

SEVENTY-FIFTH DAY - MAY 10, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 10, 2013

PRAYER

The prayer was offered by Pastor Jason Wolter, St. John's Lutheran Church, Tecumseh.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senators Avery, Conrad, K. Haar, B. Harr, Lautenbaugh, and McCoy who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 9, 2013, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Jensen Rogert Associates, Inc.
Exeter Group, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:

<http://www.nebraskalegislature.gov/agencies/view.php>

GENERAL FILE

LEGISLATIVE BILL 194. Senator Chambers offered the following motion:

MO65

Reconsider the vote taken on AM1324.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The Chambers motion to reconsider prevailed with 28 ayes, 14 nays, 5 present and not voting, and 2 excused and not voting.

The Dubas-Chambers amendment, AM1324, found on page 1282 and considered on page 1297, to the committee amendment, was reconsidered.

The Dubas-Chambers amendment was adopted with 26 ayes, 14 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Krist withdrew his amendment, AM1342, found on page 1298.

Senator Wallman withdrew his amendment, AM1345, found on page 1298.

Committee AM655, found on page 1200 and considered on page 1297, as amended, was renewed.

The committee amendment, as amended, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 536. Title read. Considered.

Committee AM904, found on page 976, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 407. ER91, found on page 1194, was adopted.

Senator Krist offered his amendment, AM1307, found on page 1268.

SENATOR COASH PRESIDING

Senator Krist withdrew his amendment.

Senator Krist reoffered his amendment, AM1041, found on page 1057, withdrawn on page 1148, and refiled on page 1281.

Senator Krist withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 180. Introduced by Crawford, 45.

WHEREAS, Janis Elliott taught physics to hundreds of Bellevue, Nebraska, students throughout her teaching career; and

WHEREAS, science, technology, engineering, and mathematics skills are increasingly important for postsecondary education and career success in the 21st Century; and

WHEREAS, Ms. Elliott inspired many students to pursue careers in mathematics, science, engineering, and teaching; and

WHEREAS, Ms. Elliott received the Technology Toolkit Award from the Armed Forces Communications and Electronics Association in 2008 and 2012; and

WHEREAS, in 2013 the Nebraska State Education Association (NSEA) awarded Ms. Elliott its Teaching Excellence Award in recognition of her teaching accomplishments.

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

1. That the Legislature congratulates Janis Elliott for receiving the NSEA Teaching Excellence Award and commends her for her dedication and service to the students of Bellevue, Nebraska.

2. That a copy of this resolution be sent to Janis Elliott.

Laid over.

AMENDMENT - Print in Journal

Senator Lathrop filed the following amendment to LB517:
AM1308

(Amendments to Final Reading copy)

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

3 Section 1. The Legislature finds that:

4 (1) Nebraska's water resources are finite and must
5 be wisely managed to ensure their continued availability for
6 beneficial use;

7 (2) The state must invest in: (a) Research and data

8 gathering; (b) further integrating the management of Nebraska's
9 water supplies; (c) improving the state's aging and antiquated
10 water supply infrastructure; (d) building new water supply
11 infrastructure; (e) promoting coordination and collaboration among
12 all water users; and (f) providing information to policymakers to
13 justify a stable source of project funds; and

14 (3) To determine the costs of effective conservation,
15 sustainability, and management of Nebraska's water resources, the
16 state's identified water needs must be compiled and organized and a
17 process must be established in order to identify statewide projects
18 and research recommendations.

19 Sec. 2. (1) The Water Sustainability Committee is created
20 as a special legislative committee. The committee shall comprise
21 the members of the Natural Resources Committee of the Legislature
22 and shall be chaired by the chairperson of the Natural Resources
1 Committee. The Water Sustainability Committee shall meet as often
2 as necessary to accomplish the objectives established in sections
3 1 to 4 of this act. Meetings shall be held in Lincoln as well as
4 other locations outside Lincoln as determined by the chairperson.

5 (2) The Water Sustainability Committee terminates on
6 December 31, 2013.

7 Sec. 3. The Water Sustainability Committee may consult
8 with other groups in its work, including, but not limited to, the
9 University of Nebraska, the Department of Environmental Quality,
10 the Game and Parks Commission, the United States Army Corps of
11 Engineers, the United States Geological Survey, the United States
12 Fish and Wildlife Service, the United States Bureau of Reclamation,
13 and the Natural Resources Conservation Service of the United States
14 Department of Agriculture.

15 Sec. 4. (1) On or before December 31, 2013, the
16 Water Sustainability Committee shall develop and provide a report
17 electronically to the Legislature which contains the following:

18 (a) Recommendations for a strategic plan which
19 prioritizes programs, projects, and activities in need of funding.
20 The recommendations shall give equal consideration to and be
21 classified into the following categories:

22 (i) Research, data, and modeling needed to assist the
23 state in meeting its water management goals;

24 (ii) Rehabilitation or restoration of water supply
25 infrastructure, new water supply infrastructure, or water supply
26 infrastructure maintenance;

27 (iii) Conjunctive management, storage, and integrated
1 management of ground water and surface water; and

2 (iv) Compliance with interstate compacts or agreements or
3 other formal state contracts or agreements;

4 (b) Recommendations for ranking criteria to identify
5 funding priorities based on, but not limited to, the following
6 factors:

7 (i) The extent to which the program, project, or activity

8 provides increased water productivity and otherwise maximizes the
9 beneficial use of Nebraska's water resources for the benefit of its
10 residents;

11 (ii) The extent to which the program, project, or
12 activity assists the state in meeting its obligations under
13 interstate compacts or decrees or other formal state contracts
14 or agreements;

15 (iii) The extent to which the program, project, or
16 activity utilizes objectives described in the Annual Report and
17 Plan of Work for the Nebraska State Water Planning and Review
18 Process issued by the Department of Natural Resources;

19 (iv) The extent to which the program, project, or
20 activity has been approved for, but has not received, funding
21 through an established state program;

22 (v) The cost effectiveness of the program, project, or
23 activity relative to achieving the state's water management goals;

24 (vi) The extent to which the program, project, or
25 activity contributes to the state's ability to leverage state
26 dollars with local or federal government partners or other partners
27 to maximize the use of its resources; and

1 (vii) The extent to which the program, project, or
2 activity contributes to multiple water supply management goals,
3 including, but not limited to, flood control, agricultural
4 uses, recreation benefits, wildlife habitat, conservation of
5 water resources, and preservation of water resources for future
6 generations;

7 (c) Recommendations for legislation on a permanent
8 structure and process through which the programs, projects, or
9 activities described in this section will be provided with funding,
10 including:

11 (i) A permanent governing board structure and membership;

12 (ii) An application process;

13 (iii) A statewide project distribution mechanism; and

14 (iv) A timeframe for funding allocations based on the
15 list of programs, projects, and activities provided for in this
16 section;

17 (d) Recommendations for the annual funding amount and the
18 start date for distribution of funds; and

19 (e) Recommendations for statutory changes relating to
20 regulatory authorities and to funds and programs administered by,
21 and boards and commissions under the direction of, the department,
22 based on the committee's evaluation of the efficiency of such
23 funds, programs, boards, and commissions.

24 (2) The recommendations of the committee shall be reached
25 by consensus, and the vote of each committee member on each
26 recommendation shall be recorded as In Favor, Opposed, or Not
27 Voting and published in the report.

1 (3) The committee shall make every effort to identify and
2 consult with all water use stakeholder groups in Nebraska on the

- 3 development of the recommendations required under sections 1 to 4
 4 of this act.
 5 Sec. 5. Since an emergency exists, this act takes effect
 6 when passed and approved according to law.
 7 2. On page 1, strike beginning with line 2 through the
 8 first semicolon in line 4 and insert "the Water Sustainability
 9 Committee; to provide powers and duties;".

SPEAKER ADAMS PRESIDING

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB3 with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 3. With Emergency Clause.

A BILL FOR AN ACT relating to liens; to amend sections 52-1901 and 52-1902, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2012; to create the offense of fraudulently filing a financing statement, lien, or document; to provide a penalty; to provide and change provisions relating to nonconsensual common-law liens; to adopt the Commercial Real Estate Broker Lien Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 2:

Chambers Conrad

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 99.

A BILL FOR AN ACT relating to criminal justice; to amend sections 20-501, 20-502, 20-504, 20-505, and 20-506, Reissue Revised Statutes of Nebraska, and sections 81-1822 and 81-1833, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to prohibited conduct and racial profiling prohibition policies; to require a racial profiling prevention policy; to eliminate a termination date regarding maintenance of certain records; to change powers and duties of the Nebraska Commission on Law Enforcement and Criminal Justice; to change appointment provisions and duties for the Racial Profiling Advisory Committee; to change and eliminate provisions relating to awards and reports under the Nebraska Crime Victim's Reparations Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-1834, Revised Statutes Cumulative Supplement, 2012.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 2:

Chambers Conrad

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

LEGISLATIVE BILL 299.

A BILL FOR AN ACT relating to elections; to amend section 32-554, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2012; to require the Secretary of State to develop and publish guidelines for election workers; to change provisions regarding political subdivisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Conrad

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

LEGISLATIVE BILL 384. With Emergency Clause.

A BILL FOR AN ACT relating to insurance; to adopt the Nebraska Exchange Transparency Act; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Conrad

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

LEGISLATIVE BILL 384A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 384, 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Christensen

Excused and not voting, 2:

Chambers Conrad

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

LEGISLATIVE BILL 476.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1201.21, 81-1210.01, 81-1210.02, and 81-1210.03, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to grants for internships; to define and redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 2:

Chambers Conrad

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

MOTION - Return LB23A to Select File

Senator Hadley moved to return LB23A to Select File for his specific amendment, AM1249, found on page 1268.

The Hadley motion to return prevailed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 23A. The Hadley specific amendment, AM1249, found on page 1268, was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB269A to Select File

Senator Campbell moved to return LB269A to Select File for her specific amendment, AM1291, found on page 1269.

The Campbell motion to return prevailed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 269A. The Campbell specific amendment, AM1291, found on page 1269, was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendment to LB6

Senator Krist withdrew his amendment, AM818, found on page 834, to LB6.

MOTION - Return LB6 to Select File

Senator Krist moved to return LB6 to Select File for his specific amendment, AM1159, found on page 1160.

The Krist motion to return prevailed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 6. The Krist specific amendment, AM1159, found on page 1160, was adopted with 46 ayes, 0 nays, 1 present and not voting,

and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB242 to Select File

Senator Mello moved to return LB242 to Select File for his specific amendment, AM1203, found on page 1186.

The Mello motion to return prevailed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 242. The Mello specific amendment, AM1203, found on page 1186, was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendment to LB265

Senator Cook withdrew her amendment, AM989, found on page 1032, to LB265.

MOTION - Suspend Rules

Senator Cook offered the following motion to LB265:

MO66

Suspend the rules, Rule 7, Sec. 3(d) to permit consideration of AM1349.

The Cook motion to suspend the rules prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

MOTION - Return LB265 to Select File

Senator Cook moved to return LB265 to Select File for the following specific amendment:

AM1349 is available in the Bill Room.

The Cook motion to return prevailed with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 265. The Cook specific amendment, AM1349, found in this day's Journal, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 3, 99, 299, 384, 384A, and 476.

UNANIMOUS CONSENT - Add Cointroducer

Senator Ashford asked unanimous consent to add his name as cointroducer to LB505. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jacob Wolter from Tecumseh; Allison Dittman from Lincoln; 30 fourth-grade students and teachers from Centennial Public School, Utica; Senator Scheer's wife, Kris, and his sister, Mary; 75 fourth-grade students, teachers, and sponsors from Patriot Elementary, Papillion; 70 fourth-grade students and teachers from Dodge Elementary, Grand Island; 48 fourth-grade students and teachers from Harrison Elementary, Omaha; 24 clients and sponsors from Madonna Work Shop, Omaha, and Senator Krist's daughter, Courtney; 59 seventh-grade students, teachers, and sponsors from St. Peter's Catholic School, Lincoln; 20 fourth-grade students and teacher from Seedling Mile Elementary, Grand Island; 13 eighth-grade students and teacher from St. Michael School, South Sioux City; and 21 fourth-grade students, teacher, and sponsors from Shelby.

The Doctor of the Day was Dr. Johanna Missak from Bellevue.

ADJOURNMENT

At 1:17 p.m., on a motion by Senator B. Harr, the Legislature adjourned until 10:00 a.m., Monday, May 13, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

