

SIXTY-SECOND DAY - APRIL 18, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SIXTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 18, 2013

PRAYER

The prayer was offered by Pastor Stephen Floyd, Church of the Nazarene, Falls City.

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 Senator McCoy who was excused; and Senators Coash, Cook, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1000, line 11, strike "Dillion" and insert "Dillon".
The Journal for the sixtieth day was approved as corrected.

The Journal for the sixty-first day was approved.

MOTION - Print in Journal

Senator Smith filed the following motion to LB577:
MO49
Bracket until April 1, 2014.

MOTION - Approve Appointment

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1001:

Nebraska State Fire Marshal's Office
Jim Heine - State Fire Marshal

Voting in the affirmative, 41:

Adams	Christensen	Harms	Lathrop	Seiler
Ashford	Conrad	Harr, B.	McGill	Smith
Avery	Crawford	Howard	Mello	Sullivan
Bloomfield	Davis	Janssen	Murante	Wallman
Bolz	Dubas	Johnson	Nordquist	Wightman
Brasch	Gloor	Karpisek	Pirsch	
Campbell	Haar, K.	Kintner	Price	
Carlson	Hadley	Kolowski	Schilz	
Chambers	Hansen	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 4:

Krist	Nelson	Scheer	Watermeier
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Excused and not voting, 4:

Coash	Cook	Lautenbaugh	McCoy
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The appointment was confirmed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB153 with 41 ayes, 1 nay, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 153.

A BILL FOR AN ACT relating to the Civic and Community Center Financing Act; to amend sections 13-2701, 13-2702, 13-2703, 13-2704, 13-2705, 13-2707, and 13-2709, Reissue Revised Statutes of Nebraska; to provide for additional uses of grants under the act; to change provisions relating to the use of a fund, the evaluation of grants, and reports; to define a term; to eliminate obsolete provisions; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Coash Cook Lautenbaugh McCoy

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 153A.

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.

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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Coash Cook Lautenbaugh McCoy

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 55. With Emergency Clause.

A BILL FOR AN ACT relating to county assessment duties; to amend section 77-1340.04, Reissue Revised Statutes of Nebraska; to change a provision relating to assumption of contractual requirements; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Coash Cook Lautenbaugh McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 LB79 with 38 ayes, 3 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 79. With Emergency Clause.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 28-915.01, 49-1413, 49-1415, 49-1433.01, 49-1445, 49-1446, 49-1446.04, 49-1447, 49-1455, 49-1456, 49-1457, 49-1459, 49-1461.01, 49-1463, 49-1463.01, 49-1464, 49-1467, 49-1469, 49-1469.05, 49-1469.06, 49-1469.07, 49-1469.08, 49-1477, 49-1479.02, 49-1488.01,

49-14,122, 49-14,123, 49-14,124, 49-14,124.01, 49-14,124.02, 49-14,125, 49-14,129, 49-14,132, 49-14,133, and 49-14,141, Reissue Revised Statutes of Nebraska, and sections 49-14,126 and 49-14,140, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to filing campaign statements and reports; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1605, 32-1606, 32-1606.01, 32-1607, 32-1608.01, 32-1608.02, 32-1608.03, 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and 77-27,119.04, Reissue Revised Statutes of Nebraska, and section 32-1608, Revised Statutes Cumulative Supplement, 2012; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Coash Cook Lautenbaugh McCoy

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 79A. With Emergency Clause.

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.

