

FIFTY-SECOND DAY - MARCH 25, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 25, 2015

PRAYER

The prayer was offered by Senator Coash.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Morfeld and Murante who were excused; and Senators Craighead, Hansen, Howard, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 641. Placed on Select File with amendment.
ER56

1 1. On page 1, line 4, strike "or operating a bicycle".

LEGISLATIVE BILL 413. Placed on Select File with amendment.
ER59

1 1. On page 1, line 4, after "Quality" insert "and the Environmental
2 Quality Council"; and in line 5 after "subdivisions" insert "under the
3 federal Clean Water Act; to create a fund; to provide for procedures,
4 fees, and costs; to provide funding assistance under the Wastewater
5 Treatment Facilities Construction Assistance Act".

6 2. On page 25, line 23, after the second comma insert "or"; and in
7 line 24 strike the comma.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 145. Introduced by Schilz, 47.

WHEREAS, Zack Schnabel, a member of Troop 160, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Zack has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Zack, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Zack Schnabel on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Zack Schnabel.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 119, 120, 121, 122, 123, 124, 125, and 126 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 119, 120, 121, 122, 123, 124, 125, and 126.

GENERAL FILE

LEGISLATIVE BILL 56. Title read. Considered.

Committee AM845, found on page 865, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Schumacher offered the following amendment:

FA34

Amend AM845

Strike "fair market" in line 12 and insert in its stead "appraised value as determined under Section 72-815(3)."

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

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 292A. Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 292, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 146. Introduced by Davis, 43.

WHEREAS, Caleb Long has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Caleb has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Caleb completed repairs and other improvements to the animal shelter in Valentine; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Caleb, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Caleb Long on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Caleb Long.

Laid over.

LEGISLATIVE RESOLUTION 147. Introduced by Davis, 43.

WHEREAS, Lane McGinley has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Lane has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Lane cleared, raked, and edged the paths at the outdoor classroom for Zion Lutheran School in Valentine; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Lane, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Lane McGinley on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Lane McGinley.

Laid over.

LEGISLATIVE RESOLUTION 148. Introduced by Davis, 43.

WHEREAS, Devon Osnes has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Devon has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Devon scraped and painted the wrought iron fence and pillars at Mount Hope Cemetery in Valentine; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Devon, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Devon Osnes on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Devon Osnes.

Laid over.

LEGISLATIVE RESOLUTION 149. Introduced by Davis, 43.

WHEREAS, Clay Billings has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Clay has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Clay painted and repaired the restrooms and storage shed at the baseball fields in Valentine; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Clay, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Clay Billings on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Clay Billings.

Laid over.

LEGISLATIVE RESOLUTION 150. Introduced by Davis, 43.

WHEREAS, Brennan Jackson has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Brennan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Brennan repaired and repainted two play structures at a city park in Valentine; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Brennan, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Brennan Jackson on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Brennan Jackson.

Laid over.

LEGISLATIVE RESOLUTION 151. Introduced by Davis, 43.

WHEREAS, Morgan McGinley has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Morgan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Morgan painted and completed repairs at the Cowboy Trailhead Park in Valentine; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Morgan, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Morgan McGinley on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Morgan McGinley.

Laid over.

LEGISLATIVE RESOLUTION 152. Introduced by Crawford, 45; Coash, 27; Larson, 40; Schnoor, 15; Sullivan, 41; Williams, 36.

PURPOSE: The purpose of this resolution is to examine issues surrounding the Local Option Municipal Economic Development Act, commonly referred to as (Laws 1991, LB840). The issues addressed by this interim study shall include but not be limited to:

- (1) A review of the history behind the passage of LB 840 and the corresponding amendments to Article XIII, section 2, of the Nebraska Constitution;
- (2) A review of the eligible uses of LB 840 funds as limited by current statutory definitions;
- (3) A review of potential additional uses of LB 840 funds that could be added to current statutory definitions; and
- (4) An examination of the process used to amend an existing LB 840 plan and whether such amendment requires voter approval.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 152. Title read. Considered.

Committee AM656, found on page 745, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present

and not voting, and 4 excused and not voting.

LEGISLATIVE RESOLUTION 7CA. Read. Considered.

Committee AM822, found on page 865, was offered.

Senator Schumacher offered his amendment, AM922, found on page 970, to the committee amendment.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 153. Introduced by Ebke, 32.

WHEREAS, on March 22, 2015, firefighters and emergency personnel from 26 different fire and rescue crews in Nebraska and Kansas responded to a fire at an industrial plant in Fairbury; and

WHEREAS, the fire started at the Livingston Enterprises hog plant. Eight employees were inside when the fire started but fortunately none of the employees were injured; and

WHEREAS, as many as 200 firefighters and emergency personnel helped to fight the fire, battling against strong winds, and stayed on the scene overnight to ensure that the fire did not spread.

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

1. That the Legislature recognizes the many firefighters and emergency personnel from Nebraska and Kansas for their dedication, exemplary service, and outstanding commitment to fighting the Fairbury fire and providing firefighting and emergency services.

2. That a copy of this resolution be sent to the fire departments, police and emergency agencies, and other entities involved in the fire at Livingston Enterprises in Fairbury.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Cook, Mello - LB544

Garrett - LB357

VISITORS

Visitors to the Chamber were 36 fourth-grade students and teachers from St. John Elementary, Lincoln; 18 ninth- through twelfth-grade students and

teacher from Madison; 42 fourth-grade students and teachers from Wildwood Elementary, Ralston; and 50 fourth-grade students and teachers from Tara Heights School, Papillion.

RECESS

At 12:02 p.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., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senators Morfeld and Murante who were excused; and Senators Chambers, Groene, K. Haar, Kolowski, Lindstrom, Mello, Scheer, Seiler, and Sullivan who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 154. Introduced by Stinner, 48.

PURPOSE: LB512 was introduced in the 2015 legislative session because of citizen concerns about an application filed with the Nebraska Oil and Gas Conservation Commission regarding the approval of a salt wastewater injection well in Sioux County.

A Colorado company has proposed to inject salt wastewater used in oil and gas production into a dry oil well which has the potential to be the largest disposal well in the state, with as many as 80 trucks hauling over 10,000 barrels of wastewater to the disposal site daily. The wastewater would come from Nebraska, Wyoming, and Colorado and could contain chemicals used in hydraulic fracturing, also known as "fracking".

The concerns and questions raised by citizens about the proposal include (a) whether the disposal of such wastewater in a subterranean region in Nebraska may trigger earthquakes, (b) the long-term costs of monitoring such wells and how the clean-up would be financed if damage were done, (c) the possibility of contamination of water used for human consumption, irrigation, and the watering of livestock, and (d) if the heavy truck traffic will damage Nebraska's roadways and pose a highway safety problem.

The purpose of this resolution is to investigate and make recommendations regarding the authority of the Nebraska Oil and Gas Conservation Commission and its role in decisions regarding the disposal of salt wastewater into dry wells. The study shall address what can be done to protect the environment, the surface and underground water supply, and public safety. The study should make recommendations if further regulation is deemed necessary and examine the funding needed and possible funding sources for such additional regulation.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE RESOLUTION 7CA. The Schumacher amendment, AM922, found on page 970 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Chambers offered the following motion:

MO58

Bracket until June 5, 2015.

Senator Chambers withdrew his motion to bracket.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 155. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

PURPOSE: The purpose of this resolution is to examine current and potential economic development tools available to municipalities in Nebraska. The issues addressed by this study shall include but not be limited to:

(1) A brief review of current economic development tools available to municipalities, including tax-increment financing (TIF) and the Local Option Municipal Economic Development Act (Laws 1991, LB840);

(2) A review of potential additional economic development tools which could be made available to municipalities, including a review of economic development tools currently available to municipalities in other states; and

(3) An examination of provisions in the Nebraska Constitution, including the uniformity and proportionality clause in Article VIII, section 1, that limits the ability of the Legislature to authorize municipal economic development tools that are commonly available in other states.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 156. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Urban Affairs Committee that may arise during the interim.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB106:
AM1018

(Amendments to Standing Committee amendments, AM521)

1 1. Strike section 8 and insert the following new section:

2 Sec. 8. (1) A person who applied to a county for a livestock
3 operation siting or expansion permit and has been denied by the county
4 may appeal the decision directly to the district court.

5 (2) In any proceeding under this section, subsequent to the initial
6 filing, the parties shall receive from the clerk of the district court
7 information regarding the availability of mediation through the farm
8 mediation service of the department. Development of the informational
9 materials and the implementation of this subsection shall be accomplished
10 through the State Court Administrator.

11 (3) With the consent of both parties, a court may refer a case to
12 mediation and may state a date for the case to return to court, but such
13 date shall be no longer than ninety days from the date the order is
14 signed unless the court grants an extension.

15 (4) If the parties consent to mediate, they shall meet with a
16 mediator from, or appointed through, the farm mediation service of the
17 department to mediate an agreement. The mediator may negotiate exceptions
18 to the guidelines of the assessment matrix factors adopted pursuant to

19 section 5 of this act that may bring about agreement between the parties
 20 involved.
 21 (5) If a mediation agreement is reached, the district court shall
 22 enter the agreement as the judgment in the action. The costs of mediation
 23 shall be shared by the parties according to the schedule of fees
 24 established by the farm mediation service of the department and collected
 25 directly by the farm mediation service, except that the department may
 26 establish an internal fund to pay the costs of mediation on behalf of the
 1 parties.
 2 (6) If the case is not referred to mediation or if mediation is
 3 terminated or fails to reach an agreement between the parties, the action
 4 shall proceed as a civil action.
 5 2. On page 1, strike line 7; in line 8 strike "(2)" and insert
 6 "(1)"; in line 9 strike "(3)" and insert "(2)"; in line 10 strike "(4)"
 7 and insert "(3)"; in line 12 strike "(5)" and insert "(4)"; and in line
 8 23 after the period insert "The act shall not apply to counties that have
 9 not enacted zoning regulations pursuant to sections 23-114 to
 10 23-114.05.".
 11 3. On page 4, strike lines 3 and 4; in line 5 strike "(5)" and
 12 insert "(4)"; in line 6 before "matrix" insert "assessment"; in line 7
 13 strike beginning with "and" through "section"; in line 10 after the
 14 period insert "The committee shall review the matrix annually and
 15 recommend to the department changes as needed."; in line 11 strike "(6)"
 16 and insert "(5)"; and in line 18 before "matrix" insert "assessment".

Senator Watermeier filed the following amendment to LB106:
 AM997

(Amendments to Standing Committee amendments, AM521)

1 1. Insert the following new section:
 2 Sec. 10. Section 23-114.01, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 23-114.01 (1) In order to avail itself of the powers conferred by
 5 section 23-114, the county board shall appoint a planning commission to
 6 be known as the county planning commission. The members of the commission
 7 shall be residents of the county to be planned and shall be appointed
 8 with due consideration to geographical and population factors. Since the
 9 primary focus of concern and control in county planning and land-use
 10 regulatory programs is the unincorporated area, a majority of the members
 11 of the commission shall be residents of unincorporated areas, except that
 12 this requirement shall not apply to joint planning commissions. Members
 13 of the commission shall hold no county or municipal office, except that a
 14 member may also be a member of a city, village, or other type of planning
 15 commission. The term of each member shall be three years, except that
 16 approximately one-third of the members of the first commission shall
 17 serve for terms of one year, one-third for terms of two years, and one-
 18 third for terms of three years. All members shall hold office until their
 19 successors are appointed. Members of the commission may be removed by a
 20 majority vote of the county board for inefficiency, neglect of duty, or
 21 malfeasance in office or other good and sufficient cause upon written

22 charges being filed with the county board and after a public hearing has
23 been held regarding such charges. Vacancies occurring otherwise than
24 through the expiration of terms shall be filled for the unexpired terms
25 by individuals appointed by the county board. Members of the commission
26 shall be compensated for their actual and necessary expenses incurred in
1 connection with their duties in an amount to be fixed by the county
2 board. Reimbursement for mileage shall be made at the rate provided in
3 section 81-1176. Each county board may provide a per diem payment for
4 members of the commission of not to exceed fifteen dollars for each day
5 that each such member attends meetings of the commission or is engaged in
6 matters concerning the commission, but no member shall receive more than
7 one thousand dollars in any one year. Such per diem payments shall be in
8 addition to and separate from compensation for expenses.

9 (2) The commission: (a) Shall prepare and adopt as its policy
10 statement a comprehensive development plan and such implemental means as
11 a capital improvement program, subdivision regulations, building codes,
12 and a zoning resolution; (b) shall consult with and advise public
13 officials and agencies, public utilities, civic organizations,
14 educational institutions, and citizens relating to the promulgation of
15 implemental programs; (c) may delegate authority to any of the groups
16 named in subdivision (b) of this subsection to conduct studies and make
17 surveys for the commission; and (d) shall make preliminary reports on its
18 findings and hold public hearings before submitting its final reports.
19 The county board shall not hold its public meetings or take action on
20 matters relating to the comprehensive development plan, capital
21 improvements, building codes, subdivision development, or zoning until it
22 has received the recommendations of the commission.

