

THIRTY-THIRD DAY - FEBRUARY 27, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 27, 2013

PRAYER

The prayer was offered by Pastor Bob Wynn, First United Methodist Church, Louisville.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senators Janssen and Lautenbaugh who were excused; and Senator Hansen who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 363. Placed on Select File with amendment.
ER22

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 84-712, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:
5 84-712 (1) Except as otherwise expressly provided by
6 statute, all citizens of this state and all other persons
7 interested in the examination of the public records as defined
8 in section 84-712.01 are hereby fully empowered and authorized
9 to (a) examine such records, and make memoranda, copies using
10 their own copying or photocopying equipment in accordance with
11 subsection (2) of this section, and abstracts therefrom, all free
12 of charge, during the hours the respective offices may be kept
13 open for the ordinary transaction of business and (b) except if
14 federal copyright law otherwise provides, obtain copies of public
15 records in accordance with subsection (3) of this section during

16 the hours the respective offices may be kept open for the ordinary
17 transaction of business.

18 (2) Copies made by citizens or other persons using their
19 own copying or photocopying equipment pursuant to subdivision
20 (1)(a) of this section shall be made on the premises of the
21 custodian of the public record or at a location mutually agreed to
22 by the requester and the custodian.

23 (3)(a) Copies may be obtained pursuant to subdivision
1 (1)(b) of this section only if the custodian has copying equipment
2 reasonably available. Such copies may be obtained in any form
3 designated by the requester in which the public record is
4 maintained or produced, including, but not limited to, printouts,
5 electronic data, discs, tapes, and photocopies. This section shall
6 not be construed to require a custodian to copy any public record
7 that is available to the requester on the custodian's web site on
8 the Internet. The custodian of the public record is required to
9 provide the location of the public record on the Internet to the
10 requester. If the requester does not have reasonable access to the
11 Internet due to lack of computer, lack of Internet availability, or
12 inability to use a computer or the Internet, the custodian shall
13 produce copies for the requester.

14 (b) Except as otherwise provided by statute, the public
15 body, public entity, or public official which is the custodian of
16 a public record may charge a fee for providing copies of such
17 public record pursuant to subdivision (1)(b) of this section, which
18 fee shall not exceed the actual added cost of making the copies
19 available. For purposes of this subdivision, (i) for photocopies,
20 the actual added cost of making the copies available shall not
21 exceed the amount of the reasonably calculated actual added cost
22 of the photocopies, which may include a reasonably apportioned cost
23 of the supplies, such as paper, toner, and equipment, used in
24 preparing the copies, as well as any additional payment obligation
25 of the custodian for time of contractors necessarily incurred
26 to comply with the request for copies, (ii) for printouts of
27 computerized data on paper, the actual added cost of making the
1 copies available shall include the reasonably calculated actual
2 added cost of computer run time and the cost of materials
3 for making the copy, and (iii) for electronic data, the actual
4 added cost of making the copies available shall include the
5 reasonably calculated actual added cost of the computer run time,
6 any necessary analysis and programming by the public body, public
7 entity, public official, or third-party information technology
8 services company contracted to provide computer services to the
9 public body, public entity, or public official, and the production
10 of the report in the form furnished to the requester.

11 (c) The actual added cost used as the basis for the
12 calculation of a fee for records shall not include any charge
13 for the existing salary or pay obligation to the public officers
14 or employees with respect to the first six hours of searching.

15 identifying, physically redacting, or copying. A special service
16 charge reflecting the calculated labor cost may be included in
17 the fee for time required in excess of six hours, since that
18 large a request may cause some delay or disruption of the other
19 responsibilities of the custodian's office, except that the fee
20 for records shall not include any charge for the services of an
21 attorney to review the requested public records seeking a legal
22 basis to withhold the public records from the public.

23 (d) State agencies which provide electronic access to
24 public records through a portal established under section 84-1204
25 shall obtain approval of their proposed reasonable fees for
26 such records pursuant to sections 84-1205.02 and 84-1205.03,
27 if applicable, and the actual added cost of making the copies
1 available may include the approved fee for the portal.

2 ~~(e)~~(e) This section shall not be construed to require a
3 public body or custodian of a public record to produce or generate
4 any public record in a new or different form or format modified
5 from that of the original public record.

6 ~~(d)~~(f) If copies requested in accordance with
7 subdivision (1)(b) of this section are estimated by the custodian
8 of such public records to cost more than fifty dollars, the
9 custodian may require the requester to furnish a deposit prior to
10 fulfilling such request.

11 (4) Upon receipt of a written request for access to
12 or copies of a public record, the custodian of such record
13 shall provide to the requester as soon as is practicable and
14 without delay, but not more than four business days after actual
15 receipt of the request, an estimate of the expected cost of
16 the copies and either (a) access to or, if copying equipment is
17 reasonably available, copies of the public record, (b) if there
18 is a legal basis for denial of access or copies, a written denial
19 of the request together with the information specified in section
20 84-712.04, or (c) if the entire request cannot with reasonable
21 good faith efforts be fulfilled within four business days after
22 actual receipt of the request due to the significant difficulty or
23 the extensiveness of the request, a written explanation, including
24 the earliest practicable date for fulfilling the request, an
25 estimate of the expected cost of any copies, and an opportunity
26 for the requester to modify or prioritize the items within the
27 request. The requester shall have ten business days to review the
1 estimated costs, including any special service charge, and request
2 the custodian to fulfill the original request, negotiate with
3 the custodian to narrow or simplify the request, or withdraw the
4 request. If the requester does not respond to the custodian within
5 ten business days, the custodian shall not proceed to fulfill the
6 request. The four business days shall be computed by excluding the
7 day the request is received, after which the designated period of
8 time begins to run. Business day does not include a Saturday, a
9 Sunday, or a day during which the offices of the custodian of the

10 public records are closed.

11 Sec. 2. Section 84-712.03, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 84-712.03 (1) Any person denied any rights granted by
14 sections 84-712 to 84-712.03 may elect to:

15 ~~(1)~~ (a) File for speedy relief by a writ of mandamus in
16 the district court within whose jurisdiction the state, county, or
17 political subdivision officer who has custody of the public record
18 can be served; or

19 ~~(2)~~ (b) Petition the Attorney General to review the
20 matter to determine whether a record may be withheld from public
21 inspection or whether the public body that is custodian of such
22 record has otherwise failed to comply with such sections, including
23 whether the fees estimated or charged by the custodian are actual
24 added costs or special service charges as provided under section
25 84-712. This determination shall be made within fifteen calendar
26 days ~~of~~ after the submission of the petition. If the Attorney
27 General determines that the record may not be withheld or that the
1 public body is otherwise not in compliance, the public body shall
2 be ordered to disclose the record immediately or otherwise comply.
3 If the public body continues to withhold the record or remain in
4 noncompliance, the person seeking disclosure or compliance may ~~(a)~~
5 (i) bring suit in the trial court of general jurisdiction or ~~(b)~~
6 (ii) demand in writing that the Attorney General bring suit in
7 the name of the state in the trial court of general jurisdiction
8 for the same purpose. If such demand is made, the Attorney General
9 shall bring suit within fifteen calendar days ~~of~~ after its receipt.
10 The requester shall have an absolute right to intervene as a full
11 party in the suit at any time.

12 (2) In any suit filed under this section, the court has
13 jurisdiction to enjoin the public body from withholding records,
14 to order the disclosure, and to grant such other equitable relief
15 as may be proper. The court shall determine the matter de novo
16 and the burden is on the public body to sustain its action.
17 The court may view the records in controversy in camera before
18 reaching a decision, and in the discretion of the court other
19 persons, including the requester, counsel, and necessary expert
20 witnesses, may be permitted to view the records, subject to
21 necessary protective orders.

22 (3) Proceedings arising under this section, except as to
23 the cases the court considers of greater importance, shall take
24 precedence on the docket over all other cases and shall be assigned
25 for hearing, trial, or argument at the earliest practicable date
26 and expedited in every way.

27 Sec. 3. Original section 84-712.03, Reissue Revised
1 Statutes of Nebraska, and section 84-712, Revised Statutes
2 Cumulative Supplement, 2012, are repealed.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

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

Lynn Berggren - Nebraska Game and Parks Commission

(Signed) Tom Carlson, Chairperson

Government, Military and Veterans Affairs

Room 1507

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

LB632

LB588

LB534

LB382

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

LR23

LR38

LB509

LB381

(Signed) Bill Avery, Chairperson

Appropriations

Room 1003

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

LB486

Agency 7 - Governor

Agency 8 - Lieutenant Governor

Agency 9 - Secretary of State

Agency 10 - Auditor of Public Accounts

Agency 11 - Attorney General

Agency 14 - Public Service Commission

Agency 3 - Legislative Council

(Signed) Heath Mello, Chairperson

AMENDMENT - Print in Journal

Senator Scheer filed the following amendment to LB510:
AM416

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 84-1411, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 84-1411 (1) Each public body shall give reasonable
- 6 advance publicized notice of the time and place of each meeting
- 7 by a method designated by each public body and recorded in its
- 8 minutes. Such notice shall be transmitted to all members of the
- 9 public body and to the public. Such notice shall contain an
- 10 agenda of subjects known at the time of the publicized notice
- 11 or a statement that the agenda, which shall be kept continually
- 12 current, shall be readily available for public inspection at the
- 13 principal office of the public body during normal business hours.
- 14 Agenda items shall be sufficiently descriptive to give the public
- 15 reasonable notice of the matters to be considered at the meeting.
- 16 Except for items of an emergency nature, the agenda shall not
- 17 be altered later than (a) twenty-four hours before the scheduled
- 18 commencement of the meeting or (b) forty-eight hours before the
- 19 scheduled commencement of a meeting of a city council or village
- 20 board scheduled outside the corporate limits of the municipality.
- 21 The public body shall have the right to modify the agenda to
- 22 include items of an emergency nature only at such public meeting.
- 23 (2) A meeting of a state agency, state board, state
- 1 commission, state council, or state committee, of an advisory
- 2 committee of any such state entity, of an organization created
- 3 under the Interlocal Cooperation Act, the Joint Public Agency Act,
- 4 or the Municipal Cooperative Financing Act, of the governing body
- 5 of a public power district having a chartered territory of more
- 6 than one county in this state, of the governing body of a public
- 7 power and irrigation district having a chartered territory of more
- 8 than one county in this state, of a board of an educational service
- 9 unit, of the Educational Service Unit Coordinating Council, of the
- 10 governing body of a risk management pool or its advisory committees
- 11 organized in accordance with the Intergovernmental Risk Management
- 12 Act, or of a community college board of governors may be held
- 13 by means of videoconferencing or, in the case of the Judicial
- 14 Resources Commission in those cases specified in section 24-1204,
- 15 by telephone conference, if:
- 16 (a) Reasonable advance publicized notice is given;
- 17 (b) Reasonable arrangements are made to accommodate the
- 18 public's right to attend, hear, and speak at the meeting, including
- 19 seating, recordation by audio or visual recording devices, and
- 20 a reasonable opportunity for input such as public comment or
- 21 questions to at least the same extent as would be provided if
- 22 videoconferencing or telephone conferencing was not used;

23 (c) At least one copy of all documents being considered
24 is available to the public at each site of the videoconference or
25 telephone conference;

26 (d) At least one member of the state entity, advisory
27 committee, board, council, or governing body is present at each
1 site of the videoconference or telephone conference; and

2 (e) No more than one-half of the state entity's, advisory
3 committee's, board's, council's, or governing body's meetings in a
4 calendar year are held by videoconference or telephone conference.

5 Videoconferencing, telephone conferencing, or
6 conferencing by other electronic communication shall not be used
7 to circumvent any of the public government purposes established
8 in the Open Meetings Act.

9 (3) A meeting of a board of an educational service
10 unit, of the Educational Service Unit Coordinating Council, of the
11 governing body of an entity formed under the Interlocal Cooperation
12 Act, the Joint Public Agency Act, or the Municipal Cooperative
13 Financing Act, of the governing body of a risk management pool
14 or its advisory committees organized in accordance with the
15 Intergovernmental Risk Management Act, of a community college board
16 of governors, of the governing body of a public power district, or
17 of the governing body of a public power and irrigation district may
18 be held by telephone conference call if:

19 (a) The territory represented by the educational service
20 unit, member educational service units, community college board
21 of governors, public power district, public power and irrigation
22 district, or member public agencies of the entity or pool covers
23 more than one county;

24 (b) Reasonable advance publicized notice is given
25 which identifies each telephone conference location at which
26 an educational service unit board member, a council member, a
27 member of a community college board of governors, a member of the
1 governing body of a public power district, a member of the
2 governing body of a public power and irrigation district, or a
3 member of the entity's or pool's governing body will be present;

4 (c) All telephone conference meeting sites identified in
5 the notice are located within public buildings used by members
6 of the educational service unit board, council, community college
7 board of governors, governing body of the public power district,
8 governing body of the public power and irrigation district, or
9 entity or pool or at a place which will accommodate the anticipated
10 audience;

11 (d) Reasonable arrangements are made to accommodate the
12 public's right to attend, hear, and speak at the meeting, including
13 seating, recordation by audio recording devices, and a reasonable
14 opportunity for input such as public comment or questions to
15 at least the same extent as would be provided if a telephone
16 conference call was not used;

17 (e) At least one copy of all documents being considered

18 is available to the public at each site of the telephone conference
19 call;

20 (f) At least one member of the educational service unit
21 board, council, community college board of governors, governing
22 body of the public power district, governing body of the public
23 power and irrigation district, or governing body of the entity
24 or pool is present at each site of the telephone conference call
25 identified in the public notice;

26 (g) The telephone conference call lasts no more than ~~one~~
27 ~~hour;~~ two hours; and

1 (h) No more than one-half of the board's, council's,
2 governing body's, entity's, or pool's meetings in a calendar year
3 are held by telephone conference call, except that a governing
4 body of a risk management pool that meets at least quarterly and
5 the advisory committees of the governing body may each hold more
6 than one-half of its meetings by telephone conference call if
7 the governing body's quarterly meetings are not held by telephone
8 conference call or videoconferencing.

9 Nothing in this subsection shall prevent the
10 participation of consultants, members of the press, and
11 other nonmembers of the governing body at sites not identified in
12 the public notice. Telephone conference calls, emails, faxes, or
13 other electronic communication shall not be used to circumvent any
14 of the public government purposes established in the Open Meetings
15 Act.

16 (4) The secretary or other designee of each public body
17 shall maintain a list of the news media requesting notification
18 of meetings and shall make reasonable efforts to provide advance
19 notification to them of the time and place of each meeting and the
20 subjects to be discussed at that meeting.

21 (5) When it is necessary to hold an emergency meeting
22 without reasonable advance public notice, the nature of the
23 emergency shall be stated in the minutes and any formal action
24 taken in such meeting shall pertain only to the emergency.
25 Such emergency meetings may be held by means of electronic or
26 telecommunication equipment. The provisions of subsection (4)
27 of this section shall be complied with in conducting emergency
1 meetings. Complete minutes of such emergency meetings specifying
2 the nature of the emergency and any formal action taken at the
3 meeting shall be made available to the public by no later than the
4 end of the next regular business day.

5 (6) A public body may allow a member of the public or
6 any other witness other than a member of the public body to appear
7 before the public body by means of video or telecommunications
8 equipment.

9 Sec. 2. Original section 84-1411, Revised Statutes
10 Cumulative Supplement, 2012, is repealed.

MESSAGE FROM THE GOVERNOR

February 20, 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 appointed as the Director and Chief Medical Officer for the Department of Health and Human Services - Division of Public Health:

Joseph M. Acierno, MD, JD, 4134 South 174 St., Omaha, NE 68135

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 27, 2013, summarizing the recommended appropriations for the following biennium.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 54, 55, 56, 57, 58, 59, and 60 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 54, 55, 56, 57, 58, 59, and 60.

GENERAL FILE

LEGISLATIVE BILL 52. Senator Bloomfield offered the following motion:

MO17

Indefinitely postpone.

Laid over.

LEGISLATIVE BILL 94. Title read. Considered.

Senator Chambers offered his amendment, FA9, found on page 504.

Senator Chambers withdrew his amendment.

Senator Chambers offered his amendment, FA10, found on page 504.

SENATOR COASH PRESIDING

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

Senator Chambers offered his amendment, FA11, found on page 504.

The Chambers amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Chambers offered his amendment, FA12, found on page 504.

Senator Chambers withdrew his amendment.

Senator Chambers offered his amendment, FA13, found on page 504.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Acierno, Joseph M. - Director and Chief Medical Officer, Department of Health and Human Services - Division of Public Health - Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 79. Introduced by Pirsch, 4.

WHEREAS, Madeline Lorenzen, an esteemed resident of Omaha, Nebraska, and a student at Millard North High School, has achieved national recognition for exemplary volunteer service by being selected as a

distinguished finalist in the 2013 Prudential Spirit of Community Awards; 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. Lorenzen earned this distinction by giving generously of her time and energy to the creation of the first-ever Iowa Miss Amazing Pageant, created for women and girls with disabilities to build their confidence; 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. Lorenzen 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 Madeline Lorenzen for her selection as a distinguished finalist in the 2013 Prudential Spirit of Community Awards, 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 Madeline Lorenzen.

Laid over.

COMMITTEE REPORT

Agriculture

The Agriculture 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.

Chris Kircher - Nebraska State Fair Board

Lowell Minert - Nebraska State Fair Board

Aye: 8 Bloomfield, Chambers, Hansen, K. Harr, Johnson, Lathrop, Schilz, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 340. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 499. 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.

LEGISLATIVE BILL 262. Title read. Considered.

Committee AM138, found on page 432, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 259. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 4 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 273. Title read. Considered.

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

Advanced to Enrollment and Review Initial with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 620. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

Senator Price designates LB595 as his priority bill.

COMMITTEE REPORTS

Transportation and Telecommunications

The Transportation and Telecommunications 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.

Randall Peters - Director, Department of Roads

Aye: 8 Brasch, Dubas, Hadley, Janssen, McCoy, Price, Smith, Watermeier.
Nay: 0. Absent: 0. Present and not voting: 0.

The Transportation and Telecommunications 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 (Jack) Hynes - Board of Public Roads Classifications and Standards
Mick Syslo - Board of Public Roads Classifications and Standards

Aye: 8 Brasch, Dubas, Hadley, Janssen, McCoy, Price, Smith, Watermeier.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 80. Introduced by Brasch, 16.

WHEREAS, Nick Arlt of Oakland-Craig High School won the 2013 Class D State Wrestling Championship in the 145-pound division; and

WHEREAS, Nick displayed outstanding determination, perseverance, 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 Nick Arlt on winning the 2013 Class D State Wrestling Championship in the 145-pound division.
2. That a copy of this resolution be sent to Nick Arlt.

Laid over.

LEGISLATIVE RESOLUTION 81. Introduced by Brasch, 16.

WHEREAS, Will Schany of Blair High School won the 2013 Class B State Wrestling Championship in the 182-pound division; and

WHEREAS, Will displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the victory gave Will his third straight state wrestling 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 Will Schany on winning the 2013 Class B State Wrestling Championship in the 182-pound division.
2. That a copy of this resolution be sent to Will Schany.

Laid over.

LEGISLATIVE RESOLUTION 82. Introduced by Brasch, 16.

WHEREAS, Jason Hansen of Tekamah-Herman High School won the 2013 Class C State Wrestling Championship in the 106-pound division; and

WHEREAS, Jason displayed outstanding determination, perseverance, 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 Jason Hansen on winning the 2013 Class C State Wrestling Championship in the 106-pound division.

2. That a copy of this resolution be sent to Jason Hansen.

Laid over.

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB82:
AM426

- 1 1. On page 2, strike lines 14 through 25 and insert:
- 2 "(3) For purposes of this section, program rate means the
- 3 sum of (a) the lesser of the Treasury Yield Curve Rate, commonly
- 4 referred to as Constant Maturity Treasury rate, for a ten-year
- 5 maturity United States Government note on the last business day of
- 6 the month in which the tax investment was made or five percent per
- 7 annum, times the number of years, or fraction thereof, between the
- 8 making of the tax investment and the claiming of the tax credit,
- 9 plus (b) an inflation adjustment calculated by dividing the United
- 10 States Department of Labor, Bureau of Labor Statistics, Consumer
- 11 Price Index for All Urban Consumers, U.S. City Average, All Items
- 12 factor, on June 30 of the year the credit is claimed by the
- 13 Consumer Price Index for All Urban Consumers, U.S. City Average,
- 14 All Items factor, for the month in which the tax investment was
- 15 made. If the Consumer Price Index for All Urban Consumers is no
- 16 longer published then the factor shall be determined by use of an
- 17 index having similar function."
- 18 2. On page 3, strike lines 1 and 2.

UNANIMOUS CONSENT - Add Cointroducers

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

Senator Bolz asked unanimous consent to add her name as cointroducer to LB397. No objections. So ordered.

Senator Campbell asked unanimous consent to add her name as cointroducer to LB632. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Jason Bespalec from Geneva.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Johnson, the Legislature adjourned until 9:00 a.m., Thursday, February 28, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

