

**FIFTY-EIGHTH DAY - APRIL 10, 2013**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**FIRST SESSION**  
**FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 10, 2013

**PRAYER**

The prayer was offered by Senator Bloomfield.

**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 Senator Lautenbaugh who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-seventh day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 585.** Committee AM832, found on page 846 and considered on page 955, was renewed.

Senator Chambers offered the following motion:

MO43

Bracket until June 1, 2013.

Senator Chambers withdrew his motion to bracket.

The committee amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 97.** Title read. Considered.

Senator Chambers offered his amendment, FA42, found on page 847.

**SPEAKER ADAMS PRESIDING**

Senator Chambers withdrew his amendment.

Senator Mello offered his amendment, AM926, found on page 932.

**SENATOR GLOOR PRESIDING**

The Mello amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 646.** Title read. Considered.

Committee AM613, found on page 737, was offered.

Senator Murante offered his amendment, AM894, found on page 908, to the committee amendment.

The Murante amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 362.** Title read. Considered.

Committee AM455, found on page 764, was offered.

Senator Dubas offered her amendment, AM820, found on page 831, to the committee amendment.

Pending.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 146.** Introduced by Schumacher, 22.

WHEREAS, Irene Hajek of Columbus, Nebraska, celebrated her 105th birthday on April 6, 2013; and

WHEREAS, Irene Hajek was born on April 6, 1908, and was the sixth of nine children raised on a farm near Leigh, Nebraska; and

WHEREAS, Irene Hajek was married in 1931 to Edward Hajek and raised two children and has five grandchildren and six great-grandchildren.

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

1. That the Legislature congratulates Irene Hajek on her 105th birthday.
2. That a copy of this resolution be sent to Irene Hajek.

Laid over.

**LEGISLATIVE RESOLUTION 147.** Introduced by McGill, 26.

WHEREAS, youth engagement strengthens our rural and urban communities through increased awareness of civic duties and community issues; and

WHEREAS, young people in the United States are volunteering more than any generation in history; and

WHEREAS, because our youth represent the future of our communities and civic society, their idealism, energy, creativity, and commitment should be fostered to prepare them to bring leadership to the challenges found in their communities; and

WHEREAS, there is a conclusive correlation between youth service and lifelong civic engagement, volunteerism, and philanthropy; and

WHEREAS, through community service, young people build character and learn valuable skills, including time management, teamwork, and leadership, all of which is sought by employers and their communities; and

WHEREAS, service learning, an innovative teaching method combining service to the community with curriculum-based learning, is a proven strategy to increase academic achievement and strengthen civic engagement and civic responsibility; and

WHEREAS, the State Board of Education recently approved new curriculum standards requiring community service as a part of the statewide social studies standards.

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

1. That the Legislature recognizes the critical importance that service learning and civic engagement plays in creating informed and engaged citizens in our democracy.
2. That the Legislature supports programs and initiatives to engage our youth through service learning and volunteerism in our community.

Laid over.

### **AMENDMENT - Print in Journal**

Senator Kolowski filed the following amendment to LB299:  
AM987

1. Insert the following new sections:
2. Section 1. Section 32-101, Revised Statutes Cumulative
3. Supplement, 2012, is amended to read:

4 32-101 Sections 32-101 to 32-1551 and section 2 of this  
 5 act shall be known and may be cited as the Election Act.  
 6 Sec. 2. The Secretary of State shall develop and publish  
 7 guidelines for election workers appointed pursuant to sections  
 8 32-220 to 32-240. The guidelines shall provide for the conduct  
 9 of election workers with regard to the conduct of elections on  
 10 election day. The guidelines may cover other conduct with regard  
 11 to election workers and, in that regard, shall take into account  
 12 variations in counties with regards to election workers appointed  
 13 under sections 32-221 to 32-228 which apply to counties which have  
 14 an election commissioner as provided in section 32-207 or 32-211  
 15 and election workers appointed under sections 32-230 to 32-240  
 16 which apply to counties which do not have an election commissioner.  
 17 2. Renumber the remaining sections and correct the  
 18 repealer accordingly.

### VISITORS

Visitors to the Chamber were 68 fourth-grade students, teachers, and sponsors from Thomas Elementary, Gretna; and Jeffrey, Suzanne, Joseph, Sydney, and Stella Lepkowski from Papillion.

### RECESS

At 11:54 a.m., on a motion by Senator Price, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Adams presiding.

### ROLL CALL

The roll was called and all members were present except Senator Krist who was excused; and Senators Ashford, K. Haar, and Price who were excused until they arrive.

### GENERAL FILE

**LEGISLATIVE BILL 362.** Senator Dubas renewed her amendment, AM820, found on page 831 and considered in this day's Journal, to the committee amendment.

### SENATOR COASH PRESIDING

Pending.

**COMMITTEE REPORT**  
Health and Human Services

**LEGISLATIVE BILL 578.** Placed on General File with amendment.  
AM420

1 1. Strike original section 3 and insert the following new  
2 section:  
3 Section 1. Section 44-4225, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 44-4225 (1) Following the close of each calendar year,  
6 the board shall report the board's determination of the paid and  
7 incurred losses for the year, taking into account investment income  
8 and other appropriate gains and losses. The board shall distribute  
9 copies of the report to the director, the Governor, and each member  
10 of the Legislature. The report submitted to each member of the  
11 Legislature shall be submitted electronically.

12 (2) The Comprehensive Health Insurance Pool Distributive  
13 Fund is created. Commencing with the premium and related  
14 retaliatory taxes for the taxable year ending December 31,  
15 2001, and for each taxable year thereafter, any premium and  
16 related retaliatory taxes imposed by section 44-150 or 77-908  
17 paid by insurers writing health insurance in this state, except  
18 as otherwise set forth in subdivisions (1) and (2) of section  
19 77-912, shall be remitted to the State Treasurer for credit to  
20 the fund. The fund shall be used for the operation of and payment  
21 of claims made against the pool. Any money in the fund available  
22 for investment shall be invested by the state investment officer  
23 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
1 State Funds Investment Act.

2 (3) The board shall make periodic estimates of the amount  
3 needed from the fund for payment of losses resulting from claims,  
4 including a reasonable reserve, and administrative, organizational,  
5 and interim operating expenses and shall notify the director of the  
6 amount needed and the justification of the board for the request.

7 (4) The director shall approve all withdrawals from the  
8 fund and may determine when and in what amount any additional  
9 withdrawals may be necessary from the fund to assure the continuing  
10 financial stability of the pool.

11 (5)(a) ~~No later than May 1, 2002, and each May 1~~  
12 ~~thereafter, in 2013, 2014, and 2015,~~ after funding of the  
13 net loss from operation of the pool for the prior premium and  
14 related retaliatory tax year, taking into account the policyholder  
15 premiums, account investment income, claims, costs of operation,  
16 and other appropriate gains and losses, the director shall transmit  
17 any money remaining in the fund as directed by section 77-912,  
18 disregarding the provisions of subdivisions (1) through (3) of such  
19 section. Interest earned on money in the fund prior to May 1, 2015,  
20 shall be credited proportionately in the same manner as premium and  
21 related retaliatory taxes set forth in section 77-912.

22 (b) No later than May 1, 2016, and each May 1 thereafter,  
 23 after funding of the net loss from operation of the pool for the  
 24 prior premium and related retaliatory tax year, taking into account  
 25 the policyholder premiums, account investment income, claims, costs  
 26 of operation, and other appropriate gains and losses, the director  
 27 shall transmit any money remaining in the fund to the State  
 1 Treasurer for credit to the various funds as follows:  
 2 (i) Fifty percent of the money remaining to the Insurance  
 3 Tax Fund;  
 4 (ii) Sixteen and one-half percent of the money remaining  
 5 to the General Fund;  
 6 (iii) Twenty-three and one-half percent of the money  
 7 remaining to the Health Care Access and Support Fund; and  
 8 (iv) Ten percent of the money remaining to the Mutual  
 9 Finance Assistance Fund.  
 10 Interest earned on money in the Comprehensive Health  
 11 Insurance Pool Distributive Fund beginning May 1, 2015, shall  
 12 be credited proportionately in the same manner as provided in  
 13 subdivision (5)(b) of this section.  
 14 2. On page 3, line 25, strike "68-901 and 77-912" and  
 15 insert "44-4225 and 68-901".  
 16 3. Renumber the remaining sections and correct internal  
 17 references accordingly.

(Signed) Kathy Campbell, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 232.** Title read. Considered.

Committee AM200, found on page 620, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 232A.** Title read. Considered.

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

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Ashford	Cook	Harms	Murante	Smith
Avery	Crawford	Harr, B.	Nordquist	Sullivan
Campbell	Davis	Howard	Pirsch	Watermeier
Chambers	Dubas	Johnson	Price	Wightman
Christensen	Gloor	Kolowski	Scheer	
Coash	Haar, K.	Lathrop	Schumacher	
Conrad	Hadley	McGill	Seiler	

Voting in the negative, 0.

Present and not voting, 9:

Adams	Brasch	Kintner	Nelson	Wallman
Bloomfield	Karpisek	McCoy	Schilz	

Excused and not voting, 8:

Bolz	Hansen	Krist	Lautenbaugh
Carlson	Janssen	Larson	Mello

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT**  
Urban Affairs

**LEGISLATIVE BILL 66.** Placed on General File with amendment. AM784 is available in the Bill Room.

(Signed) Amanda McGill, Chairperson

**AMENDMENTS - Print in Journal**

Senator Coash filed the following amendment to LB362:  
AM986

(Amendments to Standing Committee amendments, AM455)

- 1 1. Strike amendments 1 and 2 and insert the following new
- 2 amendment:
- 3 1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 Section 1. Section 37-438, Revised Statutes Cumulative
- 6 Supplement, 2012, is amended to read:
- 7 37-438 (1) The commission shall devise permits in two
- 8 forms: Annual and temporary.
- 9 (2) The annual permit may be purchased by any person and
- 10 shall be valid through December 31 in the year for which the permit
- 11 is issued. The fee for the annual permit for a resident motor

12 vehicle shall be ~~not more than~~ twenty-five dollars per permit. The  
 13 fee for the annual permit for a nonresident motor vehicle shall not  
 14 be more than thirty dollars. The commission shall establish ~~such~~  
 15 fees for nonresidents by the adoption and promulgation of rules and  
 16 regulations.

17 (3) A temporary permit may be purchased by any person and  
 18 shall be valid until noon of the day following the date of issue.  
 19 The fee for the temporary permit for a resident motor vehicle  
 20 shall be not more than five dollars. The fee for the temporary  
 21 permit for a nonresident motor vehicle shall not be more than six  
 22 dollars. The commission shall establish such fees by the adoption  
 1 and promulgation of rules and regulations. The commission may issue  
 2 temporary permits which are either valid for any area or valid for  
 3 a single area.

4 Sec. 2. Section 37-440, Revised Statutes Cumulative  
 5 Supplement, 2012, is amended to read:

6 37-440 (1) The commission shall prescribe the type and  
 7 design of permits and the method for displaying permits on the  
 8 driver's side of the windshield of motor vehicles. The commission  
 9 may provide for the electronic issuance of permits and may enter  
 10 into contracts to procure necessary services and supplies for the  
 11 electronic issuance of permits.

12 (2) The permits may be procured from the Department  
 13 of Motor Vehicles when registering a motor vehicle in person,  
 14 from the central and district offices of the commission, at  
 15 areas of the Nebraska state park system where commission offices  
 16 are maintained, from self-service vending stations at designated  
 17 park areas, from designated commission employees, through Internet  
 18 sales from the commission's web site, from appropriate offices  
 19 of county government, and from various private persons, firms, or  
 20 corporations designated by the commission as permit agents. The  
 21 department shall be entitled to retain one dollar of each fee  
 22 collected for a permit as reimbursement for the clerical work and  
 23 postage, if any, associated with issuing the permit and remitting  
 24 the remainder of the fee to the State Treasurer. The commission  
 25 and county offices or private persons, firms, or corporations  
 26 designated by the commission as permit agents shall be entitled  
 27 to collect and retain a fee of not more than one dollar, as  
 1 established by the commission pursuant to section 37-327, for  
 2 each permit as reimbursement for the clerical work of issuing the  
 3 permits and remitting therefor. The commission shall be entitled to  
 4 collect and retain a fee of one dollar for each permit sold through  
 5 its web site as reimbursement for the clerical work and postage  
 6 associated with issuing the permit.

7 Sec. 3. Section 37-445, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 37-445 ~~The~~ (1) Except as otherwise provided in subsection  
 10 (2) of this section, the county clerks or permit agents entitled to  
 11 issue permits as provided by sections 37-434 to 37-446 shall remit



12 the fees for the permits to the commission in the manner and at the  
 13 times prescribed by the rules and regulations of the commission.  
 14 Any permit agent who receives permit fees under sections 37-434 to  
 15 37-446 and who fails to remit the fees to the commission within  
 16 a reasonable time after demand by the commission shall be liable  
 17 to the commission in damages for double the amount of the funds  
 18 wrongfully withheld. A permit agent who purposefully fails to remit  
 19 such fees with the intention of converting them is guilty of theft.  
 20 The penalty for such violation shall be determined by the amount  
 21 converted as specified in section 28-518.

22 (2) The Department of Motor Vehicles issuing permits as  
 23 a part of the registration of motor vehicles shall remit the fees  
 24 to the State Treasurer. The State Treasurer shall credit one dollar  
 25 of each fee to the Department of Motor Vehicles Cash Fund and the  
 26 remainder of each fee to the State Park Cash Revolving Fund.

27 Sec. 4. Section 37-446, Reissue Revised Statutes of  
 1 Nebraska, is amended to read:

2 ~~37-446~~ The Except as otherwise provided in subsection (2)  
 3 of section 37-440 and subsection (2) of section 37-445, the permit  
 4 fees charged under sections 37-438 and 37-439 shall be credited to  
 5 the State Park Cash Revolving Fund and shall be disbursed for the  
 6 administration, improvement, operation, and maintenance of those  
 7 areas, or portion of areas, of the state park system which are  
 8 designated as permit areas.

9 Sec. 5. Section 60-1513, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11 60-1513 The Department of Motor Vehicles Cash Fund is  
 12 hereby created. The fund shall be administered by the Director  
 13 of Motor Vehicles. The department shall use the money credited  
 14 to the fund pursuant to subsection (2) of section 37-445 for  
 15 point-of-collection activities associated with issuing state park  
 16 motor vehicle entry permits pursuant to section 37-440. The  
 17 remaining money in the fund shall be used by the Department  
 18 of Motor Vehicles to carry out its duties as deemed necessary  
 19 by the Director of Motor Vehicles, except that transfers from  
 20 the fund to the General Fund may be made at the direction of  
 21 the Legislature. Any money in the Department of Motor Vehicles  
 22 Cash Fund available for investment shall be invested by the state  
 23 investment officer pursuant to the Nebraska Capital Expansion Act  
 24 and the Nebraska State Funds Investment Act.

25 Sec. 6. This act becomes operative on January 1, 2014.

26 Sec. 7. Original sections 37-445, 37-446, and 60-1513,  
 27 Reissue Revised Statutes of Nebraska, and sections 37-438 and  
 1 37-440, Revised Statutes Cumulative Supplement, 2012, are repealed.

Senator Chambers filed the following amendment to LB362:

FA58

Amend AM455

Page 1, strike lines 13-16 and renumber.

Senator Christensen filed the following amendment to LB522:  
AM978

(Amendments to Standing Committee amendments, AM709)

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. If the Department of Natural Resources issues
- 3 closing notices prohibiting surface water appropriators from
- 4 storing or diverting natural or instream flows for irrigation to
- 5 comply with an interstate compact or decree, then the department
- 6 shall provide reasonable compensation based on the acre feet of
- 7 water not stored or diverted for affected water users through the
- 8 affected irrigation districts. The irrigation districts shall use
- 9 such compensation to reasonably compensate surface water users who
- 10 have had to forgo the use of water. Funding for such compensation
- 11 shall be provided through the General Fund and shall not exceed a
- 12 total of ten million dollars for any fiscal year.
- 13 For purposes of this section, reasonable compensation
- 14 means the dollar amount of compensation for dry-year leases used
- 15 by the natural resources district in which the irrigation district
- 16 is located for the conversion of acres from irrigated acres to
- 17 dry-land acres for a period of one year, not to exceed three
- 18 hundred dollars per acre, or, if the irrigation district is located
- 19 in more than one natural resources district, the average dollar
- 20 amount of all such natural resources districts' compensation for
- 21 dry-year leases used by such natural resources districts for the
- 22 conversion of acres from irrigated acres to dry-land acres for a
- 1 period of one year, not to exceed three hundred dollars per acre.

## GENERAL FILE

**LEGISLATIVE BILL 306.** Title read. Considered.

Committee AM457, found on page 620, was offered.

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

The committee amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Nordquist offered his amendment, AM624, found on page 706.

The Nordquist amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 589.** Title read. Considered.

**SPEAKER ADAMS PRESIDING**

Senator Watermeier offered his amendment, AM348, found on page 789.

The Watermeier amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 242.** Title read. Considered.

Senator Howard moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

**SELECT FILE**

**LEGISLATIVE BILL 203.** ER32, found on page 817, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 528.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 158.** ER38, found on page 905, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 388.** ER37, found on page 906, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 629.** ER39, found on page 906, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 271.** ER41, found on page 927, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 79.** ER44, found on page 929, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 79A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 612.** ER43, found on page 929, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 263.** ER48, found on page 939, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 55.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 265.** ER47, found on page 948, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 230.** ER42, found on page 929, was adopted.

Senator Murante offered his amendment, AM985, found on page 955.

The Murante amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 495.** ER46, found on page 947, was adopted.

Senator Mello offered his amendment, AM971, found on page 954.

The Mello amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 495A.** Senator Mello offered the following amendment:

AM990

- 1 1. On page 2, line 1, strike "\$50,000" and insert
- 2 "\$60,000"; in line 3 strike "\$150,000" and insert "\$160,000"; and
- 3 after line 8 insert:
- 4 "There is included in the amount shown for this program

5 \$10,000 Cash Funds for FY2013-14 and \$10,000 Cash Funds for  
6 FY2014-15 to fund the Interstate Compact on Educational Opportunity  
7 for Military Children."

The Mello amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### **AMENDMENT - Print in Journal**

Senator Karpisek filed the following amendment to LB579:  
AM997

1 1. On page 3, lines 8 through 12, strike the new matter  
2 and all amendments thereto and insert ". The commission shall enter  
3 into an agreement with the Nebraska State Patrol in which the  
4 Nebraska State Patrol shall hire up to ten new patrol officers and,  
5 from the entire Nebraska State Patrol, shall designate ten patrol  
6 officers who will spend a majority of their time in administration  
7 and enforcement of the Nebraska Liquor Control Act".

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Mello asked unanimous consent to add his name as cointroducer to LB161. No objections. So ordered.

### **VISITOR**

Visitor to the Chamber was Katie Lesiak from Fullerton.

### **ADJOURNMENT**

At 5:18 p.m., on a motion by Senator Kolowski, the Legislature adjourned until 9:00 a.m., Thursday, April 11, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature

