

**SEVENTY-SECOND DAY - MAY 7, 2013****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION****SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 7, 2013

**PRAYER**

The prayer was offered by Pastor Ryan Lewis, St. Thomas More Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senators Ashford, Cook, B. Harr, Nelson, Price, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-first day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 2, 2013, at 2:35 p.m. were the following: LBs 166e, 154, 141, 107, 103, 59, 42, 646, 595e, 595Ae, 589e, 585, 487, 423, 240, 205, 69, 68, and 44.

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

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 296.** Placed on Final Reading.  
**LEGISLATIVE BILL 384.** Placed on Final Reading.  
**LEGISLATIVE BILL 384A.** Placed on Final Reading.  
**LEGISLATIVE BILL 476.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 410.** Placed on Select File with amendment. ER95 is available in the Bill Room.

**LEGISLATIVE BILL 306A.** Placed on Select File.

**LEGISLATIVE BILL 545.** Placed on Select File with amendment. ER96

- 1 1. On page 1, strike lines 2 through 7 and insert
- 2 "sections 71-1567, 71-4609, 75-134, 75-136, 75-139, 75-156,
- 3 75-722, 86-123, 86-158, 86-209, 86-255, 86-269, and 86-578,
- 4 Reissue Revised Statutes of Nebraska, and section 57-1409, Revised
- 5 Statutes Cumulative Supplement, 2012; to change appeal procedures
- 6 as prescribed; to provide for motions for reconsideration; to
- 7 harmonize provisions; to provide a duty for the Revisor of
- 8 Statutes; and to repeal the original sections.".

(Signed) John Murante, Chairperson

**AMENDMENT - Print in Journal**

Senator Watermeier filed the following amendment to LB507:  
AM1222

(Amendments to E & R amendments, ER94)

- 1 1. On page 10, strike beginning with "and" in line 7
- 2 through "FY2014-15" in line 8.

**MESSAGE FROM THE GOVERNOR**

May 7, 2013

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 169, 172, 192, 208, 222e, 223, 243, 277, 303, 329, 332, 344e, 345e, 349, 361, 377, 386, 420e, 435, 442, 458, 459, 493, 500, 538, 549, 643, and 647 were received in my office on May 1, 2013.

Engrossed Legislative Bills 42, 59, 103, 107, 141, 154, and 166e were received in my office on May 2, 2013.

These bills were signed and delivered to the Secretary of State on May 7, 2013.

Sincerely,

(Signed) Dave Heineman  
Governor

**MOTION - Return LB553 to Select File**

Senator Lautenbaugh moved to return LB553 to Select File for the following specific amendment:

AM1302

(Amendments to Final Reading copy)

- 1 1. On page 24, lines 18, 19, and 21, strike "twenty" and
- 2 insert "thirty".

Senator Lautenbaugh withdrew his motion to return.

**BILL 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 LB553 with 32 ayes, 4 nays, 8 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 553.** With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 79-966.01, 79-9,100, 79-9,103, and 79-9,105, Reissue Revised Statutes of Nebraska, and sections 24-703, 79-901, 79-902, 79-916, 79-947.06, 79-954, 79-958, 79-966, 79-9,113, 79-1003, 79-1028.01, and 81-2017, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to actuarial valuations of retirement systems and funds; to redefine terms; to change eligibility provisions for participation in school retirement systems and for disability benefits for beneficiaries; to change annual benefit cost-of-living adjustment provisions, state deposits, employer and employee contributions, and monthly formula retirement annuity provisions; to change provisions relating to state aid calculations for schools; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; 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, 27:

Adams	Crawford	Harms	Lathrop	Sullivan
Avery	Davis	Howard	McGill	Wallman
Bolz	Dubas	Johnson	Mello	Wightman
Campbell	Gloor	Karpisek	Scheer	
Carlson	Haar, K.	Kolowski	Schumacher	
Conrad	Hadley	Krist	Seiler	

Voting in the negative, 8:

Bloomfield	Christensen	Janssen	Larson
Brasch	Hansen	Kintner	Lautenbaugh

Present and not voting, 9:

Chambers	McCoy	Nordquist	Price	Watermeier
Harr, B.	Murante	Pirsch	Smith	

Excused and not voting, 5:

Ashford	Coash	Cook	Nelson	Schilz
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Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached.

### **MOTION - Reconsider Action on LB553**

Senator Nordquist offered the following motion to LB553:  
MO64

Reconsider the vote on final passage with the emergency clause attached.

Pending.

### **VISITORS**

Visitors to the Chamber were 74 fourth-grade students and teachers from North Park Elementary, Columbus; 27 fourth-grade students, teacher, and sponsors from Howard Kennedy Elementary, Omaha; 30 fourth-grade students and teachers from Fullerton; and 34 fourth-grade students and teachers from Tri-County Elementary, DeWitt.

### **RECESS**

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

### **AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Ashford, Christensen, Cook, Lautenbaugh, Nelson, and Schilz who were excused until they arrive.

**AMENDMENTS - Print in Journal**

Senator Smith filed the following amendment to LB104:  
AM1236

(Amendments to Standing Committee amendments, AM525)

- 1 1. On page 3, line 8, after the last comma insert "and";
- 2 and in line 9 strike ", and transmutation of elements".

Senator McCoy filed the following amendment to LB104:  
AM1216

(Amendments to Standing Committee amendments, AM525)

- 1 1. On page 3, line 6, after "sale" insert "if the
- 2 taxpayer gives a right of first refusal to purchase the first sixty
- 3 percent of such electricity to any district, as defined in section
- 4 70-601, serving the area where such electricity is produced".

**MOTION - Reconsider Action on LB553**

The Nordquist motion, MO64, found in this day's Journal, to reconsider the vote on final passage of LB553 with the emergency clause attached, was renewed.

Senator Lathrop moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The Nordquist motion to reconsider prevailed with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**BILLS ON FINAL READING**

The following bill was put upon final passage:

**LEGISLATIVE BILL 553.** With Emergency Clause.

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, 34:

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

Voting in the negative, 0.

Present and not voting, 13:

Bloomfield	Hansen	Larson	Pirsch	Watermeier
Brasch	Janssen	McCoy	Schilz	
Christensen	Kintner	Nelson	Smith	

Excused and not voting, 2:

Lautenbaugh Murante

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 553A.** With Emergency Clause.

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.

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, 34:

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

Voting in the negative, 0.

Present and not voting, 13:

Bloomfield	Hansen	Larson	Pirsch	Watermeier
Brasch	Janssen	McCoy	Schilz	
Christensen	Kintner	Nelson	Smith	

Excused and not voting, 2:

Lautenbaugh Murante

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

### CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Avery 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.

### RESOLUTION

**LEGISLATIVE RESOLUTION 171.** Introduced by Dubas, 34.

WHEREAS, from his birth on the banks of the Niobrara River in Nebraska until his death in 1908, Chief Standing Bear spent his life in a constant struggle to gain equality and justice for our nation's Native Americans; and

WHEREAS, Chief Standing Bear and the Ponca Tribe were forced in 1877 by federal treaty to leave their homeland in Nebraska for Indian Territory in what is now Oklahoma; and

WHEREAS, the hardship of travel, illness, and the conditions of Indian Territory caused many members of the tribe to perish, including Chief Standing Bear's son; and

WHEREAS, determined to bury his son in his homeland, Chief Standing Bear led thirty members of his tribe back to their home in Nebraska; and

WHEREAS, Chief Standing Bear became the first Native American to be recognized as a person in a federal court decision rendered in Omaha at the trial following his return to Nebraska; and

WHEREAS, it is essential to raise awareness of historical events in the lives of the original Native American inhabitants of Nebraska to promote justice and equality in the United States legal system; and

WHEREAS, a Chief Standing Bear Trail, spanning from Chief Standing Bear's homeland in Nebraska through Kansas and into Oklahoma, would increase knowledge and awareness of the story of Chief Standing Bear.

