

**THIRTY-SIXTH DAY - MARCH 4, 2013**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**FIRST SESSION**

**THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 4, 2013

**PRAYER**

The prayer was offered by Senator Crawford.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senators Christensen, Cook, and Sullivan who were excused; and Senators Ashford, Janssen, Kolowski, and Mello who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 133.** Placed on Select File.

**LEGISLATIVE BILL 316.** Placed on Select File.

(Signed) John Murante, Chairperson

**ANNOUNCEMENT**

Senator Dubas designates LB530 as her priority bill.

**NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

Wednesday, March 20, 2013 1:30 p.m.

LB395

LB452

(Signed) Kathy Campbell, Chairperson

**MESSAGE FROM THE GOVERNOR**

March 1, 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 Liquor Control Commission:

Robert Batt, 9820 Nottingham Dr., Omaha, NE 68114

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

**AMENDMENT - Print in Journal**

Senator Avery filed the following amendment to LB363:  
AM480

(Amendments to E & R amendments, ER22)

- 1 1. On page 3, lines 14 and 17, strike "six" and insert
- 2 "four cumulative".

**MOTIONS - Approve Appointments**

Senator Schilz moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 543:  
Nebraska State Fair Board

Chris Kircher  
Lowell Minert

Voting in the affirmative, 36:

Adams	Davis	Howard	Murante	Smith
Avery	Dubas	Johnson	Nelson	Wallman
Bloomfield	Gloor	Karpisek	Nordquist	Watermeier
Bolz	Haar, K.	Kintner	Pirsch	Wightman
Brasch	Hadley	Krist	Price	
Campbell	Hansen	Larson	Scheer	
Carlson	Harms	Lathrop	Schilz	
Crawford	Harr, B.	Lautenbaugh	Seiler	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Conrad	McGill
Coash	McCoy	Schumacher

Excused and not voting, 7:

Ashford	Cook	Kolowski	Sullivan
Christensen	Janssen	Mello	

The appointments were confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 544:

Department of Roads  
Randall Peters, Director

Voting in the affirmative, 39:

Adams	Crawford	Harr, B.	McCoy	Schilz
Bloomfield	Davis	Howard	McGill	Schumacher
Bolz	Dubas	Johnson	Murante	Seiler
Brasch	Gloor	Kintner	Nelson	Smith
Campbell	Haar, K.	Kolowski	Nordquist	Wallman
Carlson	Hadley	Larson	Pirsch	Watermeier
Chambers	Hansen	Lathrop	Price	Wightman
Conrad	Harms	Lautenbaugh	Scheer	

Voting in the negative, 0.

Present and not voting, 4:

Avery	Coash	Karpisek	Krist
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Excused and not voting, 6:

Ashford	Cook	Mello
Christensen	Janssen	Sullivan

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 545:

Board of Public Roads Classifications and Standards

John (Jack) Hynes

Mick Syslo

Voting in the affirmative, 34:

Adams	Conrad	Harms	Lathrop	Scheer
Bloomfield	Davis	Howard	Lautenbaugh	Schilz
Brasch	Dubas	Johnson	McGill	Seiler
Campbell	Gloor	Kintner	Murante	Smith
Carlson	Haar, K.	Kolowski	Nelson	Watermeier
Chambers	Hadley	Krist	Pirsch	Wightman
Coash	Hansen	Larson	Price	

Voting in the negative, 0.

Present and not voting, 9:

Avery	Crawford	Karpisek	Nordquist	Wallman
Bolz	Harr, B.	McCoy	Schumacher	

Excused and not voting, 6:

Ashford	Cook	Mello
Christensen	Janssen	Sullivan

The appointments were confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 70.** ER15, found on page 408, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 31.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 88.** ER17, found on page 457, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 38.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 283.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 628.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 337.** ER18, found on page 458, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 426.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 117.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 165.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 398.** ER20, found on page 458, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 27.** ER19, found on page 458, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 211.** ER14, found on page 407, was adopted.

Senator K. Haar offered his amendment, AM237, found on page 446.

Senator K. Haar withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 211A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 616.** ER21, found on page 458, was adopted.

Senator Schumacher offered his amendment, AM294, found on page 492.

The Schumacher amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 484.** Senator Karpisek offered his amendment, AM261, found on page 476.

The Karpisek amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 510.** Senator Scheer offered his amendment, AM416, found on page 538.

The Scheer amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 6.** Title read. Considered.

Senator Krist offered the following amendment:  
AM476

- 1 1. Strike original section 3 and insert the following new
- 2 sections:
- 3 Sec. 3. (1) The Nebraska Commission on Problem Gambling
- 4 is created. For administrative purposes only, the commission shall
- 5 be within the division. The commission shall have nine members
- 6 appointed by the Governor as provided in this section, subject to
- 7 confirmation by a majority of the members of the Legislature. The
- 8 members of the commission shall have no pecuniary interest, either
- 9 directly or indirectly, in a contract with the program providing
- 10 services to problem gamblers and shall not be employed by the
- 11 commission or the Department of Revenue.
- 12 (2) By July 1, 2013, the Governor shall appoint members
- 13 of the commission as follows:
- 14 (a) One member from a list of at least four persons with
- 15 medical care or mental health expertise submitted by the General
- 16 Affairs Committee of the Legislature;
- 17 (b) One member from a list of at least four persons with
- 18 expertise in banking and finance submitted by the General Affairs
- 19 Committee of the Legislature;
- 20 (c) One member from a list of at least four persons with
- 21 legal expertise submitted by the General Affairs Committee of the

22 Legislature;

23 (d) One member from a list of at least four persons  
1 with expertise in the field of education submitted by the General  
2 Affairs Committee of the Legislature;

3 (e) One member from a list of four consumers of problem  
4 gambling services submitted by the General Affairs Committee of the  
5 Legislature;

6 (f) One member from a list of four consumers of problem  
7 gambling services submitted by the General Affairs Committee of the  
8 Legislature;

9 (g) One member from a list of at least four persons with  
10 data analysis expertise submitted by the General Affairs Committee  
11 of the Legislature;

12 (h) One member from a list of at least four persons  
13 who are residents of the state and are representative of the  
14 public at large submitted by the General Affairs Committee of the  
15 Legislature; and

16 (i) One member from a list of at least four persons  
17 who are residents of the state and are representative of the  
18 public at large submitted by the General Affairs Committee of the  
19 Legislature.

20 (3) The General Affairs Committee of the Legislature  
21 shall hold a confirmation hearing for the appointees, and the  
22 appointments shall be subject to confirmation by a majority of the  
23 members of the Legislature, except that the initial members and  
24 members appointed while the Legislature is not in session shall  
25 serve until the next session of the Legislature, at which time  
26 the General Affairs Committee shall hold a confirmation hearing for  
27 such appointments and a majority of the members of the Legislature  
1 shall approve or disapprove of the appointments.

2 (4) The terms of the members shall be for three years,  
3 except that the Governor shall designate three of the initial  
4 appointees to serve initial terms beginning on July 1, 2013, and  
5 ending on March 1, 2014, three of the initial appointees to serve  
6 initial terms beginning on July 1, 2013, and ending on March 1,  
7 2015, and three of the initial appointees to serve initial terms  
8 beginning on July 1, 2013, and ending on March 1, 2016. The  
9 General Affairs Committee shall submit the list of four persons  
10 for each position to be filled within thirty days after the  
11 effective date of this act for initial appointments, within thirty  
12 days after receiving notice of a vacancy, or by February 1 for  
13 terms ending the following March 1. The Governor shall make the  
14 applicable appointment within thirty days after receiving the list.  
15 The Governor shall appoint members to fill vacancies in the same  
16 manner as the initial appointments, and such appointees shall serve  
17 for the remainder of the unexpired term.

18 (5) Beginning July 1, 2013, the commission shall adopt  
19 bylaws governing its operation and the commission shall meet at  
20 least four times each calendar year and may meet more often on

21 the call of the chairperson. Each member shall attend at least  
 22 two meetings each calendar year and shall be subject to removal  
 23 for failure to attend at least two meetings unless excused by  
 24 a majority of the members of the commission. Meetings of the  
 25 commission are subject to the Open Meetings Act.

26 Sec. 11. Sections 4 to 10, 12, and 13 of this act become  
 27 operative on July 1, 2013. The other sections of this act become  
 1 operative on their effective date.

2 Sec. 14. Since an emergency exists, this act takes effect  
 3 when passed and approved according to law.

4 2. On page 5, line 8; and page 8, lines 3 and 7 and 8,  
 5 strike "the effective date of this act" and insert "July 1, 2013".

6 3. On page 7, line 15, strike "commission" and insert  
 7 "program, including travel".

8 4. On page 9, line 11, after "section" insert "and  
 9 providing administrative support for the Nebraska Commission on  
 10 Problem Gambling".

11 5. Renumber the remaining sections accordingly.

The Krist amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 479.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 83.** Introduced by Harms, 48; Davis, 43; Schilz, 47.

WHEREAS, the Scottsbluff High School boys' basketball team won the district championship for Class B, District 6; and

WHEREAS, this win earns the Scottsbluff Bearcats their third straight district championship and fourth trip to the state tournament in the last six years; and

WHEREAS, the Scottsbluff Bearcats are the defending Class B state champions.

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

1. That the Legislature congratulates the Scottsbluff High School boys' basketball team and their coach, Tony Siske, for their accomplishment.

2. That a copy of this resolution be sent to the Scottsbluff High School boys' basketball team and their coach, Tony Siske.



Laid over.

### EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 7, 24e, 28, 29, 32, 36e, 39, 40e, 67e, 78, 135, 137e, 147, 156, 164, 173e, 180, 207, 207A, 209, 210, 213e, 214, 250, 279, 290, 311, 336, and 21.

(Signed) Rick Kolowski

### COMMITTEE REPORTS

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 192.** Placed on General File.

**LEGISLATIVE BILL 140.** Placed on General File with amendment. AM210 is available in the Bill Room.

**LEGISLATIVE BILL 215.** Placed on General File with amendment. AM156

- 1 1. On page 2, line 19, reinstate the stricken matter and
- 2 strike "shall" and insert "only".

(Signed) Bill Avery, Chairperson

### COMMITTEE REPORT

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

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

Aye: 7 Avery, Bloomfield, Karpisek, Murante, Price, Scheer, Wallman.  
Nay: 0. Absent: 1 Lautenbaugh. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

### COMMITTEE REPORTS

Education

**LEGISLATIVE BILL 470.** Placed on General File with amendment. AM444

- 1 1. Strike the original sections and insert the following
- 2 new sections:

3 Section 1. Section 13-504, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 13-504 (1) Each governing body shall annually prepare a  
6 proposed budget statement on forms prescribed and furnished by the  
7 auditor. The proposed budget statement shall be made available to  
8 the public by the political subdivision prior to publication of the  
9 notice of the hearing on the proposed budget statement pursuant  
10 to section 13-506. A proposed budget statement shall contain the  
11 following information, except as provided by state law:

12 (a) For the immediately preceding fiscal year, the  
13 revenue from all sources, including motor vehicle taxes, other  
14 than revenue received from personal and real property taxation,  
15 allocated to the funds and separately stated as to each such  
16 source: The unencumbered cash balance at the beginning and end of  
17 the year; the amount received by taxation of personal and real  
18 property; and the amount of actual expenditures;

19 (b) For the current fiscal year, actual and estimated  
20 revenue from all sources, including motor vehicle taxes, allocated  
21 to the funds and separately stated as to each such source: The  
22 actual unencumbered cash balance available at the beginning of the  
23 year; the amount received from personal and real property taxation;  
1 and the amount of actual and estimated expenditures, whichever  
2 is applicable. Such statement shall contain the cash reserve for  
3 each fiscal year and shall note whether or not such reserve is  
4 encumbered. Such cash reserve projections shall be based upon the  
5 actual experience of prior years. The cash reserve shall not exceed  
6 fifty percent of the total budget adopted exclusive of capital  
7 outlay items;

8 (c) For the immediately ensuing fiscal year, an estimate  
9 of revenue from all sources, including motor vehicle taxes, other  
10 than revenue to be received from taxation of personal and real  
11 property, separately stated as to each such source: The actual or  
12 estimated unencumbered cash balances, whichever is applicable, to  
13 be available at the beginning of the year; the amounts proposed  
14 to be expended during the year; and the amount of cash reserve,  
15 based on actual experience of prior years, which cash reserve shall  
16 not exceed fifty percent of the total budget adopted exclusive of  
17 capital outlay items;

18 (d) A statement setting out separately the amount sought  
19 to be raised from the levy of a tax on the taxable value of real  
20 property (i) for the purpose of paying the principal or interest on  
21 bonds issued by the governing body and (ii) for all other purposes;

22 (e) A uniform summary of the proposed budget statement,  
23 including each proprietary function fund included in a separate  
24 proprietary budget statement prepared pursuant to the Municipal  
25 Proprietary Function Act, and a grand total of all funds maintained  
26 by the governing body; ~~and~~

27 (f) For municipalities, a list of the proprietary  
1 functions which are not included in the budget statement. Such

2 proprietary functions shall have a separate budget statement which  
3 is approved by the city council or village board as provided in the  
4 Municipal Proprietary Function Act; and-

5 (g) For school districts and educational service units, a  
6 separate identification and description of all current and future  
7 costs to the school district or educational service unit which are  
8 reasonably anticipated as a result of any contract, and any adopted  
9 amendments thereto, for superintendent services to be rendered to  
10 such school district or administrator services to be rendered to  
11 such educational service unit.

12 (2) The actual or estimated unencumbered cash balance  
13 required to be included in the budget statement by this section  
14 shall include deposits and investments of the political subdivision  
15 as well as any funds held by the county treasurer for the political  
16 subdivision and shall be accurately stated on the proposed budget  
17 statement.

18 (3) The political subdivision shall correct any material  
19 errors in the budget statement detected by the auditor or by other  
20 sources.

21 Sec. 2. Sections 2 to 6 of this act shall be known and  
22 may be cited as the Superintendent Pay Transparency Act.

23 Sec. 3. (1) Before the school board of any school  
24 district or the board of any educational service unit approves  
25 a proposed contract, or any proposed amendment to an existing  
26 contract, for future superintendent services to be rendered to  
27 such school district by the current superintendent or future  
1 administrator services to be rendered to such educational service  
2 unit by the current administrator, the board shall publish a copy  
3 of such proposed contract or amendment, and a reasonable estimate  
4 and description of all current and future costs to the school  
5 district or educational service unit if the proposed contract or  
6 amendment were to be approved, at least three days before the  
7 meeting of the board at which such proposed contract or amendment  
8 will be considered. Such publication shall also specify the date,  
9 time, and place of the public meeting at which the proposed  
10 contract or amendment will be considered. Electronic publication on  
11 the web site of the school district or educational service unit  
12 shall satisfy the requirement of this subsection if such electronic  
13 publication is prominently displayed and allows public access to  
14 the entire proposed contract or amendment.

15 (2) After the school board of any school district or  
16 the board of any educational service unit approves a contract  
17 for future superintendent services to be rendered to such school  
18 district by a new superintendent or future administrator services  
19 to be rendered to such educational service unit by a new  
20 administrator, the board shall publish a copy of such contract, and  
21 a reasonable estimate and description of all current and future  
22 costs to the school district or educational service unit that will  
23 be incurred as a result of such contract, within two days after

24 the meeting of the board at which such contract was approved.  
25 Electronic publication on the web site of the school district or  
26 educational service unit shall satisfy the requirement of this  
27 subsection if such electronic publication is prominently displayed  
1 and allows public access to the entire contract.

