

**FORTY-NINTH DAY - MARCH 26, 2013**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**FIRST SESSION**

**FORTY-NINTH DAY**

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

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senator Hadley who was excused; and Senators Ashford, Bolz, Christensen, Cook, K. Haar, Price, and Schilz who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-eighth day was approved.

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE BILL 269.** Placed on General File with amendment.  
AM678 is available in the Bill Room.

(Signed) Kathy Campbell, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 223.** Placed on General File.

**LEGISLATIVE BILL 85.** Indefinitely postponed.

**LEGISLATIVE BILL 387.** Indefinitely postponed.

**LEGISLATIVE BILL 617.** Indefinitely postponed.

(Signed) Annette Dubas, Chairperson

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 6A.** Placed on Select File.

(Signed) John Murante, Chairperson

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 6.** Placed on Final Reading.

ST10

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 6, "to provide operative dates;" has been inserted after the first semicolon; in line 7 "and" has been struck; and in line 8 "; and to declare an emergency" has been inserted after "2012".

**LEGISLATIVE BILL 105.** Placed on Final Reading.

**LEGISLATIVE BILL 170.** Placed on Final Reading.

**LEGISLATIVE BILL 620.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 153A.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 153, One Hundred Third Legislature, First Session, 2013.

**MOTIONS - Approve Appointments**

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 805:

Nebraska Information Technology Commission

Donna Hammack

Brad Moline

Voting in the affirmative, 29:

Adams	Crawford	Janssen	Mello	Smith
Avery	Davis	Johnson	Murante	Sullivan
Bloomfield	Dubas	Karpisek	Nelson	Wallman
Brasch	Hansen	Kintner	Pirsch	Watermeier
Campbell	Harms	Kolowski	Schumacher	Wightman
Carlson	Howard	Krist	Seiler	

Voting in the negative, 0.

Present and not voting, 12:

Chambers	Gloor	Lathrop	McGill
Coash	Harr, B.	Lautenbaugh	Nordquist
Conrad	Larson	McCoy	Scheer

Excused and not voting, 8:

Ashford	Christensen	Haar, K.	Price
Bolz	Cook	Hadley	Schilz

The appointments were confirmed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on pages 807 and 808:

Nebraska Rural Health Advisory Commission

Brian Buhlke  
 Mary Kent  
 Rebecca Schroeder  
 Avery Sides  
 Michael Sitorius  
 Roger Wells

Voting in the affirmative, 34:

Adams	Coash	Janssen	McCoy	Seiler
Avery	Crawford	Johnson	McGill	Smith
Bloomfield	Dubas	Kintner	Mello	Sullivan
Brasch	Gloor	Kolowski	Murante	Wallman
Campbell	Hansen	Krist	Nelson	Watermeier
Carlson	Harms	Larson	Pirsch	Wightman
Chambers	Howard	Lautenbaugh	Schumacher	

Voting in the negative, 0.

Present and not voting, 8:

Conrad	Harr, B.	Lathrop	Price
Davis	Karpisek	Nordquist	Scheer

Excused and not voting, 7:

Ashford	Christensen	Haar, K.	Schilz
Bolz	Cook	Hadley	

The appointments were confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 808:

Board of Emergency Medical Services  
Ann Fiala

Voting in the affirmative, 32:

Adams	Crawford	Kintner	Murante	Sullivan
Avery	Dubas	Kolowski	Nelson	Wallman
Bloomfield	Gloor	Krist	Nordquist	Watermeier
Brasch	Hansen	Larson	Pirsch	Wightman
Campbell	Howard	McCoy	Schumacher	
Carlson	Janssen	McGill	Seiler	
Chambers	Johnson	Mello	Smith	

Voting in the negative, 0.

Present and not voting, 10:

Coash	Davis	Harr, B.	Lathrop	Price
Conrad	Harms	Karpisek	Lautenbaugh	Scheer

Excused and not voting, 7:

Ashford	Christensen	Haar, K.	Schilz
Bolz	Cook	Hadley	

The appointment was confirmed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 530A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 528.** Committee AM605, found on page 774 and considered on page 821, was renewed.

Pending.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 119.** Introduced by Scheer, 19.

WHEREAS, Newman Grove, Nebraska, is celebrating its 125th anniversary in 2013; and

WHEREAS, Newman Grove was founded by Scandinavian immigrants and incorporated on February 9, 1888. Since that time, Newman Grove has grown into a strong, vibrant community and a great place to live; and

WHEREAS, Newman Grove owes much of its 125 years of success to the hard-working and generous people of the Newman Grove community; and

WHEREAS, Newman Grove will celebrate its 125th anniversary during the Shell Creek Valley Days to be held June 7-9, 2013.

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

1. That the Legislature congratulates Newman Grove, Nebraska, on its 125th anniversary.

2. That a copy of this resolution be sent to Mayor Fawn Steiff on behalf of the citizens of Newman Grove.

Laid over.

**COMMITTEE REPORT**

Education

**LEGISLATIVE BILL 253.** Placed on General File.

(Signed) Kate Sullivan, Chairperson

**AMENDMENT - Print in Journal**

Senator Avery filed the following amendment to LB79:  
AM710

(Amendments to Standing Committee amendments, AM452)

- 1 1. On page 37, line 2, strike "any money in" and insert
- 2 "\$630,870 from"; and in line 9 after the period insert "The
- 3 State Treasurer shall transfer the balance of the Campaign Finance
- 4 Limitation Cash Fund to the Election Administration Fund on or
- 5 before July 5, 2013, or as soon thereafter as administratively
- 6 possible.".

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 595A.** Introduced by Price, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 595, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

**LEGISLATIVE BILL 79A.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 79, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

**GENERAL FILE**

**LEGISLATIVE BILL 528.** Senator McCoy offered his amendment, AM764, found on page 811, to the committee amendment.

**SENATOR COASH PRESIDING**

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

The McCoy amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator McCoy offered his amendment, AM765, found on page 812, to the committee amendment.

Senator McCoy withdrew his amendment.

Pending.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 120.** Introduced by Brasch, 16.

WHEREAS, Kristyn Schlickbernd of Wisner-Pilger High School won first place in Informative Speaking at the 2013 Class C-1 Nebraska State Speech 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 Kristyn Schlickbernd for placing first in Informative Speaking at the 2013 Class C-1 Nebraska State Speech Championship.

2. That a copy of this resolution be sent to Kristyn Schlickbernd.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Dubas filed the following amendments to LB362:

AM820

(Amendments to Standing Committee amendments, AM455)

1 1. On page 2, line 9, strike "60-3,113".

AM821

(Amendments to Standing Committee amendments, AM455)

1 1. On page 2, line 10, strike "60-3,125, or 60-3,130".

2 and insert "or 60-3,125".

AM822

(Amendments to Standing Committee amendments, AM455)

1 1. On page 2, strike beginning with "buses" in line 10

2 through the last comma in line 11.

AM823

(Amendments to Standing Committee amendments, AM455)

1 1. On page 2, strike beginning with "trucks" in line 11

2 through "60-3,147," in line 13.

AM824

(Amendments to Standing Committee amendments, AM455)

1 1. On page 2, line 13, strike "vehicles registered under

2 section 60-3,149".

Senator McCoy filed the following amendment to LB528:

AM809

(Amendments to Standing Committee amendments, AM605)

1 1. Insert the following new section:

2 Sec. 2. A physician, physician assistant, nurse  
 3 practitioner, or certified nurse midwife licensed under the  
 4 Uniform Credentialing Act who prescribes, provides, or dispenses  
 5 prescription oral antibiotic drugs pursuant to section 1 of this  
 6 act or a pharmacist who provides or dispenses oral antibiotic  
 7 drugs pursuant to section 1 of this act or who chooses not to  
 8 prescribe, provide, or dispense such prescription oral antibiotic  
 9 drugs, acting in good faith and with or without compensation, shall  
 10 be immune from civil liability for such prescription, provision, or  
 11 dispensation of or for the decision not to prescribe, provide, or  
 12 dispense such oral antibiotic drugs.

- 13 2. On page 2, line 4, strike "section 1" and insert  
14 "sections 1 and 2".  
15 3. On page 2, line 14; page 3, line 13; and page 4, line  
16 7, strike "and 2" and insert "to 3".  
17 4. Renumber the remaining sections accordingly.

### VISITORS

Visitors to the Chamber were Nebraska McDonald's owners-operators; 33 fourth-grade students and teacher from Wildewood Elementary, Ralston; 85 Creighton University nursing students from Omaha and Hastings; 8 fourth-grade students, teacher, and sponsor from Bruning-Davenport Elementary; members from Delta Kappa Gamma Society International Professional Teachers from across the state; and Senator B. Harr's mother and father, Susan and Larry, from Omaha, sister and nephew, Sharyl and Zach Baca, from Omaha, brother, sister-in-law, niece, and nephew, Steven, Allison, Carolina, and Jackson, from New York, and aunt, Wynn Nuckolls, from Lincoln.

The Doctor of the Day was Dr. David Hoelting from Pender.

### ADJOURNMENT

At 12:05 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Wednesday, March 27, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature