

**EIGHTY-EIGHTH DAY - JUNE 3, 2013**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**FIRST SESSION**  
**EIGHTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, June 3, 2013

**PRAYER**

The prayer was offered by Senator McCoy.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senators Ashford, Coash, Conrad, Lautenbaugh, Mello, Murante, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-seventh day was approved.

**MESSAGE FROM THE GOVERNOR**

June 3, 2013

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 296, 308, and 573 were received in my office on May 29, 2013.

These bills were signed and delivered to the Secretary of State on June 3, 2013.

Sincerely,  
(Signed) Dave Heineman  
Governor

**MOTION - Print in Journal**

Senator Adams filed the following motion:

Suspend Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 98, 229, 231, 232, 232A, 233, 289, 342, 343, 417, 443, 504, 544, and 625.

**SELECT FILE**

**LEGISLATIVE BILL 57.** ER36, found on page 898, was adopted.

Senator Schilz offered his amendment, AM869, found on page 881.

Senator Larson offered the following motion:

MO103

Unanimous consent to bracket until January 10, 2014.

No objections. So ordered.

**MOTIONS - Approve Appointments**

Senator Lathrop moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1566:

Commission of Industrial Relations  
Sarah Pillen

Voting in the affirmative, 29:

Bloomfield	Crawford	Janssen	McCoy	Schumacher
Bolz	Davis	Johnson	Nelson	Seiler
Brasch	Gloor	Karpisek	Pirsch	Smith
Campbell	Haar, K.	Kintner	Price	Wallman
Carlson	Hansen	Kolowski	Scheer	Watermeier
Cook	Harms	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 15:

Adams	Chambers	Hadley	Krist	Nordquist
Ashford	Christensen	Harr, B.	McGill	Sullivan
Avery	Dubas	Howard	Mello	Wightman

Excused and not voting, 5:

Coash	Conrad	Larson	Lautenbaugh	Murante
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The appointment was confirmed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Lathrop moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1566:

Boiler Safety Code Advisory Board

Charles Cole

Kurt Eberspacher

Martin Kasl

Kenneth Stewart

Voting in the affirmative, 30:

Bloomfield	Cook	Howard	McCoy	Schumacher
Bolz	Crawford	Janssen	Mello	Seiler
Brasch	Gloor	Johnson	Nelson	Smith
Campbell	Haar, K.	Karpisek	Nordquist	Sullivan
Carlson	Hansen	Kolowski	Pirsch	Wallman
Christensen	Harms	Lathrop	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 14:

Adams	Chambers	Hadley	Krist	Schilz
Ashford	Davis	Harr, B.	McGill	Watermeier
Avery	Dubas	Kintner	Price	

Excused and not voting, 5:

Coash	Conrad	Larson	Lautenbaugh	Murante
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The appointments were confirmed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1627:

State Racing Commission

Kristopher Covi

Voting in the affirmative, 33:

Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	Mello	Sullivan
Bolz	Gloor	Johnson	Nelson	Wallman
Brasch	Haar, K.	Karpisek	Nordquist	Watermeier
Campbell	Hadley	Kintner	Pirsch	Wightman
Carlson	Hansen	Kolowski	Scheer	
Christensen	Harms	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 11:

Adams	Davis	Krist	Schilz
Ashford	Dubas	Lathrop	Seiler
Chambers	Harr, B.	Price	

Excused and not voting, 5:

Coash	Conrad	Larson	Lautenbaugh	Murante
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The appointment was confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1627:

Nebraska Liquor Control Commission  
Robert Batt

Voting in the affirmative, 30:

Adams	Carlson	Hansen	Kintner	Pirsch
Avery	Cook	Harms	Kolowski	Scheer
Bloomfield	Crawford	Harr, B.	McCoy	Smith
Bolz	Gloor	Janssen	Mello	Sullivan
Brasch	Haar, K.	Johnson	Nelson	Wallman
Campbell	Hadley	Karpisek	Nordquist	Watermeier

Voting in the negative, 0.

Present and not voting, 13:

Ashford	Davis	Krist	Price	Seiler
Chambers	Dubas	Lathrop	Schilz	
Christensen	Howard	McGill	Schumacher	

Excused and not voting, 6:

Coash	Larson	Murante
Conrad	Lautenbaugh	Wightman

The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1378:

Department of Health and Human Services  
Joseph M. Acierno, Director

Voting in the affirmative, 30:

Avery	Cook	Hansen	Karpisek	Pirsch
Bloomfield	Crawford	Harms	Kintner	Scheer
Bolz	Dubas	Harr, B.	Kolowski	Schumacher
Brasch	Gloor	Howard	McCoy	Sullivan
Carlson	Haar, K.	Janssen	Mello	Wallman
Conrad	Hadley	Johnson	Nelson	Watermeier

Voting in the negative, 0.

Present and not voting, 14:

Adams	Chambers	Krist	Nordquist	Seiler
Ashford	Christensen	Lathrop	Price	Smith
Campbell	Davis	McGill	Schilz	

Excused and not voting, 5:

Coash	Larson	Lautenbaugh	Murante	Wightman
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The appointment was confirmed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1379:

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

Voting in the affirmative, 32:

Avery	Cook	Harr, B.	McCoy	Seiler
Bloomfield	Crawford	Howard	Mello	Sullivan
Bolz	Gloor	Janssen	Nelson	Wallman
Brasch	Haar, K.	Johnson	Pirsch	Watermeier
Campbell	Hadley	Karpisek	Price	
Carlson	Hansen	Kintner	Scheer	
Conrad	Harms	Kolowski	Schumacher	

Voting in the negative, 0.

Present and not voting, 12:

Adams	Christensen	Krist	Nordquist
Ashford	Davis	Lathrop	Schilz
Chambers	Dubas	McGill	Smith

Excused and not voting, 5:

Coash	Larson	Lautenbaugh	Murante	Wightman
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The appointments were confirmed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 907:

Nebraska Environmental Trust Board  
 Henry Rick Brandt  
 Gerry Lauritzen  
 Sherry Vinton

Voting in the affirmative, 30:

Ashford	Carlson	Hansen	Kintner	Price
Avery	Conrad	Harms	Kolowski	Scheer
Bloomfield	Cook	Howard	McCoy	Seiler
Bolz	Crawford	Janssen	Mello	Sullivan
Brasch	Dubas	Johnson	Nelson	Wallman
Campbell	Haar, K.	Karpisek	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 15:

Adams	Davis	Harr, B.	McGill	Schumacher
Chambers	Gloor	Krist	Nordquist	Smith
Christensen	Hadley	Lathrop	Schilz	Watermeier

Excused and not voting, 4:

Coash            Larson            Lautenbaugh    Murante

The appointments were confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1661:

Environmental Quality Council

Michelle Bucklin

Joseph Citta Jr.

Mark Czaplewski

Rodney Gangwish

Robert Hall

Lance Hedquist

Alden Zuhlke

Voting in the affirmative, 31:

Avery	Cook	Howard	Nelson	Sullivan
Bloomfield	Crawford	Janssen	Nordquist	Wallman
Bolz	Dubas	Johnson	Pirsch	Wightman
Brasch	Gloor	Karpisek	Price	
Campbell	Haar, K.	Kintner	Scheer	
Carlson	Hadley	Kolowski	Schumacher	
Conrad	Harms	Mello	Seiler	

Voting in the negative, 0.

Present and not voting, 14:

Adams	Christensen	Harr, B.	McCoy	Smith
Ashford	Davis	Krist	McGill	Watermeier
Chambers	Hansen	Lathrop	Schilz	

Excused and not voting, 4:

Coash            Larson            Lautenbaugh    Murante

The appointments were confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1619:

Motor Vehicle Industry Licensing Board

William Ashburn

Voting in the affirmative, 33:

Adams	Cook	Harms	McCoy	Schumacher
Avery	Crawford	Howard	Mello	Seiler
Bloomfield	Dubas	Janssen	Nelson	Sullivan
Bolz	Gloor	Johnson	Nordquist	Wallman
Brasch	Haar, K.	Karpisek	Pirsch	Wightman
Campbell	Hadley	Kintner	Price	
Conrad	Hansen	Kolowski	Scheer	

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Christensen	Krist	Schilz
Carlson	Davis	Lathrop	Smith
Chambers	Harr, B.	McGill	Watermeier

Excused and not voting, 4:

Coash	Larson	Lautenbaugh	Murante
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The appointment was confirmed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

## COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 385.** Placed on General File with amendment.  
AM1539

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 43-2,129, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 43-2,129 Sections 43-245 to 43-2,129 and section 2 of  
6 this act shall be known and may be cited as the Nebraska Juvenile  
7 Code.  
8 Sec. 2. When determining the suitability of a foster  
9 care placement of a juvenile in a kinship home or relative home  
10 as defined in section 71-1901, the Department of Health and Human  
11 Services or child-placing agency shall not discriminate on the  
12 basis of race, color, religion, sex, sexual orientation, gender  
13 identity, disability, marital status, or national origin. Foster  
14 care placement decisions shall be made based upon the health,  
15 safety, well-being, and best interests of the child, taking into  
16 consideration the requirements of the federal Fostering Connections  
17 to Success and Increasing Adoptions Act of 2008, 42 U.S.C. 1305 et  
18 seq., and the federal Howard M. Metzbaum MultiEthnic Placement  
19 Act of 1994, Pub.L. 103-382, as such acts, sections, and law

20 existed on January 1, 2013, and the Nebraska Indian Child Welfare  
21 Act.

22 Sec. 3. Section 71-1902, Revised Statutes Cumulative  
23 Supplement, 2012, as amended by section 41, Legislative Bill 265,  
24 One Hundred Third Legislature, First Session, 2013, is amended to  
25 read:

26 71-1902 (1) The department shall adopt and promulgate  
27 rules and regulations on requirements for licenses, waivers,  
28 variances, and approval of foster family homes taking into  
29 consideration the health, safety, well-being, and best interests of  
30 the child. An initial assessment of a foster family home shall be  
31 completed and shall focus on the safety, protection, and immediate  
32 health, educational, developmental, and emotional needs of the  
33 child and the willingness and ability of the foster home, relative  
34 home, or kinship home to provide a safe, stable, and nurturing  
35 environment for a child for whom the department or child-placing  
36 agency has assumed responsibility.

37 (2)(a) Except as otherwise provided in this section, no  
38 person shall furnish or offer to furnish foster care for one or  
39 more children without having in full force and effect a written  
40 license issued by the department upon such terms and conditions  
41 as may be prescribed by general rules and regulations adopted  
42 and promulgated by the department. The terms and conditions for  
43 licensure may allow foster family homes to meet licensing standards  
44 through variances equivalent to the established standards.

45 (b) The department may issue a time-limited, nonrenewable  
46 provisional license to an applicant who is unable to comply  
47 with all licensure requirements and standards, is making a good  
48 faith effort to comply, and is capable of compliance within the  
49 time period stated in the license. The department may issue a  
50 time-limited, nonrenewable probationary license to a licensee who  
51 agrees to establish compliance with rules and regulations that,  
52 when violated, do not present an unreasonable risk to the health,  
53 safety, or well-being of the foster children in the care of the  
54 applicant.

55 (3) Kinship homes and relative homes are exempt from  
56 licensure, however, such homes should make efforts to be licensed  
57 if such license will facilitate the permanency plan of the  
58 child. The department and child-placing agencies shall, when  
59 requested or as part of the child's permanency plan, provide  
60 resources for and assistance with licensure, including, but  
61 not limited to, information on licensure, waivers for relative  
62 homes, kinship-specific and relative-specific foster care training,  
63 referral to local service providers and support groups, and funding  
64 and resources available to address home safety or other barriers  
65 to licensure.

66 (4) Prior to placement in a nonlicensed relative home  
67 or kinship home, approval shall be obtained from the department.  
68 Requirements for initial approval shall include, but not be limited

19 to, the initial assessment provided for in subsection (1) of this  
 20 section, a home visit to assure adequate and safe housing, and a  
 21 criminal background check of all adult residents. Final approval  
 22 shall include, but not be limited to, requirements as appropriate  
 23 under section 71-1903. The department or child-placing agency shall  
 24 provide assistance to an approved relative home or kinship home to  
 25 support the care, protection, and nurturing of the child. Support  
 26 may include, but not be limited to, information on licensure,  
 27 waivers, and variances, kinship-specific and relative-specific  
 1 foster care training, mental and physical health care, options  
 2 for funding for needs of the child, and service providers and  
 3 support groups to address the needs of relative and kinship  
 4 parents, families, and children.

5 (5) When issuing a license, waiver, variance, or approval  
 6 of a kinship home or relative home pursuant to sections 71-1901  
 7 to 71-1906.01, the department shall not discriminate on the basis  
 8 of race, color, religion, sex, sexual orientation, gender identity,  
 9 disability, marital status, or national origin.

10 ~~(5)~~(6) All nonprovisional and nonprobationary licenses  
 11 issued under sections 71-1901 to 71-1906.01 shall expire two years  
 12 from the date of issuance and shall be subject to renewal under the  
 13 same terms and conditions as the original license, except that if  
 14 a licensee submits a completed renewal application thirty days or  
 15 more before the license's expiration date, the license shall remain  
 16 in effect until the department either renews the license or denies  
 17 the renewal application. No license issued pursuant to this section  
 18 shall be renewed unless the licensee has completed the required  
 19 hours of training in foster care in the preceding twelve months as  
 20 prescribed by the department. A license may be revoked for cause,  
 21 after notice and hearing, in accordance with rules and regulations  
 22 adopted and promulgated by the department.

23 Sec. 4. Original section 43-2,129, Revised Statutes  
 24 Cumulative Supplement, 2012, and section 71-1902, Revised Statutes  
 25 Cumulative Supplement, 2012, as amended by section 41, Legislative  
 26 Bill 265, One Hundred Third Legislature, First Session, 2013, are  
 27 repealed.

(Signed) Brad Ashford, Chairperson

Natural Resources

**LEGISLATIVE RESOLUTION 171.** Reported to the Legislature for further consideration.

(Signed) Tom Carlson, Chairperson

**RESOLUTIONS****LEGISLATIVE RESOLUTION 377.** Introduced by Larson, 40.

WHEREAS, the Hartington Public School Wildcats boys track and field team won the 2013 Class D Boys State Track and Field Championship with a score of 55 points; and

WHEREAS, team members Alec Fuelberth, Nick Miller, Brandon Mainquist, and Joe Noecker placed first in the Class D Boys 400 Meter Relay with a time of 44.20 seconds; and

WHEREAS, team member Adam Hochstein placed first in the Class D Boys 1600 Meter Run with a time of 4:38.79; and

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

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

1. That the Legislature congratulates the Hartington Public School Wildcats boys track and field team on winning the 2013 Class D Boys State Track and Field Championship and recognizes team members Alec Fuelberth, Nick Miller, Brandon Mainquist, Joe Noecker, and Adam Hochstein for their individual accomplishments.

2. That a copy of this resolution be sent to the Hartington Public School Wildcats boys track and field team and Coach Blair Kalin.

Laid over.

**LEGISLATIVE RESOLUTION 378.** Introduced by Larson, 40.

WHEREAS, the town of Fordyce, Nebraska, located in Cedar County, is celebrating its 100th anniversary; and

WHEREAS, during the early 1900s when the Chicago, St. Paul, Minneapolis and Omaha Railway was extended from Hartington to Crofton, a German settlement was started around the present town of Fordyce; and

WHEREAS, the founding homesteaders named the town after William F. Fordyce who was a dispatcher with the railroad for over 25 years; and

WHEREAS, the eighty acres on which Fordyce is located were purchased from the Gilman Land Company by Dr. J. M. Tolcott and D. A. Matthews. These two men were granted a charter by the state in 1907 to start the first bank in Fordyce; and

WHEREAS, in the spring of 1908, a delegation from the Fordyce area went to Omaha to secure permission to build a Catholic church. On February 18, 1909, Father Mueller of St. Helena blessed the new St. John the Baptist Catholic Church; and

WHEREAS, a two-room school was built in 1909 and a new parochial school was completed in 1920 and grades first through fifth are currently offered at West Catholic Elementary School; and

WHEREAS, by 1910 the town's businesses included a bank, saloon, hotel, hardware store, grocery store, meat market, clothing store, blacksmith shop, post office, lumberyard, two grain elevators, and a pool hall; and

WHEREAS, the village of Fordyce, originally laid out in 1907, was incorporated as a village on August 4, 1913; and

WHEREAS, Fordyce is a thriving farm community and is home to Fordyce Co-op and Lumber Supply, Menford Electric, T & R Butcher Block, Chuck's Body Shop, Cedar Security Bank, Ruthies Day Care, DelMonico's Saloon, Gause Honey Company, Steven's Auto, Wiebelhaus Trucking, and Wiebelhaus Station; and

WHEREAS, Fordyce will culminate its centennial celebration on June 8, 2013.

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

1. That the Legislature recognizes Fordyce's community spirit and congratulates the community on its 100th anniversary.

2. That a copy of this resolution be sent to the Fordyce Village Board.

Laid over.

**LEGISLATIVE RESOLUTION 379.** Introduced by Davis, 43.

WHEREAS, Jessica Schwanebeck, daughter of Derek and Lesa Schwanebeck of Ellsworth, Nebraska, and a 2013 graduate of Hyannis High School, has accepted an appointment to the United States Air Force Academy; and

WHEREAS, Jessica participated in volleyball, basketball, and track for four years in high school. She was captain of the volleyball and basketball teams, all-conference first team in volleyball for three years, all-conference honorable mention in basketball for four years, and was a state qualifier in track for two years. As a member of the Hyannis Association of Female Athletes, Jessica was named Hyannis Female Athlete of the Year for the past three years; and

WHEREAS, Jessica's other high school activities included participation in FFA, the Academic Decathlon, and the Quiz Bowl. She was a member of the National Honor Society and Hyannis Student Council, and served as president of the National Honor Society her senior year, as well as vice president of FFA and the student council. She attended the Nebraska State FFA Convention for four years and Nebraska Academic Decathlon for two years. Jessica has also been involved in several volunteer activities such as blood drives, soup suppers, church camps, and distributing presents at a children's home in Fremont, Nebraska; and

WHEREAS, during her senior year, Jessica interviewed with representatives of Congressman Adrian Smith and Senator Mike Johanns to seek nomination to the United States Military Academy (West Point) and the United States Air Force Academy. She was nominated by Congressman Smith and Senator Johanns to both academies; and

WHEREAS, Jessica was accepted at both West Point and the Air Force Academy. She chose the Air Force Academy and is one of approximately 1,200 of the 12,000 applicants to be accepted to the Academy this year. Jessica will begin Basic Cadet Training on June 27, 2013.

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

1. That the Legislature congratulates Jessica Schwanebeck for the exemplary achievement of being nominated and appointed as a cadet to the United States Air Force Academy.

2. That a copy of this resolution be sent to Jessica Schwanebeck and her parents, Derek and Lesa Schwanebeck.

Laid over.

**LEGISLATIVE RESOLUTION 380.** Introduced by Pirsch, 4.

WHEREAS, Michael Pirnie of Omaha, Nebraska, has been awarded a Fulbright Scholarship; and

WHEREAS, Michael is currently a political science and global studies major at Nebraska Wesleyan University and is also serving as a page with the Legislature; and

WHEREAS, as a recipient of the Fulbright Scholarship, Michael will teach English in Taiwan at an elementary or junior high school during the 2013-14 school year and plans to pursue a career in international education policy; and

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

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

1. That the Legislature congratulates Michael Pirnie on being awarded a Fulbright Scholarship to teach English in Taiwan.

2. That a copy of this resolution be sent to Michael Pirnie.

Laid over.

**LEGISLATIVE RESOLUTION 381.** Introduced by Pirsch, 4.

WHEREAS, Bess Streeter Aldrich Elementary School in Omaha, Nebraska, was a recipient of a School Bus Arts Grant from the Nebraska Arts Council; and

WHEREAS, the fifth grade class at Bess Streeter Aldrich Elementary School attended the Omaha Symphony Concerts for Youth at the Holland Center in Omaha to experience an interactive professional performance; and

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

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

1. That the Legislature congratulates the students at Bess Streeter Aldrich Elementary School on receiving a Nebraska Arts Council School Bus Arts Grant.

2. That a copy of this resolution be sent to Bess Streeter Aldrich Elementary School.

Laid over.

**LEGISLATIVE RESOLUTION 382.** Introduced by Pirsch, 4.

WHEREAS, Matthew Feilmeier, Christina Fossum, and Hannah Hippen, all of Omaha, Nebraska, were selected to participate in the 2013 Attorney General's Youth Advisory Council; and

WHEREAS, the annual Attorney General's Youth Advisory Council serves to engage the state's young people in the processes of government and law and prepares students for roles as future leaders; and

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

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

1. That the Legislature congratulates Matthew Feilmeier, Christina Fossum, and Hannah Hippen for being selected for the 2013 Attorney General's Youth Advisory Council and commends them for their participation in the conference.

2. That a copy of this resolution be sent to Matthew Feilmeier, Christina Fossum, and Hannah Hippen.

Laid over.

**LEGISLATIVE RESOLUTION 383.** Introduced by Pirsch, 4.

WHEREAS, Peter Xu, a student at Millard North High School, earned a perfect score on the ACT college entrance exam; and

WHEREAS, Peter was one of only fifteen high school students statewide to achieve a perfect score on the ACT exam, which tests a student's knowledge of English, mathematics, reading, and science; and

WHEREAS, approximately 1.6 million students in the nation take the ACT each year, and fewer than one student in one thousand earns a perfect score; and

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

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

1. That the Legislature congratulates Peter Xu on achieving a perfect score on the ACT college entrance exam.
2. That a copy of this resolution be sent to Peter Xu.

Laid over.

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

Senator Christensen asked unanimous consent to add his name as cointroducer to LB255. No objections. So ordered.

### **VISITOR**

Visitor to the Chamber was Senator Watermeier's wife, Jean Ann, from Syracuse.

### **RECESS**

At 11:39 a.m., on a motion by Senator Cook, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Heidemann presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Chambers, Howard, and Schilz who were excused; and Senators Coash, Conrad, Janssen, Karpisek, Larson, Lautenbaugh, Murante, and Price who were excused until they arrive.

### **MESSAGE FROM THE GOVERNOR**

June 3, 2013

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 225, 634e, and 634Ae were received in my office on May 29, 2013.

These bills were signed and delivered to the Secretary of State on June 3, 2013.

Sincerely,

(Signed) Dave Heineman  
Governor

### RESOLUTION

**LEGISLATIVE RESOLUTION 384.** Introduced by Schumacher, 22; Adams, 24; Ashford, 20; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Chambers, 11; Christensen, 44; Cook, 13; Crawford, 45; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; B. Harr, 8; Howard, 9; Johnson, 23; Karpisek, 32; Kolowski, 31; Krist, 10; Lathrop, 12; McGill, 26; Nelson, 6; Nordquist, 7; Pirsch, 4; Scheer, 19; Seiler, 33; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, the Auditor of Public Accounts is a constitutionally created and elected state office; and

WHEREAS, the Auditor of Public Accounts is responsible for assessing the adequacy of financial controls over billions of state and federal dollars spent by state agencies and political subdivisions; and

WHEREAS, it is essential to the people of the State of Nebraska to have the office of the Auditor of Public Accounts adequately funded; and

WHEREAS, the Auditor of Public Accounts' budget for the FY2013-15 biennium was reduced to approximately FY2005 levels as a result of a gubernatorial veto.

