

TWENTY-SIXTH DAY - FEBRUARY 14, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 14, 2013

PRAYER

The prayer was offered by Senator Krist.

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 Hansen, Murante, and Wallman who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 479. Placed on General File.

LEGISLATIVE BILL 170. Placed on General File with amendment.
AM213

- 1 1. On page 9, line 2, after the last comma insert
- 2 "housing,"; and in line 24 after the second comma insert "assisted
- 3 living facility,".
- 4 2. On page 10, line 4, after "nursing" insert "or
- 5 skilled nursing"; in line 7 after the first comma insert "senior,
- 6 retirement, or home care services facility,"; in line 15 after
- 7 "projects" insert ", and including the financing of eligible
- 8 swap termination payments,"; in line 19 after the last comma
- 9 insert "housing,"; and in line 21 after the second comma insert
- 10 "residents,".
- 11 3. On page 20, line 8, after the second comma insert
- 12 "residents,".
- 13 4. On page 22, line 21, after "authority" insert "has
- 14 received a written letter of intent to underwrite, place, or

15 purchase the bonds from a financial institution having the powers
16 of an investment bank, commercial bank, or trust company and".

(Signed) Mike Gloor, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Room 1507

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

LB417
LB292
LB299
LB349

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

LB294
LB364
LB448

(Signed) Bill Avery, Chairperson

Nebraska Retirement Systems

Room 1525

Monday, February 25, 2013 9:00 a.m.

Darrell E. Fisher - Public Employees Retirement Board

(Signed) Jeremy Nordquist, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 25, 2013 1:30 p.m.

LB11
LB595
LB545

(Signed) Annette Dubas, Chairperson

Appropriations

Room 1003

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

Agency 57 - Oil and Gas Conservation Commission, Nebraska
 Agency 60 - Ethanol Board, Nebraska
 Agency 18 - Agriculture, Department of
 Agency 39 - Brand Committee, Nebraska
 Agency 56 - Wheat Board, Nebraska
 Agency 61 - Dairy Industry Development Board, Nebraska
 Agency 86 - Dry Bean Commission
 Agency 88 - Corn Development, Utilization and Marketing Board
 Agency 92 - Grain Sorghum Board, Nebraska

(Signed) Heath Mello, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 13, 2013, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
 Clerk of the Legislature

Chaffee, Meghan
 Nebraska Hospital Association
 Husch Blackwell, LLP
 Invenergy LLC
 NextEra Energy Resources, LLC
 Overcash, James A.
 Associated General Contractors - Nebraska Building Chapter
 Post, Ann
 Lincoln Independent Business Association (LIBA)
 Swanson, Heather
 NE Affiliate of the American College of Nurse-Midwives
 Wickman-Byrd, Barbara J.
 Nebraska State Home Builders Association

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>

SELECT FILE

LEGISLATIVE BILL 408. ER13, found on page 402, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 279. ER4, found on page 343, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 290. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 173. Senator Coash offered the following amendment:

AM228

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

The Coash amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 39. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 21. Senator Lautenbaugh offered the following motion:

MO8

Bracket until April 15, 2013.

Pending.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 590. Placed on General File.

LEGISLATIVE RESOLUTION 41CA. Placed on General File.

(Signed) Russ Karpisek, Chairperson

NOTICE OF COMMITTEE HEARINGS
Business and Labor

Room 2102

Monday, February 25, 2013 1:30 p.m.

LB396
LB302
LB310

(Signed) Steve Lathrop, Chairperson

Agriculture

Room 2102

Tuesday, February 26, 2013 1:30 p.m.

Chris Kircher - Nebraska State Fair Board
Lowell Minert - Nebraska State Fair Board

(Signed) Ken Schilz, Chairperson

Education

Room 1525

Tuesday, February 26, 2013 1:30 p.m.

LB585
LB179
LB178
LB9

(Signed) Kate Sullivan, Chairperson

General Affairs

Room 1510

Monday, February 25, 2013 1:30 p.m.

Helen Abbott Feller - State Racing Commission
John Hiller - State Electrical Board
Kathryn LeBaron - Nebraska Arts Council
Patrick Drickey - Nebraska Arts Council
Sherry McClymont - Nebraska Arts Council
Stephanie Metz O'Keefe - Nebraska Arts Council

AM249 to LB230
 LB244
 LR34CA

(Signed) Russ Karpisek, Chairperson

Appropriations

Room 1003

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

Agency 28 - Veterans' Affairs, Department of
 Agency 37 - Workers' Compensation Court
 Agency 75 - Investment Council, Nebraska
 Agency 77 - Industrial Relations, Commission of
 Agency 85 - Public Employees Retirement Board, Nebraska

(Signed) Heath Mello, Chairperson

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB225:

AM259

(Amendments to Standing Committee amendments, AM90)

- 1 1. On page 2, strike lines 15 through 17 and insert the
- 2 following new subsection:
- 3 "(2) For deliveries in a birthing facility, the birthing
- 4 facility shall develop and implement policies to cause the
- 5 screening of the newborn and the reporting of the results to
- 6 the newborn's health care provider in accordance with standards
- 7 adopted pursuant to subsection (1) of this section."

Senator K. Haar filed the following amendment to LB211:

AM237

- 1 1. On page 3, line 6, reinstate the stricken matter and
- 2 after the reinstated "by" insert "any association of community
- 3 colleges funded primarily through dues paid by the community
- 4 colleges"; in lines 7 through 9 reinstate "shall" through "(4)";
- 5 and in line 9 strike the new matter.

RESOLUTIONS

LEGISLATIVE RESOLUTION 54. Introduced by Bloomfield, 17; Adams, 24; Ashford, 20; Avery, 28; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Chambers, 11; 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; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, South Sioux City's unified floor hockey team, representing the United States of America, won the gold medal at the 2013 Special Olympics World Winter Games in South Korea; and

WHEREAS, South Sioux City's unified floor hockey team defeated the team from Sweden to win the gold medal; and

WHEREAS, all of the team members displayed remarkable teamwork, sportsmanship, and determination in winning the gold medal.

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's unified floor hockey team on winning the gold medal at the 2013 Special Olympics World Winter Games.

2. That a copy of this resolution be sent to South Sioux City's unified floor hockey team.

Laid over.

LEGISLATIVE RESOLUTION 55. Introduced by Krist, 10; 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; Lathrop, 12; 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, Tom Osborne was born February 23, 1937, in Hastings, Nebraska. He was a star athlete at Hastings High School, excelling in football, basketball, and track and field. For all of his success, he was named the Nebraska High School Athlete of the Year in 1955; and

WHEREAS, Tom Osborne then attended Hastings College where he played both football and basketball. He was named the Nebraska College Athlete of the Year in 1959; and

WHEREAS, Tom Osborne graduated from Hastings College in 1959 with a bachelor of arts in history. He later attended the University of Nebraska and earned a master of arts in educational psychology in 1963 and a doctor of philosophy in educational psychology in 1965; and

WHEREAS, Tom Osborne joined the football coaching staff at the University of Nebraska in 1964 and served as an offensive assistant coach and as the offensive coordinator before taking over as head coach in 1973. He served as head coach for twenty-five years, winning the national championship three times. For his incredible success, Tom Osborne was inducted into the College Football Hall of Fame in 1999; and

WHEREAS, Tom Osborne continued to serve the State of Nebraska after leaving the coaching profession. He was elected to the United States House of Representatives in 2000 and served for six years, representing Nebraska's third district; and

WHEREAS, Tom Osborne was named the athletic director of the University of Nebraska in 2007. During his tenure as athletic director, he provided inspired and steady leadership, including securing the University of Nebraska's membership in the Big Ten Conference. He retired from his position as athletic director effective January 1, 2013; and

WHEREAS, Tom Osborne, in addition to his professional success and public service, has also given back to his community through his TeamMates Mentoring Program, which he and his wife, Nancy, founded in 1991. The goal of the TeamMates Mentoring Program is to see youth graduate from high school and pursue a postsecondary education. The program currently provides a mentor for over five thousand youth across Nebraska and Iowa.

