

**FORTY-FIFTH DAY - MARCH 19, 2013**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**FIRST SESSION**

**FORTY-FIFTH DAY**

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

**PRAYER**

The prayer was offered by Pastor Keith Grimm, Beautiful Savior Lutheran Church, La Vista.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senator Schilz who was excused; and Senators Conrad, Janssen, and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fourth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 530.** Placed on Select File with amendment. ER30 is available in the Bill Room.

(Signed) John Murante, Chairperson

**COMMITTEE REPORTS**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 144.** Placed on General File.

**LEGISLATIVE BILL 299.** Placed on General File.

**LEGISLATIVE BILL 382.** Placed on General File.

**LEGISLATIVE BILL 167.** Placed on General File with amendment. AM76

- 1 1. On page 3, strike beginning with "nominees" in line
- 2 2 through line 3 and insert "presidential and vice-presidential

3 candidates who received the highest number of votes in the state  
 4 if I am an at-large presidential elector or the highest number of  
 5 votes in my congressional district if I am a congressional district  
 6 presidential elector."

**LEGISLATIVE BILL 188.** Placed on General File with amendment.  
 AM691

- 1 1. Insert the following new section:
- 2 Sec. 2. This act becomes operative on January 1, 2015.
- 3 2. Renumber the remaining section accordingly.

(Signed) Bill Avery, Chairperson

### CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Lathrop has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

### MOTIONS - Approve Appointments

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 727:

Crime Victim's Reparations Committee

Jeff Davis

Joe Kelly

Michelle Schindler

Derek Vaughn

Voting in the affirmative, 37:

Ashford	Coash	Howard	Mello	Smith
Avery	Cook	Johnson	Murante	Sullivan
Bloomfield	Crawford	Karpisek	Nelson	Wallman
Brasch	Davis	Kintner	Pirsch	Watermeier
Campbell	Gloor	Kolowski	Price	Wightman
Carlson	Haar, K.	Krist	Scheer	
Chambers	Hansen	McCoy	Schumacher	
Christensen	Harms	McGill	Seiler	

Voting in the negative, 0.

Present and not voting, 8:

Adams	Dubas	Harr, B.	Lathrop
Bolz	Hadley	Larson	Nordquist

Excused and not voting, 4:

Conrad            Janssen            Lautenbaugh    Schilz

The appointments were confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 727:

Board of Parole  
Rex Richard

Voting in the affirmative, 38:

Ashford	Crawford	Johnson	McGill	Seiler
Avery	Davis	Karpisek	Mello	Smith
Bloomfield	Dubas	Kintner	Murante	Sullivan
Brasch	Gloor	Kolowski	Nelson	Wallman
Campbell	Haar, K.	Krist	Pirsch	Watermeier
Carlson	Hansen	Larson	Price	Wightman
Christensen	Harms	Lautenbaugh	Scheer	
Cook	Howard	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 8:

Adams	Chambers	Hadley	Lathrop
Bolz	Coash	Harr, B.	Nordquist

Excused and not voting, 3:

Conrad            Janssen            Schilz

The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 613.** Senator Chambers offered his amendment, FA30, found on page 745, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Chambers amendment was adopted with 31 ayes, 6 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORTS**

## Natural Resources

**LEGISLATIVE BILL 57.** Placed on General File with amendment.  
AM676

- 1 1. Strike beginning with page 6, line 23, through page 8,  
2 line 8, show the old matter as stricken, and insert the following  
3 new subsections:  
4 "(7) The board shall require a grant application, which  
5 application proposes to use grant funds to purchase real property  
6 that will at any time be sold, leased, or transferred to, exchanged  
7 with, or encumbered by a federal land management agency and cause  
8 the removal of such property from its current county property tax  
9 assessment, to provide for the replacement of property taxes to the  
10 affected county in the grant contract between the board and the  
11 grantee. Tax replacement methods that may be required in the grant  
12 contract include, but are not limited to, payments in addition  
13 to in lieu of taxes paid on the property to the county and the  
14 establishment of a permanent endowment fund for use by the affected  
15 county to offset the reduction in property taxes to the affected  
16 county.  
17 (8) The board shall require that a grantee not sell,  
18 lease, transfer, exchange, or encumber any portion of real property  
19 acquired in whole or in part by trust funds without the prior  
20 written approval of the board. The grantee shall provide the board  
21 in writing the details of any proposed sale, lease, transfer,  
22 exchange, or encumbrance at least thirty days in advance of the  
23 next scheduled board meeting and obtain written approval of the  
1 board prior to executing any such transaction."

**LEGISLATIVE BILL 362.** Placed on General File with amendment.  
AM455

- 1 1. Strike original section 8 and insert the following new  
2 sections:  
3 Sec. 8. Section 60-301, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 60-301 Sections 60-301 to 60-3,222 and section 10 of  
6 this act shall be known and may be cited as the Motor Vehicle  
7 Registration Act.  
8 Sec. 9. Section 60-3,156, Revised Statutes Cumulative  
9 Supplement, 2012, is amended to read:  
10 60-3,156 In addition to the registration fees for motor  
11 vehicles and trailers, the county treasurer or his or her agent  
12 shall collect:  
13 (1) One dollar and fifty cents for each certificate  
14 issued and shall remit one dollar and fifty cents of each  
15 additional fee collected to the State Treasurer for credit to  
16 the Department of Motor Vehicles Cash Fund;  
17 (2) Fifty cents for each certificate issued and shall

18 remit the fee to the State Treasurer for credit to the Nebraska  
 19 Emergency Medical System Operations Fund; ~~and~~  
 20 (3) One dollar and fifty cents for each certificate  
 21 issued and shall remit the fee to the State Treasurer for credit to  
 22 the State Recreation Road Fund; ~~and-~~

23 (4) Except as otherwise provided in section 10 of this  
 1 act, seven dollars for each certificate issued for motor vehicles  
 2 and shall remit the fee to the State Treasurer for credit to the  
 3 State Park Cash Revolving Fund, except that for calendar year 2014,  
 4 the State Treasurer shall credit ninety-eight percent of the fee to  
 5 such fund and two percent of the fee to the Department of Motor  
 6 Vehicles Cash Fund.

7 Sec. 10. (1) The additional fee under subdivision (4) of  
 8 section 60-3,156 shall not be imposed on motor vehicles registered  
 9 under section 60-3,113, 60-3,122, 60-3,122.01, 60-3,122.02,  
 10 60-3,123, 60-3,124, 60-3,125, or 60-3,130, buses registered under  
 11 subsection (1) of section 60-3,144, trucks registered under section  
 12 60-3,145 or 60-3,146 or subdivision (3)(d), (e), or (f) of section  
 13 60-3,147, vehicles registered under section 60-3,149, well-boring  
 14 apparatus and well-servicing equipment registered under section  
 15 60-3,155, and vehicles exempt under section 60-3,160 or 60-3,185.

16 (2) The additional fee under subdivision (4) of section  
 17 60-3,156 shall not be imposed on a motor vehicle registered  
 18 as an ambulance or hearse under section 60-3,152 or a taxicab  
 19 under section 60-3,154 if the owner files an application for  
 20 exemption with the county treasurer prior to registration on a  
 21 form prescribed and furnished by the department and provides proof  
 22 satisfactory to the department that the vehicle is being registered  
 23 for that purpose. The exemption shall be automatically renewed with  
 24 the annual renewal of registration without filing an application  
 25 for renewal of the exemption until the ownership or use of the  
 26 vehicle changes.

27 2. Renumber the remaining sections and correct the  
 1 repealer accordingly.

(Signed) Tom Carlson, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 500.** Placed on General File.

**LEGISLATIVE BILL 589.** Placed on General File.

(Signed) Annette Dubas, Chairperson

Revenue

**LEGISLATIVE BILL 82.** Placed on General File with amendment.  
 AM693 is available in the Bill Room.

**LEGISLATIVE BILL 474.** Placed on General File with amendment.  
AM652

- 1 1. Strike the original sections and insert the following  
2 new sections:
- 3 Section 1. Section 18-1208, Reissue Revised Statutes of  
4 Nebraska, is amended to read:
- 5 18-1208 (1) Except as otherwise provided in this section,  
6 after July 19, 2012, a municipality may impose a new occupation  
7 tax or increase the rate of an existing occupation tax, which  
8 new occupation tax or increased rate of an existing occupation  
9 tax is projected to generate annual occupation tax revenue in  
10 excess of the applicable amount listed in subsection (2) of this  
11 section, pursuant to section 14-109, 15-202, 15-203, 16-205, or  
12 17-525 if the question of whether to impose the tax or increase  
13 the rate of an existing occupation tax has been submitted at an  
14 election held within the municipality and in which all registered  
15 voters shall be entitled to vote on the question. The officials  
16 of the municipality shall order the submission of the question by  
17 submitting a certified copy of the resolution proposing the tax  
18 or tax rate increase to the election commissioner or county clerk  
19 at least fifty days before the election. The election shall be  
20 conducted in accordance with the Election Act. If a majority of  
21 the votes cast upon the question are in favor of the new tax or  
22 increased rate of an existing occupation tax, then the governing  
23 body of such municipality shall be empowered to impose the new tax  
1 or to impose the increased tax rate. If a majority of those voting  
2 on the question are opposed to the new tax or increased rate, then  
3 the governing body of the municipality shall not impose the new tax  
4 or increased rate but shall maintain any existing occupation tax at  
5 its current rate.
- 6 (2) The applicable amount of annual revenue for each new  
7 occupation tax or annual revenue raised by the increased rate for  
8 an existing occupation tax for purposes of subsection (1) of this  
9 section is:
- 10 (a) For cities of the metropolitan class, six million  
11 dollars;
- 12 (b) For cities of the primary class, three million  
13 dollars;
- 14 (c) For cities of the first class, seven hundred thousand  
15 dollars; and
- 16 (d) For cities of the second class and villages, three  
17 hundred thousand dollars.
- 18 (3) After July 19, 2012, a municipality shall not be  
19 required to submit the following questions to the registered  
20 voters:
- 21 (a) Whether to change the rate of an occupation tax  
22 imposed for a specific project which does not provide for deposit  
23 of the tax proceeds in the municipality's general fund; or  
24 (b) Whether to terminate an occupation tax earlier than

25 the determinable termination date under the original question  
26 submitted to the registered voters.

27 This subsection applies to occupation taxes imposed prior  
1 to, on, or after July 19, 2012.

2 (4) The authority granted in this section and sections  
3 14-109, 15-202, 15-203, 16-205, and 17-525 to impose a new  
4 occupation tax or increase the rate of an existing occupation  
5 tax is suspended beginning on the effective date of this act  
6 through July 15, 2014. An occupation tax which was adopted by  
7 a governing body of a municipality and which is required to be  
8 approved by the registered voters but which has not been approved  
9 by the registered voters prior to the effective date of this act  
10 is null and void. Any occupation tax imposed by a governing body  
11 and approved by the registered voters, if required, prior to the  
12 effective date of this act shall continue to be imposed.

13 ~~(4)-(5)~~ The provisions of this section do not apply to an  
14 occupation tax subject to section 86-704.

15 Sec. 2. Section 77-27,142, Revised Statutes Cumulative  
16 Supplement, 2012, is amended to read:

17 ~~77-27,142 (1) Any (1)(a)~~ Except as provided in  
18 subdivision (1)(b) of this section, any incorporated municipality  
19 by ordinance of its governing body is hereby authorized to impose  
20 a sales and use tax of one-half percent, one percent, one and  
21 one-half percent, one and three-quarters percent, or two percent  
22 upon the same transactions that are sourced under the provisions  
23 of sections 77-2703.01 to 77-2703.04 within such incorporated  
24 municipality on which the State of Nebraska is authorized to impose  
25 a tax pursuant to the Nebraska Revenue Act of 1967, as amended  
26 from time to time. No sales and use tax shall be imposed pursuant  
27 to this section until an election has been held and a majority of  
1 the qualified electors have approved such tax pursuant to sections  
2 77-27,142.01 and 77-27,142.02.

3 (b) The authority granted in this subsection to adopt an  
4 ordinance imposing a sales and use tax of one and three-quarters  
5 percent or two percent is suspended beginning on the effective date  
6 of this act through July 15, 2014. Any such ordinance which was  
7 adopted by a governing body but not approved by the electors prior  
8 to the effective date of this act is null and void. Any such tax  
9 adopted by a governing body and approved by the electors prior to  
10 the effective date of this act shall continue to be imposed.

11 (2)(a) Any incorporated municipality that proposes to  
12 impose a municipal sales and use tax at a rate greater than one  
13 and one-half percent or increase a municipal sales and use tax  
14 to a rate greater than one and one-half percent shall submit the  
15 question of such tax or increase at a primary or general election  
16 held within the incorporated municipality. The question shall be  
17 submitted upon an affirmative vote by at least seventy percent  
18 of all of the members of the governing body of the incorporated  
19 municipality.

20 (b) Any rate greater than one and one-half percent shall  
21 be used as follows:

22 (i) In a city of the metropolitan class, the proceeds  
23 from the first one-quarter percent of the rate greater than one and  
24 one-half percent shall be used to reduce other taxes, the proceeds  
25 from the next one-eighth percent of the rate greater than one and  
26 one-half percent shall be used for public infrastructure projects,  
27 and the proceeds from the next one-eighth percent of the rate  
1 greater than one and one-half percent shall be used for purposes of  
2 the interlocal agreement or joint public agency agreement described  
3 in subsection (3) of this section;

4 (ii) In a city of the primary class, up to fifteen  
5 percent of the proceeds from the rate in excess of one and one-half  
6 percent may be used for non-public infrastructure projects of  
7 an interlocal agreement or joint public agency agreement with  
8 another political subdivision within the municipality or the  
9 county in which the municipality is located, and the remaining  
10 proceeds shall be used for public infrastructure projects or  
11 voter-approved infrastructure related to an economic development  
12 program as defined in section 18-2705; and

13 (iii) In any incorporated municipality other than a city  
14 of the metropolitan or primary class, the proceeds from the rate  
15 in excess of one and one-half percent shall be used for public  
16 infrastructure projects or voter-approved infrastructure related to  
17 an economic development program as defined in section 18-2705.

18 For purposes of this section, public infrastructure  
19 project means and includes, but is not limited to, any of the  
20 following projects, or any combination thereof: Public highways and  
21 bridges and municipal roads, streets, bridges, and sidewalks; solid  
22 waste management facilities; wastewater, storm water, and water  
23 treatment works and systems, water distribution facilities, and  
24 water resources projects, including, but not limited to, pumping  
25 stations, transmission lines, and mains and their appurtenances;  
26 hazardous waste disposal systems; resource recovery systems;  
27 airports; port facilities; buildings and capital equipment used  
1 in the operation of municipal government; convention and tourism  
2 facilities; redevelopment projects as defined in section 18-2103;  
3 mass transit and other transportation systems, including parking  
4 facilities; and equipment necessary for the provision of municipal  
5 services.

6 (c) Any rate greater than one and one-half percent shall  
7 terminate no more than ten years after its effective date or, if  
8 bonds are issued and the local option sales and use tax revenue is  
9 pledged for payment of such bonds, upon payment of such bonds and  
10 any refunding bonds, whichever date is later, except as provided in  
11 subdivision (2)(d) of this section.

12 (d) If a portion of the rate greater than one and  
13 one-half percent is stated in the ballot question as being imposed  
14 for the purpose of the interlocal agreement or joint public agency

15 agreement described in subdivision (2)(b)(ii) or subsection (3) of  
16 this section, and such portion is at least one-eighth percent,  
17 there shall be no termination date for the rate representing such  
18 portion rounded to the next higher one-quarter or one-half percent.

19 (e) Sections 13-518 to 13-522 apply to the revenue from  
20 any such tax or increase.

21 (3)(a) No municipal sales and use tax shall be imposed  
22 at a rate greater than one and one-half percent or increased to a  
23 rate greater than one and one-half percent unless the municipality  
24 is a party to an interlocal agreement pursuant to the Interlocal  
25 Cooperation Act or a joint public agency agreement pursuant to the  
26 Joint Public Agency Act with a political subdivision within the  
27 municipality or the county in which the municipality is located  
1 creating a separate legal or administrative entity relating to a  
2 public infrastructure project.

3 (b) Except as provided in subdivision (2)(b)(ii)  
4 of this section, such interlocal agreement or joint public  
5 agency agreement shall contain provisions, including benchmarks,  
6 relating to the long-term development of unified governance  
7 of public infrastructure projects with respect to the parties.  
8 The Legislature may provide additional requirements for such  
9 agreements, including benchmarks, but such additional requirements  
10 shall not apply to any debt outstanding at the time the  
11 Legislature enacts such additional requirements. The separate legal  
12 or administrative entity created shall not be one that was in  
13 existence for one calendar year preceding the submission of the  
14 question of such tax or increase at a primary or general election  
15 held within the incorporated municipality.

16 (c) Any other public agency as defined in section 13-803  
17 may be a party to such interlocal cooperation agreement or joint  
18 public agency agreement.

19 (d) A municipality is not required to use all of the  
20 additional revenue generated by a sales and use tax imposed at a  
21 rate greater than one and one-half percent or increased to a rate  
22 greater than one and one-half percent under this subsection for the  
23 purposes of the interlocal cooperation agreement or joint public  
24 agency agreement set forth in this subsection.

25 (4) The provisions of subsections (2) and (3) of this  
26 section do not apply to the first one and one-half percent of a  
27 sales and use tax imposed by a municipality.

1 (5) Notwithstanding any provision of any municipal  
2 charter, any incorporated municipality or interlocal agency or  
3 joint public agency pursuant to an agreement as provided in  
4 subsection (3) of this section may issue bonds in one or more  
5 series for any municipal purpose and pay the principal of  
6 and interest on any such bonds by pledging receipts from the  
7 increase in the municipal sales and use taxes authorized by such  
8 municipality. Any municipality which has or may issue bonds under  
9 this section may dedicate a portion of its property tax levy

10 authority as provided in section 77-3442 to meet debt service  
 11 obligations under the bonds. For purposes of this subsection, bond  
 12 means any evidence of indebtedness, including, but not limited to,  
 13 bonds, notes including notes issued pending long-term financing  
 14 arrangements, warrants, debentures, obligations under a loan  
 15 agreement or a lease-purchase agreement, or any similar instrument  
 16 or obligation.

17 Sec. 3. Section 77-27,142.01, Revised Statutes Cumulative  
 18 Supplement, 2012, is amended to read:

19 77-27,142.01 (1) The (1)(a) Except as provided in  
 20 subdivision (1)(b) of this section, the governing body of any  
 21 incorporated municipality may submit the question of changing any  
 22 terms and conditions of a sales and use tax previously authorized  
 23 under section 77-27,142. Except as otherwise provided by section  
 24 77-27,142, the question of modification shall be submitted to the  
 25 voters at any primary or general election or at a special election  
 26 if the governing body submits a certified copy of the resolution  
 27 proposing modification to the election commissioner or county clerk  
 1 within the time prior to the primary, general, or special election  
 2 prescribed in section 77-27,142.02.

3 (b) The authority granted in this subsection to change a  
 4 sales and use tax to a rate of one and three-quarters percent or  
 5 two percent is suspended beginning on the effective date of this  
 6 act through July 15, 2014. Any such change which was adopted by  
 7 a governing body but not approved by the electors prior to the  
 8 effective date of this act is null and void. Any such tax adopted  
 9 by a governing body and approved by the electors prior to the  
 10 effective date of this act shall continue to be imposed.

11 (2) If the change imposes a sales and use tax at a  
 12 rate greater than one and one-half percent or increases the sales  
 13 and use tax to a rate greater than one and one-half percent, the  
 14 question shall include, but not be limited to:

15 (a) The percentage increase of one-quarter percent or  
 16 one-half percent in the sales and use tax rate;

17 (b) A list of reductions or elimination of other taxes or  
 18 fees, if any;

19 (c) A description of the projects to be funded, in whole  
 20 or in part, from the revenue collected, along with any savings or  
 21 efficiencies resulting from the projects;

22 (d) The year or years within which the revenue will be  
 23 collected and, if bonds will be issued with some or all of the  
 24 revenue pledged for payment of such bonds, a statement that the  
 25 revenue will be collected until the payment in full of such bonds  
 26 and any refunding bonds; and

27 (e)(i) The percentage of revenue collected to be used for  
 1 the purposes of the interlocal agreement or joint public agency  
 2 agreement as provided in subdivision (2)(b)(ii) or subsection (3)  
 3 of section 77-27,142; (ii) a statement of the overall purpose  
 4 of the agreement which is the long-term development of unified

- 5 governance of public infrastructure projects, if applicable; and  
 6 (iii) the name of any other political subdivision which is a party  
 7 to the agreement.  
 8 This subsection does not apply to the first one and  
 9 one-half percent of a sales and use tax imposed by a municipality.  
 10 Sec. 4. Original section 18-1208, Reissue Revised  
 11 Statutes of Nebraska, and sections 77-27,142 and 77-27,142.01,  
 12 Revised Statutes Cumulative Supplement, 2012, are repealed.  
 13 Sec. 5. Since an emergency exists, this act takes effect  
 14 when passed and approved according to law.

(Signed) Galen Hadley, Chairperson

Health and Human Services

**LEGISLATIVE BILL 577.** Placed on General File.

(Signed) Kathy Campbell, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 107.** Introduced by Christensen, 44.

WHEREAS, Austin Thelander of Perkins County High School won the 2013 Class D State Wrestling Championship in the 106-pound division; and

WHEREAS, Austin defeated Trey Nekoliczak of Cedar Valley 2-0 to win the state title; 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 Thelander on winning the 2013 Class D State Wrestling Championship in the 106-pound division.
2. That a copy of this resolution be sent to Austin Thelander.

Laid over.

**LEGISLATIVE RESOLUTION 108.** Introduced by Christensen, 44.

WHEREAS, the Southern Valley Eagles won the 2013 Class C-2 Boys' State Basketball Championship; and

WHEREAS, the Eagles defeated Sutton High School by a score of 38-34 in the championship game to win the state title; 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 Southern Valley Eagles on winning the 2013 Class C-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Southern Valley Eagles and their coach, John Miller.

Laid over.

**LEGISLATIVE RESOLUTION 109.** Introduced by Christensen, 44.

WHEREAS, Rulon Taylor of Medicine Valley High School won the 2013 Class D State Wrestling Championship in the 220-pound division; and

WHEREAS, Rulon defeated Jacob Woockman of Lutheran High Northeast by a pin to win the state title; 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 Rulon Taylor on winning the 2013 Class D State Wrestling Championship in the 220-pound division.

2. That a copy of this resolution be sent to Rulon Taylor.

Laid over.

**LEGISLATIVE RESOLUTION 110.** Introduced by Avery, 28.

WHEREAS, Meredith Wekesser is a student at Lincoln Southeast High School and a member of the Lincoln Southeast High School swimming and diving team; and

WHEREAS, Meredith Wekesser demonstrates good character and dedication to her sport, team, and academics; and

WHEREAS, Meredith Wekesser swam a leg on the state champion team in the Girls 200 Yard Freestyle Relay at the 2013 Girls' State Swimming and Diving Championships; 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 Meredith Wekesser on her exceptional personal achievements.

2. That a copy of this resolution be sent to Meredith Wekesser and to Coach Ivy Johnson.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 613.** Senator Chambers offered his amendment, FA31, found on page 745, to the committee amendment.

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

The Chambers amendment was adopted with 32 ayes, 3 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA32, found on page 745, to the committee amendment.

**SENATOR GLOOR PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Avery	Coash	Gloor	Lathrop	Price
Bolz	Conrad	Haar, K.	McGill	Wallman
Campbell	Cook	Harr, B.	Nordquist	Watermeier
Chambers	Dubas	Howard	Pirsch	Wightman

Voting in the negative, 19:

Adams	Christensen	Harms	Kintner	Nelson
Bloomfield	Crawford	Janssen	Kolowski	Scheer
Brasch	Davis	Johnson	Krist	Seiler
Carlson	Hansen	Karpisek	Murante	

Present and not voting, 6:

Hadley	Mello	Smith
McCoy	Schumacher	Sullivan

Excused and not voting, 4:

Ashford	Larson	Lautenbaugh	Schilz
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The Chambers amendment lost with 20 ayes, 19 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA33, found on page 745, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

The Chambers amendment was adopted with 35 ayes, 5 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

## COMMITTEE REPORTS

### Health and Human Services

**LEGISLATIVE BILL 443.** Placed on General File with amendment. AM552

- 1 1. On page 4, line 11, after the period insert "To
- 2 be licensed as a child-placing agency, an applicant must be a
- 3 corporation, nonprofit corporation, or limited liability company.".

**LEGISLATIVE BILL 528.** Placed on General File with amendment. AM605

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. If a physician, a physician assistant, a
- 4 nurse practitioner, or a certified nurse midwife licensed under
- 5 the Uniform Credentialing Act diagnoses a patient as having
- 6 chlamydia or gonorrhea, the physician may prescribe, provide, or
- 7 dispense pursuant to section 38-2850 and the physician assistant,
- 8 nurse practitioner, or certified nurse midwife may prescribe or
- 9 provide drug samples of prescription oral antibiotic drugs to
- 10 that patient's sexual partner or partners without examination
- 11 of that patient's partner or partners. Adequate directions for
- 12 use and medication guides, where applicable, shall be provided
- 13 along with additional prescription oral antibiotic drugs for any
- 14 additional partner. The oral antibiotic drugs prescribed, provided,
- 15 or dispensed pursuant to this section must be stored, dispensed,
- 16 and labeled in accordance with federal and state pharmacy laws
- 17 and regulations. Prescriptions for the patient's sexual partner or
- 18 partners must include the partner's name. If the infected patient
- 19 is unwilling or unable to deliver such prescription oral antibiotic
- 20 drugs to his or her sexual partner or partners, such physician
- 21 may prescribe, provide, or dispense pursuant to section 38-2850 and
- 22 such physician assistant, nurse practitioner, or certified nurse
- 23 midwife may prescribe or provide samples of the prescription oral

1 antibiotic drugs for delivery to such partner, if such practitioner  
2 has sufficient locating information.

3 Sec. 2. The Department of Health and Human Services may  
4 adopt and promulgate rules and regulations to carry out section 1  
5 of this act.

6 Sec. 3. Section 71-503.01, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 71-503.01 (1) Whenever any statute of the state, any  
9 ordinance or resolution of a municipal corporation or political  
10 subdivision enacted pursuant to statute, or any rule or regulation  
11 of an administrative agency adopted and promulgated pursuant to  
12 statute ~~requires~~ allows medical practitioners or other persons  
13 to prescribe, provide, or dispense prescription drugs pursuant to  
14 sections 1 and 2 of this act or requires medical practitioners or  
15 other persons to report cases of communicable diseases, including  
16 sexually transmitted diseases and other reportable diseases,  
17 illnesses, or poisonings or to give notification of positive  
18 laboratory findings to the Department of Health and Human Services  
19 or any county or city board of health, local public health  
20 department established pursuant to sections 71-1626 to 71-1636,  
21 city health department, local health agency, or state or local  
22 public official exercising the duties and responsibilities of any  
23 board of health or health department, such reports or notifications  
24 and the resulting investigations and such prescription, provision,  
25 or dispensing of prescription drugs and records pertaining thereto  
26 shall be confidential except as provided in this section, shall not  
27 be subject to subpoena, and shall be privileged and inadmissible  
1 in evidence in any legal proceeding of any kind or character and  
2 shall not be disclosed to any other department or agency of the  
3 State of Nebraska.

4 (2) In order to further the protection of public health,  
5 such reports, ~~and~~ notifications, and prescription, provision, or  
6 dispensing of prescription drugs may be disclosed by the Department  
7 of Health and Human Services, the official local health department,  
8 and the person making such reports or notifications to the Centers  
9 for Disease Control and Prevention of the Public Health Service  
10 of the United States Department of Health and Human Services or  
11 its successor in such a manner as to ensure that the identity  
12 of any individual cannot be ascertained except as required for  
13 delivery of such prescription drugs pursuant to sections 1 and 2  
14 of this act. To further protect the public health, the Department  
15 of Health and Human Services, the official local health department,  
16 and the person making the report or notification may disclose  
17 to the official state and local health departments of other  
18 states, territories, and the District of Columbia such reports and  
19 notifications, including sufficient identification and information  
20 so as to ensure that such investigations as deemed necessary are  
21 made.

22 (3) The appropriate board, health department, agency,

23 or official may: ~~(1)-(a)~~ Publish analyses of ~~such reports and~~  
 24 ~~information reports, information, and the notifications described~~  
 25 ~~in subsection (1) of this section~~ for scientific and public health  
 26 purposes in such a manner as to ensure that the identity of any  
 27 individual concerned cannot be ascertained; ~~(2)-(b)~~ discuss the  
 1 report or notification with the attending physician; and ~~(3)-(c)~~  
 2 make such investigation as deemed necessary.

3 ~~(4)~~ Any medical practitioner, any official health  
 4 department, the Department of Health and Human Services, or any  
 5 other person making such reports or notifications or prescribing,  
 6 providing, or dispensing such prescription drugs pursuant to  
 7 sections 1 and 2 of this act shall be immune from suit for  
 8 slander or libel or breach of privileged communication based on any  
 9 statements contained in such reports and notifications or pursuant  
 10 to prescription, provision, or dispensing of such prescription  
 11 drugs.

12 Sec. 4. Original section 71-503.01, Reissue Revised  
 13 Statutes of Nebraska, is repealed.

(Signed) Kathy Campbell, Chairperson

#### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB613:  
 FA34

Amend AM467

1. Page 2, line 15 beginning with "The" strike through "equitably" in line 20 and insert: "In order to formulate an equitable system of taxation, the committee shall review and analyze the tax burden created by sales and use taxes, income taxes, property taxes and other miscellaneous taxes imposed on families, businesses and sectors of industry within the state."

Senator Kintner filed the following amendment to LB293:  
 AM687

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

3 Section 1. Section 69-2404, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 69-2404 (1) Any person desiring to purchase, lease, rent,  
 6 or receive transfer of a handgun shall apply with the chief of  
 7 police or sheriff of the applicant's place of residence for a  
 8 certificate. The application may be made in person or by mail. The  
 9 application form and certificate shall be made on forms approved  
 10 by the Superintendent of Law Enforcement and Public Safety. The  
 11 application shall include the applicant's full name, address,  
 12 date of birth, and country of citizenship. If the applicant is  
 13 not a United States citizen, the application shall include the  
 14 applicant's place of birth and his or her alien or admission  
 15 number. If the application is made in person, the applicant shall

16 also present a current Nebraska motor vehicle operator's license,  
17 state identification card, or military identification card, or  
18 if the application is made by mail, the application form shall  
19 describe the license or card used for identification and be  
20 notarized by a notary public who has verified the identification of  
21 the applicant through such a license or card. An applicant shall  
22 receive a certificate if he or she is twenty-one years of age or  
23 older and is not prohibited from purchasing or possessing a handgun  
1 by 18 U.S.C. 922. A fee of five dollars shall be charged for  
2 each application for a certificate to cover the cost of a criminal  
3 history record check.

4 (2) Information relating to an application form or  
5 certificate or any listing of all applicants or certificates  
6 maintained by a chief of police or sheriff pursuant to this section  
7 or provided to the Nebraska State Patrol, or any other state or  
8 local law enforcement agency, is confidential and shall not be  
9 considered a public record within the meaning of sections 84-712 to  
10 84-712.09. Such information shall be available upon request to all  
11 federal, state, and local law enforcement agencies.

12 Sec. 2. Section 69-2405, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 69-2405 (1) Upon the receipt of an application for  
15 a certificate, the chief of police or sheriff shall issue a  
16 certificate or deny a certificate and furnish the applicant the  
17 specific reasons for the denial in writing. The chief of police  
18 or sheriff shall be permitted up to three days in which to  
19 conduct an investigation to determine whether the applicant is  
20 prohibited by law from purchasing or possessing a handgun. If  
21 the certificate or denial is mailed to the applicant, it shall  
22 be mailed to the applicant's address by first-class mail within  
23 the three-day period. If it is determined that the purchase or  
24 possession of a handgun by the applicant would be in violation  
25 of applicable federal, state, or local law, the chief of police  
26 or sheriff shall deny the certificate. In computing the three-day  
27 period, the day of receipt of the application shall not be included  
1 and the last day of the three-day period shall be included. The  
2 three-day period shall expire at 11:59 p.m. of the third day  
3 unless it is a Saturday, Sunday, or legal holiday in which event  
4 the period shall run until 11:59 p.m. of the next day which is  
5 not a Saturday, Sunday, or legal holiday. No later than the end  
6 of the three-day period the chief of police or sheriff shall  
7 issue or deny such certificate and, if the certificate is denied,  
8 furnish the applicant the specific reasons for denial in writing.  
9 No civil liability shall arise to any law enforcement agency if  
10 such law enforcement agency complies with sections 69-2401, 69-2403  
11 to 69-2408, and 69-2409.01.

12 (2) Information relating to a certificate or denial or  
13 any listing of all certificates or denials issued by a chief of  
14 police or sheriff pursuant to this section or provided to the

15 Nebraska State Patrol, or any other state or local law enforcement  
 16 agency, is confidential and shall not be considered a public  
 17 record within the meaning of sections 84-712 to 84-712.09. Such  
 18 information shall be available upon request to all federal, state,  
 19 and local law enforcement agencies.  
 20 Sec. 3. Original sections 69-2404 and 69-2405, Reissue  
 21 Revised Statutes of Nebraska, are repealed.

## RESOLUTION

**LEGISLATIVE RESOLUTION 111.** Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to explore the possibility of replicating the Delancey Street Foundation in Nebraska. Delancey Street is considered one of the nation's leading self-help residential education centers for ex-convicts and former substance abusers.

This study should examine Delancey Street replications across the country and seek and consider input from Delancey Street, the Department of Correctional Services, the Department of Labor, drug and alcohol counselors, chambers of commerce, and other interested persons and organizations. The ultimate goal of the study is to create a strategic plan for replicating Delancey Street in Nebraska.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### UNANIMOUS CONSENT - Add Cointroducers

Senator Conrad asked unanimous consent to add her name as cointroducer to LB216, LB236, LB330, LB385, LB507, and LB552. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB507. No objections. So ordered.

## VISITORS

Visitors to the Chamber were 23 fourth-grade students, teacher, and sponsors from Hayward Elementary, Nebraska City; 42 fourth-grade students and teachers from Anderson Grove Elementary, Bellevue; 45 members of Nebraska Councils of Catholic Women from across the state;

and the Lincoln Journal Star Super State basketball players from Lincoln, Omaha, Papillion-La Vista, Millard, and Grand Island.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

**ADJOURNMENT**

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

Patrick J. O'Donnell  
Clerk of the Legislature

