

SIXTY-EIGHTH DAY - APRIL 29, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SIXTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 29, 2013

PRAYER

The prayer was offered by Pastor David Smith, Zion Lutheran Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators K. Haar and Lautenbaugh who were excused; and Senators Bolz, Conrad, Cook, Harms, Janssen, Karpisek, Kintner, Larson, McCoy, Mello, Nelson, Nordquist, Price, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-seventh day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 42. Placed on Final Reading.

LEGISLATIVE BILL 59. Placed on Final Reading.

LEGISLATIVE BILL 154. Placed on Final Reading.

LEGISLATIVE BILL 166. Placed on Final Reading.

ST17

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendment, ER65, amendment 2 has been struck.

LEGISLATIVE BILL 172. Placed on Final Reading.

LEGISLATIVE BILL 192. Placed on Final Reading.

LEGISLATIVE BILL 208. Placed on Final Reading.

LEGISLATIVE BILL 243. Placed on Final Reading.

LEGISLATIVE BILL 345. Placed on Final Reading.

ST11

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schumacher amendment, AM1104, on page 4, lines 20 and 24, "effective date of this act" has been struck and "operative date of this section" inserted.

2. On page 1, the matter beginning with "transfer" in line 1 through line 6 and all amendments thereto have been struck and "real estate transfers; to amend sections 76-2,126, 76-3402, 76-3410, and 76-3420, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to certain real estate filings and transfer on death deeds; to define a term; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 361. Placed on Final Reading.

LEGISLATIVE BILL 377. Placed on Final Reading.

LEGISLATIVE BILL 386. Placed on Final Reading.

LEGISLATIVE BILL 420. Placed on Final Reading.

LEGISLATIVE BILL 435. Placed on Final Reading.

LEGISLATIVE BILL 458. Placed on Final Reading.

LEGISLATIVE BILL 459. Placed on Final Reading.

LEGISLATIVE BILL 549. Placed on Final Reading.

LEGISLATIVE BILL 643. Placed on Final Reading.

(Signed) John Murante, Chairperson

SELECT FILE

LEGISLATIVE BILL 517. ER35, found on page 877, was adopted.

Senator Carlson offered his amendment, AM1048, found on page 1117.

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

AM1180

(Amendments to AM1048)

- 1 1. On page 2, line 15, strike "public power and
- 2 irrigation districts"; and in line 16 after the first semicolon
- 3 insert "a metropolitan utilities district".

Senator B. Harr withdrew his amendment.

Senator Mello offered the following amendment to the Carlson amendment:
AM1176

(Amendments to AM1048)

- 1 1. On page 2, line 2, strike "ten" and insert "eleven";
- 2 and in line 16 after the first semicolon insert "a metropolitan
- 3 utilities district".

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

The Carlson amendment, as amended, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 517A. Senator Carlson offered his amendment, AM1068, found on page 1120.

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

Advanced to Enrollment and Review for Engrossment.

BILL ON FIRST READING

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

LEGISLATIVE BILL 483A. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 483, One Hundred Third Legislature, First Session, 2013.

AMENDMENTS - Print in Journal

Senator Hadley filed the following amendment to LB23:
AM1181

(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 Revenue 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 Krist filed the following amendment to LB6:
AM1159

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Sec. 11. Section 38-2121, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 38-2121 The requirement to be licensed as a mental health
- 5 practitioner pursuant to the Uniform Credentialing Act in order to
- 6 engage in mental health practice shall not be construed to prevent:
- 7 (1) Qualified members of other professions who are
- 8 licensed, certified, or registered by this state from practice
- 9 of any mental health activity consistent with the scope of practice
- 10 of their respective professions;
- 11 (2) Alcohol and drug counselors who are licensed by the
- 12 Division of Public Health of the Department of Health and Human
- 13 Services and problem gambling counselors who are certified by the
- 14 Department of Health and Human Services prior to July 1, 2013, or
- 15 by the Nebraska Commission on Problem Gambling beginning on July
- 16 1, 2013, from practicing their profession. Such exclusion shall
- 17 include students training and working under the supervision of an
- 18 individual qualified under section 38-315;
- 19 (3) Any person employed by an agency, bureau, or division
- 20 of the federal government from discharging his or her official
- 21 duties, except that if such person engages in mental health
- 22 practice in this state outside the scope of such official duty
- 1 or represents himself or herself as a licensed mental health
- 2 practitioner, he or she shall be licensed;
- 3 (4) Teaching or the conduct of research related to mental
- 4 health services or consultation with organizations or institutions
- 5 if such teaching, research, or consultation does not involve the
- 6 delivery or supervision of mental health services to individuals
- 7 or groups of individuals who are themselves, rather than a third
- 8 party, the intended beneficiaries of such services;
- 9 (5) The delivery of mental health services by:
- 10 (a) Students, interns, or residents whose activities
- 11 constitute a part of the course of study for medicine, psychology,
- 12 nursing, school psychology, social work, clinical social work,
- 13 counseling, marriage and family therapy, or other health care or
- 14 mental health service professions; or
- 15 (b) Individuals seeking to fulfill postgraduate
- 16 requirements for licensure when those individuals are supervised by
- 17 a licensed professional consistent with the applicable regulations
- 18 of the appropriate professional board;
- 19 (6) Duly recognized members of the clergy from providing
- 20 mental health services in the course of their ministerial duties
- 21 and consistent with the codes of ethics of their profession if they
- 22 do not represent themselves to be mental health practitioners;
- 23 (7) The incidental exchange of advice or support by
- 24 persons who do not represent themselves as engaging in mental

25 health practice, including participation in self-help groups when
 26 the leaders of such groups receive no compensation for their
 27 participation and do not represent themselves as mental health
 1 practitioners or their services as mental health practice;

2 (8) Any person providing emergency crisis intervention
 3 or referral services or limited services supporting a service plan
 4 developed by and delivered under the supervision of a licensed
 5 mental health practitioner, licensed physician, or a psychologist
 6 licensed to engage in the practice of psychology if such persons
 7 are not represented as being licensed mental health practitioners
 8 or their services are not represented as mental health practice; or

9 (9) Staff employed in a program designated by an agency
 10 of state government to provide rehabilitation and support services
 11 to individuals with mental illness from completing a rehabilitation
 12 assessment or preparing, implementing, and evaluating an individual
 13 rehabilitation plan.

14 Sec. 12. Section 71-802, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 71-802 The purposes of the Nebraska Behavioral Health
 17 Services Act are to: (1) Reorganize statutes relating to the
 18 provision of publicly funded behavioral health services; (2)
 19 provide for the organization and administration of the public
 20 behavioral health system within the department; (3) rename mental
 21 health regions as behavioral health regions; (4) provide for
 22 the naming of regional behavioral health authorities and ongoing
 23 activities of regional governing boards; (5) reorganize and rename
 24 the State Mental Health Planning and Evaluation Council; and the
 25 State Alcoholism and Drug Abuse Advisory Committee; ~~and the~~
 26 ~~Nebraska Advisory Commission on Compulsive Gambling;~~ (6) change
 27 and add provisions relating to development of community-based
 1 behavioral health services and funding for behavioral health
 2 services; and (7) authorize the closure of regional centers.

3 2. On page 1, line 2, after the first comma insert
 4 "38-2121, 71-802,".

5 3. On page 3, strike lines 2 through 25 and insert the
 6 following:

7 "(a) One member with medical care or mental health
 8 expertise;

9 (b) One member with expertise in banking and finance;

10 (c) One member with legal expertise;

11 (d) One member with expertise in the field of education;

12 (e) Two members who are consumers of problem gambling
 13 services;

14 (f) One member with data analysis expertise; and

15 (g) Two members who are residents of the state and are
 16 representative of the public at large.

17 (3) The terms of the members shall be for three years,

18 except that the Governor shall designate three of the initial

19 appointees to serve initial terms beginning on July 1, 2013, and

20 ending on March 1, 2014, three of the initial appointees to serve
 21 initial terms beginning on July 1, 2013, and ending on March 1,
 22 2015, and three of the initial appointees to serve initial terms
 23 beginning on July 1, 2013, and ending on March 1, 2016."

24 4. On page 4, strike lines 1 through 25.

25 5. On page 5, line 1, strike beginning with "days"
 26 through the period; and in line 25 after "shall" insert
 27 "electronically".

1 6. On page 6, line 2, after the second comma insert
 2 "equipment, effects,"; in line 3 strike "July 1" and insert "June
 3 30"; in line 4 strike "such date" and insert "July 1, 2013"; in
 4 line 5 strike "by rule and regulation"; and in line 17 after "may"
 5 insert "adopt and promulgate rules and regulations and".

6 7. On page 7, line 3, after "of" insert "problem
 7 gambling"; and in line 18 after "division" insert "or commission".

8 8. On page 9, line 6, strike "upon thirty days' notice"
 9 and insert "according to its terms".

10 9. On page 22, line 1, strike "on July 14, 2006," and
 11 show as stricken.

12 10. On page 23, line 21, strike "13, and 14" and insert
 13 "12, 13, 15, and 16"; and in line 24 after "9-831," insert
 14 "38-2121, 71-802,".

15 11. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Schilz asked unanimous consent to add his name as cointroducer to LB402. No objections. So ordered.

VISITORS

Visitors to the Chamber were 155 eleventh- and twelfth-grade students as part of the Attorney General's Youth Advisory Council from across the state; 75 fourth-grade students, teachers, and sponsors from Aldrich Elementary, Omaha; and Catie Niedermeyer from Cook.

RECESS

At 11:59 a.m., on a motion by Senator Hadley, 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 K. Haar, Lautenbaugh, and McGill who were excused; and Senators Ashford, Christensen, Conrad, Lathrop, and Price who were excused until they arrive.

AMENDMENT - Print in Journal

Senator Wightman filed the following amendment to LB341:
AM1161

(Amendments to E & R amendments, ER54)

- 1 1. Insert the following new section:
- 2 Sec. 19. Section 77-1917, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-1917 (1) Any person entitled to redeem real property
- 5 may do so at any time prior to the institution of foreclosure
- 6 proceedings by paying the county treasurer for the use of such
- 7 holder of a tax sale certificate or his or her heirs or assigns
- 8 (a) the sum mentioned in his or her certificate, with interest
- 9 thereon at the rate specified in section 45-104.01, as such rate
- 10 may from time to time be adjusted by the Legislature, from the date
- 11 of purchase to the date of redemption, ~~together with (b)~~ all other
- 12 taxes subsequently paid, whether for any year or years previous or
- 13 subsequent to the sale, and interest thereon at the same rate from
- 14 the date of such payment to the date of redemption, and (c) the
- 15 issuance fee charged pursuant to section 77-1823.
- 16 (2) Any person entitled to redeem real property may do so
- 17 at any time after the decree of foreclosure and before the final
- 18 confirmation of the sale by paying to the clerk of the district
- 19 court the amount found due against the property, with interest and
- 20 costs to the date of redemption and, in addition thereto, when the
- 21 real property has been sold at sheriff's sale to a purchaser other
- 22 than the plaintiff, any subsequent taxes paid by such purchaser,
- 1 as shown by tax receipts filed by such purchaser with the clerk of
- 2 the district court, with interest at the rate specified in section
- 3 45-104.01, as such rate may from time to time be adjusted by the
- 4 Legislature, from the date or dates of payment of such taxes, and
- 5 also interest on the purchase price at the same rate, for the use
- 6 of the purchaser, from the date of sale to the date of redemption.
- 7 During the pendency of a foreclosure action, any person entitled
- 8 to redeem any lot or parcel may do so by paying to the court
- 9 the amount due with interest and costs, including attorney's fees,
- 10 provided for in section 77-1909, if requested in the foreclosure
- 11 complaint. The amount due for redemption under this subsection
- 12 shall include the issuance fee charged pursuant to section 77-1823.
- 13 Within thirty days after receipt of payment of all amounts due,
- 14 the holder of the tax sale certificate shall dismiss its claim
- 15 in the foreclosure proceeding with respect to any redeemed tax
- 16 sale certificate. The holder of the tax sale certificate shall

17 be required to provide the county treasurer with written notice
 18 that a foreclosure suit has been instituted and provide the county
 19 treasurer with an affidavit setting forth the costs incurred in
 20 the foreclosure action and indicating whether attorney's fees were
 21 requested in the foreclosure complaint.

22 (3) The person redeeming any lot or parcel shall be
 23 required to provide the county treasurer with an appropriate
 24 receipt evidencing the payment to the court of the amount due with
 25 interest and costs and the holder of the tax sale certificate shall
 26 file with the county treasurer notice of its dismissal of the claim
 27 in the foreclosure proceeding.

1 2. On page 5, lines 19 and 20; and page 6, line 5, strike
 2 the new matter.

3 3. On page 6, line 25, after "assigns" insert "(1)".

4 4. On page 7, line 1, strike "together with", show as
 5 stricken, and insert "(2)"; in line 4 after "redemption" insert
 6 "and (3) the issuance fee charged pursuant to section 77-1823";
 7 and in lines 4 through 6 strike the new matter and insert "The
 8 issuance fee charged pursuant to section 77-1823 is refundable only
 9 upon redemption or pursuant to a decree of foreclosure pursuant to
 10 section 77-1909".

11 5. On page 8, line 10, strike "redemption money", show
 12 as stricken, and insert "money received for redemption pursuant to
 13 section 77-1824".

14 6. On page 17, line 17, after the last comma insert
 15 "77-1917,".

16 7. Renumber the remaining sections accordingly.

COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 625. Placed on General File with amendment.
 AM1013

1 1. Insert the following new section:

2 Sec. 3. Since an emergency exists, this act takes effect
 3 when passed and approved according to law.

4 2. On page 2, line 15, strike "eighty-five" and insert
 5 "twenty-five"; and in line 16 after "level" insert "for FY2013-14
 6 and one hundred thirty percent of the federal poverty level for
 7 FY2014-15 and each fiscal year thereafter".

(Signed) Kathy Campbell, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR154 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR154.

GENERAL FILE

LEGISLATIVE BILL 66. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM784, found on page 963, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 402. Title read. Considered.

Committee AM684, found on page 783, was offered.

Senator Mello offered his amendment, AM740, found on page 794, to the committee amendment.

SENATOR KRIST PRESIDING

Senator Chambers offered the following motion:

MO57

Bracket until June 5, 2013.

Senator Chambers withdrew his motion to bracket.

The Mello amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

AMENDMENT - Print in Journal

Senator Sullivan filed the following amendment to LB410:
AM1167

- 1 1. Strike original section 26 and insert the following
- 2 new section:
- 3 Sec. 24. The following sections are outright repealed:
- 4 Sections 79-297, 79-298, 79-299, 79-2,100, and 79-756, Reissue
- 5 Revised Statutes of Nebraska.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 561. Placed on Select File with amendment. ER84 is available in the Bill Room.

LEGISLATIVE BILL 269A. Placed on Select File.

LEGISLATIVE BILL 579A. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 103. Placed on Final Reading.

LEGISLATIVE BILL 107. Placed on Final Reading.

LEGISLATIVE BILL 141. Placed on Final Reading.

LEGISLATIVE BILL 169. Placed on Final Reading.

LEGISLATIVE BILL 222. Placed on Final Reading.

LEGISLATIVE BILL 223. Placed on Final Reading.

LEGISLATIVE BILL 277. Placed on Final Reading.

LEGISLATIVE BILL 303. Placed on Final Reading.

LEGISLATIVE BILL 329. Placed on Final Reading.

LEGISLATIVE BILL 332. Placed on Final Reading.

LEGISLATIVE BILL 344. Placed on Final Reading.

LEGISLATIVE BILL 349. Placed on Final Reading.

LEGISLATIVE BILL 442. Placed on Final Reading.

LEGISLATIVE BILL 477. Placed on Final Reading.

LEGISLATIVE BILL 493. Placed on Final Reading.

LEGISLATIVE BILL 500. Placed on Final Reading.

LEGISLATIVE BILL 538. Placed on Final Reading.

LEGISLATIVE BILL 647. Placed on Final Reading.

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 93. Title read. Considered.

Committee AM762, found on page 865, was offered.

Senator Dubas offered the following amendment to the committee amendment:

AM1168

(Amendments to Standing Committee amendments, AM762)

- 1 1. Strike sections 1 to 10 and 19.
- 2 2. On page 28, strike beginning with "subdivision" in
- 3 line 7 through "and" in line 8; in lines 14 and 25 strike "Military
- 4 Honor Plates or"; and strike line 22 and insert "of".

- 5 3. On page 29, line 6, strike "issuance of Military Honor
 6 Plates and".
 7 4. Renumber the remaining sections and correct internal
 8 references accordingly.

The Dubas amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 82. Title read. Considered.

Committee AM693, found on page 765, was offered.

Senator Schumacher withdrew his amendments, AM426 and AM873, found on pages 546 and 903.

Senator Schumacher offered his amendment, AM1078, found on page 1113, to the committee amendment.

SENATOR CARLSON PRESIDING

Senator Schumacher moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Schumacher requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Avery	Coash	Johnson	Murante	Smith
Bloomfield	Davis	Karpisek	Nelson	Sullivan
Brasch	Hadley	Kintner	Pirsch	Wallman
Carlson	Hansen	Larson	Schilz	Watermeier
Christensen	Harr, B.	McCoy	Schumacher	

Voting in the negative, 13:

Adams	Conrad	Gloor	Krist	Wightman
Bolz	Cook	Harms	Nordquist	
Campbell	Dubas	Kolowski	Seiler	

Present and not voting, 4:

Howard	Lathrop	Mello	Price
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Absent and not voting, 1:

Chambers

Excused and not voting, 7:

Ashford	Haar, K.	Lautenbaugh	Scheer
Crawford	Janssen	McGill	

The Schumacher amendment lost with 24 ayes, 13 nays, 4 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Mello offered the following amendment to the committee amendment:

AM753

(Amendments to Standing Committee amendments, AM693)

- 1 1. On page 1, line 15, after the period insert "The
- 2 sum of all tax investments and amounts accrued as calculated by
- 3 the program rate, less any credits paid to a taxpayer pursuant
- 4 to the program, shall be an express obligation of the state for
- 5 purposes of the calculation required in subdivision (1)(b) of
- 6 section 77-2715.01.".
- 7 2. On page 2, strike beginning with "The" in line 10
- 8 through the period in line 12.

Senator Mello withdrew his amendment.

The committee amendment lost with 18 ayes, 8 nays, 15 present and not voting, 1 absent and not voting, and 7 excused and not voting.

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

Senator Schumacher requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Avery	Coash	Johnson	Nelson	Wallman
Bloomfield	Davis	Kintner	Price	Watermeier
Brasch	Hadley	Larson	Schilz	
Carlson	Hansen	McCoy	Smith	
Christensen	Harr, B.	Murante	Sullivan	

Voting in the negative, 15:

Adams	Conrad	Gloor	Kolowski	Nordquist
Bolz	Cook	Harms	Krist	Seiler
Campbell	Dubas	Karpisek	Lathrop	Wightman

Present and not voting, 4:

Howard	Mello	Pirsch	Schumacher
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Absent and not voting, 1:

Chambers

Excused and not voting, 7:

Ashford	Haar, K.	Lautenbaugh	Scheer
Crawford	Janssen	McGill	

Failed to advance to Enrollment and Review Initial with 22 ayes, 15 nays, 4 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

VISITOR

The Doctor of the Day was Dr. Robert Messbarger from Kearney.

ADJOURNMENT

At 7:36 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Tuesday, April 30, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