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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Coash	Cook	Lautenbaugh	McCoy
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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.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB158 with 39 ayes, 2 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 158. With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,197.01, Reissue Revised Statutes of Nebraska, and sections 60-498.02, 60-4,118.06, 60-6,197.03, and 60-6,211.05, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to ignition interlock devices; to provide an operative date; to repeal the original sections; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Coash Cook Lautenbaugh McCoy

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 203.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1502, Reissue Revised Statutes of Nebraska; to redefine solid waste; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Coash Cook Lautenbaugh McCoy

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 LB230 with 39 ayes, 4 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 230.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-124, 53-124.01, 53-162, and 53-304, Reissue Revised Statutes of Nebraska, and section 53-123.15, Revised Statutes Cumulative Supplement, 2012; to provide for and change provisions relating to shipping licenses; to provide for fees and taxes; 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	Christensen	Hansen	Lathrop	Schilz
Ashford	Conrad	Harms	McGill	Schumacher
Avery	Cook	Harr, B.	Mello	Seiler
Bloomfield	Crawford	Janssen	Murante	Smith
Bolz	Davis	Johnson	Nelson	Sullivan
Brasch	Dubas	Karpisek	Nordquist	Wallman
Campbell	Gloor	Kintner	Pirsch	Watermeier
Carlson	Haar, K.	Kolowski	Price	Wightman
Chambers	Hadley	Krist	Scheer	

Voting in the negative, 0.

Present and not voting, 2:

Howard Larson

Excused and not voting, 3:

Coash Lautenbaugh McCoy

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 LB263 with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 263. With Emergency Clause.

A BILL FOR AN ACT relating to government benefits; to amend sections 16-1011, 23-2301, 23-2306, 23-2307, 23-2310.04, 23-2315, 23-2317, 23-2319, 23-2319.01, 79-917, 79-921, 79-962, 79-984, 79-991, 79-992, 79-996, 79-9,102, 80-401, 84-1308, and 84-1511.01, Reissue Revised Statutes of Nebraska, and sections 24-701, 24-703, 24-710.13, 79-902, 79-904.01, 79-947.06, 79-956, 79-958, 79-987, 79-990, 79-9,117, 81-2014, 81-2016, 81-2017, 81-2027.08, 81-2041, 84-1301, 84-1307, 84-1314, 84-1317, 84-1319, 84-1321, 84-1321.01, 84-1503, and 84-1511, Revised Statutes Cumulative Supplement, 2012; to change provisions regarding police officer disability payments; to define and redefine terms for certain retirement systems; to change membership and contribution provisions for certain retirement systems; to change provisions relating to forfeited accounts, required distributions, interest, and compliance with federal law; to change provisions relating to annual benefit adjustments, repayment of benefits, application deadlines, termination of employment, and contract requirements; to change requirements for actuarial and auditing services; to change provisions relating to administering retirement system plans and fees for planning programs; to change provisions relating to the Nebraska Veterans' Aid Fund; to eliminate obsolete provisions; to harmonize provisions; to provide severability; to repeal the original sections; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Harms

Excused and not voting, 3:

Coash Lautenbaugh McCoy

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 271.

A BILL FOR AN ACT relating to elections; to amend section 32-933, Reissue Revised Statutes of Nebraska, and sections 32-808 and 32-942, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to voting early; 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, 33:

Adams	Carlson	Hansen	Lathrop	Seiler
Ashford	Christensen	Harms	McGill	Smith
Avery	Crawford	Harr, B.	Nelson	Sullivan
Bloomfield	Davis	Janssen	Pirsch	Watermeier
Bolz	Dubas	Johnson	Price	Wightman
Brasch	Gloor	Kintner	Scheer	
Campbell	Hadley	Kolowski	Schumacher	

Voting in the negative, 8:

Chambers	Cook	Howard	Murante
Conrad	Haar, K.	Karpisek	Wallman

Present and not voting, 5:

Krist	Larson	Mello	Nordquist	Schilz
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Excused and not voting, 3:

Coash Lautenbaugh McCoy

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

LEGISLATIVE BILL 388.

A BILL FOR AN ACT relating to electricity; to provide powers and duties relating to electric transmission lines; and to define terms.

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	Conrad	Harms	Larson	Scheer
Ashford	Cook	Harr, B.	Lathrop	Schilz
Avery	Crawford	Howard	McGill	Schumacher
Bloomfield	Davis	Janssen	Mello	Seiler
Bolz	Dubas	Johnson	Murante	Smith
Brasch	Gloor	Karpisek	Nelson	Sullivan
Campbell	Haar, K.	Kintner	Nordquist	Wallman
Carlson	Hadley	Kolowski	Pirsch	Wightman
Christensen	Hansen	Krist	Price	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Watermeier

Excused and not voting, 3:

Coash Lautenbaugh McCoy

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 LB495 with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 495. With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 9-812 and 79-1104.02, Reissue Revised Statutes of Nebraska, and section 79-1103, Revised Statutes Cumulative Supplement, 2012; to change allocations of the Education Innovation Fund; to state intent; to change provisions relating to the Early Childhood Education Grant Program; to eliminate obsolete

provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 79-1102.01, Revised Statutes Cumulative Supplement, 2012; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

Lautenbaugh McCoy

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 495A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 495, One Hundred Third Legislature, First Session, 2013; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Lautenbaugh McCoy

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 528.

A BILL FOR AN ACT relating to public health; to amend section 71-503.01, Reissue Revised Statutes of Nebraska; to provide for treatment relating to certain sexually transmitted diseases as prescribed; to provide for rules and regulations; to provide for confidentiality and exemptions as prescribed; 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, 37:

Adams	Conrad	Harr, B.	McGill	Smith
Ashford	Cook	Howard	Mello	Sullivan
Avery	Crawford	Johnson	Murante	Wallman
Bolz	Davis	Karpisek	Nordquist	Watermeier
Campbell	Dubas	Kolowski	Scheer	Wightman
Carlson	Gloor	Krist	Schilz	
Chambers	Haar, K.	Larson	Schumacher	
Coash	Hadley	Lathrop	Seiler	

Voting in the negative, 9:

Bloomfield	Christensen	Harms	Kintner	Price
Brasch	Hansen	Janssen	Nelson	

Present and not voting, 1:

Pirsch

Excused and not voting, 2:

Lautenbaugh McCoy

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 LB612 with 36 ayes, 5 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 612. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,195, 77-5807, and 77-5907, Reissue Revised Statutes of Nebraska, and sections 77-385, 77-3,116, 77-4110, 77-4933, 77-5542, and 77-5731, Revised Statutes Cumulative Supplement, 2012; to require the Department of Revenue to present certain reports to legislative committees; to change the reporting date for an updated tax policy study; to eliminate obsolete provisions; to repeal the original sections; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Lautenbaugh McCoy

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 629.

A BILL FOR AN ACT relating to revenue; to amend section 81-125, Reissue Revised Statutes of Nebraska, and section 77-382, Revised Statutes Cumulative Supplement, 2012; to eliminate a reporting requirement for the Department of Revenue; to change powers and duties of the Governor regarding submission of the budget to the Legislature; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Lautenbaugh McCoy

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 153, 153A, 55, 79, 79A, 158, 203, 230, 263, 271, 388, 495, 495A, 528, 612, and 629.

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 553. Title read. Considered.

Committee AM802, found on page 939, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 2013, at 10:43 a.m. were the following: LBs 153, 153A, 55e, 79e, 79Ae, 158e, 203, 230, 263e, 271, 388, 495e, 495Ae, 528, 612e, and 629.

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

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 579. Placed on Select File.

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator Cook filed the following amendment to LB265:
AM989 is available in the Bill Room.

Senator Chambers filed the following amendment to LB538:
AM1051

(Amendments to Standing Committee amendments, AM301)

- 1 1. Strike amendment 1 and insert the following new
- 2 amendments:
- 3 1. On page 2, line 21, after "factors" insert ".
- 4 Incapacity does not exist if a law enforcement officer remains
- 5 employed as a law enforcement officer, including employment as a
- 6 law enforcement officer in a restricted or limited duty status".
- 7 2. On page 6, lines 5 and 6, reinstate the stricken
- 8 matter; strike beginning with "If" in line 6 through "to" in line
- 9 20; and in line 23 after the period insert "When a law enforcement
- 10 officer is separated from his or her agency due to a physical,
- 11 mental, or emotional incapacity, the law enforcement agency shall
- 12 report the separation to the council, and the officer's law
- 13 enforcement certificate shall be suspended pursuant to rules and
- 14 regulations adopted and promulgated by the council until such time
- 15 as the officer demonstrates to the council that the incapacity no

16 longer prevents the officer from performing the essential duties of
17 a law enforcement officer."

BILL ON FIRST READING

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

LEGISLATIVE BILL 579A. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 579, One Hundred Third Legislature, First Session, 2013.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 153, 153A, 55, 79e, 79Ae, 158e, 203, 230, 263e, 271, and 388.

(Signed) Colby Coash

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senators Bloomfield and Kolowski have filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 553. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 240. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 23. Title read. Considered.

Pending.

VISITORS

Visitors to the Chamber were 20 fourth-grade students, teacher, and sponsors from Karen Western Elementary, Omaha; 21 fourth-grade students and teacher from Southern Elementary, Blue Springs; and Troy Stickels from Blue Hill.

RECESS

At 11:58 a.m., on a motion by Senator Howard, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator McCoy who was excused; and Senators Lautenbaugh, McGill, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 23. Committee AM538, found on page 666, was offered.

Senator Coash offered his amendment, AM761, found on page 885, to the committee amendment.

The Coash amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

SENATOR COASH PRESIDING

LEGISLATIVE BILL 487. Title read. Considered.

Committee AM508, found on page 690, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 563. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 3. Title read. Considered.

Committee AM351, found on page 500, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 99. Title read. Considered.

Committee AM34, found on page 592, was offered.

Senator Mello withdrew his amendment, AM782, found on page 866.

Senator Mello offered his amendment, AM1021, found on page 1003, to the committee amendment.

Senator Mello withdrew his amendment.

Senator Chambers offered the following amendment to the committee amendment:

FA59

Amend AM34

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

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, 38:

Adams	Conrad	Harms	Larson	Schilz
Ashford	Cook	Harr, B.	Lathrop	Seiler
Avery	Crawford	Howard	Mello	Smith
Bolz	Davis	Johnson	Murante	Sullivan
Campbell	Dubas	Karpisek	Nordquist	Wallman
Carlson	Gloor	Kintner	Pirsch	Wightman
Chambers	Haar, K.	Kolowski	Price	
Christensen	Hadley	Krist	Scheer	

Voting in the negative, 0.

Present and not voting, 6:

Bloomfield	Coash	Schumacher
Brasch	Nelson	Watermeier

Excused and not voting, 5:

Hansen	Janssen	Lautenbaugh	McCoy	McGill
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The Chambers amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Schumacher offered the following amendment to the committee amendment:

FA60

Amend AM34

Page 5 at end of line 12 after the period add "Any law enforcement officer, prosecutor, defense attorney, or probation officer, unless restricted by privilege who becomes aware of incidents of racial profiling by a law enforcement agency shall report the same to the commission within 30 days of becoming aware of such practice"

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

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

AMENDMENT - Print in Journal

Senator Lathrop filed the following amendment to LB103:
AM86

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. Section 24-734, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 24-734 (1) A judge of any court ~~of this state,~~
- 6 established under the laws of the State of Nebraska, ~~at chambers~~
- 7 ~~anywhere within the state,~~ shall, in any case in which that judge
- 8 is authorized to act, have power to exercise the powers conferred
- 9 upon ~~a the judge and upon a court,~~ and specifically to:
- 10 (a) Upon the stipulation of the parties to an action,
- 11 hear and determine any matter, including the trial of an equity

12 case or case at law in which a jury has been waived;

13 (b) Hear and determine pretrial and posttrial matters
14 in civil cases not involving testimony of witnesses by oral
15 examination;

16 (c) With the consent of the defendant, receive pleas of
17 guilty and pass sentences in criminal cases;

18 (d) With the consent of the defendant, hear and determine
19 pretrial and posttrial matters in criminal cases;

20 (e) Hear and determine cases brought by petition in error
21 or appeal not involving testimony of witnesses by oral examination;

22 (f) Hear and determine any matter in juvenile cases with
23 the consent of the guardian ad litem or attorney for the minor,
1 the other parties to the proceedings, and the attorneys for those
2 parties, if any; and

3 (g) Without notice, make any order and perform any act
4 which may lawfully be made or performed by him or her ex parte in
5 ~~open court~~ in any action or proceeding which is on file in any
6 district of this state; ~~and~~

7 ~~(h) Render any judgment or make any order at any location
8 even though the action is pending in a county other than the place
9 in which the judge is physically present.~~

10 (2) A judgment or order made pursuant to this section
11 shall be deemed effective when the judgment is entered in
12 accordance with the provisions of subsection (3) of section
13 25-1301.

14 (3) The judge, in his or her discretion, may in
15 any proceeding authorized by the provisions of this section
16 not involving testimony of witnesses by oral examination, use
17 telephonic, videoconferencing, or similar methods to conduct
18 such proceedings. The court may require the parties to make
19 reimbursement for any ~~telephone~~ charges incurred.

20 (4) A judge, in any case with the consent of the parties,
21 may permit any witness who is to be examined by oral examination to
22 appear by telephonic, videoconferencing, or similar methods, with
23 any costs thereof to be taxed as costs.

24 ~~(4)-(5)~~ The enumeration of the powers in subsections (1),
25 (2), and (3) of this section shall not be construed to deny the
26 right of a party to trial by jury in the county in which the action
27 was first filed if such right otherwise exists.

1 ~~(5)-(6)~~ Nothing in this section shall be construed to
2 exempt proceedings under this section from the provisions of the
3 Guidelines for Use by Nebraska Courts in Determining When and Under
4 What Conditions a Hearing Before Such Court May Be Closed in Whole
5 or in Part to the Public, adopted by the Supreme Court of the
6 State of Nebraska September 8, 1980, and any amendments to those
7 provisions.

8 Sec. 2. Section 43-278, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 43-278 Except as provided in sections 43-254.01 and

11 43-277.01, all cases filed under subdivision (3) of section 43-247
12 shall have an adjudication hearing not more than ninety days after
13 a petition is filed. Upon a showing of good cause, the court may
14 continue the case beyond the ninety-day period. The court shall
15 also review every case filed under such subdivision which has
16 been adjudicated or transferred to it for disposition not less
17 than once every six months. All communications, notices, orders,
18 authorizations, and requests authorized or required in the Nebraska
19 Juvenile Code; all nonevidentiary hearings; and any evidentiary
20 hearings approved by the court and by stipulation of all parties
21 may be heard by the court telephonically or by videoconferencing in
22 a manner that ensures the preservation of an accurate record. All
23 of the orders generated by way of a telephonic or videoconference
24 hearing shall be recorded as if the judge were conducting a hearing
25 on the record. ~~Telephonic and videoconference hearings allowed~~
26 ~~under this section shall not be in conflict with section 24-734.~~
27 Sec. 3. Original section 24-734, Reissue Revised Statutes
1 of Nebraska, and section 43-278, Revised Statutes Cumulative
2 Supplement, 2012, are repealed.

WITHDRAW - Cointroducer

Senator Krist withdrew his name as cointroducer to LB577 and LB578.

VISITOR

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 5:18 p.m., on a motion by Senator Ashford, the Legislature adjourned until 9:00 a.m., Friday, April 19, 2013.

Patrick J. O'Donnell
Clerk of the Legislature