

THIRTY-SECOND DAY - FEBRUARY 26, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 26, 2013

PRAYER

The prayer was offered by Senator Bloomfield.

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 Carlson and Seiler who were excused; and Senators Ashford, Campbell, Conrad, Pirsch, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 7. Placed on Final Reading.

LEGISLATIVE BILL 156. Placed on Final Reading.

LEGISLATIVE BILL 180. Placed on Final Reading.

LEGISLATIVE BILL 225. Placed on Final Reading.

LEGISLATIVE BILL 311. Placed on Final Reading.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARING

Transportation and Telecommunications

Room 1113

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

LB181

LB393

(Signed) Annette Dubas, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 74. Introduced by Howard, 9; Kolowski, 31.

WHEREAS, Alexandra Baxter, a resident of Omaha, Nebraska, and a student at Millard North 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, Ms. Baxter earned this award by giving generously of her time and energy to the Red Kettle 5k Run, a project she started and which has collected more than 80,000 cans of food to stock Salvation Army pantries for the holiday season; 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. Baxter.

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

1. That the Legislature congratulates Alexandra Baxter for receiving a 2013 Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and thanks her for her service to our state.

2. That a copy of this resolution be sent to Alexandra Baxter.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 52. Senator Chambers renewed his motion, MO12, found on page 472, to reconsider the vote taken on FA8.

The Chambers motion to reconsider failed with 3 ayes, 23 nays, 15 present and not voting, and 8 excused and not voting.

Senator Chambers offered the following amendment:

FA14

1. Page 2, lines 4 and 5, strike and show as stricken "and to reduce the cost of operating the facilities";

2. line 4 after first comma insert "and"

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

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

Voting in the affirmative, 5:

Conrad	Cook	Dubas	Haar, K.	Schumacher
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Voting in the negative, 36:

Adams	Crawford	Johnson	McGill	Sullivan
Avery	Davis	Karpisek	Murante	Wallman
Bloomfield	Gloor	Kintner	Nelson	Watermeier
Bolz	Hadley	Kolowski	Nordquist	Wightman
Brasch	Hansen	Krist	Pirsch	
Campbell	Harms	Lathrop	Scheer	
Christensen	Harr, B.	Lautenbaugh	Schilz	
Coash	Howard	McCoy	Smith	

Present and not voting, 1:

Chambers

Excused and not voting, 7:

Ashford	Janssen	Mello	Seiler
Carlson	Larson	Price	

The Chambers amendment lost with 5 ayes, 36 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO15

Reconsider the vote taken on FA14.

SENATOR COASH PRESIDING

The Chambers motion to reconsider failed with 5 ayes, 20 nays, 14 present and not voting, and 10 excused and not voting.

Senator Chambers offered the following motion:

MO16

Indefinitely postpone.

The Chambers motion to indefinitely postpone failed with 7 ayes, 18 nays, 12 present and not voting, and 12 excused and not voting.

Senator Chambers offered the following amendment:

FA15

Add a new section: No organization or entity which discriminates against

any person on the basis of sexual orientation shall be permitted to participate in the program initiated pursuant to subsection (3).

SENATOR GLOOR PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 29:

Adams	Conrad	Hadley	Kolowski	Smith
Avery	Cook	Harms	Krist	Sullivan
Bloomfield	Crawford	Harr, B.	Lathrop	Wallman
Bolz	Dubas	Howard	Nordquist	Watermeier
Campbell	Gloor	Johnson	Scheer	Wightman
Chambers	Haar, K.	Karpisek	Schumacher	

Voting in the negative, 5:

Brasch	Christensen	Coash	Davis	Kintner
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Present and not voting, 3:

McCoy	Murante	Pirsch
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Excused and not voting, 12:

Ashford	Janssen	McGill	Price
Carlson	Larson	Mello	Schilz
Hansen	Lautenbaugh	Nelson	Seiler

The Chambers amendment was adopted with 29 ayes, 5 nays, 3 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 643. Placed on General File.

(Signed) Amanda McGill, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 75. Introduced by Janssen, 15; Karpisek, 32.

WHEREAS, Frank Freeouf was born February 12, 1884, in a small log house in Saline County; and

WHEREAS, Frank Freeouf attended Freeouf School and the University of Nebraska Agriculture College at Lincoln; and

WHEREAS, Frank Freeouf married Phoebe Emily Parsons on June 8, 1910, and they later had five children together; and

WHEREAS, Frank Freeouf was a farmer and real estate professional in southeast Nebraska; and

WHEREAS, Frank Freeouf was a member of the Nebraska House of Representatives from 1927 to 1935, where he was known for his strong work ethic; and

WHEREAS, Frank Freeouf showed admirable courage overcoming the loss of his right leg in 1922 and persevering through the Great Depression; and

WHEREAS, Frank Freeouf was a respected community servant and role model for persons facing adversities; and

WHEREAS, Frank Freeouf passed away on July 31, 1961.

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

1. That the Legislature honors Frank Freeouf for his service to the State of Nebraska.

2. That a copy of this resolution be sent to the family of Frank Freeouf.

Laid over.

LEGISLATIVE RESOLUTION 76. Introduced by Bloomfield, 17.

WHEREAS, the Wayne High School girls' bowling team won the 2013 Class C Nebraska High School Bowling Federation State Tournament; and

WHEREAS, the win gave the team its second straight state championship; and

WHEREAS, the team members showed remarkable skill and perseverance 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 the Wayne High School girls' bowling team on winning the 2013 Class C Nebraska High School Bowling Federation State Tournament.

2. That a copy of this resolution be sent to the Wayne High School girls' bowling team and to the team's coach, Mike Varley.

Laid over.

LEGISLATIVE RESOLUTION 77. Introduced by Bloomfield, 17.

WHEREAS, the Emerson-Hubbard High School dance team won the Jazz and Hip Hop divisions at the 2013 Class D Nebraska State Cheer and Dance Championships; and

WHEREAS, team members are Molly Charron, Nikki Sullivan, Peyton Stolze, Riley Stark, Raychel Wyatt, Alexis Boyle, Jayden Gubbels, and Jess Stewart; and

WHEREAS, the team showed outstanding determination, perseverance, and skill throughout the competition; 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 Emerson-Hubbard High School dance team on winning the Jazz and Hip Hop divisions at the 2013 Class D Nebraska State Cheer and Dance Championships.

2. That a copy of this resolution be sent to the Emerson-Hubbard High School dance team.

Laid over.

LEGISLATIVE RESOLUTION 78. Introduced by Bloomfield, 17.

WHEREAS, the Pender High School dance team won the Pom division at the 2013 Class D Nebraska State Cheer and Dance Championships; and

WHEREAS, team members are Carlie Bartlett, Rebecca McKay, Justice Sorenson, Lexi Ostrand, Raegan Anderson, Molly Burmester, Leigh Heese, Rebecca VonSeggern, Taryn Hansen, and Kate Nelson; and

WHEREAS, the team showed outstanding determination, perseverance, and skill throughout the competition; 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 Pender High School dance team on winning the Pom division at the 2013 Class D Nebraska State Cheer and Dance Championships.

2. That a copy of this resolution be sent to the Pender High School dance team.

Laid over.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 434. Placed on Select File.

LEGISLATIVE BILL 510. Placed on Select File.

(Signed) John Murante, Chairperson

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB615:

AM353

1 1. On page 2, strike beginning with "(1)" in line 24
2 through line 25 and insert "(1) Within three days after filing the
3 summary guardian affidavit with the court under section 1 of this
4 act, the person filing the summary guardian affidavit shall cause
5 notice of such filing:

6 (a) To be served upon the person alleged to be
7 incapacitated by the sheriff of the county in which the person
8 alleged to be incapacitated resides. Within twenty days after the
9 request of service, the sheriff shall file with the court (i) proof
10 of service that includes the time, place, including address if
11 applicable, and name of the person with whom the notice was left
12 or (ii) the unserved notice and a statement of the reason for the
13 failure to serve; and

14 (b) To be sent to all interested persons."

15 2. On page 3, strike line 1; and strike beginning with
16 "The" in line 9 through line 14 and insert "The person alleged to
17 be incapacitated may file an objection to the summary guardianship
18 within thirty days of actual receipt of the notice of the filing
19 of the summary guardian affidavit. Any other interested person may
20 file an objection to the summary guardianship within thirty days
21 after the filing of the summary guardian affidavit. If no objection
22 is filed, the summary guardianship shall be effective beginning
23 thirty days after the date of actual receipt of the notice of
1 filing of the summary guardianship affidavit by the person alleged
2 to be incapacitated."

3 3. On page 6, line 11, strike beginning with "date"
4 through "affidavit" and insert "summary guardianship becomes
5 effective as provided in subsection (1) of section 3 of this act";
6 and in line 22 strike "7" and insert "6".

UNANIMOUS CONSENT - Add Cointroducers

Senator Christensen asked unanimous consent to add his name as cointroducer to LB428. No objections. So ordered.

Senator Kintner asked unanimous consent to add his name as cointroducer to LB376. No objections. So ordered.

VISITORS

Visitors to the Chamber were 19 fourth-grade students and teachers from St. Vincent de Paul, Seward; 33 ninth-grade students from Omaha Northwest; 3 Home Christian School students and educators; and 20 seventh- and eighth-grade students and teacher from Logan Fontenelle Middle School, Bellevue.

The Doctor of the Day was Dr. Brian Buhlke from Central City.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Wednesday, February 27, 2013.

Patrick J. O'Donnell
Clerk of the Legislature