

FIFTY-THIRD DAY - APRIL 3, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 3, 2013

PRAYER

The prayer was offered by Senator Christensen.

ROLL CALL

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

The roll was called and all members were present except Senators Bolz, Harms, Karpisek, Lathrop, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

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 reappointed to the State Racing Commission:

Kristopher Covi, 6526 South 172 Ave., Omaha, NE 68135

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

Sincerely,

(Signed) Dave Heineman
Governor

Enclosures

GENERAL FILE

LEGISLATIVE BILL 57. Senator Chambers renewed his motion, MO33, found on page 884, to recommit to committee.

Senator Chambers moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Chambers requested a record vote on his motion to recommit to committee.

Voting in the affirmative, 7:

Avery	Conrad	Haar, K.	Nordquist
Chambers	Crawford	Kolowski	

Voting in the negative, 33:

Adams	Cook	Johnson	Nelson	Smith
Bloomfield	Davis	Karpisek	Pirsch	Sullivan
Bolz	Dubas	Kintner	Price	Wallman
Brasch	Gloor	Larson	Scheer	Watermeier
Campbell	Hadley	Lautenbaugh	Schilz	Wightman
Carlson	Hansen	McCoy	Schumacher	
Christensen	Janssen	Murante	Seiler	

Present and not voting, 7:

Ashford	Harms	Howard	McGill
Coash	Harr, B.	Krist	

Excused and not voting, 2:

Lathrop	Mello
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The Chambers motion to recommit to committee failed with 7 ayes, 33 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SPEAKER ADAMS PRESIDING

Senator K. Haar offered the following amendment:
FA46
Strike the enacting clause.

Senator Larson offered the following motion:

MO34

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Larson moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Larson requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 34:

Adams	Christensen	Howard	Murante	Seiler
Ashford	Coash	Janssen	Nelson	Smith
Bloomfield	Cook	Johnson	Pirsch	Sullivan
Bolz	Davis	Karpisek	Price	Wallman
Brasch	Gloor	Kintner	Scheer	Watermeier
Campbell	Hadley	Larson	Schilz	Wightman
Carlson	Hansen	Lautenbaugh	Schumacher	

Voting in the negative, 9:

Avery	Conrad	Dubas	Kolowski	Nordquist
Chambers	Crawford	Haar, K.	McGill	

Present and not voting, 4:

Harms	Harr, B.	Krist	McCoy
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Excused and not voting, 2:

Lathrop	Mello
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The Larson motion to invoke cloture prevailed with 34 ayes, 9 nays, 4 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the K. Haar amendment, FA46.

Voting in the affirmative, 8:

Avery	Conrad	Haar, K.	McGill
Coash	Cook	Kolowski	Nordquist

Voting in the negative, 30:

Adams	Chambers	Janssen	Murante	Schumacher
Ashford	Christensen	Johnson	Nelson	Seiler
Bloomfield	Gloor	Karpisek	Pirsch	Smith
Brasch	Hadley	Kintner	Price	Wallman
Campbell	Hansen	Larson	Scheer	Watermeier
Carlson	Harr, B.	Lautenbaugh	Schilz	Wightman

Present and not voting, 9:

Bolz	Davis	Harms	Krist	Sullivan
Crawford	Dubas	Howard	McCoy	

Excused and not voting, 2:

Lathrop	Mello
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The K. Haar amendment lost with 8 ayes, 30 nays, 9 present and not voting, and 2 excused and not voting.

Senator Larson requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 27:

Bloomfield	Hadley	Larson	Price	Wallman
Brasch	Hansen	Lautenbaugh	Scheer	Watermeier
Carlson	Janssen	McCoy	Schilz	Wightman
Christensen	Johnson	Murante	Schumacher	
Davis	Karpisek	Nelson	Seiler	
Gloor	Kintner	Pirsch	Smith	

Voting in the negative, 17:

Ashford	Coash	Dubas	Kolowski	Sullivan
Avery	Conrad	Haar, K.	Krist	
Bolz	Cook	Harms	McGill	
Chambers	Crawford	Harr, B.	Nordquist	

Present and not voting, 3:

Adams	Campbell	Howard
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Excused and not voting, 2:

Lathrop	Mello
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Advanced to Enrollment and Review Initial with 27 ayes, 17 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 117, 118, 119, and 120 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 117, 118, 119, and 120.

GENERAL FILE

LEGISLATIVE BILL 158. Title read. Considered.

SENATOR GLOOR PRESIDING

Committee AM470, found on page 613, was offered.

Senator Seiler offered his amendment, AM827, found on page 884, to the committee amendment.

The Seiler amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

VISITORS

Visitors to the Chamber were 37 fourth-grade students and teacher from Louisville; 7 students and professor from the American Government Class at York College; 42 fourth-grade students and teachers from Pine Creek Elementary, Bennington; and 29 fourth-grade students and teacher from Ponca.

RECESS

At 12:00 p.m., on a motion by Senator Campbell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Coash presiding.

ROLL CALL

The roll was called and all members were present except Senator Schilz who was excused; and Senators Ashford, Conrad, Gloor, Janssen, Kolowski, Murante, Sullivan, and Wallman who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 388. Title read. Considered.

Committee AM454, found on page 678, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

MESSAGE FROM THE GOVERNOR

April 3, 2013

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 94, 105, 133, 170, 262, 295e, 316, 340, 434, 499, and 620 were received in my office on March 28, 2013.

These bills were signed and delivered to the Secretary of State on April 3, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

GENERAL FILE

LEGISLATIVE BILL 271. Title read. Considered.

Senator Chambers offered the following amendment:
FA47
Page 2, line 4 reinstate stricken matter.

SENATOR MCGILL PRESIDING

Senator Lautenbaugh offered the following motion:
MO35
Bracket until June 3, 2013.

Senator Lautenbaugh withdrew his motion to bracket.

Senator Chambers offered the following motion:

MO36

Bracket until June 5, 2013.

SENATOR GLOOR PRESIDING

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Covi, Kristopher - State Racing Commission - General Affairs

(Signed) John Wightman, Chairperson
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 125. Introduced by Howard, 9; Krist, 10; Lathrop, 12.

WHEREAS, Duchesne Academy of the Sacred Heart was established in Omaha, Nebraska, as a high school for young women in 1881; and

WHEREAS, Duchesne Academy emphasizes studies which nurture the desire for truth and is committed to educating young women to be well-informed, creative, critical thinkers; and

WHEREAS, Duchesne Academy fosters in its students a social awareness that impels them to action and creates young women poised to be leaders committed to service in their communities; and

WHEREAS, Duchesne Academy has educated some of Nebraska's finest young women.

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

1. That the Legislature recognizes the quality education Duchesne Academy of the Sacred Heart has provided to young women for more than a century and thanks Duchesne Academy for helping to create a highly educated citizenry.

2. That a copy of this resolution to sent to Duchesne Academy of the Sacred Heart.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 271. The Chambers motion, MO36, found in this day's Journal, to bracket until June 5, 2013, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 12:

Bolz	Cook	Haar, K.	Kolowski
Chambers	Crawford	Howard	Lathrop
Conrad	Davis	Karpisek	Nordquist

Voting in the negative, 29:

Adams	Coash	Harr, B.	Murante	Seiler
Avery	Dubas	Janssen	Nelson	Smith
Bloomfield	Gloor	Johnson	Pirsch	Sullivan
Brasch	Hadley	Kintner	Price	Wallman
Campbell	Hansen	Lautenbaugh	Scheer	Watermeier
Carlson	Harms	McCoy	Schumacher	

Excused and not voting, 8:

Ashford	Krist	McGill	Schilz
Christensen	Larson	Mello	Wightman

The Chambers motion to bracket failed with 12 ayes, 29 nays, and 8 excused and not voting.

The Chair declared the call raised.

The Chambers amendment, FA47, found in this day's Journal, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Chambers amendment lost with 7 ayes, 27 nays, 6 present and not voting, and 9 excused and not voting.

Senator Chambers offered the following motion:

MO37

Reconsider the vote taken on FA47.

The Chair declared the call raised.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB507 and LB625. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Sullivan withdrew her name as cointroducer to LB637.

VISITORS

Visitors to the Chamber were 200 social work students and faculty members from Chadron State College, Creighton University, Nebraska Wesleyan University - Lincoln, Nebraska Wesleyan - Omaha, Union College, University of Nebraska - Kearney, and UNO Grace Abbott School of Social Work; 55 fourth-grade students, teachers, and sponsors from Morton Elementary, Lexington; 17 fourth-grade students, teacher, and sponsors from Humphrey; and 14 fourth-grade students, teacher, and sponsors from Red Cloud.

ADJOURNMENT

At 6:11 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Thursday, April 4, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

