

**TWENTY-SEVENTH DAY - FEBRUARY 19, 2013****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 19, 2013

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senator Conrad who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-sixth day was approved.

**MESSAGE FROM THE GOVERNOR**

February 15, 2013

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 16, 30e, 35e, 72, 87, 91, 100e, 102, 111e, 112, 113, 146e, and 155 were received in my office on February 11, 2013.

These bills were signed and delivered to the Secretary of State on February 15, 2013.

Sincerely,  
(Signed) Dave Heineman  
Governor

**MESSAGE FROM THE GOVERNOR**

February 11, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Environmental Trust Board:

Sherry Vinton, 80687 Haney Lane, Whitman, NE 69387

Contingent upon your approval, the following individuals are being appointed to the Nebraska Environmental Trust Board:

Henry Rick Brandt, 17851 South 12 Street, Roca, NE 68430  
Gerry Lauritzen, 608 Fairacres Road, Omaha, NE 68132

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 39.** Placed on Final Reading.  
**LEGISLATIVE BILL 173.** Placed on Final Reading.  
**LEGISLATIVE BILL 279.** Placed on Final Reading.  
**LEGISLATIVE BILL 290.** Placed on Final Reading.  
**LEGISLATIVE BILL 408.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Transportation and Telecommunications

Room 1113

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

LB258  
LB500  
LB154  
LB649

(Signed) Annette Dubas, Chairperson

Appropriations

Room 1003

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

Agency 16 - Revenue, Department of  
Agency 93 - Tax Equalization and Review Commission  
Agency 84 - Environmental Quality, Department of

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

LB190  
LB432  
LB193  
Agency 13 - Education, Department of  
Agency 32 - Educational Lands and Funds, Board of  
Agency 34 - Library Commission, Nebraska  
Agency 69 - Arts Council, Nebraska

(Signed) Heath Mello, Chairperson

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 88.** Placed on Select File with amendment.  
ER17

- 1 1. In the McGill amendment, AM216, on page 1, line 3,
- 2 after "purposes" insert an underscored comma.
- 3 2. On page 1, line 2, strike "remove" and insert
- 4 "change".

**LEGISLATIVE BILL 38.** Placed on Select File.  
**LEGISLATIVE BILL 283.** Placed on Select File.

**LEGISLATIVE BILL 616.** Placed on Select File with amendment.  
ER21

- 1 1. On page 2, line 9, strike "act" and insert "Nebraska
- 2 Money Transmitters Act"; in line 20 strike "(a)" and insert "(1)";
- 3 in line 22 strike "(b)" and insert "(2)"; and in line 25 strike
- 4 "(c)" and insert "(3)".
- 5 2. On page 3, line 1, strike "(d)" and insert "(4)".
- 6 3. On page 8, line 9, before "1005" insert "part".
- 7 4. On page 12, line 9, strike the comma.
- 8 5. On page 15, lines 8 and 13, strike "address" and
- 9 insert "addresses"; and in line 12 strike "hereunder" and insert
- 10 "under the act".
- 11 6. On page 16, lines 17 and 20, strike "address" and
- 12 insert "addresses"; and in line 18 after "statement" insert an
- 13 underscored comma.
- 14 7. On page 17, line 11, strike "such"; and in line 18
- 15 strike "not be" and insert "are not".
- 16 8. On page 36, line 1, strike "act" and insert "Nebraska
- 17 Money Transmitters Act".

**LEGISLATIVE BILL 628.** Placed on Select File.

**LEGISLATIVE BILL 337.** Placed on Select File with amendment.  
ER18 is available in the Bill Room.

**LEGISLATIVE BILL 426.** Placed on Select File.

**LEGISLATIVE BILL 117.** Placed on Select File.

**LEGISLATIVE BILL 165.** Placed on Select File.

**LEGISLATIVE BILL 484.** Placed on Select File.

**LEGISLATIVE BILL 398.** Placed on Select File with amendment.  
ER20

- 1 1. On page 2, line 12, strike the last comma.

**LEGISLATIVE BILL 27.** Placed on Select File with amendment.  
ER19

- 1 1. On page 3, line 24, strike "(a)" and insert "(1)(a)"
- 2 and strike "subsection (1) of".

(Signed) John Murante, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 56.** Introduced by Carlson, 38.

WHEREAS, Justine Bauer, an esteemed resident of Elm Creek, Nebraska, and a student at Elm Creek High School, has achieved national recognition

for exemplary volunteer service by receiving a 2013 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend in great measure upon the dedication of young people like Ms. Bauer who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Justine Bauer as a recipient of a 2013 Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Justine Bauer.

Laid over.

## RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 52 and 53 were adopted.

## SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 52 and 53.

## SELECT FILE

**LEGISLATIVE BILL 21.** Senator Lautenbaugh renewed his motion, MO9, found on page 450, to recommit to Business and Labor Committee.

## SENATOR GLOOR PRESIDING

Senator Lautenbaugh withdrew his motion to recommit to committee.

Senator Lautenbaugh offered his amendment, AM191, found on page 426.

Senator Lathrop requested a ruling of the Chair on whether the adoption of AM191 will require 25 votes or 30 votes.

The Chair ruled, pursuant to Rule 3, Sec. 20(c), that AM191 is substantially the same as LB324 and therefore would require 30 votes.

Senator Lautenbaugh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

**SPEAKER ADAMS PRESIDING**

Senator Lathrop offered the following motion:

MO10

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lathrop moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Lathrop requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 36:

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

Voting in the negative, 10:

|            |         |             |         |        |
|------------|---------|-------------|---------|--------|
| Bloomfield | Janssen | Larson      | McCoy   | Nelson |
| Chambers   | Kintner | Lautenbaugh | Murante | Schilz |

Present and not voting, 3:

|         |        |       |
|---------|--------|-------|
| Carlson | Pirsch | Price |
|---------|--------|-------|

The Lathrop motion to invoke cloture prevailed with 36 ayes, 10 nays, and 3 present and not voting.

Senator Chambers requested a record vote on the Lautenbaugh motion to overrule the Chair.

Voting in the affirmative, 9:

|            |         |             |         |        |
|------------|---------|-------------|---------|--------|
| Bloomfield | Janssen | Larson      | Murante | Schilz |
| Carlson    | Kintner | Lautenbaugh | Nelson  |        |

Voting in the negative, 36:

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

Present and not voting, 4:

|      |             |       |       |
|------|-------------|-------|-------|
| Bolz | Christensen | McCoy | Price |
|------|-------------|-------|-------|

The Lautenbaugh motion to overrule the Chair failed with 9 ayes, 36 nays, and 4 present and not voting.

The Chair was sustained.

The Lautenbaugh amendment, AM191, lost with 13 ayes, 33 nays, and 3 present and not voting.

Advanced to Enrollment and Review for Engrossment with 47 ayes, 1 nay, and 1 present and not voting.

The Chair declared the call raised.

### **NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

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

LB379  
 LB374  
 LB615  
 LB455  
 LB441

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

LB472  
 LB608  
 LB610  
 LB298  
 LB390

(Signed) Brad Ashford, Chairperson

**COMMITTEE REPORTS**

## Urban Affairs

**LEGISLATIVE BILL 208.** Placed on General File.

**LEGISLATIVE BILL 377.** Placed on General File.

**LEGISLATIVE RESOLUTION 29CA.** Placed on General File with amendment.

AM273

- 1 1. On page 2, line 1, reinstate the stricken matter and
- 2 strike the new matter; and strike beginning with "and" in line 15
- 3 through "years" in line 17.

(Signed) Amanda McGill, Chairperson

Revenue

**LEGISLATIVE BILL 33.** Placed on General File with amendment.

AM271

- 1 1. On page 2, line 3, strike "real and"; and in line 6
- 2 after the period insert "The Tax Commissioner shall issue a report
- 3 to the Revenue Committee of the Legislature, the Clerk of the
- 4 Legislature, and the Governor by November 1, 2015, containing the
- 5 Tax Commissioner's preliminary findings regarding implementation of
- 6 this section and recommendations for any needed changes. The report
- 7 submitted to the committee and to the Clerk of the Legislature
- 8 shall be submitted electronically."
- 9 2. On page 3, lines 9 and 25, strike "to extend the time
- 10 period"; and in line 10 strike "may be" and insert "is".
- 11 3. On page 4, line 1, strike "may be" and insert "is".

(Signed) Galen Hadley, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 211A.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 211, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

**AMENDMENT - Print in Journal**

Senator Mello filed the following amendment to LB137:

AM293

- 1 1. On page 4, line 6, strike "Distributive"; and strike
- 2 beginning with "shall" in line 12 through line 22 and insert



3 "received on behalf of state officers, agencies, boards, and  
4 commissions shall be transferred by the State Treasurer from the  
5 fund to the General Fund. Fleet card rebates received on behalf of  
6 political subdivisions shall be disbursed to political subdivisions  
7 consistent with the volume spent and contract terms."

### VISITORS

Visitors to the Chamber were Open World Delegates from Moscow, Central Russia, and Siberia; 40 members of League of Women Voters of Nebraska and the Association of University Women of Nebraska from across the state; and 14 members of Leadership Lincoln County from North Platte and Lincoln County.

The Doctor of the Day was Dr. Neuharth from Bellevue.

### ADJOURNMENT

At 12:08 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Wednesday, February 20, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature

