

**TWENTY-EIGHTH DAY - FEBRUARY 20, 2013**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION**

**TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 20, 2013

**PRAYER**

The prayer was offered by Pastor Roger Criser, Harrison Street Baptist Church, La Vista.

**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 Conrad, Kolowski, Lautenbaugh, Murante, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-seventh day was approved.

**NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Friday, March 1, 2013 1:00 p.m.

Derek Vaughn - Crime Victim's Reparations Committee  
Jeff Davis - Crime Victim's Reparations Committee  
Joe Kelly - Crime Victim's Reparations Committee  
Michelle Schindler - Crime Victim's Reparations Committee  
Rex Richard - Board of Parole

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

LB564  
LB300

(Signed) Brad Ashford, Chairperson

## Appropriations

Room 1524

Tuesday, March 5, 2013 1:30 p.m.

LB122

LB376

LB394

LB519

LB582

Agency 72 - Economic Development, Department of

Agency 23 - Labor, Department of

Agency 91 - Nebraska Tourism Commission

Agency 54 - Historical Society, Nebraska State

Room 1003

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

LB424

Agency 21 - State Fire Marshal

Agency 64 - State Patrol, Nebraska

Agency 78 - Nebraska Commission on Law Enforcement and Criminal  
Justice

Agency 15 - Parole, Nebraska Board of

Agency 46 - Correctional Services, Department of

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

Agency 81 - Commission for the Blind and Visually Impaired

Agency 67 - Equal Opportunity Commission

Agency 68 - Latino-American Commission

Agency 70 - Foster Care Review Board, State

Agency 76 - Indian Commission, Nebraska

Agency 82 - Commission for the Deaf and Hard of Hearing

(Signed) Heath Mello, Chairperson

**RESOLUTIONS****LEGISLATIVE RESOLUTION 57.** Introduced by Johnson, 23.

WHEREAS, Nathan Bazata of Howells-Dodge High School won the 2013 Class D State Wrestling Championship in the 285-pound division; and

WHEREAS, Nathan displayed outstanding determination and skill in winning the state championship; 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 Nathan Bazata on winning the 2013 Class D State Wrestling Championship in the 285-pound division.
2. That a copy of this resolution be sent to Nathan Bazata.

Laid over.

**LEGISLATIVE RESOLUTION 58.** Introduced by Johnson, 23.

WHEREAS, Austin Svoboda of Aquinas High School won the 2013 Class C State Wrestling Championship in the 195-pound division; and

WHEREAS, Austin displayed outstanding determination and skill in winning the state championship; 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 Austin Svoboda on winning the 2013 Class C State Wrestling Championship in the 195-pound division.
2. That a copy of this resolution be sent to Austin Svoboda.

Laid over.

### **MOTION - Suspend Rules**

Senator Adams offered the following motion:

To suspend the rules, Rule 3, Sec. 14, to permit cancellation of hearings on the following bills and Governor appointments: LBs 417, 292, 299, 349, 508, 487, 430, 368, 631, 415, 520, 533, 557, 598, 14, 308, 475, 82, and Elizabeth Neeley, Jeromy Warner, Lynn Berggren, Kent Forney, Charles "Tod" Brodersen, and Mark A. Ondracek as scheduled for Thursday, February 21, 2013.

The Adams motion to suspend the rules prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

### **GENERAL FILE**

**LEGISLATIVE BILL 52.** Committee AM157, found on page 403 and considered on page 438, was renewed.

Senator Christensen renewed his amendment, FA6, found on page 438, to the committee amendment.

The Christensen amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:

FA7

Page 2, line 24 strike "fraternal"

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Avery	Conrad	Haar, K.	Schumacher	Wallman
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Voting in the negative, 25:

Adams	Carlson	Gloor	Karpisek	Nelson
Ashford	Christensen	Hansen	Kintner	Scheer
Bloomfield	Coash	Harms	Larson	Seiler
Brasch	Crawford	Janssen	McCoy	Smith
Campbell	Davis	Johnson	Murante	Wightman

Present and not voting, 16:

Bolz	Harr, B.	Lathrop	Pirsch
Chambers	Howard	McGill	Price
Cook	Kolowski	Mello	Sullivan
Dubas	Krist	Nordquist	Watermeier

Excused and not voting, 3:

Hadley	Lautenbaugh	Schilz
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The Chambers amendment lost with 5 ayes, 25 nays, 16 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO11

Reconsider the vote taken on FA7.

Pending.

**NOTICE OF COMMITTEE HEARINGS**  
Government, Military and Veterans Affairs

Room 1507

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

LB418  
LB433  
LB449  
LB450

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

LB515  
LB565  
LB576  
LB646

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

Don Eisenhower - State Emergency Response Commission  
Steven Danon - State Emergency Response Commission  
LB563  
LB603

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

LB417 (cancel)  
LB292 (cancel)  
LB299 (cancel)  
LB349 (cancel)

(Signed) Bill Avery, Chairperson

Health and Human Services

Room 1510

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

Jeromy Warner - State Board of Health (cancel)  
Elizabeth Neeley - Foster Care Advisory Committee (cancel)  
LB508 (cancel)  
LB487 (cancel)  
LB430 (cancel)  
LB368 (cancel)

(Signed) Kathy Campbell, Chairperson

Judiciary

Room 1113

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

LB631 (cancel)

LB415 (cancel)

LB520 (cancel)

LB533 (cancel)

(Signed) Brad Ashford, Chairperson

Natural Resources

Room 1525

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

Lynn Berggren - Nebraska Game and Parks Commission (cancel)

Kent Forney - Nebraska Game and Parks Commission (cancel)

Charles "Tod" Brodersen - Nebraska Ethanol Board (cancel)

Mark A. Ondracek - Nebraska Ethanol Board (cancel)

LB557 (cancel)

LB598 (cancel)

(Signed) Tom Carlson, Chairperson

Revenue

Room 1524

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

LB14 (cancel)

LB308 (cancel)

LB475 (cancel)

LB82 (cancel)

(Signed) Galen Hadley, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 52.** Senator Chambers renewed his motion, MO11, found in this day's Journal, to reconsider the vote taken on FA7.

**SENATOR COASH PRESIDING**

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

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 7:

Avery	Chambers	Haar, K.	Wallman
Bolz	Conrad	Pirsch	

Voting in the negative, 37:

Adams	Cook	Johnson	McGill	Seiler
Ashford	Crawford	Karpisek	Mello	Smith
Bloomfield	Davis	Kintner	Murante	Sullivan
Brasch	Dubas	Kolowski	Nelson	Watermeier
Campbell	Gloor	Krist	Nordquist	Wightman
Carlson	Hansen	Larson	Price	
Christensen	Harms	Lathrop	Scheer	
Coash	Howard	McCoy	Schumacher	

Absent and not voting, 1:

Harr, B.

Excused and not voting, 4:

Hadley	Janssen	Lautenbaugh	Schilz
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The Chambers motion to reconsider failed with 7 ayes, 37 nays, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA8

Page 2, line 24, strike "nonprofit corporation"

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 3:

Conrad	Schumacher	Wallman
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Voting in the negative, 35:

Adams	Christensen	Harr, B.	Lathrop	Scheer
Ashford	Coash	Howard	McCoy	Schilz
Avery	Cook	Johnson	McGill	Seiler
Bloomfield	Dubas	Karpisek	Murante	Smith
Brasch	Gloor	Kintner	Nelson	Sullivan
Campbell	Hansen	Kolowski	Nordquist	Watermeier
Carlson	Harms	Krist	Price	Wightman

Present and not voting, 7:

Bolz	Crawford	Haar, K.	Pirsch
Chambers	Davis	Mello	

Excused and not voting, 4:

Hadley	Janssen	Larson	Lautenbaugh
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The Chambers amendment lost with 3 ayes, 35 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO12

Reconsider the vote taken on FA8.

Pending.

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 21.** Placed on Final Reading.

(Signed) John Murante, Chairperson

### COMMITTEE REPORTS

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 56.** Placed on General File with amendment.

AM226

- 1 1. On page 2, lines 7 and 8, strike the new matter;
- 2 and in line 14 after the period insert "If the number of
- 3 candidates properly filed for the nomination of a political party
- 4 at the primary election for any county officer elected pursuant to
- 5 sections 32-517 to 32-529 does not exceed the number of candidates
- 6 to be nominated by that party for that office, any such properly
- 7 filed candidates shall be declared nominated and their names shall
- 8 not appear on any primary election ballots.".



(Signed) Bill Avery, Chairperson

Health and Human Services

**LEGISLATIVE BILL 42.** Placed on General File with amendment.  
AM268

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 38-2402, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 38-2402 For purposes of the Nursing Home Administrator
- 5 Practice Act and elsewhere in the Uniform Credentialing Act, unless
- 6 the context otherwise requires, the definitions found in sections
- 7 38-2403 to 38-2416 and section 3 of this act apply.
- 8 Sec. 3. Facility operated primarily for caring for
- 9 persons with head injuries and associated disorders means a nursing
- 10 home in which all or a majority of the persons served by the
- 11 nursing home have head injuries and associated disorders.
- 12 2. On page 2, line 3, strike "section 5" and insert
- 13 "sections 3 and 7".
- 14 3. On page 5, line 14, strike "5" and insert "7".
- 15 4. On page 7, line 15, after the period insert "A license
- 16 issued under this section permits the holder to serve as a nursing
- 17 home administrator only in a facility operated primarily for caring
- 18 for persons with head injuries and associated disorders.".
- 19 5. On page 8, line 8, strike "or"; after line 11 insert
- 20 the following new subdivision:
- 21 "(F) An administrator or executive of a health care
- 22 facility as defined in section 71-413 who is a member in good
- 23 standing with an organization that offers voluntary certification
- 1 for the purpose of demonstrating managerial knowledge and
- 2 experience for health care managers; or"; and in line 22 after the
- 3 first comma insert "38-2402,".
- 4 6. Renumber the remaining sections accordingly.

(Signed) Kathy Campbell, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 59.** Placed on General File with amendment.  
AM198

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 44-361.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-361.01 (1) A licensed agent, whose total commissions
- 6 and underwriting fees on business written upon the property, life,
- 7 health, or liability of himself or herself, his or her relatives
- 8 by consanguinity or affinity, and his or her employer or employees
- 9 exceed ten percent of the total commissions or underwriting fees

10 received during any one license year; shall be presumed to have  
 11 obtained a license or renewal thereof primarily to circumvent the  
 12 enforcement of section 44-361, except that for a licensed agent  
 13 soliciting crop insurance, the percentage shall be thirty percent  
 14 for commissions and underwriting fees on crop insurance business.

15 (2) A licensed agent; whose total commissions and  
 16 underwriting fees on such-business written upon the property, life,  
 17 health, or liability of himself or herself, his or her relatives  
 18 by consanguinity or affinity, and his or her employer or employees  
 19 exceed thirty percent of the total commissions and underwriting  
 20 fees received during any one license year; shall be conclusively  
 21 presumed to have obtained a license or renewal thereof primarily  
 22 to circumvent the enforcement of section 44-361, except that for  
 23 a licensed agent soliciting crop insurance, the percentage shall  
 1 be fifty percent for commissions and underwriting fees on crop  
 2 insurance business.

3 Sec. 2. Original section 44-361.01, Reissue Revised  
 4 Statutes of Nebraska, is repealed.

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 399.** Placed on General File.

(Signed) Annette Dubas, Chairperson

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Brandt, Henry Rick - Nebraska Environmental Trust Board - Natural Resources

Lauritzen, Gerry - Nebraska Environmental Trust Board - Natural Resources

Vinton, Sherry - Nebraska Environmental Trust Board - Natural Resources

(Signed) John Wightman, Chairperson  
 Executive Board

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 59.** Introduced by Schumacher, 22.

WHEREAS, Nicholas Lutjens has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to

advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Nicholas has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Nicholas shingled and repaired the roof of a two-car garage outside of Immanuel Lutheran Preschool; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Nicholas, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Nicholas Lutjens on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nicholas Lutjens.

Laid over.

**LEGISLATIVE RESOLUTION 60.** Introduced by Adams, 24.

WHEREAS, the NEBRASKAland Foundation on Saturday, March 2, 2013, at the annual Statehood Day Dinner held in the Nebraska State Capitol, will present the Distinguished NEBRASKAlander Award to three honorees and will recognize a student for excellence in a youth competition sponsored by the NEBRASKAland Foundation at the Nebraska State Fair; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Henry H. (Hod) and Willa Kosman, of Scottsbluff, who together have filled their lifetimes with contributions to Nebraska and, particularly, to the Panhandle area. Hod followed the family path in banking and leads the Platte Valley Finance Service Corporation. Hod is noted in conservation work for spearheading efforts to help conserve biologically unique land in the Wildcat Hills. Willa has made remarkable contributions to the arts, including especially to the historic Midwest Theater in Scottsbluff, and has served as chair of the board of trustees of the Nebraska State College System; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to the Raikes Family, of Ashland, which has long been dedicated to the advancement of education, economic infrastructure, and agriculture. With strong ties to the University of Nebraska, the patriarch of the family, Ralph Raikes, believed in the importance of innovation and the family farm. Ralph and Alice Raikes' offspring and their families remain connected to the family farm in Nebraska and continue to serve their communities in the Raikes family name. Ron Raikes was a dedicated public servant who served

for twelve years as the state senator representing district 25 in Lancaster County. Upon his death in 2009, he was honored by his former colleagues and friends as an intellectually gifted and intellectually honest person. His wife, Helen, continues to lead in child, youth, and family studies. Jeff Raikes serves as chief executive officer of the world's largest private charitable foundation. He and his wife, Tricia, have been recognized for their philanthropic efforts in Nebraska; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Fred and Eve Simon, of Omaha, who are well recognized in the state for philanthropic works and business excellence. Fred is a fourth-generation leader of Omaha Steaks, which has made Omaha a household name in much of the world. Eve and Fred have been lifelong volunteers and major supporters of many organizations in the Omaha community, most notably in the arts. In addition to their support of Opera Omaha and other key arts organizations, Eve has been a member for many years and twice president of the board of Tuesday Musical. Fred is currently chair of the University of Nebraska Medical Center College of Public Health campaign committee; and

WHEREAS, Akshay Rajagopal, a student from Lincoln East High School, will receive special recognition for his excellence in a youth competition sponsored by the NEBRASKAland Foundation at the Nebraska State Fair.

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

1. That the Legislature extends its appreciation to the recipients of the Distinguished NEBRASKAlander Award for their service to the State of Nebraska and its congratulations to Akshay Rajagopal for excellence in the youth competition sponsored by the NEBRASKAland Foundation.

2. That a copy of this resolution be given to all honorees.

Laid over.

### AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB484:  
AM261

- 1 1. On page 5, line 6, after the period, insert
- 2 "The report submitted to the Legislature shall be submitted
- 3 electronically.".

### VISITORS

Visitors to the Chamber were 20 members of Leadership Fremont; 20 members of the Civil Air Patrol, Nebraska Wing from across the state; 22 members of Leadership York; 5 high school students, teacher, and sponsors from Wahoo; and Senator Bloomfield's wife, Dee, and Karen Kruger from Hoskins.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

**ADJOURNMENT**

At 11:54 a.m., on a motion by Senator Price, the Legislature adjourned until 9:00 a.m., Thursday, February 21, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature

