PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

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

The roll was called and all members were present except Senators Garrett, Johnson, and Seiler who were excused; and Senators Coash, Cook, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

ANNOUNCEMENT(S)


MESSAGE(S) FROM THE GOVERNOR

March 12, 2015

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

Dear Mr. O’Donnell:

Engrossed Legislative Bills 45, 88, 122, 160, 167, 177, 180, 181, 272, 298, 313, 352, and 446 were received in my office on March 6, 2015.
These bills were signed and delivered to the Secretary of State on March 12, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

CORRECTED COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 320. Corrected amendment.
AM767
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Aging and Disability Resource Center Demonstration Project
5 Act.
6 Sec. 2. The Legislature finds that:
7 (1) The state should anticipate and prepare for significant growth
8 in the number of older Nebraskans and the future needs of individuals
9 with disabilities, both of which will require costly long-term care
10 services;
11 (2) The state should improve access to existing services and support
12 for individuals with disabilities;
13 (3) The state should provide a streamlined approach to identify the
14 needs of older Nebraskans and individuals with disabilities through
15 uniform assessments and a single point of contact;
16 (4) Nebraskans would benefit from statewide public information
17 campaigns to educate older Nebraskans, individuals with disabilities, and
18 their caregivers on the availability of services and support; and
19 (5) It is in the interest of Nebraskans that the state engage in
20 demonstration projects to determine the effectiveness of aging and
21 disability resource centers in enhancing the efficiency and effectiveness
22 of delivery of long-term care services and support to persons who require
23 those services.
24 Sec. 3. A collaboration of organizations that serve aging persons
25 and persons with disabilities, including, but not limited to, area
26 agencies on aging, centers for independent living, and the University
27 Center for Excellence in Developmental Disability Education, Research and
1 Service, shall establish three aging and disability resource center
2 demonstration projects which shall:
3 (1) Provide information which properly utilizes and presents all
4 available public and private long-term care resources to ensure that
5 Nebraskans are receiving the appropriate information necessary to support
6 their needs;
7 (2) Facilitate access to options counseling to help arrange services
8 that will support community living;
9 (3) Comprise a visible and accessible support system for Nebraskans
who may benefit from the services offered; and
(4) Develop information that will support establishment of a system
of standards, certification, and funding in order to implement and
operate aging and disability resource centers efficiently and
responsibly.
Sec. 4. The purpose of the Aging and Disability Resource Center
Demonstration Project Act is to evaluate the feasibility of establishing
aging and disability resource centers which will provide information
about long-term care services and support available in the home and
community to older Nebraskans or individuals with disabilities, family
caregivers, and people who inquire about or request assistance on behalf
of members of these groups and to assist eligible individuals to access
the most appropriate public and private resources to meet the
individual’s long-term care needs.
Sec. 5. For purposes of the Aging and Disability Resource Center
Demonstration Project Act:
(1) Aging and disability resource center means a community-based
entity established to provide the services described in section 6 of this
act;
(2) Area agency on aging has the meaning found in section 81-2208;
(3) Center for independent living has the definition found in 29
U.S.C. 796a(2), as such section existed on January 1, 2015;
(4) Department means State Unit on Aging of the Long-Term Care
Services Section of the Division of Medicaid and Long-Term Care of the
Department of Health and Human Services or any successor agency
designated by the state to fulfill the responsibilities of section 305(a)
(1) of the federal Older Americans Act of 1965, 42 U.S.C 3025(a)(1), as
such section existed on January 1, 2015;
(5) Eligible individual means a person who has lost, never acquired,
or has one or more conditions that impact the ability to perform basic
activities of daily living that are necessary to live independently;
(6) Options counseling means a service that assists eligible
individuals in need of long-term care and their representatives to make
informed choices about the services and settings that best meet their
long-term care needs, using uniform assessments and encouraging
the widest possible use of community-based options to allow eligible
individuals to live as independently as possible in the setting of their
choice;
(7) Representative means an individual designated as a legal
guardian, designated by a power of attorney or a health care power of
attorney, or chosen by law, by a court, or by an individual seeking
services, but use of the term representative shall not be construed to
disqualify an individual who retains all legal and personal autonomy;
(8) Uniform assessment means a single standardized tool used to
assess a defined population at a specific time; and
(9) University Center for Excellence in Developmental Disability
Education, Research and Service means the federally designated University
Center for Excellence in Developmental Disability Education, Research and
Service of the Munroe-Meyer Institute at the University of Nebraska
Sec. 6. The State of Nebraska shall establish three demonstration projects to evaluate the feasibility of establishing aging and disability resource centers as a means of promoting appropriate, effective, and efficient use of long-term care resources. The demonstration projects shall operate through June 30, 2018. Each aging and disability resource center demonstration project shall provide one or more of the following services:

1. Comprehensive information on the full range of available public and private long-term care programs, options, financing, service providers, and resources within a community, including information on the availability of integrated long-term care;
2. Assistance in accessing and applying for public benefits;
3. Personal counseling to assist individuals in assessing their existing or anticipated long-term care needs using uniform assessments and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances;
4. A convenient point of entry to the range of publicly supported long-term care programs for eligible individuals;
5. A process for identifying unmet service needs in communities and developing recommendations to respond to those unmet needs;
6. Facilitation of person-centered transition support to assure that an eligible individual is able to find the services and support that are most appropriate to his or her need;
7. Mobility management to promote the appropriate use of public transportation services by persons who do not own or are unable to operate an automobile; and
8. A home care provider registry that will provide persons who need home care with the names of home care providers and information about their rights and responsibilities as home care consumers.