23 (3) The commission may, with the consent of the governing body, in
24 its own name: Make and enter into contracts with public or private
25 bodies; receive contributions, bequests, gifts, or grants of funds from
26 public or private sources; expend the funds appropriated to it by the
27 county board; employ agents and employees; and acquire, hold, and dispose
28 of property. The commission may, on its own authority: Make arrangements
29 consistent with its program; conduct or sponsor special studies or
30 planning work for any public body or appropriate agency; receive grants,
31 remuneration, or reimbursement for such studies or work; and at its
1 public hearings, summon witnesses, administer oaths, and compel the
2 giving of testimony.

3 (4) In all counties in the state, the county planning commission may
4 grant conditional uses or special exceptions to property owners for the
5 use of their property if the county board of commissioners or supervisors
6 has officially and generally authorized the commission to exercise such
7 powers and has approved the standards and procedures the commission
8 adopted for equitably and judiciously granting such conditional uses or
9 special exceptions. The granting of a conditional use permit or special
10 exception shall only allow property owners to put their property to a
11 special use if it is among those uses specifically identified in the
12 county zoning regulations as classifications of uses which may require
13 special conditions or requirements to be met by the owners before a use

14 permit or building permit is authorized. ~~The applicant for a conditional~~
15 ~~use permit or special exception for a livestock operation specifically~~
16 ~~identified in the county zoning regulations as a classification of use~~
17 ~~which may require special conditions or requirements to be met within an~~
18 ~~area of a county zoned for agricultural use may request a determination~~
19 ~~of the special conditions or requirements to be imposed by the county~~
20 ~~planning commission or by the county board of commissioners or~~
21 ~~supervisors if the board has not authorized the commission to exercise~~
22 ~~such authority. Upon request the commission or board shall issue such~~
23 ~~determination of the special conditions or requirements to be imposed in~~
24 ~~a timely manner. Such special conditions or requirements to be imposed~~
25 ~~may include, but are not limited to, the submission of information that~~
26 ~~may be separately provided to state or federal agencies in applying to~~
27 ~~obtain the applicable state and federal permits. The commission or the~~
28 ~~board may request and review, prior to making a determination of the~~
29 ~~special conditions or requirements to be imposed, reasonable information~~
30 ~~relevant to the conditional use or special exception. If a determination~~
31 ~~of the special conditions or requirements to be imposed has been made,~~
1 ~~final permit approval may be withheld subject only to a final review by~~
2 ~~the commission or county board to determine whether there is a~~
3 ~~substantial change in the applicant's proposed use of the property upon~~
4 ~~which the determination was based and that the applicant has met, or will~~
5 ~~meet, the special conditions or requirements imposed in the~~
6 ~~determination. For purposes of this section, substantial change shall~~
7 ~~include any significant alteration in the original application including~~
8 ~~a significant change in the design or location of buildings or~~
9 ~~facilities, in waste disposal methods or facilities, or in capacity.~~
10 (5) The power to grant conditional uses or special exceptions as set
11 forth in subsection (4) of this section shall be the exclusive authority
12 of the commission, except that the county board of commissioners or
13 supervisors may choose to retain for itself the power to grant
14 conditional uses or special exceptions for those classifications of uses
15 specified in the county zoning regulations. The county board of
16 commissioners or supervisors may exercise such power if it has formally
17 adopted standards and procedures for granting such conditional uses or
18 special exceptions in a manner that is equitable and which will promote
19 the public interest. In any county other than a county in which is
20 located a city of the primary class, an appeal of a decision by the
21 county planning commission or county board of commissioners or
22 supervisors regarding a conditional use or special exception shall be
23 made to the district court. In any county in which is located a city of
24 the primary class, an appeal of a decision by the county planning
25 commission regarding a conditional use or special exception shall be made
26 to the county board of commissioners or supervisors, and an appeal of a
27 decision by the county board of commissioners or supervisors regarding a
28 conditional use or special exception shall be made to the district court.
29 (6) Whenever a county planning commission or county board is
30 authorized to grant conditional uses or special exceptions pursuant to
31 subsection (4) or (5) of this section, the planning commission or county

1 board shall, with its decision to grant or deny a conditional use permit
 2 or special exception, issue a statement of factual findings arising from
 3 the record of proceedings that support the granting or denial of the
 4 conditional use permit or special exception. If a county planning
 5 commission's role is advisory to the county board, the county planning
 6 commission shall submit such statement with its recommendation to the
 7 county board as to whether to approve or deny a conditional use permit or
 8 special exception.

9 2. On page 1, line 15, strike "forty-five" and insert "one hundred
 10 eighty"; and in line 23 after "operations" insert ", which includes any
 11 land application of livestock waste".

12 3. On page 2, line 3, after "existing" insert "nonconforming uses";
 13 in line 9 strike "seeking" and insert "to seek a"; in line 18 after
 14 "counties" insert "and other states"; in line 23 after the semicolon
 15 insert the following new subdivision:

16 "(c) Develop a set of standard minimum distance requirements from
 17 neighboring residences, public use areas, and critical public areas to be
 18 used in conjunction with the matrix developed pursuant to this section";
 19 in line 24 strike "(c)" and insert "(d)"; and in line 31 strike "(d)" and
 20 insert "(e)".

21 4. On page 3, strike beginning with "The" in line 13 through line 14
 22 and insert "Consideration of proximity of a livestock operation to
 23 neighboring residences, public use areas, and critical public areas that
 24 exceed the standard minimum distance requirements established in
 25 subsection (1) of this section"; and in line 17 strike "application" and
 26 insert "land application sites and".

27 5. On page 4, line 4, strike "four" and insert "two"; in line 29
 28 strike "areas" and insert "zoning districts"; and in line 30 after
 29 "person" insert "or entity".

30 6. On page 5, lines 27 and 28, strike "grandfather in" and insert
 31 "retain".

1 7. On page 6, line 14, after the period insert "If a county planning
 2 commission's role is advisory to the county board, the county planning
 3 commission shall submit a statement of factual findings arising from the
 4 record of proceedings with its recommendation to the county board as to
 5 whether to approve or deny the livestock operation siting permit"; and
 6 in line 16 strike "areas" and insert "zoning districts".

7 8. On page 7, strike beginning with "base" in line 11 through
 8 "record" in line 12 and insert "issue a statement of factual findings
 9 arising from the record of proceedings".

10 9. On page 12, line 7, strike "section" and insert "sections" and
 11 after "23-114" insert "and 23-114.01"; and in line 8 strike "is" and
 12 insert "are".

13 10. Renumber the remaining section accordingly.

Senator Mello filed the following amendment to LB627:
 AM1032 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 47. Committee AM635, found on page 775 and considered on page 973, was renewed.

Senator Chambers offered his amendment, FA33, found on page 974, to the committee amendment.

Senator Davis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

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

Senator Chambers requested a roll call vote on the amendment.

Voting in the affirmative, 7:

Bloomfield	Coash	Kintner	Sullivan
Chambers	Ebke	Larson	

Voting in the negative, 31:

Baker	Friesen	Howard	McCollister	Smith
Brasch	Gloor	Hughes	McCoy	Watermeier
Campbell	Groene	Johnson	Nordquist	Williams
Cook	Haar, K.	Kolowski	Riepe	
Craighead	Hadley	Kolterman	Scheer	
Crawford	Hansen	Kuehn	Schnoor	
Davis	Hilkemann	Lindstrom	Seiler	

Present and not voting, 4:

Krist	Schilz	Schumacher	Stinner
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Excused and not voting, 7:

Bolz	Harr, B.	Morfeld	Pansing Brooks
Garrett	Mello	Murante	

The Chambers amendment lost with 7 ayes, 31 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB89:

AM1009

1 1. Strike original sections 2 and 5 and insert the following new
2 sections:

3 Sec. 4. (1) The Intergenerational Poverty Task Force is created.

4 The executive committee of the task force shall consist of the following
5 voting members:

6 (a) The chairperson of the Health and Human Services Committee of
7 the Legislature;

8 (b) The chairperson of the Appropriations Committee of the
9 Legislature; and

10 (c) Three at-large members appointed by the Executive Board of the
11 Legislative Council.

12 The voting members of the executive committee shall choose a
13 chairperson and vice-chairperson from among the voting members.

14 The chief executive officer of the Department of Health and Human
15 Services or his or her designee, the Commissioner of Labor, and the
16 Commissioner of Education shall be nonvoting, ex officio members of the
17 executive committee of the task force.

18 (2) The remaining members of the task force shall be nonvoting
19 members appointed by the executive committee of the task force through an
20 application and selection process, representing (a) advocacy groups that
21 focus on childhood poverty issues and education issues, (b) academic
22 experts in childhood poverty or education, (c) service providers, (d)
23 educational institutions, (e) workforce development agencies, and (f)
24 experts in early childhood education. The members appointed pursuant to
25 this subsection shall constitute the advisory committee to the task
26 force.

27 Sec. 5. The Intergenerational Poverty Task Force shall, with
1 respect to programs including, but not limited to, the aid to dependent
2 children program described in section 43-513, the federal Supplemental
3 Nutrition Assistance Program established pursuant to 7 U.S.C. 2011 et
4 seq., as such sections existed on January 1, 2015, the child care
5 assistance program described in section 68-1206, and the Employment First
6 program developed pursuant to the self-sufficiency contract described in
7 sections 68-1719 to 68-1724 and rules and regulations of the Department
8 of Health and Human Services:

9 (1) Share, examine, and analyze data and information regarding
10 intergenerational poverty in the state with a primary focus on data and
11 information regarding children who are at risk of continuing the cycle of
12 poverty unless outside intervention is made and develop effective and
13 efficient plans, programs, and recommendations to help such children
14 escape the cycle of poverty;

15 (2) Encourage participation and input from academic experts,
16 advocacy groups, nonprofit corporations, local governments, and faith-
17 based institutions in exploring strategies and solutions to help children
18 who are victims of intergenerational poverty escape the cycle of poverty;

19 (3) Study, evaluate, and report on the status and effectiveness of
20 policies, procedures, and programs implemented by other states and by
21 nongovernmental entities that address the needs of and that provide
22 services to children affected by intergenerational poverty;
23 (4) Identify policies, procedures, and programs, including any lack
24 of interagency data sharing, lack of policy coordination, or current
25 federal requirements, that are impeding efforts to help children in the
26 state affected by intergenerational poverty escape the cycle of poverty
27 and recommend changes to those policies and procedures;
28 (5) Create a long-range strategic plan containing:
29 (a) Measurable goals and benchmarks, including future action needed
30 to attain those goals and benchmarks, for decreasing the incidence of
31 intergenerational poverty among the state's children and increasing the
1 number of the state's children who escape the cycle of poverty; and
2 (b) Recommended data-supported changes to policies, procedures, and
3 programs to address the needs of children affected by intergenerational
4 poverty and to help those children escape the cycle of poverty, including
5 the steps that will be required to make the recommended changes and
6 whether further action is required by the Legislature or the federal
7 government; and
8 (6) Protect the privacy of individuals living in poverty by using
9 and distributing the data it collects or examines in compliance with
10 federal requirements and with sections 84-712 to 84-712.09.
11 Sec. 6. To accomplish its duties, the Intergenerational Poverty
12 Task Force may:
13 (1) Request and receive from any state or local governmental entity
14 or institution information relating to poverty in the state, including
15 reports, audits, data, projections, and statistics; and
16 (2) Appoint special committees to advise and assist the task force.
17 Members of any such special committee shall be appointed by the
18 chairperson of the task force and may be members of the task force or
19 individuals from the private or public sector. A special committee shall
20 report to the task force on the progress of the special committee.
21 Members of a special committee appointed under this section may not
22 receive reimbursement or pay for work done in relation to the special
23 committee.
24 Sec. 7. (1) On or before December 15, 2015, the Intergenerational
25 Poverty Task Force shall submit a preliminary report and on or before
26 December 15, 2016, the task force shall submit a final report (a) to the
27 Governor and (b) electronically to the Executive Board of the Legislative
28 Council.
29 (2) The preliminary report and the final report shall:
30 (a) Include the long-range strategic plan required pursuant to
31 section 2 of this act;
1 (b) Describe how the task force fulfilled its statutory purposes and
2 duties during the time period covered by the report;
3 (c) Describe policies, procedures, and programs that have been
4 implemented or modified to help break the cycle of poverty for children
5 affected or at risk of being affected by intergenerational poverty; and

6 (d) Contain recommendations on how the state should act to address
7 issues relating to breaking the cycle of poverty for children affected or
8 at risk of being affected by intergenerational poverty.
9 Sec. 8. The Intergenerational Poverty Task Force terminates on
10 December 31, 2016.
11 Sec. 9. Sections 1 to 3 and 10 of this act become operative on July
12 1, 2015. The other sections of this act become operative on their
13 effective date.
14 2. Renumber the remaining sections and correct the repealer
15 accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Davis - LR154
Bloomfield, Coash, McCollister, Williams, Hansen - LB323

VISITORS

Visitors to the Chamber were 65 fourth-grade students and teachers from Gretna; and Senator Krist's daughter, Courtney.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 4:24 p.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Thursday, March 26, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

