

SEVENTY-THIRD DAY - MAY 8, 2013
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 8, 2013

PRAYER

The prayer was offered by Pastor Tim Wiebe, Brookside Church, Papillion.

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 Ashford, Lautenbaugh, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

GENERAL FILE

LEGISLATIVE BILL 195. Senator Mello renewed his amendment, AM1229, found on page 1209 and considered on page 1267, to the committee amendment.

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

Senator Krist offered his amendment, AM1303, found on page 1267, to the committee amendment.

Senator Krist withdrew his amendment.

Senator Price offered his amendment, AM1300, found on page 1267, to the committee amendment.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 196. Placed on Select File.**LEGISLATIVE BILL 197.** Placed on Select File with amendment.
ER98

- 1 1. In the Standing Committee amendments, AM1059, on page
- 2 3, line 6, after the second "5" insert a comma.

(Signed) John Murante, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 173.** Introduced by Nordquist, 7; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Conrad, 46; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; B. Harr, 8; Kolowski, 31; Lathrop, 12; Mello, 5; Nelson, 6; Pirsch, 4; Price, 3; Scheer, 19; Sullivan, 41; Watermeier, 1; Wightman, 36.

WHEREAS, the March of Dimes was founded by President Franklin D. Roosevelt in 1938 to fight polio and funded the development of two vaccines still in use today that virtually eliminated the crippling disease; and

WHEREAS, after achieving its initial mission, in 1958 the March of Dimes shifted its focus from polio to the prevention of birth defects, and through federal and state advocacy led the way in establishing a nationwide network of birth defects monitoring programs and research centers; and

WHEREAS, the March of Dimes has undertaken decades of groundbreaking research in maternal and child health which has led to the discovery of life-saving products and tests such as surfactant therapy for premature infants and tests to identify life-threatening birth defects; and

WHEREAS, in 2003 the March of Dimes launched the Prematurity Campaign to address the crisis of premature births and help families have full-term, healthy babies and authored the Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early Act which Congress enacted in 2006 to expand research, education, and services to fight premature births; and

WHEREAS, the March of Dimes was a pioneer in the support of newborn screening and urged Congress to pass and fund the Newborn Screening Saves Lives Act which established national guidelines in 2008 on the conditions states should include in newborn programs, and through state advocacy ensured that every state screens all newborns for that core set of conditions; and

WHEREAS, the March of Dimes is a longtime advocate for access to health care for mothers, infants, children, and families to ensure they have access to private and public health coverage, including under the State Children's Health Insurance Program, Medicaid, the Title V Block Grant Program, and the Patient Protection and Affordable Care Act; and

WHEREAS, the March of Dimes has set a national goal of reducing pre-term births to 9.6 percent in every state by 2020 which will result in a healthier start in life for tens of thousands of infants; and

WHEREAS, the March of Dimes sponsors numerous programs to support healthy pregnancies and infants, such as its work to prevent early elective deliveries and the Newborn Intensive Care Unit Family Support Program; and

WHEREAS, the March of Dimes Foundation has been a pioneer in preventing birth defects, premature births, and infant mortality and March of Dimes volunteers continue to advocate for national and state health policies and programs that improve the health of mothers, infants, children, and families.

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

1. That the Legislature extends special recognition to the Nebraska Chapter of the March of Dimes on its observance of the 75th anniversary of the March of Dimes.

2. That a copy of this resolution be sent to Rosemary Opbroek, Executive Director of the Nebraska Chapter of the March of Dimes.

Laid over.

VISITORS

Visitors to the Chamber were 45 fourth-grade students and teachers from Plattsmouth; 65 fourth-grade students and teachers from Cardinal Elementary, South Sioux City; 15 eighth-grade students, teacher, and sponsors from St. Patrick's School, McCook; 70 fourth-grade students and teachers from Fairview Elementary, Bellevue; 7 third- through sixth-grade students and teachers from St. Andrew Catholic School, Tecumseh; 100 fourth-grade students and teachers from Bancroft Elementary, Omaha; and 4 students and sponsor from the STOP Youth Group Monument Prevention Coalition, Scottsbluff.

RECESS

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

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Ashford, Christensen, Conrad, Janssen, and Watermeier who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 174. Introduced by Campbell, 25.

WHEREAS, National Children's Mental Health Awareness Day is May 9, 2013; and

WHEREAS, National Children's Mental Health Awareness Day is part of an initiative started in 2005 by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services to raise awareness of the importance of children's mental health; and

WHEREAS, a variety of Nebraska health care, social service, nonprofit, and other organizations have formed Project Relate as part of the national initiative to help raise awareness; and

WHEREAS, according to Project Relate, one out of five children in Nebraska is affected by mental health problems, and 23,000 children under the age of 17 in Nebraska have serious mental problems which account for five percent of our state's youth; and

WHEREAS, suicide is the third leading cause of death in Nebraska for young people between the ages of 8 and 24, and many Nebraska children affected by mental health problems are not getting the help that they need.

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

1. That the Legislature acknowledges that good mental health is essential to a child's healthy development beginning from birth and supports initiatives which raise awareness of the importance of children's mental health.

2. That the Legislature recognizes May 9, 2013, as National Children's Mental Health Awareness Day.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 195. The Price amendment, AM1300, found on page 1267 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Price withdrew his amendment.

Senator McCoy offered his amendment, AM1299, found on page 1268, to the committee amendment.

SENATOR COASH PRESIDING**SENATOR SCHUMACHER PRESIDING**

Senator McCoy asked unanimous consent to withdraw his amendment,

AM1299, found on page 1268 and considered in this day's Journal, and replace it with his substitute amendment, FA76, to the committee amendment. No objections. So ordered.

FA76

Amend AM656

Page 91, line 5, strike "to" through line 6, "Natural Resources"

Senator Wallman moved the previous question. The question is, "Shall the debate now close?"

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

SENATOR KRIST PRESIDING

Senator Wallman requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 28:

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

Voting in the negative, 15:

Bloomfield	Hansen	Larson	Murante	Schilz
Brasch	Janssen	Lautenbaugh	Pirsch	Smith
Chambers	Kintner	McCoy	Price	Watermeier

Present and not voting, 2:

Carlson Nelson

Excused and not voting, 4:

Ashford Christensen Coash Harr, B.

The motion to cease debate prevailed with 28 ayes, 15 nays, 2 present and not voting, and 4 excused and not voting.

Senator McCoy requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 10:

Bloomfield Hansen	Janssen Lautenbaugh	McCoy Murante	Pirsch Price	Schilz Watermeier
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Voting in the negative, 31:

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

Present and not voting, 4:

Brasch	Kintner	Larson	Smith
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Excused and not voting, 4:

Ashford	Christensen	Coash	Harr, B.
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The McCoy amendment lost with 10 ayes, 31 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Hansen offered his amendment, AM1297, found on page 1273, to the committee amendment.

Senator McGill moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

The Hansen amendment lost with 7 ayes, 29 nays, 9 present and not voting, and 4 excused and not voting.

Senator Mello offered the following amendment to the committee amendment:

AM1320

(Amendments to Standing Committee amendments, AM656)

- 1 Purpose: Increase Revolving Funds for the Nebraska Public
- 2 Safety Communication System. This funding will allow for three
- 3 additional towers and equipment to be added to the statewide
- 4 system. This will address necessary improvements and enhanced
- 5 coverage.
- 6 Amendment:
- 7 1. On page 128, in lines 13 and 14 strike "1,963,683
- 8 1,971,732" and insert "3,333,433 3,341,482".

Senator Lathrop moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

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

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR171	Natural Resources

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORT

Executive Board

LEGISLATIVE RESOLUTION 155. Reported to the Legislature for further consideration with the following amendment:
AM1328

- 1 1. On page 1, in the last line strike "and".
- 2 2. On page 2, in the first line before the period insert
- 3 "; and
- 4 (g) Two other members of the Legislature selected by the
- 5 Executive Board of the Legislative Council".

(Signed) John Wightman, Chairperson

AMENDMENT - Print in Journal

Senator Hansen filed the following amendment to LB198:
AM1188

(Amendments to Standing Committee amendments, AM658)

- 1 1. Strike section 45.
- 2 2. Renumber the remaining sections accordingly.

AMENDMENT - Refile in Journal

Senator Krist refiled his amendment, AM1041, found on page 1057 and withdrawn on page 1148, to LB407.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB195:
AM1321

(Amendments to Standing Committee amendments, AM656)

1 Purpose: To permanently fund the administrative
2 assistant.

3 Amendment:

4 1. On page 144, strike lines 5 through 8 and insert:

5 "GENERAL FUND	205,261	208,175
6 CASH FUND	20,000	20,000
7 PROGRAM TOTAL	225,261	228,175
8 SALARY LIMIT	183,876	186,406".

Senators Dubas and Chambers filed the following amendment to LB194:
AM1324

(Amendments to Standing Committee amendments, AM655)

1 Purpose: Delete funding for the replacement airplane.

2 Amendment:

3 1. On page 33, line 24, strike "2,164,760" and insert
4 "-0-"; in line 26 strike "2,863,881" and insert "699,121"; and
5 after line 26 insert the following:

6 "The Department of Aeronautics shall contract for an
7 independent study to determine the following:

8 (1) Whether the state should purchase a plane and assume
9 the resulting short-term and long-term costs and liabilities or
10 whether privately owned aircraft should be used through rental,
11 time-share, lease, or other arrangements; and

12 (2) If it is determined that the state should purchase
13 its own airplane, what airplane will best fit the needs of the
14 state. This would include, but not be limited to, a determination
15 of performance and passenger requirements; whether to purchase
16 a new aircraft with warranty versus a used plane; and the
17 identification of the short-term and long-term (life-cycle) costs
18 of all aircraft under consideration."

Senator Sullivan filed the following amendment to LB497:
AM1315

(Amendments to E & R amendments, ER53)

1 1. On page 1, line 23; and page 2, line 1, reinstate the
2 stricken matter.

3 2. On page 2, line 1, strike "(a)" and insert "Nebraska
4 Education Improvement Fund."; in lines 3 through 5 strike the new
5 matter and insert "as provided in subsection (3) of this section";
6 in line 23 strike "(i)" and insert "Beginning July 1, 2016,
7 forty-four and one-half percent of the money remaining after the
8 payment of prizes and operating expenses and the initial transfer
9 to the Compulsive Gamblers Assistance Fund shall be transferred to
10 the Nebraska Education Improvement Fund;

- 11 (c)"; and in line 27 strike the new matter.
 12 3. On page 3, lines 1 through 4, strike the new matter;
 13 in line 5 strike "(c)", show as stricken, and insert "(d)"; in
 14 lines 9 and 10 strike the new matter; in line 11 strike "(d)", show
 15 as stricken, and insert "(e)"; and in line 16 strike "(e)", show as
 16 stricken, and insert "(f)".
 17 4. On page 4, line 2, strike "(f)", show as stricken, and
 18 insert "(g)".
 19 5. On page 11, strike beginning with "subdivision" in
 20 line 8 through "section" in line 9 and insert "subsections (3)
 21 and (4) of this section, money transferred pursuant to section
 22 85-1920".
 1 6. On page 12, line 12, after "report" insert
 2 "electronically"; and in line 14 strike "2013" and insert "2014".

MESSAGE FROM THE GOVERNOR

May 8, 2013

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 44, 68, 69, 205, 240, 423, 487, 585, 589e, 595e, 595Ae, and 646 were received in my office on May 2, 2013.

These bills were signed and delivered to the Secretary of State on May 8, 2013.

Sincerely,
 (Signed) Dave Heineman
 Governor

GENERAL FILE

LEGISLATIVE BILL 195. Senator Schilz offered the following amendment to the committee amendment:

AM1259

(Amendments to Standing Committee amendments, AM656)

- 1 1. On page 37, lines 11 and 12, strike each occurrence of
- 2 "115,000,000" and insert "122,500,000".

SENATOR CARLSON PRESIDING

Pending.

AMENDMENT - Print in Journal

Senator Lautenbaugh filed the following amendment to LB195:
AM1195

(Amendments to Standing Committee amendments, AM656)

- 1 1. On page 31, line 19, strike "1,984,871 1,969,536"
- 2 and insert "1,882,188 1,886,538"; and in line 21 strike "2,747,277
- 3 2,443,490" and insert "2,644,594 2,360,492".

VISITORS

Visitors to the Chamber were 25 sixth-grade students and teachers from Superior; Senator Watermeier's parents, Gene and Lois, from Syracuse; 90 fourth-grade students, teachers, and sponsors from Gothenburg; 31 fourth-grade students and teachers from St. Michael Catholic School, Lincoln; and Annie Himes from Omaha.

The Doctor of the Day was Dr. Ron Klutman from Columbus.

ADJOURNMENT

At 7:58 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Thursday, May 9, 2013.

Patrick J. O'Donnell
Clerk of the Legislature