Sec. 7. Aging and disability resource center project grants shall be awarded by the department. The department shall adopt criteria for evaluating proposals to operate an aging and disability resource center demonstration project and release a request for proposal within thirty days after the effective date of this act.

Sec. 8. (1) Within sixty days after the release date of a request for proposals, each area agency on aging, after consultation with the collaborating organizations described in section 3 of this act and with other organizations including, but not limited to, organizations providing advocacy, protection, and safety for aging persons and persons with disabilities, may submit to the department a proposal to establish an aging and disability resource center demonstration project to provide individuals residing in its planning-and-service area with information about long-term care services and support and to facilitate access to options counseling to assist eligible individuals and their representatives in identifying the most appropriate services to meet their needs. The proposal shall specify how organizations currently serving eligible individuals will be engaged in the process of delivery.
of services through the aging and disability resource center. The proposal shall be developed in consultation with eligible individuals and their representatives. The proposal shall indicate how resources will be utilized by the collaborating organizations to fulfill the responsibilities of an aging and disability resource center demonstration project.

(2) Two or more area agencies on aging may develop a joint proposal to establish an aging and disability resource center demonstration project to serve all or a portion of their planning and services areas. A joint proposal shall provide information on how the services described in section 6 of this act will be provided in all counties to be served by the aging and disability resource center demonstration project described in the joint proposal.

(3) Within ninety days after receipt of a proposal developed pursuant to subsection (1) or (2) of this section, the department shall select three proposals for funding. The department shall enter into a contract with an independent institution having experience in evaluating aging and disability programs for an evaluation of the aging and disability resource center demonstration projects. A preliminary report of the findings of the evaluation shall be presented to the Clerk of the Legislature prior to December 1, 2016. A final evaluation report will be completed by September 30, 2018.

Sec. 9. The department shall reimburse each area agency on aging operating an aging and disability resource center demonstration project on a schedule agreed to by the department and the area agency on aging. Such reimbursement shall be made from (1) state funds appropriated by the Legislature, (2) federal funds allocated to the department for the purpose of establishing and operating aging and disability resource centers, and (3) other funds as available.

(Signed) Kathy Campbell, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 538A. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 538, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 114. Introduced by Craighead, 6.

WHEREAS, the Omaha Creighton Prep High School powerlifting team won the 2015 State Powerlifting Championship; and
WHEREAS, the win gives the Omaha Creighton Prep High School powerlifting team its sixth consecutive state championship; 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 FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Omaha Creighton Prep High School powerlifting team on winning the 2015 State Powerlifting Championship.
2. That a copy of this resolution be sent to the Omaha Creighton Prep High School powerlifting team and Coach Dan Barton.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:
   Board of Emergency Medical Services
       Laura A. Scholl

Voting in the affirmative, 35:

Baker        Davis        Howard        Lindstrom        Riepe
Bloomfield   Ebke         Hughes        McCollister       Scheer
Bolz         Friesen       Kintner       McCoy           Schnoor
Brasch        Gloor        Kolowski       Mello           Schumacher
Campbell      Groene       Kolterman     Morfeld         Stinner
Chambers      Hansen       Kuehn         Murante         Watermeier
Crawford      Hillemann    Larson         Pansing         Brooks       Williams

Voting in the negative, 0.

Present and not voting, 8:

Craighead     Hadley       Krist         Smith
Haar, K.      Harr, B.    Nordquist     Sullivan

Excused and not voting, 6:

Coash         Garrett      Schilz
Cook          Johnson      Seiler

The appointment was confirmed with 35 ayes, 0 nays, 8 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 717:

**State Board of Health**

Teresa Konda

Voting in the affirmative, 35:

- Baker
- Davis
- Hilkemann
- McCollister
- Schnoor
- Bloomfield
- Ebke
- Howard
- Mello
- Schumacher
- Bolz
- Friesen
- Kintner
- Morfeld
- Smith
- Brasch
- Gloor
- Kolowski
- Murante
- Stinner
- Campbell
- Groene
- Kolterman
- Pansing Brooks
- Sullivan
- Chambers
- Haar, K.
- Larson
- Riepe
- Watermeier
- Crawford
- Hansen
- Lindstrom
- Scheer
- Williams

Voting in the negative, 0.