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

1. That the Legislature hereby acknowledges that the office of the Auditor of Public Accounts will require a deficit appropriation to augment its FY2013-15 budget in a manner consistent with the budget passed by the Legislature on May 20, 2013.

Laid over.

### COMMITTEE REPORTS

Revenue

**LEGISLATIVE BILL 606.** Placed on General File.

**LEGISLATIVE BILL 191.** Placed on General File with amendment. AM707

- 1 1. On page 3, strike lines 2 through 7 and insert the
- 2 following new subdivision:
- 3 "(d) Located within a district designated pursuant to
- 4 a preservation ordinance or any other ordinance duly adopted
- 5 by a political subdivision of the state providing for the
- 6 rehabilitation, preservation, or restoration of real property of
- 7 historic significance that has been approved by the officer and
- 8 is determined by the officer to be contributing to the historical

9 significance of such district;"; and in line 10 after the first  
10 "of" insert "at least".

11 2. On page 4, strike beginning with "(a)" in line 10  
12 through line 12 and insert "twenty percent of eligible expenditures  
13 up to and including five million dollars.".

14 3. On page 9, line 17, after "person's" insert "income".

15 4. On page 10, line 12, before "The" insert "(1)"; and  
16 after line 15 insert the following new subsection:

17 "(2) The Nebraska State Historical Society and the  
18 Department of Revenue shall issue a joint report electronically  
19 to the Revenue Committee of the Legislature no later than December  
20 31, 2020. The report shall include, but is not limited to, (a)  
21 the total number of applications submitted under the Nebraska  
22 Job Creation and Mainstreet Revitalization Act, (b) the number of  
23 applications approved or conditionally approved, (c) the number of  
1 applications outstanding, if any, (d) the number of applications  
2 denied and the basis for denial, (e) the total amount of eligible  
3 expenditures approved, (f) the total amount of credits issued,  
4 claimed, and still available for use, (g) the total amount of fees  
5 collected, (h) the name and address location of each historically  
6 significant real property identified in each application, whether  
7 approved or denied, (i) the total amount of credits transferred,  
8 sold, and assigned and a certification of the ownership of the  
9 credits, (j) the total amount of credits claimed against each tax  
10 type by category, and (k) the total amount of credits recaptured,  
11 if any.".

(Signed) Galen Hadley, Chairperson

## RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 351, 352, 353, 354, and 355 were adopted.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 351, 352, 353, 354, and 355.

## MOTION - Return LB255 to Select File

Senator McGill moved to return LB255 to Select File for the following specific amendment:

AM1551

(Amendments to Final Reading copy)

1 1. Insert the following new section:

2 Sec. 9. Section 43-247, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 43-247 The juvenile court shall have exclusive original

5 jurisdiction as to any juvenile defined in subdivision (1) of this  
6 section who is under the age of sixteen, as to any juvenile defined  
7 in subdivision (3) of this section, and as to the parties and  
8 proceedings provided in subdivisions (5), (6), and (8) of this  
9 section. As used in this section, all references to the juvenile's  
10 age shall be the age at the time the act which occasioned the  
11 juvenile court action occurred. The juvenile court shall have  
12 concurrent original jurisdiction with the district court as to any  
13 juvenile defined in subdivision (2) of this section. The juvenile  
14 court shall have concurrent original jurisdiction with the district  
15 court and county court as to any juvenile defined in subdivision  
16 (1) of this section who is age sixteen or seventeen, any juvenile  
17 defined in subdivision (4) of this section, and any proceeding  
18 under subdivision (7) or (11) of this section. The juvenile court  
19 shall have concurrent original jurisdiction with the county court  
20 as to any proceeding under subdivision (9) or (10) of this section.  
21 Notwithstanding any disposition entered by the juvenile court  
22 under the Nebraska Juvenile Code, the juvenile court's jurisdiction  
1 over any individual adjudged to be within the provisions of this  
2 section shall continue until the individual reaches the age of  
3 majority or the court otherwise discharges the individual from its  
4 jurisdiction.

5 The juvenile court in each county as herein provided  
6 shall have jurisdiction of:

7 (1) Any juvenile who has committed an act other than  
8 a traffic offense which would constitute a misdemeanor or an  
9 infraction under the laws of this state, or violation of a city or  
10 village ordinance;

11 (2) Any juvenile who has committed an act which would  
12 constitute a felony under the laws of this state;

13 (3) Any juvenile (a) who is homeless or destitute, or  
14 without proper support through no fault of his or her parent,  
15 guardian, or custodian; who is abandoned by his or her parent,  
16 guardian, or custodian; who lacks proper parental care by reason of  
17 the fault or habits of his or her parent, guardian, or custodian;  
18 whose parent, guardian, or custodian neglects or refuses to provide  
19 proper or necessary subsistence, education, or other care necessary  
20 for the health, morals, or well-being of such juvenile; whose  
21 parent, guardian, or custodian is unable to provide or neglects  
22 or refuses to provide special care made necessary by the mental  
23 condition of the juvenile; or who is in a situation or engages in  
24 an occupation, including prostitution, dangerous to life or limb or  
25 injurious to the health or morals of such juvenile, (b) who, by  
26 reason of being wayward or habitually disobedient, is uncontrolled  
27 by his or her parent, guardian, or custodian; who departs himself  
1 or herself so as to injure or endanger seriously the morals or  
2 health of himself, herself, or others; or who is habitually truant  
3 from home or school, or (c) who is mentally ill and dangerous as  
4 defined in section 71-908;

- 5 (4) Any juvenile who has committed an act which would  
 6 constitute a traffic offense as defined in section 43-245;
- 7 (5) The parent, guardian, or custodian of any juvenile  
 8 described in this section;
- 9 (6) The proceedings for termination of parental rights as  
 10 provided in the Nebraska Juvenile Code;
- 11 (7) The proceedings for termination of parental rights as  
 12 provided in section 42-364;
- 13 (8) Any juvenile who has been voluntarily relinquished,  
 14 pursuant to section 43-106.01, to the Department of Health and  
 15 Human Services or any child placement agency licensed by the  
 16 Department of Health and Human Services;
- 17 (9) Any juvenile who was a ward of the juvenile court at  
 18 the inception of his or her guardianship and whose guardianship has  
 19 been disrupted or terminated;
- 20 (10) The adoption or guardianship proceedings for a  
 21 child over which the juvenile court already has jurisdiction under  
 22 another provision of the Nebraska Juvenile Code; and
- 23 (11) The paternity or custody determination for a child  
 24 over which the juvenile court already has jurisdiction.
- 25 Notwithstanding the provisions of the Nebraska Juvenile  
 26 Code, the determination of jurisdiction over any Indian child as  
 27 defined in section 43-1503 shall be subject to the Nebraska Indian  
 1 Child Welfare Act; and the district court shall have exclusive  
 2 jurisdiction in proceedings brought pursuant to section 71-510.
- 3 2. On page 1, line 2; and page 32, line 4, strike "and  
 4 28-831" and insert "28-831, and 43-247".
- 5 3. Renumber the remaining sections accordingly.

The McGill motion to return prevailed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 255.** The McGill specific amendment, AM1551, found in this day's Journal, was adopted with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

### EASE

The Legislature was at ease from 1:48 p.m. until 2:06 p.m.

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 255.** Placed on Final Reading Second.

(Signed) John Murante, Chairperson

**VISITOR**

The Doctor of the Day was Dr. Jayashree Paknikar from Omaha.

**ADJOURNMENT**

At 2:07 p.m., on a motion by Senator Avery, the Legislature adjourned until 10:00 a.m., Tuesday, June 4, 2013.

Patrick J. O'Donnell  
Clerk of the Legislature