the following amendment to the committee amendment:

AM123

(Amendments to Standing Committee amendments, AM104)

- 1 1. On page 16, line 8, strike beginning with "3-801,"
- 2 through "3-805,".

Senator Harms moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Harms requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Adams	Campbell	Davis	Howard	Nordquist
Ashford	Carlson	Dubas	Kolowski	Pirsch
Avery	Christensen	Haar, K.	Krist	Seiler
Bolz	Conrad	Hadley	Lathrop	Watermeier
Brasch	Crawford	Harms	McGill	Wightman

Voting in the negative, 12:

Bloomfield	Hansen	Kintner	Price
Coash	Johnson	Lautenbaugh	Scheer
Cook	Karpisek	Murante	Wallman

Present and not voting, 8:

Chambers	McCoy	Schilz	Smith
Gloor	Nelson	Schumacher	Sullivan

Absent and not voting, 1:

Harr, B.

Excused and not voting, 3:

Janssen	Larson	Mello
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The Harms amendment was adopted with 25 ayes, 12 nays, 8 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO7

Reconsider the vote on AM123.

Senator Chambers moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

The Chambers motion to reconsider prevailed with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Harms amendment, AM123, found in this day's Journal, to the committee amendment, was reconsidered.

Pending.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 27. Placed on General File.

LEGISLATIVE BILL 38. Placed on General File.

LEGISLATIVE BILL 283. Placed on General File.

LEGISLATIVE BILL 616. Placed on General File.

LEGISLATIVE BILL 628. Placed on General File.

LEGISLATIVE BILL 337. Placed on General File with amendment.
AM107

1 1. On page 3, lines 10 through 15, strike the new matter
2 and insert
3 "(3) A Federal Home Loan Bank shall not be stayed,
4 enjoined, or prohibited from exercising or enforcing any right or
5 cause of action regarding collateral pledged under any security
6 agreement, or any pledge, security, collateral or guarantee
7 agreement or any other similar arrangement or credit enhancement
8 relating to such Federal Home Loan Bank security agreement.".

9 2. On page 4, strike line 25.

10 3. On page 5, lines 1 through 5, strike the new matter
11 and insert

12 "(4) A Federal Home Loan Bank shall not be stayed,
13 enjoined, or prohibited from exercising or enforcing any right or
14 cause of action regarding collateral pledged under any security
15 agreement, or any pledge, security, collateral or guarantee
16 agreement or any other similar arrangement or credit enhancement
17 relating to such Federal Home Loan Bank security agreement.".

18 4. On page 8, lines 3 through 8, strike the new
19 matter and insert ", except that a liquidator shall not have
20 power to disavow, reject, or repudiate any Federal Home Loan
21 Bank security agreement, or any pledge, security, collateral or
22 guarantee agreement or any other similar arrangement or credit
23 enhancement relating to such Federal Home Loan Bank security
1 agreement".

2 5. On page 9, lines 22 through 25, strike the new
3 matter and insert ", except that a liquidator shall not have
4 power to disavow, reject, or repudiate any Federal Home Loan
5 Bank security agreement, or any pledge, security, collateral or
6 guarantee agreement or any other similar arrangement or credit
7 enhancement relating to such Federal Home Loan Bank security
8 agreement".

9 6. On page 10, line 1, strike the new matter.

10 7. On page 13, strike line 25.

11 8. On page 14, lines 1 through 10, strike the new matter
12 and insert

13 "(5) A receiver may not avoid any transfer of, or
14 any obligation to transfer, money or any other property arising
15 under or in connection with any Federal Home Loan Bank security

16 agreement, or any pledge, security, collateral or guarantee
 17 agreement or any other similar arrangement or credit enhancement
 18 relating to such Federal Home Loan Bank security agreement.
 19 However, a transfer may be avoided under this subsection if it
 20 was made with actual intent to hinder, delay, or defraud either
 21 existing or future creditors."

22 9. On page 16, lines 10 through 20, strike the new matter
 23 and insert

24 "(5) A receiver may not avoid any transfer of, or
 25 any obligation to transfer, money or any other property arising
 26 under or in connection with any Federal Home Loan Bank security
 27 agreement, or any pledge, security, collateral or guarantee
 1 agreement or any other similar arrangement or credit enhancement
 2 relating to such Federal Home Loan Bank security agreement.
 3 However, a transfer may be avoided under this subsection if it
 4 was made with actual intent to hinder, delay, or defraud either
 5 existing or future creditors."

6 10. On page 18, lines 14 through 18, strike the new
 7 matter and insert

8 "(d) A liquidator or receiver shall not avoid any
 9 preference arising under or in connection with any Federal Home
 10 Loan Bank security agreement, or any pledge, security, collateral
 11 or guarantee agreement or any other similar arrangement or credit
 12 enhancement relating to such Federal Home Loan Bank security
 13 agreement."

LEGISLATIVE BILL 426. Placed on General File with amendment.
 AM26

- 1 1. On page 6, line 4, strike "fraternal benefit
- 2 societies," and show as stricken.

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 117. Placed on General File.

LEGISLATIVE BILL 165. Placed on General File.

(Signed) Annette Dubas, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 147. Placed on Select File.

LEGISLATIVE BILL 213. Placed on Select File.

LEGISLATIVE BILL 209. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1. Placed on Final Reading.

LEGISLATIVE BILL 2. Placed on Final Reading.

LEGISLATIVE BILL 16. Placed on Final Reading.

LEGISLATIVE BILL 30. Placed on Final Reading.

LEGISLATIVE BILL 35. Placed on Final Reading.

LEGISLATIVE BILL 72. Placed on Final Reading.

ST2

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "and procedures" has been inserted after "date"; and in line 4 "to restrict the use of interest on such accounts;" has been inserted after the semicolon.

LEGISLATIVE BILL 91. Placed on Final Reading.

ST3

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "81-3529" has been struck and "81-3528, 81-3529, 81-3530" inserted; and in line 7 "to change and eliminate provisions relating to signatures and seals;" has been inserted after the first semicolon.

LEGISLATIVE BILL 100. Placed on Final Reading.

LEGISLATIVE BILL 102. Placed on Final Reading.

LEGISLATIVE BILL 146. Placed on Final Reading.

(Signed) John Murante, Chairperson

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB213:
AM143

- 1 1. Strike original sections 1 and 4.
- 2 2. On page 19, line 1, strike "8-101.01,".
- 3 3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Chambers asked unanimous consent to add his name as cointroducer to LB44. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Leadership Scottsbluff, Scottsbluff and Gering, Leadership Cheyenne County, Sidney, and Dawes County Entrepreneurial Leadership Training Academy, Chadron.

The Doctor of the Day was Dr. Mike Schooff from Papillion.

ADJOURNMENT

At 12:13 p.m., on a motion by Senator Gloor, the Legislature adjourned until 9:00 a.m., Thursday, February 7, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