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

1. That the Legislature congratulates Tom Osborne on his many accomplishments over his outstanding career.

2. That the Legislature thanks Tom Osborne for his lifelong contributions to the State of Nebraska.

3. That a copy of this resolution be sent to Tom Osborne.

Laid over.

COMMITTEE REPORTS

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John Chaney - Board of Trustees of the Nebraska State Colleges

Robert Engles - Board of Trustees of the Nebraska State Colleges

Aye: 8 Avery, Cook, Davis, K. Haar, Kolowski, Scheer, Seiler, Sullivan.

Nay: 0. Absent: 0. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Curt Frye - Nebraska Educational Telecommunications Commission
Clay Smith - Nebraska Educational Telecommunications Commission

Aye: 8 Avery, Cook, Davis, K. Haar, Kolowski, Scheer, Seiler, Sullivan.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kate Sullivan, Chairperson

RESIGNATION

February 2, 2013

Dear Governor Heineman,

I hereby resign the Office of Lieutenant Governor of the State of Nebraska effective immediately. It has been a privilege to serve you and the great people of our State as Lieutenant Governor.

Sincerely,
(Signed) Rick Sheehy

MESSAGE FROM THE GOVERNOR

February 2, 2013

Dear Lt. Governor Sheehy,

I hereby accept your letter of resignation effective immediately.

Sincerely,
(Signed) Dave Heineman
Governor

RESIGNATION

February 13, 2013

Lavon Heidemann
62058 -719th Road
Elk Creek, NE 68348

Dear Governor Heineman,

I hereby resign my position as a member of the University of Nebraska

Board of Regents, effective immediately.

Sincerely,
(Signed) Lavon L. Heidemann

MESSAGE FROM THE GOVERNOR

February 13, 2013

Dear Mr. Heidemann,

I hereby accept your resignation as a member of the University of Nebraska Board of Regents, effective immediately.

Sincerely,
(Signed) Dave Heineman
Governor

MESSAGE FROM THE GOVERNOR

February 13, 2013

Dear Mr. Heidemann,

I am pleased to appoint you to the position of Lieutenant Governor of the Great State of Nebraska, effective immediately.

Sincerely,
(Signed) Dave Heineman
Governor

SELECT FILE

LEGISLATIVE BILL 21. The Lautenbaugh motion, MO8, found in this day's Journal, to bracket until April 15, 2013, was renewed.

SENATOR COASH PRESIDING

Senator Schumacher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Lautenbaugh motion to bracket failed with 7 ayes, 31 nays, 7 present and not voting, and 4 excused and not voting.

Senator Lautenbaugh offered the following motion:

MO9

Recommit to Business and Labor Committee.

SPEAKER ADAMS PRESIDING

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR31.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 47, 48, 49, 50, and 51 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 47, 48, 49, 50, and 51.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 105. Placed on General File.

LEGISLATIVE BILL 243. Placed on General File.

(Signed) Kathy Campbell, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 174. Placed on General File.

LEGISLATIVE BILL 446. Placed on General File with amendment.
AM196

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 60-171, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-171 For purposes of sections 60-171 to 60-177:
- 6 (1) Cost of repairs means the estimated or actual retail
- 7 cost of parts needed to repair a vehicle plus the cost of labor
- 8 computed by using the hourly labor rate and time allocations for
- 9 repair that are customary and reasonable. Retail cost of parts
- 10 and labor rates may be based upon collision estimating manuals
- 11 or electronic computer estimating systems customarily used in the
- 12 insurance industry;
- 13 (2) Late model vehicle means a vehicle which has (a) a
- 14 manufacturer's model year designation of, or later than, the year
- 15 in which the vehicle was wrecked, damaged, or destroyed, or any of
- 16 the six preceding years or (b)(i) in the case of vehicles other
- 17 than all-terrain vehicles, utility-type vehicles, and minibikes, a

18 retail value of more than ten thousand five hundred dollars until
 19 January 1, 2010, and a retail value of more than ten thousand
 20 five hundred dollars increased by five hundred dollars every five
 21 years thereafter or (ii) in the case of all-terrain vehicles,
 22 utility-type vehicles, or minibikes, a retail value of more than
 23 one thousand seven hundred fifty dollars until January 1, 2010,
 1 and a retail value of more than one thousand seven hundred fifty
 2 dollars increased by two hundred fifty dollars every five years
 3 thereafter;

4 (3) Manufacturer buyback means the designation of a
 5 vehicle with an alleged nonconformity when the vehicle (a) has
 6 been replaced by a manufacturer or (b) has been repurchased by a
 7 manufacturer as the result of court judgment, arbitration, or any
 8 voluntary agreement entered into between the manufacturer or its
 9 agent and a consumer;

10 (4) Previously salvaged means the designation of a
 11 rebuilt or reconstructed vehicle which was previously required
 12 to be issued a salvage branded certificate of title and which has
 13 been inspected as provided in section 60-146;

14 (5) Retail value means the actual cash value, fair market
 15 value, or retail value of a vehicle as (a) set forth in a
 16 current edition of any nationally recognized compilation, including
 17 automated data bases, of retail values or (b) determined pursuant
 18 to a market survey of comparable vehicles with respect to condition
 19 and equipment; and

20 (6) Salvage means the designation of a vehicle which is:

21 (a) A late model vehicle which has been wrecked, damaged,
 22 or destroyed to the extent that the estimated total cost of repair
 23 to rebuild or reconstruct the vehicle to its condition immediately
 24 before it was wrecked, damaged, or destroyed and to restore the
 25 vehicle to a condition for legal operation, meets or exceeds
 26 seventy-five percent of the retail value of the vehicle at the time
 27 it was wrecked, damaged, or destroyed; ~~or~~

1 (b) Voluntarily designated by the owner of the vehicle
 2 as a salvage vehicle by obtaining a salvage branded certificate of
 3 title, without respect to the damage to, age of, or value of the
 4 vehicle; ~~or~~

5 (c) Flood damaged resulting from being submerged in water
 6 to the point that rising water has reached over the floorboard,
 7 has entered the passenger compartment, and has caused damage to any
 8 electrical, computerized, or mechanical components. Flood damaged
 9 specifically does not apply to a vehicle that an inspection,
 10 conducted by an insurance claim representative or a vehicle
 11 repairer, indicates:

12 (i) Has no electrical, computerized, or mechanical
 13 components damaged by water; or

14 (ii) Had one or more electrical, computerized, or
 15 mechanical components damaged by water and all such damaged
 16 components were repaired or replaced.

17 Sec. 2. Original section 60-171, Reissue Revised Statutes
18 of Nebraska, is repealed.

(Signed) Annette Dubas, Chairperson

COMMITTEE REPORTS
Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Michelle Hynes - Foster Care Advisory Committee
Sandra Kruback - Foster Care Advisory Committee

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier. Nay:
0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John Bonta - Board of Emergency Medical Services
Karen Bowlin - Board of Emergency Medical Services

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier. Nay:
0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARING
Education

Room 1525

Monday, March 4, 2013 1:30 p.m.

LB465
LB491
LB331
LB332
LB478

(Signed) Kate Sullivan, Chairperson

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB137:
AM270

- 1 1. Strike original section 2.
- 2 2. On page 4, after line 5, insert the following new
- 3 subsection:
- 4 "(7) All rebates received by the state from the fleet
- 5 card program entered into by the State of Nebraska pursuant to
- 6 section 1 of this act from purchases by any state official, agency,
- 7 board, or commission shall be credited to the General Fund.".
- 8 3. Renumber the remaining section accordingly.

Senator Karpisek filed the following amendment to LB230:
AM249 is available in the Bill Room.

VISITORS

Visitors to the Chamber were Alex Coe from Omaha; Marie de Martinez from Grand Island; Will Castner from Sidney; and 53 members of Hall County Leadership Unlimited from Grand Island.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Nelson, the Legislature adjourned until 10:00 a.m., Tuesday, February 19, 2013.

Patrick J. O'Donnell
Clerk of the Legislature