2 Sec. 4. After approval of a contract, or any amendments  
3 thereto, for superintendent services or educational service unit  
4 administrator services, the approving board shall file a copy of  
5 such contract or amendment with the State Department of Education  
6 on or before the next succeeding August 1. The department shall  
7 have no duty to review such contracts or amendments but shall  
8 publicly post all such contracts or amendments received on the web  
9 site of the department.

10 Sec. 5. If the school board of any school district or the  
11 board of any educational service unit fails to timely file a copy  
12 of an approved contract, or contract amendment, for superintendent  
13 services or educational service unit administrator services with  
14 the State Department of Education as required in section 4 of  
15 this act, the Commissioner of Education, after notice to the board  
16 president and either the superintendent or educational service unit  
17 administrator and an opportunity to be heard, shall direct that  
18 any state aid granted pursuant to the Tax Equity and Educational  
19 Opportunities Support Act to the school district or core services  
20 and technology infrastructure funds granted pursuant to section  
21 79-1241.03 to the educational service unit be withheld until such  
22 time as the contract or amendment is received by the department.  
23 In addition, the commissioner shall direct each county treasurer  
24 of a county with territory in the school district or educational  
25 service unit to withhold all money belonging to the school district  
26 or educational service unit until such time as the commissioner  
27 notifies such county treasurer of receipt of such contract or  
1 amendment. Each such county treasurer shall withhold such money.  
2 For school districts that are members of learning communities,  
3 a determination of school money belonging to the school district  
4 shall be based on the proportionate share of property tax receipts  
5 allocated to the school district pursuant to section 79-1073 in  
6 addition to the other property tax receipts belonging to the school  
7 district. If the board does not comply with this section prior  
8 to October 1 following the school fiscal year for which the state  
9 aid or core services and technology infrastructure funding was  
10 calculated, the funds shall revert to the General Fund. The amount  
11 of any reverted funds shall be included in data provided to the  
12 Governor, the Appropriations Committee of the Legislature, and the  
13 Education Committee of the Legislature in accordance with section  
14 79-1031.

15 Sec. 6. All amendments to a contract for superintendent  
16 services or educational service unit administrator services shall  
17 be subject to the Superintendent Pay Transparency Act, including,  
18 but not limited to, amendments involving salary increases or

19 benefit changes.

20 Sec. 7. This act becomes operative on July 1, 2013.

21 Sec. 8. Original section 13-504, Reissue Revised Statutes  
22 of Nebraska, is repealed.

23 Sec. 9. Since an emergency exists, this act takes effect  
24 when passed and approved according to law.

**LEGISLATIVE BILL 121.** Indefinitely postponed.

**LEGISLATIVE BILL 539.** Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

**NOTICE OF COMMITTEE HEARING**

Education

Room 1525

Tuesday, March 12, 2013 1:30 p.m.

Kim Dinsdale - Nebraska Educational Telecommunications Commission  
(rehearing)

LB460

LB275

LB131

LB143

LB619

(Signed) Kate Sullivan, Chairperson

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE BILL 76.** Placed on General File.

**LEGISLATIVE BILL 458.** Placed on General File.

**LEGISLATIVE BILL 459.** Placed on General File.

**LEGISLATIVE BILL 530.** Placed on General File with amendment.

AM364

- 1 1. On page 3, line 9, strike "The" and insert "On or
- 2 before July 1, 2013, the"; and in line 20 strike "department" and
- 3 insert "Nebraska Children's Commission".

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORT**

## 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.

Mark Goodman - Nebraska Rural Health Advisory Commission

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

(Signed) Kathy Campbell, Chairperson

**MOTION - Print in Journal**

Senator McCoy filed the following motion to LR41CA:

MO19

Recommit to the General Affairs Committee.

**VISITORS**

Visitors to the Chamber were 23 fourth-grade students, teachers, and sponsors from North Bend; and Dr. Tom Osborne.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Larson, the Legislature adjourned until 9:00 a.m., Tuesday, March 5, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature