

SIXTY-SIXTH DAY - APRIL 24, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 24, 2013

PRAYER

The prayer was offered by Senator Dubas.

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 Christensen, Coash, Conrad, Harms, McCoy, McGill, Mello, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1076, line 40, strike "page 1044" and insert "page 1010".
The Journal for the sixty-fourth day was approved as corrected.

The Journal for the sixty-fifth day was approved.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 255. Placed on General File with amendment.
AM856 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Thursday, May 9, 2013 1:00 p.m.

Joseph M. Acierno - Department of Health and Human Services

Monday, May 13, 2013 1:00 p.m.

Michael Brummer - Commission for the Deaf and Hard of Hearing
Margaret Propp - Commission for the Deaf and Hard of Hearing

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 269A. Title read. Considered.

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

LEGISLATIVE BILL 579A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 429A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 205. ER49, found on page 990, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 595. ER50, found on page 990, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 595A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 585. ER56, found on page 994, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 646. ER57, found on page 994, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 589. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 240. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 487. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 69. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 243. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 208. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 377. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 42. ER68, found on page 1090, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 59. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 345. ER66, found on page 1094, was adopted.

Senator Schumacher offered the following amendment:

AM1104

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 76-2,126, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 76-2,126 If a conveyance of real estate was pursuant to
- 6 (1) a transfer on death deed due to the death of the transferor
- 7 or the death of a surviving joint tenant of the transferor, (2)
- 8 a joint tenancy deed due to the death of a joint tenant, or (3)
- 9 the expiration of a life estate, then a death certificate shall
- 10 be filed with the register of deeds to document the transfer of
- 11 title to the beneficiary of the transfer on death deed, to the
- 12 surviving joint tenant or joint tenants, or to the holder of an
- 13 interest in real estate which receives that interest as a result
- 14 of the death of a life tenant. A cover sheet indicating the title
- 15 of the document, the previously recorded document data, and the
- 16 grantor, surviving grantee, and legal description of the property
- 17 being transferred shall be attached to the death certificate and
- 18 recorded.
- 19 Sec. 2. Section 76-3402, Revised Statutes Cumulative
- 20 Supplement, 2012, is amended to read:
- 21 76-3402 For purposes of the Nebraska Uniform Real

22 Property Transfer on Death Act:

23 (1) Beneficiary means a person that receives property
 1 under a transfer on death deed;

2 (2) Designated beneficiary means a person designated to
 3 receive property in a transfer on death deed;

4 (3) Disinterested witness to a transfer on death deed
 5 means any individual who acts as a witness to a transfer on death
 6 deed at the date of its execution and who is not a designated
 7 beneficiary or an heir, a child, or a spouse of a designated
 8 beneficiary;

9 ~~(3)-(4)~~ Joint owner means an individual who owns property
 10 concurrently with one or more other individuals with a right of
 11 survivorship. The term includes a joint tenant. The term does not
 12 include a tenant in common without a right of survivorship;

13 ~~(4)-(5)~~ Person means an individual, a corporation, an
 14 estate, a trustee of a trust, a partnership, a limited liability
 15 company, an association, a joint venture, a public corporation, a
 16 government or governmental subdivision, agency, or instrumentality,
 17 or any other legal or commercial entity;

18 ~~(5)-(6)~~ Property means an interest in real property
 19 located in this state which is transferable on the death of the
 20 owner;

21 ~~(6)-(7)~~ Transfer on death deed means a deed authorized
 22 under the Nebraska Uniform Real Property Transfer on Death Act; and

23 ~~(7)-(8)~~ Transferor means an individual who makes a
 24 transfer on death deed.

25 Sec. 3. Section 76-3410, Revised Statutes Cumulative
 26 Supplement, 2012, is amended to read:

27 76-3410 (a) A transfer on death deed:

1 (1) Except as otherwise provided in subdivision (2)
 2 of this subsection, must contain the essential elements and
 3 formalities of a properly recordable inter vivos deed;

4 (2) Must state that the transfer to the designated
 5 beneficiary is to occur at the transferor's death;

6 (3) Must contain the warnings provided in subsection (b)
 7 of this section; and

8 (4) Must be recorded (i) within thirty days after
 9 being executed as required in section 76-3409, (ii) before the
 10 transferor's death, and (iii) in the public records in the office
 11 of the register of deeds of the county where the property is
 12 located.

13 (b)(1) A transfer on death deed shall contain the
 14 following warnings:

15 WARNING: The property transferred remains subject to
 16 inheritance taxation in Nebraska to the same extent as if owned by
 17 the transferor at death. Failure to timely pay inheritance taxes is
 18 subject to interest and penalties as provided by law.

19 WARNING: The designated beneficiary is personally liable,
 20 to the extent of the value of the property transferred, to account

21 for medicaid reimbursement to the extent necessary to discharge
22 any such claim remaining after application of the assets of
23 the transferor's estate. The designated beneficiary may also be
24 personally liable, to the extent of the value of the property
25 transferred, for claims against the estate, statutory allowances to
26 the transferor's surviving spouse and children, and the expenses
27 of administration to the extent needed to pay such amounts by the
1 personal representative.

2 **WARNING:** The Department of Health and Human Services may
3 require revocation of this deed by a transferor, a transferor's
4 spouse, or both a transferor and the transferor's spouse in order
5 to qualify or remain qualified for medicaid assistance.

6 (2) No recorded transfer on death deed shall be
7 invalidated because of any defects in the wording of the warnings
8 required by this subsection.

9 (c) No action may be commenced to set aside a transfer
10 on death deed, based on failure to comply with the requirement
11 of disinterested witnesses pursuant to section 76-3409, more than
12 ninety days after the date of death of the transferor or, if there
13 is more than one transferor, more than ninety days after the date
14 of death of the last surviving transferor.

15 (d) Notwithstanding subsection (c) of this section, an
16 action to set aside a transfer on death deed, based on failure to
17 comply with the requirement of disinterested witnesses pursuant to
18 section 76-3409, in which the transferor or, if there is more than
19 one transferor, the last surviving transferor, has died prior to
20 the effective date of this act, shall be commenced by the later of
21 (1) ninety days after the date of death of the transferor or, if
22 there is more than one transferor, ninety days after the date of
23 death of the last surviving transferor, or (2) ninety days after
24 the effective date of this act.

25 Sec. 4. Section 76-3420, Revised Statutes Cumulative
26 Supplement, 2012, is amended to read:

27 76-3420 (a) Except as otherwise provided in subsection
1 (b) of this section and subject to a determination of the rights
2 of any parties to an action commenced pursuant to subsection (c)
3 or (d) of section 76-3410, if property or any interest therein
4 transferred to a beneficiary by a transfer on death deed is
5 acquired by a purchaser or lender for value from a beneficiary of
6 a transfer on death deed, the purchaser or lender takes title free
7 of any claims of the estate, personal representative, surviving
8 spouse, creditors, and any other person claiming by or through
9 the transferor of the transfer on death deed, including any heir
10 or beneficiary of the estate of the transferor, and the purchaser
11 or lender shall not incur any personal liability to the estate,
12 personal representative, surviving spouse, creditors, or any other
13 person claiming by or through the transferor of the transfer on
14 death deed, including any heir or beneficiary of the estate of the
15 transferor, whether or not the conveyance by the transfer on death

16 deed was proper. Except as otherwise provided in subsection (b) of
 17 this section, to be protected under this section, a purchaser or
 18 lender need not inquire whether a transferor or beneficiary of the
 19 transfer on death deed acted properly in making the conveyance to
 20 the beneficiary by the transfer on death deed.

21 (b) A purchaser or lender for value from a beneficiary of
 22 a transfer on death deed does not take title free of any lien for
 23 inheritance tax under section 77-2003.

24 Sec. 5. Sections 1 and 6 of this act become operative
 25 three calendar months after the adjournment of this legislative
 26 session. Sections 2 and 7 of this act become operative on January
 27 1, 2013. The other sections of this act become operative on their
 1 effective date.

