

FIFTY-FIRST DAY - MARCH 28, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 28, 2013

PRAYER

The prayer was offered by Senator Kolowski.

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 Campbell, Hadley, Krist, and Murante who were excused; and Senators Ashford, Christensen, Janssen, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 528. Placed on Select File.

(Signed) John Murante, Chairperson

MESSAGE FROM THE GOVERNOR

March 27, 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 State Fire Marshal of the Nebraska State Fire Marshal's Office:

Jim Heine, 21911 Woodland Hills Circle, Eagle, NE 68347

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

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 27, 2013, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Hladik, Johnathan
Center for Rural Affairs
Mainwaring, Brenda
Union Pacific Railroad (Withdrawn 03/27/2013)
Skala, Jennifer
Nebraska Children and Families Foundation

BILL ON FIRST READING

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

LEGISLATIVE BILL 354A. Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 354, One Hundred Third Legislature, First Session, 2013.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 94.

A BILL FOR AN ACT relating to hunting permits; to amend sections 37-447, 37-450, and 37-455, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to eligibility for certain permits; to provide powers for the Game and Parks Commission; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Ashford	Christensen	Janssen	Murante
Campbell	Hadley	Krist	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 105.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend section 71-1908, Reissue Revised Statutes of Nebraska; to require liability insurance as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Adams	Cook	Howard	McGill	Seiler
Avery	Crawford	Johnson	Mello	Smith
Bolz	Davis	Karpisek	Nelson	Sullivan
Brasch	Dubas	Kintner	Nordquist	Wallman
Carlson	Gloor	Kolowski	Pirsch	Watermeier
Chambers	Haar, K.	Larson	Price	Wightman
Christensen	Hansen	Lathrop	Scheer	
Coash	Harms	Lautenbaugh	Schilz	
Conrad	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 6:

Ashford	Hadley	Krist
Campbell	Janssen	Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 133.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1401, Revised Statutes Cumulative Supplement, 2012; to establish priority of motor vehicle insurance policies for certain loaned motor vehicles; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Hadley	Krist
Campbell	Janssen	Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB170 with 38 ayes, 3 nays, 2 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 170.

A BILL FOR AN ACT relating to finance; to amend sections 85-1701, 85-1702, 85-1703, 85-1704, 85-1705, 85-1706, 85-1707, 85-1708, 85-1709, 85-1710, 85-1711, 85-1712, 85-1713, 85-1714, 85-1715, 85-1716, 85-1717, 85-1718, 85-1719, 85-1720, 85-1721, 85-1722, 85-1723, 85-1724, 85-1725, 85-1726, 85-1727, 85-1728, 85-1729, 85-1730, 85-1731, 85-1732, 85-1733, 85-1734, 85-1735, 85-1736, 85-1737, 85-1739, 85-1740, 85-1741, 85-1742, 85-1743, 85-1744, 85-1745, 85-1746, 85-1747, 85-1748, 85-1749, 85-1750, 85-1751, 85-1752, 85-1753, 85-1754, 85-1755, 85-1756, 85-1757, 85-1758, 85-1759, 85-1760, 85-1761, 85-1762, and 85-1763, Reissue Revised Statutes of Nebraska, and section 85-1738, Revised Statutes Cumulative Supplement, 2012; to rename the Nebraska Educational Finance Authority Act and the Nebraska Educational Finance Authority; to provide for financing for projects of private health care institutions and private social services institutions; to define and redefine terms; to change provisions relating to the authority, bonds, and the effect of name changes; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Hadley	Krist
Campbell	Janssen	Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 262.

A BILL FOR AN ACT relating to education; to amend section 79-2,104, Revised Statutes Cumulative Supplement, 2012; to provide duties relating to sharing of student data, records, and information; to provide for rules and regulations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Christensen

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 295. With Emergency Clause.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2705, Reissue Revised Statutes of Nebraska; to redefine a term; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Adams	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Davis	Karpisek	Nelson	Sullivan
Brasch	Dubas	Kintner	Nordquist	Wallman
Carlson	Gloor	Kolowski	Pirsch	Watermeier
Chambers	Haar, K.	Larson	Price	Wightman
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 316.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-310, Reissue Revised Statutes of Nebraska; to redefine automobile liability policy; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Davis	Karpisek	Nelson	Sullivan
Brasch	Dubas	Kintner	Nordquist	Wallman
Carlson	Gloor	Kolowski	Pirsch	Watermeier
Chambers	Haar, K.	Larson	Price	Wightman
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 340.

A BILL FOR AN ACT relating to public power; to amend section 70-1013, Revised Statutes Cumulative Supplement, 2012; to change a hearing requirement; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Davis	Karpisek	Nelson	Sullivan
Brasch	Dubas	Kintner	Nordquist	Wallman
Carlson	Gloor	Kolowski	Pirsch	Watermeier
Chambers	Haar, K.	Larson	Price	Wightman
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 434.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend section 81-829.41, Reissue Revised Statutes of Nebraska; to provide duties for the Nebraska Emergency Management Agency relating to emergency management registries; to provide for voluntary participation; to provide for certain information not to be considered a public record; to provide for confidentiality of certain information; to provide a penalty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB499 with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 499.

A BILL FOR AN ACT relating to the Game Law; to amend sections

37-304, 37-321, 37-422, 37-4,107, 37-543, 37-546, and 37-604, Reissue Revised Statutes of Nebraska, and sections 37-314, 37-447, 37-448, 37-455, 37-490, 37-492, 37-501, 37-503, and 37-614, Revised Statutes Cumulative Supplement, 2012; to provide and change powers and duties of the Game and Parks Commission regarding rules and regulations; to authorize commission orders; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Davis	Karpisek	Nelson	Sullivan
Brasch	Dubas	Kintner	Nordquist	Wallman
Carlson	Gloor	Kolowski	Pirsch	Watermeier
Chambers	Haar, K.	Larson	Price	Wightman
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 620.

A BILL FOR AN ACT relating to government health insurance; to require presentations of plans to the Legislature.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Coash	Harms	Lautenbaugh	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Davis	Karpisek	Nelson	Sullivan
Brasch	Dubas	Kintner	Nordquist	Wallman
Carlson	Gloor	Kolowski	Pirsch	Watermeier
Chambers	Haar, K.	Larson	Price	Wightman
Christensen	Hansen	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Hadley	Janssen	Krist	Murante
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 94, 105, 133, 170, 262, 295, 316, 340, 434, 499, and 620.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 113, 114, 115, and 116 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 113, 114, 115, and 116.

GENERAL FILE

LEGISLATIVE BILL 517. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM603, found on page 724, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA45

Amend AM603

Page 2, line 4 place a period after "designee" and strike beginning with

"and" through the period in line 27.

SPEAKER ADAMS PRESIDING

SENATOR COASH PRESIDING

Pending.

MOTION - Print in Journal

Senator Chambers filed the following motion to LB266:

MO29

Place on General File pursuant to Rule 3, Sec. 20(b).

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 94, 105, 133, 170, 262, 295e, 316, 340, 434, 499, and 620.

(Signed) Charlie Janssen

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 28, 2013, at 9:58 a.m. were the following: LBs 94, 105, 133, 170, 262, 295e, 316, 340, 434, 499, and 620.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 122. Introduced by Hansen, 42.

WHEREAS, November 2013 is National Family Caregivers Month; and

WHEREAS, about 250,000 people in Nebraska, 14 percent of the state's population, are 65 years of age and older, and that number is expected to increase in the next twenty years to 375,000 people, or 21 percent of the state's population in 2030; and

WHEREAS, an estimated 45,000 people in Nebraska, 2.5 percent of the state's population, are 85 years of age and older, and that number is expected to increase in the next twenty years to 60,000 people, or 3 percent of the state's population in 2030; and

WHEREAS, it is estimated that 37,000 people in Nebraska have Alzheimer's disease, and this number is expected to increase to 44,000 people by 2025 with an expected 70 percent of the people with Alzheimer's disease and other forms of dementia living at home; and

WHEREAS, 13 percent of those persons 62 years of age and older need some level of assistance with the activities of daily living, and there are an

estimated 200,000 adults in Nebraska providing paid and unpaid care to adult relatives or friends; and

WHEREAS, both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes; and

WHEREAS, the Department of Health and Human Services estimated that the paid caregiver workforce will increase by more than 50 percent by 2025; and

WHEREAS, the longer a senior is able to provide for his or her own care, the less the burden that is placed on public assistance offered by the state and federal governments.

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

1. That the Legislature recognizes the importance of caregiving and the caregiving profession and supports the private home health care industry and the efforts of family caregivers throughout Nebraska by encouraging individuals to provide care to family, friends, and neighbors.

2. That the Legislature encourages accessible and affordable care for seniors and supports the continuing review of state policies and current state programs which address the needs of seniors and their family caregivers.

3. That the Legislature encourages the Department of Health and Human Services to continue working to educate people in Nebraska on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

4. That the Legislature recognizes November 2013 as Nebraska Caregivers Month and encourages citizens to participate in activities related to National Family Caregivers Month.

5. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

LEGISLATIVE RESOLUTION 123. Introduced by Price, 3; Adams, 24; Ashford, 20; Avery, 28; Bloomfield, 17; Brasch, 16; Carlson, 38; Coash, 27; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hansen, 42; Harms, 48; Howard, 9; Karpisek, 32; Kolowski, 31; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; Mello, 5; Nelson, 6; Nordquist, 7; Pirsch, 4; Scheer, 19; Schilz, 47; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, the month of April has been designated as Personal Security Awareness Month; and

WHEREAS, the mission of Personal Security Awareness Month is to raise awareness of personal security options and deliver valuable knowledge and life-saving advice; and

WHEREAS, throughout the month of April, personal protection experts and law enforcement professionals will partner to educate the public about

Personal Security Awareness Month and provide information to individuals about how to safeguard themselves and their family members.

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

1. That the Legislature recognizes April 2013 as Personal Security Awareness Month in Nebraska.

2. That during Personal Security Awareness Month, the Legislature encourages citizens to become aware of ways to avoid victimization and learn how to keep themselves and their families safe from crime.

Laid over.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 103. Placed on General File.

LEGISLATIVE BILL 267. Placed on General File.

LEGISLATIVE BILL 329. Placed on General File.

LEGISLATIVE BILL 106. Placed on General File with amendment.
AM95

- 1 1. On page 6, strike line 18 and insert "a conveyance of
- 2 or a lien on any interest in real estate;
- 3 (5) a power of attorney; or"; and in line 19 strike "(5)"
- 4 and insert "(6)".

LEGISLATIVE BILL 169. Placed on General File with amendment.
AM232

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. Section 25-1625, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 25-1625 (1) In each county of the State of Nebraska there
- 6 shall be a jury commissioner.
- 7 (2) In counties having a population of not more than
- 8 ~~fifty-seventy-five~~ thousand inhabitants, the clerk of the district
- 9 court shall be jury commissioner ex officio.
- 10 (3) In counties having a population of more than ~~fifty~~
- 11 ~~seventy-five~~ thousand, and not more than two hundred thousand
- 12 inhabitants, the jury commissioner shall be a separate office
- 13 in the county government or the duties may be performed, when
- 14 authorized by the judges of the district court within such
- 15 counties, by the election commissioner. The jury commissioner
- 16 shall receive an annual salary of not less than twelve hundred
- 17 dollars.
- 18 (4) In counties having a population in excess of two
- 19 hundred thousand inhabitants, the judges of the district court
- 20 within such counties shall determine whether the clerk of the

21 district court will perform the duties of jury commissioner without
 22 additional compensation or the election commissioner will be jury
 23 commissioner ex officio.

1 (5) In all counties the necessary expenses incurred in
 2 the performance of the duties of jury commissioner shall be paid by
 3 the county board of the county out of the general fund, upon proper
 4 claims approved by one of the district judges in the judicial
 5 district and duly filed with the county board.

6 (6) In all counties the jury commissioner shall prepare
 7 and file the annual inventory statement with the county board of
 8 the county of all county personal property in his or her custody or
 9 possession, as provided in sections 23-346 to 23-350.

10 Sec. 2. Original section 25-1625, Revised Statutes
 11 Cumulative Supplement, 2012, is repealed.

LEGISLATIVE BILL 277. Placed on General File with amendment.
 AM240

- 1 1. Strike original section 3.
- 2 2. On page 5, lines 2 and 3, strike "without completely";
- 3 and in line 3 after "is" insert "not".
- 4 3. On page 7, line 4, strike the first comma and insert
- 5 "and" and strike "and 68-945,".
- 6 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 342. Placed on General File with amendment.
 AM490

- 1 1. Strike section 4.
- 2 2. On page 19, line 16, strike "not" and insert "have the
- 3 discretion as to whether or not to".
- 4 3. On page 25, line 24, strike "43-253,".
- 5 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 415. Placed on General File with amendment.
 AM513

- 1 1. On page 5, after line 17, insert the following new
- 2 subdivision:
- 3 "(c) For purposes of this subsection, financial
- 4 institution means a bank, savings bank, building and loan
- 5 association, savings and loan association, or credit union whether
- 6 chartered by the United States, the Department of Banking and
- 7 Finance, or a foreign state agency.".
- 8 2. On page 11, after line 20, insert the following new
- 9 subdivision:
- 10 "(c) For purposes of this subsection, financial
- 11 institution means a bank, savings bank, building and loan
- 12 association, savings and loan association, or credit union whether
- 13 chartered by the United States, the Department of Banking and
- 14 Finance, or a foreign state agency.".

LEGISLATIVE BILL 538. Placed on General File with amendment.
AM301

- 1 1. On page 6, line 9, after the period insert "A
2 temporary physical, mental, or emotional incapacity shall not be
3 deemed to exist if a law enforcement officer remains employed as a
4 law enforcement officer, including employment as a law enforcement
5 officer in a restricted or limited duty status."; and strike
6 beginning with "The" in line 14 through the period in line 17.

LEGISLATIVE BILL 541. Placed on General File with amendment.
AM491

- 1 1. Strike original section 1 and insert the following new
2 section:
3 Section 1. Section 25-2602.01, Revised Statutes
4 Cumulative Supplement, 2012, is amended to read:
5 25-2602.01 (a) A written agreement to submit any existing
6 controversy to arbitration is valid, enforceable, and irrevocable
7 except upon such grounds as exist at law or in equity for the
8 revocation of any contract.
9 (b) A provision in a written contract to submit to
10 arbitration any controversy thereafter arising between the parties
11 is valid, enforceable, and irrevocable, except upon such grounds as
12 exist at law or in equity for the revocation of any contract, if
13 the provision is entered into voluntarily and willingly.
14 (c) The Uniform Arbitration Act applies to arbitration
15 agreements between employers and employees or between their
16 respective representatives.
17 (d) Contract provisions agreed to by the parties to a
18 contract control over contrary provisions of the act other than
19 subsections (e) and (f) of this section.
20 (e) Subsections (a) and (b) of this section do not apply
21 to a claim for workers' compensation.
22 (f) Subsection (b) of this section does not apply to:
23 (1) A claim arising out of personal injury based on tort;
1 (2) A claim under the Nebraska Fair Employment Practice
2 Act;
3 (3) Any agreement between parties covered by the Motor
4 Vehicle Industry Regulation Act; and
5 (4) Except as provided in section 44-811, any agreement
6 concerning or relating to an insurance policy other than a contract
7 between insurance companies including a reinsurance contract.
8 (g) When a claim involving disciplinary action against
9 a peace officer is submitted to arbitration under the Uniform
10 Arbitration Act, all proceedings shall be open to the public.
11 All documents and reports connected with the proceedings shall
12 be public records. Any decision rendered may be appealed to the
13 district court in the same manner as an appeal from the county
14 court.
15 (~~e~~)-(h) When a conflict exists, the Uniform Arbitration

16 Act shall not apply to the Uniform Act on Interstate Arbitration
 17 and Compromise of Death Taxes and sections 44-811, 44-4824, 54-404
 18 to 54-406, 60-2701 to 60-2709, and 70-1301 to 70-1329.

(Signed) Brad Ashford, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 93. Placed on General File with amendment.
 AM762 is available in the Bill Room.

(Signed) Annette Dubas, Chairperson

Education

LEGISLATIVE BILL 332. Placed on General File.

LEGISLATIVE BILL 497. Placed on General File with amendment.
 AM694

- 1 1. Insert the following new sections:
- 2 Sec. 5. Section 85-1920, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 85-1920 The Nebraska Opportunity Grant Fund is created.
- 5 Money in the fund shall include amounts transferred from the State
- 6 Lottery Operation Trust Fund pursuant to section 9-812 until June
- 7 30, 2016. All amounts accruing to the Nebraska Opportunity Grant
- 8 Fund shall be used to carry out the Nebraska Opportunity Grant Act.
- 9 Any money in the fund available for investment shall be invested
- 10 by the state investment officer pursuant to the Nebraska Capital
- 11 Expansion Act and the Nebraska State Funds Investment Act. ~~Any~~
- 12 ~~money in the Nebraska Scholarship Fund on July 1, 2010, shall be~~
- 13 ~~transferred to the Nebraska Opportunity Grant Fund on such date.~~
- 14 The Nebraska Opportunity Grant Fund terminates on June
- 15 30, 2016. Any money in the fund on such date shall be transferred
- 16 to the Nebraska Education Improvement Fund on such date.
- 17 Sec. 7. Since an emergency exists, this act takes effect
- 18 when passed and approved according to law.
- 19 2. On page 2, strike beginning with the first "the" in
- 20 line 20 through "the" in line 21, show the old matter as stricken,
- 21 and insert "(a) the"; and in line 23 after "Fund" insert ", (b)
- 22 through June 30, 2016, to the Education Innovation Fund and the
- 23 Nebraska Opportunity Grant Fund, and (c) on and after July 1, 2016,
- 1 to the Nebraska Education Improvement Fund".
- 2 3. On page 3, line 22, strike the new matter and insert
- 3 "Nebraska Education Improvement Fund".
- 4 4. On page 4, line 2, after "Fund" insert "and beginning
- 5 July 1, 2016, to the Nebraska Education Improvement Fund".
- 6 5. On page 12, strike lines 1 through 4, show the old
- 7 matter as stricken, and insert

8 "(f) The Education Innovation Fund terminates on June 30,
 9 2016. Any money in the fund on such date shall be transferred to
 10 the Nebraska Education Improvement Fund on such date.
 11 (5) The Nebraska Education Improvement Fund is created.
 12 The fund shall consist of money transferred pursuant to subdivision
 13 (3)(b)(ii) of this section and any other funds appropriated by
 14 the Legislature. Any money in the fund available for investment
 15 shall be invested by the state investment officer pursuant to
 16 the Nebraska Capital Expansion Act and the Nebraska State Funds
 17 Investment Act."; in line 5 strike "(5)", show as stricken, and
 18 insert "(6)"; and in line 10 strike "(6)", show as stricken, and
 19 insert "(7)".
 20 6. Amend the repealer and renumber the remaining section
 21 accordingly.

(Signed) Kate Sullivan, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 429A. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 429, One Hundred Third Legislature, First Session, 2013.

AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB99:
 AM782

(Amendments to Standing Committee amendments, AM34)

- 1 1. On page 3, line 8; and page 4, line 23, strike "and
 2 until January 1," and show as stricken and strike "2018,"
 3 2. On page 5, lines 2 and 3, strike "and until April 1,"
 4 and show as stricken; in line 3 strike "2018"; and in line 19
 5 after "2004" insert an underscored period, strike ", until April
 6 1," and show as stricken, and strike "2018,".

GENERAL FILE

LEGISLATIVE BILL 517. The Chambers amendment, FA45, found in this day's Journal, to the committee amendment, was renewed.

Senator Chambers withdrew his amendment.

Committee AM603, found on page 724 and considered in this day's Journal, was renewed.

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

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 517A. 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.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 331. Placed on General File with amendment. AM852

- 1 1. Strike original section 3 and insert the following new
2 sections:
3 Sec. 3. Section 85-2403, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:
5 85-2403 For purposes of the Postsecondary Institution
6 Act:
7 (1) Authorization to operate means either an
8 authorization to operate on a continuing basis or a recurrent
9 authorization to operate;
10 (2) Authorization to operate on a continuing basis
11 means approval by the commission to operate a postsecondary
12 institution in this state without a renewal requirement and
13 once such authorization has been issued it continues indefinitely
14 unless otherwise suspended, revoked, or terminated, including such
15 authorizations previously deemed to be effective as of May 5,
16 2011, pursuant to the Postsecondary Institution Act for private
17 and out-of-state public postsecondary institutions that had been
18 continuously offering four-year undergraduate programs with a
19 physical presence in the state for at least twenty academic
20 years and for Nebraska public postsecondary institutions;
21 (3) Commission means the Coordinating Commission for
22 Postsecondary Education;
23 (4)(a) Establishing a physical presence means:
1 (i) Offering a course for college credit or a degree
2 program in this state that leads to an associate, baccalaureate,
3 graduate, or professional degree, including:
4 (A) Establishing a physical location in this state where
5 a student may receive synchronous or asynchronous instruction; or
6 (B) Offering a course or program that requires students
7 to physically meet in one location for instructional purposes more
8 than once during the course term; or
9 (ii) Establishing an administrative office in this state,
10 including:

- 11 (A) Maintaining an administrative office in this state
12 for purposes of enrolling students, providing information to
13 students about the institution, or providing student support
14 services;
- 15 (B) Providing office space to staff, whether
16 instructional or noninstructional staff; or
- 17 (C) Establishing a mailing address in this state.
- 18 (b) Physical presence does not include:
- 19 (i) Course offerings in the nature of a short course or
20 seminar if instruction for the short course or seminar takes no
21 more than twenty classroom hours and the institution offers no more
22 than two courses as defined by the commission in a calendar year;
- 23 (ii) Course offerings on a military installation solely
24 for military personnel or civilians employed on such installation;
- 25 (iii) An educational experience arranged for an
26 individual student, such as a clinical, practicum, residency, or
27 internship; or
- 1 (iv) Courses offered online or through the United States
2 mail or similar delivery service which do not require the physical
3 meeting of a student with instructional staff;
- 4 (5) Executive director means the executive director of
5 the commission or his or her designee;
- 6 (6) Nebraska public postsecondary institution means
7 any public institution established, operated, and governed by
8 this state or any of its political subdivisions that provides
9 postsecondary education;
- 10 (7) Out-of-state public postsecondary institution means
11 any public institution with a physical presence in Nebraska that is
12 established, operated, and governed by another state or any of its
13 political subdivisions and that provides postsecondary education;
- 14 (8) Postsecondary institution means any private
15 postsecondary institution, out-of-state public postsecondary
16 institution, or Nebraska public postsecondary institution exempt
17 from the Private Postsecondary Career School Act;
- 18 (9) Private postsecondary institution means any Nebraska
19 or out-of-state nonpublic postsecondary institution with a physical
20 presence in Nebraska, including any for-profit or nonprofit
21 institution, that provides postsecondary education; and
- 22 (10) Recurrent authorization to operate means approval by
23 the commission to operate a postsecondary institution in this state
24 until a renewal of such authorization is required.
- 25 Sec. 4. Section 85-2405, Revised Statutes Cumulative
26 Supplement, 2012, is amended to read:
- 27 85-2405 The commission has the following powers and
1 duties:
- 2 (1) To establish levels for recurrent authorizations to
3 operate based on institutional offerings;
- 4 (2) To receive, investigate as it may deem necessary, and
5 act upon applications for a recurrent authorization to operate and

6 applications to renew a recurrent authorization to operate;
 7 (3) To establish reporting requirements by campus
 8 location either through the federal Integrated Postsecondary
 9 Education Data System, 20 U.S.C. 1094(a)(17), as such section
 10 existed on January 1, 2011, and 34 C.F.R. 668.14(b)(19), as
 11 such regulation existed on January 1, 2011, or directly to
 12 the commission for any postsecondary institution which has an
 13 authorization to operate;

14 (4) To maintain a list of postsecondary institutions
 15 which have authorization to operate, which list shall be made
 16 available to the public;

17 (5) To enter into interstate reciprocity agreements
 18 regarding the provision of postsecondary distance education,
 19 to administer such agreements, and to approve or disapprove,
 20 consistent with such agreements, participation in such agreements
 21 by postsecondary institutions that have their principal place
 22 of business in Nebraska and that choose to participate in such
 23 agreements;

24 ~~(5)-(6)~~ To establish a notification process when a
 25 postsecondary institution which has an authorization to operate
 26 changes its address or adds instructional sites within this state;

27 ~~(6)-(7)~~ To conduct site visits of postsecondary
 1 institutions to carry out the Postsecondary Institution Act;

2 ~~(7)-(8)~~ To establish fees for applications to a
 3 recurrent authorization to operate, ~~and~~ applications to renew
 4 or modify a recurrent authorization to operate, and applications
 5 to participate or continue participation in an interstate
 6 postsecondary distance education reciprocity agreement, which fees
 7 shall be not more than the cost of reviewing and evaluating the
 8 applications;

9 ~~(8)-(9)~~ To investigate any violations of the act by a
 10 postsecondary institution; and

11 ~~(9)-(10)~~ To adopt and promulgate rules, regulations, and
 12 procedures to administer the act.

13 Sec. 5. Original sections 85-1903, 85-1907, 85-2403,
 14 and 85-2405, Revised Statutes Cumulative Supplement, 2012, are
 15 repealed.

16 Sec. 6. Since an emergency exists, this act takes effect
 17 when passed and approved according to law.

(Signed) Kate Sullivan, Chairperson

VISITORS

Visitors to the Chamber were 25 fourth-grade students and teacher from Sutton; 30 fourth-grade students and teacher from Franklin Elementary, Omaha; and 75 fourth-grade students and teachers from Fairbury P.S. Jefferson Intermediate, Fairbury.

The Doctor of the Day was Dr. Daniel Rosenquist from Columbus.

ADJOURNMENT

At 12:39 p.m., on a motion by Senator Schilz, the Legislature adjourned until 10:00 a.m., Tuesday, April 2, 2013.

Patrick J. O'Donnell
Clerk of the Legislature