Present and not voting, 8:

- Craighead
- Harr, B.
- Krist
- McCoy
- Hadley
- Hughes
- Kuehn
- Nordquist

Excused and not voting, 6:

- Coash
- Garrett
- Schilz
- Cook
- Johnson
- Seiler

The appointment was confirmed with 35 ayes, 0 nays, 8 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 717:

**Nebraska Rural Health Advisory Commission**

John A. E. Craig

Voting in the affirmative, 33:

- Baker
- Ebke
- Kintner
- Mello
- Smith
- Bolz
- Friesen
- Kolowski
- Murante
- Stinner
- Brasch
- Gloor
- Kolterman
- Pansing Brooks
- Sullivan
- Campbell
- Haar, K.
- Larson
- Riepe
- Watermeier
- Chambers
- Hansen
- Lindstrom
- Scheer
- Williams
- Crawford
- Hilkemann
- McCollister
- Schnoor
- Davis
- Howard
- McCoy
- Schumacher

Voting in the negative, 0.
Present and not voting, 10:

Bloomfield  Groene  Harr, B.  Krist  Morfeld
Craighead  Hadley  Hughes  Kuehn  Nordquist

Excused and not voting, 6:

Coash  Garrett  Schilz
Cook  Johnson  Seiler

The appointment was confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

The Chair announced the birthday of Senator Kolterman.

SELECT FILE

LEGISLATIVE BILL 10. Senator Chambers renewed his amendment, AM528, found on page 639 and considered on page 762.

Senator Chambers offered the following amendment to his amendment:

FA30
Amend AM528
In line 23 after "same" insert "proportional".

SPEAKER HADLEY PRESIDING

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 106, 107, and 108 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 106, 107, and 108.

SELECT FILE

LEGISLATIVE BILL 10. The Chambers amendment, FA30, found in this day's Journal, to his amendment, AM528, was renewed.

SENATOR KRIST PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.
The Chambers amendment lost with 15 ayes, 18 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to his amendment:

FA31
Amend AM528
In line 25 after "is" insert "the".

Pending.

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 141. Placed on General File.

(Signed) Ken Schilz, Chairperson
Executive Board

LEGISLATIVE BILL 56. Placed on General File with amendment.

AM845
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Notwithstanding sections 72-811 to 72-818 or any other
4 provision of law, the Director of Administrative Services shall cause a
5 survey of the property which comprises the Norfolk Regional Center to be
6 done and, in consultation with the Department of Health and Human
7 Services, shall determine what portion is not needed for state purposes.
8 Pursuant to such survey and determination, the Director of Administrative
9 Services shall submit a report to the Legislature and the Governor and
10 request authorization to give the Northeast Community College Area the
11 right of first refusal to purchase the portion of property not needed for
12 state purposes at its fair market value for the purpose of development of
13 the Northeast Community College Technology Park. The report submitted to
14 the Legislature shall be submitted electronically. Approval of the
15 Governor and the Legislature or, if the Legislature is not in session,
16 the Executive Board of the Legislative Council shall be required to give
17 such right of first refusal to the Northeast Community College Area.
18 Sec. 2. Since an emergency exists, this act takes effect when
19 passed and approved according to law.

LEGISLATIVE RESOLUTION 7CA. Placed on General File with amendment.

AM822
1 1. Strike the original sections and insert the following new
2 sections:
Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 12:

III-12 (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of three consecutive terms regardless of the district represented.

(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

Sec. 2. The proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the limit on legislative terms from two consecutive terms to three consecutive terms and to eliminate obsolete provisions.

For

Against.

A constitutional amendment to eliminate the provision that service for more than one-half of a legislative term constitutes one term for purposes of the limit on legislative terms and to eliminate obsolete provisions.

For

Against.

(Signed) Bob Krist, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 610A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 610, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 115. Introduced by Williams, 36.

WHEREAS, Kendra Staab, age 18, of Broken Bow, has achieved national recognition for exemplary volunteer service by being named a Distinguished Finalist for the 2015 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals,
honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Staab earned this honor by giving generously of her time and energy to construct a frisbee golf course at Melham Park in Broken Bow after securing $340 in sponsorship dollars to pay for the materials. Ms. Staab plotted a course layout, secured the approval of the city, and built and mounted the baskets; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Staab who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates Kendra Staab for being named a Distinguished Finalist for the 2015 Prudential Spirit of Community Award.
2. That a copy of this resolution be sent to Kendra Staab.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Bloomfield filed the following amendment to LB242:

AM851

(Amendments to E and R amendments, ER49)

1 1. On page 2, line 31, strike "twenty-four" and insert "twenty".

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Crawford - LB268
Haar, K., Hughes, Morfeld, Pansing Brooks, Schnoor - LB323
Hansen - LB268
Lindstrom - LB591

VISITORS

Visitors to the Chamber were UNL students, Caitlin Summerlin and Sarah O'Neill; Lexus Johnson and Amber Root from Lincoln; and 15 key women educators of Delta Kappa Gamma Society International Rho State, from across the state.

The Doctor of the Day was Dr. Brady Fickenscher from Omaha.
At 11:56 a.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Tuesday, March 17, 2015.

Patrick J. O'Donnell
Clerk of the Legislature