2 Sec. 6. Original section 76-2,126, Revised Statutes
 3 Cumulative Supplement, 2012, is repealed.

4 Sec. 7. Original section 76-3402, Revised Statutes
 5 Cumulative Supplement, 2012, is repealed.

6 Sec. 8. Original sections 76-3410 and 76-3420, Revised
 7 Statutes Cumulative Supplement, 2012, are repealed.

8 Sec. 9. Since an emergency exists, this act takes effect
 9 when passed and approved according to law.

The Schumacher amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 172. ER69, found on page 1094, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 643. ER67, found on page 1098, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 386. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 166. ER65, found on page 1098, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 192. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 458. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 459. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 549. ER72, found on page 1098, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 435. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 361. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 420. ER71, found on page 1099, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 154. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 477. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 442. ER78, found on page 1099, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 303. ER70, found on page 1099, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 349. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 222. ER73, found on page 1099, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 344. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 500. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 223. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 103. ER77, found on page 1099, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 329. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 169. ER74, found on page 1100, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 277. ER76, found on page 1100, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 538. ER75, found on page 1102, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 332. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 141. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 647. ER79, found on page 1106, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 107. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 493. Senator Davis offered the following amendment:
AM1126

(Amendments to Standing Committee amendments, AM292)

- 1 1. On page 1, after line 8, insert "Any such lease
- 2 or transfer shall be subject to the requirements of the federal
- 3 National Trails System Act, 16 U.S.C. 1241, as such act and section
- 4 existed on January 1, 2013."

The Davis amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 423. ER40, found on page 927, was adopted.

Senator Schilz offered his amendment, AM1056, found on page 1042.

The Schilz amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Schilz offered the following motion:
MO54

Suspend the rules, Rule 7, Sec. 3(d), to permit consideration of AM1052.

The Schilz motion to suspend the rules prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Schilz offered the following amendment:
AM1052

(Amendments to E & R amendments, ER40)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 2-3812, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 2-3812 There is hereby created the Nebraska Agricultural
- 5 Products Marketing Cash Fund. The fund shall consist of
- 6 administrative costs collected under subsection (4) of section
- 7 54-742 and money appropriated by the Legislature which is received
- 8 as gifts or grants or collected as fees or charges from any source,
- 9 including federal, state, public, and private. The fund shall be
- 10 utilized for the purpose of carrying out the Nebraska Agricultural
- 11 Products Marketing Act and for purposes of subsection (4) of
- 12 section 54-742. Any money in such fund available for investment
- 13 shall be invested by the state investment officer pursuant to
- 14 the Nebraska Capital Expansion Act and the Nebraska State Funds
- 15 Investment Act.
- 16 Sec. 3. Section 38-3330, Reissue Revised Statutes of
- 17 Nebraska, is amended to read:
- 18 38-3330 (1) Unless required by any state or local law for
- 19 contagious or infectious disease reporting or other public health
- 20 and safety purpose, no veterinarian licensed under the Veterinary
- 21 Medicine and Surgery Practice Act shall be required to disclose any
- 22 information concerning the veterinarian's care of an animal except
- 1 under a written authorization or other waiver by the veterinarian's
- 2 client or pursuant to a court order or a subpoena. A veterinarian
- 3 who releases information under a written authorization or other
- 4 waiver by the client or pursuant to a court order or a subpoena is
- 5 not liable to the client or any other person.
- 6 (2) The privilege provided by this section is waived to
- 7 the extent that the veterinarian's client or the owner of the
- 8 animal places the veterinarian's care and treatment of the animal
- 9 or the nature and extent of injuries to the animal at issue in any

10 civil or criminal proceeding.

11 (3) The privilege provided by this section is waived to
12 the extent and for purposes of notifying any owner or manager
13 of cattle that have a significant risk for exposure to bovine
14 trichomoniasis. A veterinarian who releases information about the
15 risk for exposure to bovine trichomoniasis is not liable to the
16 client or any other person.

17 (4) For purposes of this section, veterinarian includes
18 the employees or agents of the licensed veterinarian while acting
19 for or on behalf of such veterinarian.

20 Sec. 4. Section 54-742, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 54-742 (1) It is the duty of any person who discovers,
23 suspects, or has reason to believe that any animal belonging
24 to him or her or which he or she has in his or her possession
25 or custody or which, belonging to another, may come under his
26 or her observation is affected with any dangerous, infectious,
27 contagious, or otherwise transmissible disease which affects
1 livestock to immediately report such fact, belief, or suspicion to
2 the department or to any agent, employee, or appointee thereof.

3 (2) The department shall work together with livestock
4 health committees, livestock groups, diagnostic laboratories,
5 practicing veterinarians, producers, and others who may be
6 affected, to adopt and promulgate rules and regulations to
7 effectuate a workable livestock disease reporting system according
8 to the provisions of this section. The rules and regulations
9 shall establish who shall report diseases, what diseases shall be
10 reported, how such diseases shall be reported, to whom diseases
11 shall be reported, the method by which diseases shall be reported,
12 and the frequency of reports required. For disease reporting
13 purposes, the department shall categorize livestock diseases
14 according to relative economic or health risk factors and may
15 provide different reporting measures for the various categories.

16 (3) Any person who reasonably suspects that any beef
17 or dairy breeding bull belonging to him or her or which he or
18 she has in his or her possession or custody is infected with
19 bovine trichomoniasis shall not sell or transport such animal,
20 except for consignment directly to a federally recognized slaughter
21 establishment, unless such person causes such animal to be tested
22 for bovine trichomoniasis. Any person who owns or has possession
23 or custody of a beef or dairy breeding bull, or who has a
24 beef or dairy breeding bull belonging to another under his or
25 her observation, for which a laboratory confirmed diagnosis of
26 bovine trichomoniasis has been made, shall report such diagnosis
27 to the department within five business days after receipt of
1 the laboratory confirmation. Any such breeding bull for which a
2 laboratory confirmation of bovine trichomoniasis has been made
3 shall not be sold or transported except for consignment directly to
4 a federally recognized slaughter establishment.

5 (4)(a) An owner or manager of any beef or dairy
 6 breeding bull for which a laboratory confirmed diagnosis of bovine
 7 trichomoniasis has been made shall notify each adjacent landowner
 8 or land manager of the diagnosis if such land is capable of
 9 maintaining livestock susceptible to bovine trichomoniasis. Such
 10 notification shall be made to each landowner or land manager within
 11 fourteen days after the diagnosis even if cattle are not currently
 12 maintained on the owner's or manager's land.

13 (b) The owner or manager of the cattle shall submit to
 14 the department a form or affidavit attesting to the fact that the
 15 notification required under this subsection has occurred. The form
 16 or affidavit shall be submitted to the department within fourteen
 17 days after the diagnosis and shall include the names of adjacent
 18 landowners or land managers who were notified and their contact
 19 information.

20 (c) If an owner or manager does not, within such
 21 fourteen-day period, submit the form or affidavit indicating
 22 that adjacent landowners or land managers have been notified
 23 as required under this subsection, the department shall notify each
 24 adjacent landowner or land manager of the diagnosis. The department
 25 shall assess the administrative costs of the department to notify
 26 the adjacent landowners or land managers against the owner or
 27 manager that failed to comply with this subsection. The department
 1 shall determine the definition of adjacent based on the disease
 2 characteristics and modes of transmission. The department shall
 3 remit any administrative costs collected under this subsection
 4 to the State Treasurer for credit to the Nebraska Agricultural
 5 Products Marketing Cash Fund.

6 2. Renumber the remaining sections and correct the
 7 repealer and internal references accordingly.

The Schilz amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 68. ER52, found on page 990, was adopted.

Senator Schilz offered his amendment, AM575, found on page 1042.

The Schilz amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 269. ER51, found on page 990, was adopted.

Senator Campbell offered her amendment, AM1108, found on page 1121.

The Campbell amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 242. Senator Mello offered his amendment, AM789, found on page 1044.

The Mello amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 44. ER60, found on page 998, was adopted.

Senator Murante withdrew the McCoy amendments, AM981 and AM983, found on page 955.

Senator Schumacher offered the following amendment:
AM1087

(Amendments to Standing Committee amendments, AM151)

- 1 1. On page 1, line 10, after "of" insert "not greater
- 2 than"; and in line 11 after "of" insert "not less than".

The Schumacher amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator B. Harr offered the following amendment:
AM1094

(Amendments to Standing Committee amendments, AM151)

- 1 1. On page 2, strike lines 11 through 16 and insert
- 2 "eighteen years when he or she committed the first degree murder
- 3 for which he or she was convicted and incarcerated shall have his
- 4 or her record reviewed during the first year of incarceration and
- 5 every five years thereafter until the offender is within five years
- 6 of his or her earliest parole eligibility date, at which time his
- 7 or her record shall be reviewed annually.
- 8 (2) During the review by the Board of Parole of the
- 9 offender's record, the board shall consider, at a minimum:".

Senator Ashford offered the following amendment to the B. Harr amendment:

FA67

Amend AM1094

Page 1, line 5 change 5 years to 3 years

SPEAKER ADAMS PRESIDING

Senator Ashford withdrew his amendment.

SENATOR GLOOR PRESIDING

Senator B. Harr withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 553A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 553, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

LEGISLATIVE BILL 23A. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 23, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

AMENDMENT - Print in Journal

Senator Lautenbaugh filed the following amendment to LB563:
FA65

On page 2, line 3, strike "new" and insert "new and improved."

UNANIMOUS CONSENT - Add Cointroducer

Senator Murante asked unanimous consent to add his name as cointroducer to LB585. No objections. So ordered.

VISITORS

Visitors to the Chamber were 9 high school students and teachers from Banner County School, Kimball; 6 eleventh- and twelfth-grade students, teachers, and sponsors from O'Neill; 36 fourth-grade students, teachers, and sponsors from Christ Lutheran School, Norfolk; members from Lincoln Leadership; and 54 fourth-grade students, teachers, and sponsors from Central City.

RECESS

At 11:56 a.m., on a motion by Senator B. Harr, 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 Senators Ashford, Conrad, Hansen, Janssen, Karpisek, Larson, Lautenbaugh, and Schilz who were excused until they arrive.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator B. Harr has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 146, 147, 148, 149, 150, and 151 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 146, 147, 148, 149, 150, and 151.

GENERAL FILE

LEGISLATIVE BILL 104. Title read. Considered.

Committee AM525, found on page 662, was offered.

SENATOR COASH PRESIDING

Senator Chambers offered the following motion:

MO55

Recommit to the Revenue Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

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

Voting in the affirmative, 3:

Hansen

Janssen

McCoy

Voting in the negative, 38:

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

Present and not voting, 6:

| | | |
|------------|-------------|---------|
| Bloomfield | Lautenbaugh | Smith |
| Chambers | Nelson | Wallman |

Excused and not voting, 2:

| | |
|--------|----------|
| Conrad | Karpisek |
|--------|----------|

The Chambers motion to recommit to committee failed with 3 ayes, 38 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator Coash filed the following amendment to LB543:
AM865 is available in the Bill Room.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 522. Placed on Select File with amendment.
ER82

1. On page 1, line 1, after the semicolon insert "to
- 2 amend section 61-218, Revised Statutes Cumulative Supplement,
- 3 2012;"; and in line 3 after "appropriators" insert "; to change
- 4 provisions relating to the Water Resources Cash Fund; to provide
- 5 for fund transfers; and to repeal the original section."

LEGISLATIVE BILL 583. Placed on Select File with amendment.
ER81

1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 2-4902, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 2-4902 The Climate Assessment Response Committee shall:

6 (1) Provide timely and systematic data collection,
7 analysis, and dissemination of information about drought and other
8 severe climate occurrences to the Governor and to other interested
9 persons;

10 (2) Provide the Governor and other interested persons
11 with information and advice relevant to requests for federal
12 disaster declarations and to the use of funds and other types of
13 assistance available to the state because of such declarations;

14 (3) Establish criteria for startup and shutdown of
15 various assessment and response activities by state and federal
16 agencies during drought and other climate-related emergencies;

17 (4) Provide an organizational structure that assures
18 information flow and defines the duties and responsibilities of all
19 agencies during times of drought and climate-related emergencies;

20 (5) Maintain a current inventory of state and federal
21 agency responsibilities in assessing and responding to drought and
22 other climate-related emergencies;

23 (6) Provide a mechanism for the improvement of methods of
1 assessing impacts of drought on agriculture and industry;

2 (7) Provide such other coordination and communication
3 among federal and state agencies as is deemed appropriate by such
4 committee; ~~and~~

5 (8) Provide the Governor and other interested persons
6 with information and research on the impacts of cyclical climate
7 change in Nebraska, including impacts on physical, ecological,
8 and economic areas, and attempt to anticipate the unintended
9 consequences of climate adaptation and mitigation;

10 (9) Facilitate communication between stakeholders and
11 the state about cyclical climate change impacts and response
12 strategies;

13 (10)(a) By September 1, 2014, prepare an initial report
14 on cyclical climate change in Nebraska which includes a synthesis
15 and assessment of the state of knowledge on: Historical climate
16 variability and change; climate projections; and possible impacts
17 to key sectors of the state such as agriculture, water, wildlife,
18 ecosystems, forests, and outdoor recreation. The report shall
19 include key points and a summary of the findings; and

20 (b) By December 1, 2014, review such initial report and
21 provide a final report to the Governor and electronically to the
22 Legislature which includes key points, overarching recommendations,
23 and options that emerge from the initial report; and

24 ~~(8)-(11)~~ Perform such other climate-related assessment
25 and response functions as are desired by the Governor.

26 Sec. 2. Original section 2-4902, Reissue Revised Statutes
27 of Nebraska, is repealed.

1 2. On page 1, strike beginning with "agriculture" in

2 line 1 through line 6 and insert "the Climate Assessment Response

3 Committee; to amend section 2-4902, Reissue Revised Statutes of
 4 Nebraska; to provide duties for the Climate Assessment Response
 5 Committee; and to repeal the original section."

LEGISLATIVE BILL 296. Placed on Select File with amendment.
 ER83

- 1 1. On page 6, line 13, after "of" insert "a"; and in line
- 2 15 strike "effective" and insert "operative".

LEGISLATIVE BILL 476. Placed on Select File.

(Signed) John Murante, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 366A. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 366, One Hundred Third Legislature, First Session, 2013; and to declare an emergency.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Mello has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 104. Senator Smith offered the following amendment to the committee amendment:

AM1123

(Amendments to Standing Committee amendments, AM525)

- 1 1. On page 3, line 5, after "using" insert "a
- 2 low-emission fuel source or"; and in line 7 strike ", sources" and
- 3 insert ";
- 4 (i) Low-emission fuel source includes, but is not limited
- 5 to, natural gas; and
- 6 (ii) Sources".

SENATOR CARLSON PRESIDING

Senator Smith withdrew his amendment.

Committee AM525, found on page 662 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 159. Introduced by Crawford, 45.

WHEREAS, the science olympiad team at Bellevue Mission Middle School, led by Coach Melody Kjerstad, placed first in the middle school division at the 2013 Nebraska Science Olympiad; and

WHEREAS, the win gave the Braves their ninth consecutive state title; and

WHEREAS, with the win, the Braves will represent Nebraska at the 2013 Science Olympiad National Tournament in Dayton, Ohio; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Bellevue Mission Middle School's science olympiad team on winning the middle school division at the 2013 Nebraska Science Olympiad and extends its best wishes to the Braves in representing Nebraska at the 2013 Science Olympiad National Tournament.

2. That a copy of this resolution be sent to the science olympiad team at Bellevue Mission Middle School and Coach Melody Kjerstad.

Laid over.

LEGISLATIVE RESOLUTION 160. Introduced by Crawford, 45; Price, 3.

WHEREAS, the Nebraska Science Olympiad encourages teamwork, problem-solving, and understanding of science topics by Nebraska's youth; and

WHEREAS, out of twenty-nine schools, Bellevue East High School placed second and Bellevue West High School placed third in the high school division at the 2013 Nebraska Science Olympiad; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Bellevue East Chieftains and the Bellevue West Thunderbirds for their achievements at the 2013 Nebraska Science Olympiad.

2. That a copy of this resolution be sent to the Bellevue East High School and Bellevue West High School science olympiad teams and coaches.

Laid over.

MESSAGE FROM THE GOVERNOR

April 24, 2013

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 55e, 79e, 79Ae, 153, 153A, 158e, 203, 230, 263e, 271, 388, 495e, 495Ae, 528, 612e, and 629 were received in my office on April 18, 2013.

These bills were signed and delivered to the Secretary of State on April 24, 2013.

Sincerely,
(Signed) Dave Heineman
Governor

GENERAL FILE

LEGISLATIVE BILL 140. Title read. Considered.

Committee AM210, found on page 607, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 366. Title read. Considered.

Committee AM785, found on page 821, was offered.

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

The committee amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

SENATOR KRIST PRESIDING

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

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 384. Title read. Considered.

Committee AM597, found on page 679, was offered.

Senator Nordquist offered the following amendment to the committee amendment:

AM1092

(Amendment to Standing Committee amendments, AM597)

- 1 1. On page 1, line 14, strike "twelve" and insert
- 2 "eleven".
- 3 2. On page 2, line 10, after the semicolon insert
- 4 "and"; and strike beginning with the semicolon in line 14 through
- 5 "commission" in line 18.

The Nordquist amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 384A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 553. ER62, found on page 1061, was adopted.

Senator Nordquist offered his amendment, AM1073, found on page 1120.

The Nordquist amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Lautenbaugh offered the following amendment:
AM1130

(Amendments to AM802)

- 1 1. Strike sections 2, 6, 8, 9, 11, 12, 13, and 14 and all
- 2 amendments thereto.
- 3 2. On pages 14, 15, and 24 through 27; and page 28, lines
- 4 8, 13, and 24, strike the new matter and reinstate the stricken
- 5 matter.
- 6 3. Renumber the remaining sections and correct the
- 7 repealer accordingly.

Senator Lautenbaugh withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB3:
AM1128

(Amendments to AM1067)

- 1 1. On page 2, line 7, strike "buyer, or tenant" and
- 2 insert "or buyer"; and in line 14 strike "tenant".
- 3 2. On page 3, line 7, strike "or tenant".
- 4 3. On page 4, line 2, strike "or tenant".
- 5 4. On page 6, strike beginning with "or" in line 20
- 6 through the comma in line 21.

Senator Hadley filed the following amendment to LB23:
AM1129

(Amendments to E & R amendments, ER61)

- 1 1. On page 29, line 14, strike "and"; after line 14
- 2 insert the following new subdivision:
- 3 "(d) Fourth, one million dollars to the General Fund;
- 4 and"; in line 15 strike "(d) Fourth" and insert "(e) Fifth"; in
- 5 line 19 strike "and (c)" and insert "(c), and (d)"; and after line
- 6 23 insert the following new subsection:
- 7 "(5) The Division of Medicaid and Long-Term Care
- 8 of the Department of Health and Human Services shall report
- 9 electronically, no later than December 1 of each year, to the
- 10 Health and Human Services Committee of the Legislature and the
- 11 Judiciary Committee of the Legislature the amounts collected from
- 12 each payer of the tax pursuant to section 68-1803 and the amount of
- 13 each disbursement from the ICF/DD Reimbursement Protection Fund."

Senator Murante filed the following amendment to LB299:
AM1135

(Amendments to AM987)

- 1 1. On page 1, line 8, strike "provide" and insert
- 2 "include provisions"; and in line 16 after the period insert

- 3 "The guidelines shall be instructional in nature and shall not be
4 construed to bind election commissioners or county clerks."

Senators Sullivan, Adams, Avery, Cook, Davis, K. Haar, Scheer, and Seiler filed the following amendment to LB407:
AM1102 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducers

Senators Davis and Dubas asked unanimous consent to add their names as cointroducers to LB402. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jennifer Jones Welch, a staff member of the Clerk's Office from the Virginia Senate; 27 third- through fifth-grade students and teacher from Zion Lutheran School, Kearney; and Brian and Krew Kanter from Lincoln.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 8:14 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Thursday, April 25, 2013.

Patrick J. O'Donnell
Clerk of the Legislature