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

1. That the Legislature supports the development and designation of a continuous Chief Standing Bear Trail from Nebraska to Oklahoma and recognizes that the story of Nebraska's original Native American inhabitants

is vital to understanding the rich history of Nebraska and promoting the cultural well-being of all Nebraskans.

2. That a copy of this resolution be sent to the Commission on Indian Affairs.

Laid over.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR171 was referred to the Reference Committee.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 172.** Introduced by Hansen, 42; Coash, 27.

WHEREAS, Richard "Dick" Aupperle, Sr., died April 22, 2013, at the age of 75; and

WHEREAS, Dick was a master plumber working from Pine Ridge, South Dakota, to McCook, Nebraska, from Chadron to O'Neill, and finally from North Platte in his 52-year career; and

WHEREAS, Dick was known to be a wise business man and an extremely hard worker, compassionate towards those less fortunate, and a man who was a cornerstone in the framework of North Platte and the plumbing industry; and

WHEREAS, Dick was full of old-school wisdom and was hard around the edges, but he loved what he did; and

WHEREAS, Dick was always the first to the shop and never missed a Saturday of work; and

WHEREAS, Dick was a past member of the Elks Lodge and Moose Lodge and a sergeant in the National Guard; and

WHEREAS, Dick is survived by his children, Rick, John, and Susan, and two grandchildren, Thad and Theo.

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

1. That the Legislature honors the memory of Richard "Dick" Aupperle, his work ethic, and his generosity towards many.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Richard "Dick" Aupperle.

3. That copy of this resolution be sent to the family of Richard "Dick" Aupperle.

Laid over.



**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 583A.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 583, One Hundred Third Legislature, First Session, 2013.

**NOTICE OF COMMITTEE HEARING**

General Affairs

Room 1510

Tuesday, May 28, 2013 1:00 p.m.

Kristopher Covi - State Racing Commission

Robert Batt - Nebraska Liquor Control Commission

(Signed) Russ Karpisek, Chairperson

**EXPLANATION OF VOTES**

Had I been present, I would have voted "aye" on final passage of LBs 166e, 154, 141, 107, 103, 59, 42, 646, 595e, 595Ae, 589e, 585, 487, 423, 240, 205, 69, 68, and 44.

(Signed) Galen Hadley

**COMMITTEE REPORT**

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Blake Dillon - Motor Vehicle Industry Licensing Board

William Reeg - Motor Vehicle Industry Licensing Board

Aye: 6 Brasch, Dubas, Hadley, Price, Smith, Watermeier. Nay: 0. Absent: 2 Janssen, McCoy. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

**MESSAGE FROM THE GOVERNOR**

May 7, 2013

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 477 was received in my office on May 1, 2013.  
This bill was signed and delivered to the Secretary of State on May 7, 2013.

Sincerely,  
(Signed) Dave Heineman  
Governor

**SPEAKER ADAMS PRESIDING****SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 553 and 553A.

**SENATOR COASH PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 196.** Title read. Considered.

Senator Chambers offered the following amendment:  
FA75

Page 2, line 8, strike "\$588,000" where it appears and insert "\$700,000".

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 197.** Title read. Considered.

Committee AM1059, found on page 1200, was offered.

**SPEAKER ADAMS PRESIDING**

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

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 195.** Title read. Considered.

Committee AM656, found on page 1200, was offered.

Senator Mello offered his amendment, AM1229, found on page 1209, to the committee amendment.

Pending.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on May 7, 2013, at 3:28 p.m. were the following: LBs 553e and 553Ae.

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

### AMENDMENTS - Print in Journal

Senator Krist filed the following amendment to LB195:  
AM1303

(Amendments to Standing Committee amendments, AM656)

- 1 1. On page 40, after line 2 insert the following new
- 2 paragraph:
- 3 "It is the intent of the Legislature that for each
- 4 state-owned aircraft purchased on or after May 1, 2013, the
- 5 department establish a preventative maintenance fund and a
- 6 replacement fund that will be used only for such aircraft."

Senator Price filed the following amendment to LB195:  
AM1300

(Amendments to Standing Committee amendments, AM656)

- 1 Purpose: Reduces learning community aid from \$725,000
- 2 General Funds each year to \$650,000 which was Appropriations
- 3 Committee Preliminary recommended levels since LB585 was passed
- 4 that adds funding capacity for learning community operations (total
- 5 2-year savings: \$150,000 General Funds).
- 6 Amendment:
- 7 1. On page 24, strike line 3 and insert "GENERAL
- 8 FUND 1,124,584,513 1,157,361,858"; strike line 6 and insert
- 9 "PROGRAM TOTAL 1,418,714,589 1,451,491,934"; in line 8 strike
- 10 "\$1,124,659,513" and insert "\$1,124,584,513"; and in line 11 strike
- 11 "\$1,157,436,858" and insert "\$1,157,361,858".
- 12 2. On page 26, lines 6 and 7, strike "\$725,000" and
- 13 insert "\$650,000".

Senator McCoy filed the following amendment to LB195:  
AM1299

(Amendments to Standing Committee amendments, AM656)

1 Purpose: Eliminates \$150,000 General Funds in each fiscal  
2 year of biennium that removes earmark of Department of Natural  
3 Resources Soil and Water Conservation Program funds that are  
4 mandated to be contracted to the University of Nebraska-Lincoln for  
5 climate change studies and restore funding back to the Interrelated  
6 Water Management Plan Program.

7 Amendment:

- 8 1. On page 89, lines 16 and 17, strike each occurrence  
9 of "\$350,000" and insert "500,000"; and in lines 21 and 24 strike  
10 "\$350,000" and insert "\$500,000".  
11 2. On page 90, strike line 7 and insert "GENERAL FUND  
12 10,526,038 10,657,768"; strike line 10 and insert "PROGRAM TOTAL  
13 18,501,389 18,647,756".  
14 3. On page 91, strike lines 3 through 7.

Senator Lautenbaugh filed the following amendment to LB198:  
AM1187

(Amendments to Standing Committee amendments, AM658)

- 1 1. Strike section 46.  
2 2. Renumber the remaining sections accordingly.

Senator Hadley filed the following amendment to LB23A:  
AM1249

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following  
2 new section:  
3 Section 1. There is hereby appropriated \$469,919 from  
4 Cash Funds and \$574,345 from federal funds for FY2014-15 to the  
5 Department of Health and Human Services, for Program 348, to aid  
6 in carrying out the provisions of Legislative Bill 23, One Hundred  
7 Third Legislature, First Session, 2013.  
8 No expenditures for permanent and temporary salaries and  
9 per diems for state employees shall be made from funds appropriated  
10 in this section.  
11 2. On page 1, lines 3 and 4, strike "; and to declare an  
12 emergency".

Senator Krist filed the following amendment to LB407:  
AM1307

(Amendments to AM1102)

- 1 1. On page 2, strike beginning with the first "and"  
2 in line 14 through "thereafter" in line 15, show as stricken,  
3 and insert "(b) for school fiscal years 2013-14 and 2014-15";  
4 and in line 23 after "allowance" insert ", and (c) for school  
5 fiscal year 2015-16 and each school fiscal year thereafter, the

6 difference of the general fund operating expenditures as calculated  
 7 pursuant to subdivision (22) of this section increased by the  
 8 cost growth factor calculated pursuant to section 79-1007.10,  
 9 minus the transportation allowance, special receipts allowance,  
 10 poverty allowance, limited English proficiency allowance, distance  
 11 education and telecommunications allowance, elementary site  
 12 allowance, summer school allowance, teacher education allowance,  
 13 and focus school and program allowance".

14 2. On page 26, strike line 19, show as stricken, and  
 15 insert "(a) school fiscal years 2013-14 and 2014-15,".

16 3. On page 27, line 4, after "correction" insert "and  
 17 (b) school fiscal year 2015-16 and each school fiscal year  
 18 thereafter, each school district's formula need shall equal the  
 19 difference of the sum of the school district's basic funding,  
 20 poverty allowance, limited English proficiency allowance, focus  
 21 school and program allowance, summer school allowance, special  
 22 receipts allowance, transportation allowance, elementary site  
 1 allowance, teacher education allowance, distance education and  
 2 telecommunications allowance, averaging adjustment, new learning  
 3 community transportation adjustment, student growth adjustment,  
 4 any positive student growth adjustment correction, and new school  
 5 adjustment, minus the sum of the limited English proficiency  
 6 allowance correction, poverty allowance correction, and any  
 7 negative student growth adjustment correction".

8 4. On page 35, strike beginning with "year" in line  
 9 12 through "thereafter" in line 13 and insert "years 2013-14 and  
 10 2014-15".

11 5. On page 36, line 3, strike "twenty" and insert "ten";  
 12 and after line 10 insert the following new subsection:

13 "(3) This section terminates on June 30, 2015.".

14 6. On page 40, line 25, strike "and each school fiscal  
 15 year thereafter" and show as stricken.

16 7. On page 41, after line 7, insert the following new  
 17 subsection:

18 "(5) For state aid calculated for school fiscal year  
 19 2015-16 and each school fiscal year thereafter, local system  
 20 formula resources includes teacher education aid determined for  
 21 each district pursuant to subdivision (4) of section 79-1007.25,  
 22 allocated income tax funds determined for each district pursuant to  
 23 section 79-1005.01, and adjustments pursuant to section 79-1008.02  
 24 and is reduced by amounts paid by the district in the most recently  
 25 available complete data year as property tax refunds pursuant to or  
 26 in the manner prescribed by section 77-1736.06.".

Senator Campbell filed the following amendment to LB269A:  
 AM1291

(Amendments to Final Reading copy)

1 1. Insert the following new section:

2 Sec. 3. If Legislative Bill 530, One Hundred Third

3 Legislature, First Session, 2013, becomes law, there is hereby  
 4 appropriated \$88,000 from the General Fund for FY2014-15 to the  
 5 Foster Care Review Office, for Program 353, to aid in carrying  
 6 out the provisions of Legislative Bill 269, One Hundred Third  
 7 Legislature, First Session, 2013.

8 Total expenditures for permanent and temporary salaries  
 9 and per diems from funds appropriated in this section shall not  
 10 exceed \$66,625 for FY2014-15.

11 2. On page 2, line 16, strike "65,000" and insert  
 12 "66,463".

13 3. Renumber the remaining sections accordingly.

Senator Coash filed the following amendment to LB199:  
 AM1232

(Amendments to Standing Committee amendments, AM659)

1 1. Insert the following new sections:

2 Sec. 33. Section 81-2509, Revised Statutes Cumulative  
 3 Supplement, 2012, is amended to read:

4 81-2509 For purposes of sections 81-2509 to 81-2515:

5 ~~(1) Census designated place means a concentration of~~  
 6 ~~population identified by the United States Department of Commerce,~~  
 7 ~~Bureau of the Census, that lacks a separate municipal government~~  
 8 ~~but otherwise physically resembles an incorporated city or village,~~  
 9 ~~that is associated with an Indian reservation, and that is in~~  
 10 ~~a county with fewer than six thousand four hundred inhabitants~~  
 11 ~~according to the most recent federal decennial census;~~

12 ~~(2)-(1) Commission means the Commission on Indian~~  
 13 ~~Affairs;~~

14 ~~(3)-(2) Indian reservation means a tract of land set~~  
 15 ~~apart by the federal government for the use of the Native American~~  
 16 ~~people; and~~

17 ~~(4)-(3) Political subdivision means a city, village,~~  
 18 ~~or county within a thirty-mile-sixty-mile radius of a~~  
 19 ~~census designated place an Indian reservation or a tribal~~  
 20 ~~government that owns land within such thirty-mile-sixty-mile~~  
 21 ~~radius.~~

22 Sec. 34. Section 81-2510, Revised Statutes Cumulative  
 1 Supplement, 2012, is amended to read:

2 81-2510 Any political subdivision or nonprofit  
 3 corporation may annually apply to the commission for state  
 4 assistance under sections 81-2509 to 81-2515. The state assistance  
 5 shall be used by the applicant for economic development,  
 6 education, health care, and law enforcement needs in such political  
 7 subdivision when the applicant is a political subdivision and  
 8 in the political subdivision where the nonprofit corporation is  
 9 located when the applicant is a nonprofit corporation.

10 Sec. 35. Section 81-2511, Revised Statutes Cumulative  
 11 Supplement, 2012, is amended to read:

12 81-2511 (1) All applications for state assistance under

13 sections 81-2509 to 81-2515 shall be in writing, ~~include a~~  
 14 ~~certified copy of the approving action of the governing body~~  
 15 ~~of the applicant describing~~ describe the proposed use for the  
 16 state assistance, and be of such form and contain the content as  
 17 the commission shall prescribe. An application from a political  
 18 subdivision shall include a certified copy of the action by  
 19 the governing body of the political subdivision approving the  
 20 application. The commission shall ~~and~~ publish application forms for  
 21 distribution to a political subdivision or nonprofit corporation  
 22 upon request.

23 (2) Upon receiving an application for state assistance,  
 24 the commission shall review the application and notify the  
 25 applicant of any additional information needed for a proper  
 26 evaluation of the application.

27 (3) Any state assistance received pursuant to sections  
 1 81-2509 to 81-2515 shall be used only for public purposes.

2 Sec. 36. Section 81-2513, Revised Statutes Cumulative  
 3 Supplement, 2012, is amended to read:

4 81-2513 (1) After consideration of the application, ~~and~~  
 5 ~~the evidence~~, the commission shall issue a finding of whether the  
 6 use described in the application is eligible for state assistance.

7 (2) If the commission finds that the use described in the  
 8 application is a legitimate use and that state assistance is in the  
 9 best interest of the state, the application shall be approved.

10 (3) If no applications are approved, the commission may  
 11 use the funds in the Designated Collection Fund directly for the  
 12 needs listed in section 81-2510.

13 ~~(3)-(4)~~ A majority of the commission members constitutes  
 14 a quorum for the purpose of conducting business. All actions of the  
 15 commission shall be made by a majority vote of the voting members.

16 Sec. 42. The following section is outright repealed:

17 Section 81-2512, Revised Statutes Cumulative Supplement, 2012.

18 2. On page 38, line 27, after the last comma insert

19 "81-2509, 81-2510, 81-2511, 81-2513,".

20 3. Renumber the remaining sections accordingly.

Senator Davis filed the following amendment to LB634:  
 AM1158

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:

3 Section 1. Sections 1 to 4 of this act shall be known and  
 4 may be cited as the Wildfire Control Act of 2013.

5 Sec. 2. The Legislature finds that the State of  
 6 Nebraska's forests, pasture lands, and rangelands have been  
 7 destroyed by catastrophic wildfires, primarily due to higher  
 8 temperatures, intense and prolonged drought, increased forest  
 9 fuel-loads, and the extensive spread of Eastern Red Cedar trees  
 10 into forests, pasture lands, and rangelands. Because of these  
 11 conditions, wildfires occur more frequently, spread and grow very

12 rapidly upon ignition, and consume large tracts of productive land.  
 13 These severe, fast-moving wildfires put the lives of citizens,  
 14 emergency responders, and visitors at great risk, are difficult  
 15 to control, quickly overwhelm local suppression capacity, and cost  
 16 enormous amounts of money to suppress and control.

17 Sec. 3. (1) Pursuant to the Wildfire Control Act of 2013,  
 18 the Nebraska Emergency Management Agency shall contract for all  
 19 costs to place one single-engine air tanker in Nebraska for use in  
 20 fighting wildfires.

21 (2) It is the intent of the Legislature that the Nebraska  
 22 Emergency Management Agency deploy the single-engine air tanker  
 23 quickly and without delay so as to prevent the rapid spread of  
 1 wildfires upon ignition.

2 (3) The Nebraska Emergency Management Agency shall  
 3 prepare a report on or before December 1 of each year describing  
 4 (a) the date and time each request to deploy a single-engine air  
 5 tanker is made to the agency, (b) the date and time a single-engine  
 6 air tanker was deployed in response to a request for such a tanker,  
 7 (c) an explanation of the reason for any delay of more than one  
 8 hour from the time of a request for deployment of a single-engine  
 9 air tanker and the time of the actual deployment of such a tanker,  
 10 and (d) an explanation of the reason for the denial of a request  
 11 to deploy a single-engine air tanker. The report shall be submitted  
 12 electronically to the Governor and to the Clerk of the Legislature.

13 Sec. 4. Pursuant to the Wildfire Control Act of 2013,  
 14 the Nebraska Forest Service shall (1) administer programs to thin  
 15 forests to reduce forest fuel-loads in order to substantially  
 16 reduce wildfire risk, intensity, and rate of spread and develop  
 17 markets for woody biomass generated from forest thinnings, (2)  
 18 provide expanded training programs for volunteer firefighters,  
 19 private landowners, and communities in Nebraska in fire suppression  
 20 tactics of wildfires in order to increase suppression effectiveness  
 21 and safety, (3) expand the federal excess property programs  
 22 sponsored by the United States Department of Agriculture and  
 23 the United States Department of Defense and managed by the Nebraska  
 24 Forest Service in Nebraska, (4) oversee the rehabilitation of  
 25 forest lands that have been destroyed by wildfires, (5) manage  
 26 single-engine air tanker bases and operations in Nebraska, and (6)  
 27 contract to construct at least two single-engine air tanker bases  
 1 and develop one or more mobile single-engine air tanker bases in  
 2 Nebraska.

3 Sec. 5. Since an emergency exists, this act takes effect  
 4 when passed and approved according to law.

Senator Davis filed the following amendment to LB634A:  
 AM1174

1 1. Insert the following new section:

2 Sec. 2. There is hereby appropriated (1) \$300,000 from  
 3 the General Fund for FY2013-14 and (2) \$300,000 from the General



- 4 Fund for FY2014-15 to the Military Department, for Program 545,  
5 for the Nebraska Emergency Management Agency, to aid in carrying  
6 out the provisions of Legislative Bill 634, One Hundred Third  
7 Legislature, First Session, 2013.  
8 2. On page 2, line 1, strike "\$1,725,000" and insert  
9 "\$1,245,000"; and in line 2 strike "\$1,725,000" and insert  
10 "\$1,095,000".  
11 3. Renumber the remaining section accordingly.

Senator Hansen filed the following amendment to LB195:  
AM1297

(Amendments to Standing Committee amendments, AM656)

- 1 Purpose: Eliminate \$250,000 in each year of biennium that  
2 was added to fund LB234 and restore existing program to current law  
3 funding levels (total savings: \$500,000 General Funds).  
4 Amendment:  
5 1. On page 76, strike line 20 and insert "GENERAL FUND  
6 5,790,612 5,640,612"; strike line 23 and insert "PROGRAM TOTAL  
7 71,328,654 71,178,654"; and in line 25 strike "\$6,040,612" and  
8 insert "\$5,790,612".  
9 2. On page 77, line 1, strike "\$5,890,612" and insert  
10 "\$5,640,612".  
11 3. On page 78, lines 1 and 3, strike "\$1,100,000" and  
12 insert "\$850,000".

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

Senator McGill asked unanimous consent to add her name as cointroducer to LB505. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were members from the Dawson Area Development-Leadership Class; 12 students, teacher, and sponsors from Bellwood Attendance Center; Senator Watermeier's father-in-law, Jim and Jean Laessle, from Scottsbluff and Doug Gilbaugh from Lincoln; 43 fourth-grade students and teachers from Woodland Park Elementary, Norfolk; 75 fourth-grade students from Jefferson Elementary, Omaha; and 40 sixth-grade students and teachers from Valentine.

### **ADJOURNMENT**

At 5:30 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Wednesday, May 8, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature

