

FORTY-THIRD DAY - MARCH 16, 2016**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 16, 2016

PRAYER

The prayer was offered by Senator Scheer.

ROLL CALL

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

The roll was called and all members were present except Senator Campbell who was excused; and Senators Craighead, Davis, Ebke, Groene, K. Haar, Kolowski, Murante, and Schnoor who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

MOTION(S) - Confirmation Report(s)

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 942:

Nebraska Rural Health Advisory Commission
John A. E. Craig
Rebecca Schroeder
Roger Wells

Voting in the affirmative, 31:

Baker	Garrett	Kolterman	Pansing Brooks	Sullivan
Bloomfield	Gloor	Krist	Riepe	Watermeier
Bolz	Hansen	Kuehn	Schilz	Williams
Brasch	Hilkemann	Lindstrom	Schumacher	
Crawford	Howard	McCollister	Seiler	
Fox	Hughes	McCoy	Smith	
Friesen	Johnson	Mello	Stinner	

Voting in the negative, 0.

Present and not voting, 9:

Chambers	Cook	Harr, B.	Larson	Scheer
Coash	Hadley	Kintner	Morfeld	

Excused and not voting, 9:

Campbell	Davis	Groene	Kolowski	Schnoor
Craighead	Ebke	Haar, K.	Murante	

The appointments were confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 467A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 722A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 754A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 977A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 698A. Senator Crawford offered the Campbell amendment, AM2593, found on page 988.

The Campbell amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

ANNOUNCEMENT

The Chair announced the birthday of Senator Kolterman.

GENERAL FILE

LEGISLATIVE BILL 843. Title read. Considered.

Committee AM2335, found on page 778, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

SPEAKER HADLEY PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 485. Introduced by Mello, 5.

WHEREAS, National Hispanic Heritage Month was first celebrated in 1989, and grew out of National Hispanic Heritage Week, which was created by a joint resolution of Congress in 1968 and annual proclamations by the President each year since; and

WHEREAS, National Hispanic Heritage Month is observed from September 15 through October 15 and covers the independence days of Chile, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, and Nicaragua, and other cultural and historical holidays including Columbus Day, Día de la Raza (Day of the Race), and Día de Las Américas (Day of the Americas); and

WHEREAS, National Hispanic Heritage Month is a celebration and commemoration of Latin-American and Hispanic history and culture; and

WHEREAS, the Hispanic community in Nebraska has made tremendous contributions in business, education, and civic engagement; and

WHEREAS, Hispanic men and women play an integral role in American society, and it is vitally important that we honor and celebrate their contributions to our culture and to the State of Nebraska.

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

1. That the Legislature designates September 15 through October 15, 2016, as Hispanic Heritage Month in the State of Nebraska.

2. That Nebraskans are encouraged to come together to recognize, commemorate, and celebrate the Hispanic men and women of Nebraska, past and present, who have worked tirelessly to overcome obstacles of language, culture, and tradition to positively impact American society and become an integral part of our local communities.

3. That Nebraskans are also encouraged to study Hispanic culture and history, recognize Hispanic contributions in their communities, and strive

for appreciation and equality year-round in order to celebrate our past and brighten our future.

Laid over.

LEGISLATIVE RESOLUTION 486. Introduced by Mello, 5.

WHEREAS, Cesar Chavez was born on March 31, 1927 on a family farm near Yuma, Arizona; and

WHEREAS, when he was still a young boy, Cesar Chavez's family lost their farm during the Great Depression. Cesar began working with his family as a migrant farm worker, and after eighth grade he quit school to work full-time and help support his family; and

WHEREAS, as a young man, Cesar Chavez went on to serve for two years in the United States Navy. When he was discharged he returned to California and married Helen Fabela, with whom he had eight children; and

WHEREAS, as early as 1949, Cesar Chavez began advocating for civil rights and labor rights for farm workers in California, campaigning for fair wages and better working and living conditions, and fighting the use of child labor; and

WHEREAS, in 1952, he joined the Community Service Organization, where he worked to encourage voter registration and voting among the Latino community and opposed discrimination against Latinos in East Los Angeles. In 1958, he became the national director of the organization; and

WHEREAS, in 1962, Cesar Chavez co-founded the National Farm Workers Association with Dolores Huerta, which would later expand nationally to become the United Farm Workers of America (UFW); and

WHEREAS, Cesar Chavez followed the examples of Dr. Martin Luther King, Jr. and Mahatma Gandhi by leading non-violent protests and boycotts and organizing strikes within the Latino and Filipino communities, resulting in a successful five-year strike by grape-pickers that gained national attention; and

WHEREAS, Cesar Chavez's national and international campaigns led the abolition of the Bracero Program, raised wages for farm workers, led to better working conditions for laborers, created health care coverage for farm workers, brought attention to discrimination faced by farm workers, led to the ban of the short-handled hoe as an unsafe tool, and resulted in collective bargaining agreements that covered tens of thousands of farm workers across the nation; and

WHEREAS, Cesar Chavez used fasting as a peaceful tactic to bring attention to the plight of farm workers in the United States. In 1968 and 1972 he fasted for over three weeks, and in 1988 he fasted for over five weeks to protest the effects of pesticide use on farm workers and their children; and

WHEREAS, Cesar Chavez passed away on April 23, 1993 at the age of 66. More than 50,000 people attended his funeral in California where he was laid to rest at the UFW headquarters in Keene, California; and

WHEREAS, on August 8, 1994, Cesar Chavez was posthumously awarded the Presidential Medal of Freedom by President Bill Clinton.

Several portraits and pictures of Chavez now reside in the National Portrait Gallery in Washington, D.C.; and

WHEREAS, the legacy of Cesar Chavez continues to inspire millions worldwide to work for labor rights, human rights, and civil rights.

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

1. That the Nebraska Legislature joins numerous states and communities by designating March 31, 2016 as Cesar Chavez Day in Nebraska.
2. That the Nebraska Legislature recognizes the accomplishments and service of farm workers in Nebraska.
3. That Nebraskans are encouraged to participate in community service projects to celebrate Cesar Chavez's life and work.

Laid over.

LEGISLATIVE RESOLUTION 487. Introduced by Fox, 7; Mello, 5.

WHEREAS, the Omaha South High Magnet School boys' basketball team, led by Coach Bruce Chubick, won the 2016 Class A Boys' State Basketball Championship; and

WHEREAS, the South High Packers defeated the Fremont Tigers on Saturday, March 12, in a spirited contest, by a score of 59-50, which saw both teams representing their respective schools to the best of their abilities; and

WHEREAS, the members of the Omaha South basketball team showed great determination and skill throughout their season, finishing with a record of 28-1 and ranked as one of the best teams in the nation by USA Today; and

WHEREAS, Coach Bruce Chubick has set a tremendous example of perseverance and stability throughout his tenure as head coach of the Packers, not missing a game despite suffering a heart attack mid-season; 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, SECOND SESSION:

1. That the Legislature congratulates the Omaha South High Magnet School boys' basketball team on winning the 2016 Class A Boys' State Basketball Championship.
2. That a copy of this resolution be sent to the Omaha South High Magnet School boys' basketball team and Coach Bruce Chubick.

Laid over.

LEGISLATIVE RESOLUTION 488. Introduced by Ebke, 32.

WHEREAS, Mark Kroeker, a member of Troop 302 of Fairbury, 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. Throughout his scouting experience, Mark has been tested on and recognized for these scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project. For his project, Mark organized volunteers to improve the parking lot at Fairbury United Methodist Church and construct a shelving unit for the church's Sunday school program. The parking lot project included painting lines, defining "No Parking" areas, repainting a post protecting the meters to improve its visibility, and adding arrows to help direct traffic flow; and

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

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

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

Laid over.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB889:
AM2572 is available in the Bill Room.

Senator Howard filed the following amendment to LB643:
AM2599 is available in the Bill Room.

Senator Mello filed the following amendment to LB1093:
AM2547

(Amendments to Standing Committee amendments, AM2391)

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. Section 81-1210.01, Reissue Revised Statutes of Nebraska,
- 3 is amended to read:
- 4 81-1210.01 For purposes of sections 81-1210.01 to 81-1210.03:
- 5 (1) Department means the Department of Economic Development;
- 6 (2) Internship means employment of a student in a professional or
- 7 technical position for a limited period of time, by a business in
- 8 Nebraska, in which the student (a) gains valuable work experience, (b)
- 9 increases knowledge that assists with career decisionmaking, and (c)

10 assists the business in accelerating short-term business objectives; and
 11 (3) Student means any person who:
 12 (a) Is in eleventh or twelfth grade in a public or private high
 13 school or a school which elects pursuant to section 79-1601 not to meet
 14 accreditation or approval requirements in Nebraska;
 15 ~~(b a) Is enrolled full-time in a college, university, or other~~
 16 ~~institution of higher education in Nebraska; or~~
 17 ~~(b) Has residency in Nebraska and is enrolled full time in a~~
 18 ~~college, university, or other institution of higher education in a state~~
 19 ~~other than Nebraska; or~~
 20 (c) Applies for an internship within six months following graduation
 21 from ~~(i) a college, university, or other institution of higher education~~
 22 ~~in Nebraska or (ii) a college, university, or other institution of higher~~
 23 ~~education in a state other than Nebraska if such person had residency in~~
 24 ~~Nebraska during his or her enrollment in such college, university, or~~
 25 ~~institution.~~
 26 2. On page 5, strike the new matter in lines 28 through 31.
 1 3. On page 6, lines 1 through 3 strike the new matter and reinstate
 2 the stricken matter.

GENERAL FILE

LEGISLATIVE BILL 1081. Title read. Considered.

Committee AM2180, found on page 775, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 900. Title read. Considered.

Committee AM1957, found on page 732, was offered.

Senator Morfeld offered his amendment, AM2343, found on page 933, to the committee amendment.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 680A. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 680, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Fox - LB843

VISITOR(S)

Visitors to the Chamber were 25 students and teachers from the Career Academy of Lincoln; Don and Jodi Daily from Kearney; and Senator Bloomfield's wife, Dee, and Karen and Natalie Kruger.

RECESS

At 11:28 a.m., on a motion by Senator Craighead, the Legislature recessed until 1:00 p.m.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Senator Krist presiding.

ROLL CALL

The roll was called and all members were present except Senator Campbell who was excused; and Senators Kolterman, Kuehn, McCoy, Mello, Schumacher, and Watermeier who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 900. The Morfeld amendment, AM2343, found on page 933 and considered in this days Journal, to the committee amendment, was renewed.

Senator Hilkemann offered the following motion:

MO208

Bracket until April 20, 2016.

SENATOR COASH PRESIDING

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

Senator Bolz moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

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

Voting in the affirmative, 27:

Bolz	Gloor	Johnson	Murante	Smith
Coash	Haar, K.	Kintner	Pansing Brooks	Watermeier
Cook	Hadley	Kolowski	Riepe	Williams
Craighead	Hansen	Larson	Schilz	
Crawford	Hilkemann	Lindstrom	Schumacher	
Fox	Howard	McCollister	Seiler	

Voting in the negative, 5:

Friesen	Hughes	Kolterman	Scheer	Stinner
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Present and not voting, 14:

Baker	Chambers	Garrett	Krist	Schnoor
Bloomfield	Davis	Groene	Kuehn	Sullivan
Brasch	Ebke	Harr, B.	Morfeld	

Excused and not voting, 3:

Campbell	McCoy	Mello
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The motion to cease debate prevailed with 27 ayes, 5 nays, 14 present and not voting, and 3 excused and not voting.

Senator Hilkemann requested a roll call vote on the motion to bracket.

Voting in the affirmative, 17:

Bolz	Fox	Hansen	Kolowski	Williams
Cook	Gloor	Hilkemann	Riepe	
Craighead	Haar, K.	Howard	Seiler	
Crawford	Hadley	Johnson	Watermeier	

Voting in the negative, 25:

Bloomfield	Ebke	Hughes	Larson	Schilz
Brasch	Friesen	Kintner	Lindstrom	Schnoor
Chambers	Garrett	Kolterman	Mello	Schumacher
Coash	Groene	Krist	Morfeld	Stinner
Davis	Harr, B.	Kuehn	Scheer	Sullivan

Present and not voting, 5:

Baker	McCollister	Murante	Pansing Brooks	Smith
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Excused and not voting, 2:

Campbell McCoy

The Hilkemann motion to bracket failed with 17 ayes, 25 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SENATOR KRIST PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 470, 471, 472, 473, and 474 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 470, 471, 472, 473, and 474.

GENERAL FILE

LEGISLATIVE BILL 900. The Morfeld amendment, AM2343, found on page 933 and considered in this day's Journal, to the committee amendment, was renewed.

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 824. Placed on General File with amendment.
AM2611

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

2 sections:

3 Section 1. Section 70-1003, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 70-1003 (1) There is hereby established an independent board to be
6 known as the Nebraska Power Review Board to consist of five members, one
7 of whom shall be an engineer, one an attorney, one an accountant, and two
8 laypersons. No person who is or who has within four years preceding his
9 or her appointment been either a director, officer, or employee of any
10 electric utility or an elective state officer shall be eligible for
11 membership on the board. Members of the board shall be appointed by the

12 Governor subject to the approval of the Legislature. Upon expiration of
13 the terms of the members first appointed, the successors shall be
14 appointed for terms of four years. No member of the board shall serve
15 more than two consecutive terms. Any vacancy on the board arising other
16 than from the expiration of a term shall be filled by appointment for the
17 unexpired portion of the term, and any person appointed to fill a vacancy
18 on the board shall be eligible for reappointment for two more consecutive
19 terms. No more than three members of the board shall be registered
20 members of that political party represented by the Governor.

21 (2) Each member of the board shall receive sixty dollars per day for
22 each day actually and necessarily engaged in the performance of his or
23 her duties, but not to exceed six thousand dollars in any one year,
24 except for the member designated to represent the board on the Southwest
25 Power Pool Regional State Committee or its equivalent successor, who
26 shall receive two hundred fifty dollars for each day actually and
27 necessarily engaged in the performance of his or her duties, not to
1 exceed twenty thousand dollars in any one year. If the member designated
2 to represent the board on the Southwest Power Pool Regional State
3 Committee should for any reason no longer serve in that capacity during a
4 year, the pay received while serving in such capacity shall not be used
5 for purposes of calculating the six-thousand-dollar limitation for board
6 members not serving in that capacity. When another board member acts as
7 the proxy for the designated Southwest Power Pool Regional State
8 Committee member, he or she shall receive the same pay as the designated
9 member would have for that activity. Pay received while serving as proxy
10 for such designated member shall not be used for purposes of determining
11 whether the six-thousand-dollar limitation has been met for board members
12 not serving as such designated member. Total pay to board members for
13 activities related to the Southwest Power Pool shall not exceed an
14 aggregate total of twenty-five thousand dollars in any one year. Each
15 member and shall be reimbursed for his or her actual and necessary
16 expenses while so engaged as provided in sections 81-1174 to 81-1177. The
17 board shall have jurisdiction as provided in Chapter 70, article 10.

18 (3) ~~2) The board shall meet promptly after its members have been~~
19 ~~appointed. They shall elect from their members a chairperson and a vice-~~
20 ~~chairperson. Decisions of the board shall require the approval of a~~
21 ~~majority of the members of the board.~~

22 (4) ~~3) The board shall employ an executive director and may employ~~
23 ~~such other staff necessary to carry out the duties pursuant to Chapter~~
24 ~~70, article 10. The executive director shall serve at the pleasure of the~~
25 ~~board and shall be solely responsible to the board. The executive~~
26 ~~director shall be responsible for the administrative operations of the~~
27 ~~board and shall perform such other duties as may be delegated or assigned~~
28 ~~to him or her by the board. The board may obtain the services of experts~~
29 ~~and consultants necessary to carry out the board's duties pursuant to~~
30 ~~Chapter 70, article 10.~~

31 (5) ~~4) The board shall publish and submit a biennial report with~~
1 ~~annual data to the Governor, with copies to be filed with the Clerk of~~
2 ~~the Legislature and with the State Energy Office. The report submitted to~~

3 the Clerk of the Legislature shall be submitted electronically. The State
4 Energy Office shall consider the information in the Nebraska Power Review
5 Board's report when the State Energy Office prepares its own reports
6 pursuant to sections 81-1606 and 81-1607. The report of the board shall
7 include:

- 8 (a) The assessments for the fiscal year imposed pursuant to section
9 70-1020;
- 10 (b) The gross income totals for each category of the industry and
11 the industry total;
- 12 (c) The number of suppliers against whom the assessment is levied,
13 by category and in total;
- 14 (d) The projected dollar costs of generation, transmission, and
15 microwave applications, approved and denied;
- 16 (e) The actual dollar costs of approved applications upon
17 completion, and a summary of an informational hearing concerning any
18 significant divergence between the projected and actual costs;
- 19 (f) A description of Nebraska's current electric system and
20 information on additions to and retirements from the system during the
21 fiscal year, including microwave facilities;
- 22 (g) A statistical summary of board activities and an expenditure
23 summary;
- 24 (h) A roster of power suppliers in Nebraska and the assessment each
25 paid; and
- 26 (i) Appropriately detailed historical and projected electric supply
27 and demand statistics, including information on the total generating
28 capacity owned by Nebraska suppliers and the total peak load demand of
29 the previous year, along with an indication of how the industry will
30 respond to the projected situation.

31 (~~6~~ ~~5~~) The board may, in its discretion, hold public hearings
1 concerning the conditions that may indicate that retail competition in
2 the electric industry would benefit Nebraska's citizens and what steps,
3 if any, should be taken to prepare for retail competition in Nebraska's
4 electricity market. In determining whether to hold such hearings, the
5 board shall consider the sufficiency of public interest.

6 (~~7~~ ~~6~~) The board may, at any time deemed beneficial by the board,
7 submit a report to the Governor with copies to be filed with the Clerk of
8 the Legislature and the Natural Resources Committee of the Legislature.
9 The report filed with the Clerk of the Legislature and the committee
10 shall be filed electronically. The report may include:

- 11 (a) Whether or not a viable regional transmission organization and
12 adequate transmission exist in Nebraska or in a region which includes
13 Nebraska;
- 14 (b) Whether or not a viable wholesale electricity market exists in a
15 region which includes Nebraska;
- 16 (c) To what extent retail rates have been unbundled in Nebraska;
- 17 (d) A comparison of Nebraska's wholesale electricity prices to the
18 prices in the region; and
- 19 (e) Any other information the board believes to be beneficial to the
20 Governor, the Legislature, and Nebraska's citizens when considering

21 whether retail electric competition would be beneficial, such as, but not
22 limited to, an update on deregulation activities in other states and an
23 update on federal deregulation legislation.
24 (8 7) The board may establish working groups of interested parties
25 to assist the board in carrying out the powers set forth in subsections
26 (6 5) and (7 6) of this section.
27 Sec. 2. Original section 70-1003, Revised Statutes Cumulative
28 Supplement, 2014, is repealed.

(Signed) Ken Schilz, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 783A. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 783, One Hundred Fourth Legislature, Second Session, 2016.

LEGISLATIVE BILL 1038A. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1038, One Hundred Fourth Legislature, Second Session, 2016.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Berggren, Patrick - Nebraska Game and Parks Commission - Natural Resources

(Signed) Bob Krist, Chairperson
Executive Board

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB235:
AM2577

1 1. In the Standing Committee amendments, strike amendment 3.
2 2. On page 3, line 17, after "is" insert "registered or"; and strike
3 lines 30 and 31 and insert the following new subdivision:
4 "(5)(i) If the kiosk has a physical location, the name and state
5 license number of the provider who will read and interpret the diagnostic
6 information and data shall be prominently displayed on the kiosk.
7 (ii) If the kiosk is an application, the name and state license
8 number of the provider who will read and interpret the diagnostic

9 information and data shall be displayed on the patient's prescription."
 10 3. On page 4, strike line 1; in line 3 after "provider" insert "if
 11 clinically appropriate"; strike beginning with "Any" in line 10 through
 12 line 25 and insert "The Uniform Credentialing Act shall apply to any
 13 person alleged or believed to have violated the Consumer Protection in
 14 Eye Care Act. The department shall investigate potential violations of
 15 the Consumer Protection in Eye Care Act according to the procedures of
 16 the Uniform Credentialing Act and shall take appropriate action as
 17 provided by the Uniform Credentialing Act."; and strike beginning with
 18 "(3)" in line 26 through "than" in line 29 and insert "(2) In addition to
 19 the remedies, penalties, or relief available under the Uniform
 20 Credentialing Act, the department may impose a civil penalty against a
 21 person who does not hold a credential under the Uniform Credentialing Act
 22 who has violated or attempted to violate the Consumer Protection In Eye
 23 Care Act. The civil penalty shall not exceed".
 24 4. On page 5, line 4, strike "(4)" and insert "(3)".

Senator Watermeier filed the following amendment to LB867:
 AM2548

(Amendments to E and R amendments, ER180)

1 1. Insert the following new section:
 2 Sec. 2. Section 83-1,135, Revised Statutes Supplement, 2015, is
 3 amended to read:
 4 83-1,135 Sections 83-170 to 83-1,135.02 and sections 17 and 18 of
 5 this act shall be known and may be cited as the Nebraska Treatment and
 6 Corrections Act.
 7 2. Renumber the remaining sections and correct internal references
 8 and the repealer accordingly.

Senator Watermeier filed the following amendment to LB744:
 AM2416

(Amendments to Standing Committee amendments, AM2142)

1 1. On page 1, after line 7, insert the following new subsection:
 2 "(2)(a) In private adoptions, the birth mother shall be provided
 3 independent legal counsel of her choice at the expense of the adoptive
 4 parent or parents prior to the execution of a written relinquishment of
 5 parental rights, written consent to adoption, or communication and
 6 contact agreement under this section.
 7 (b) In private and agency adoptions, the birth parent or parents
 8 shall be offered, at the expense of the adoptive parent or parents or the
 9 agency, at least three hours of professional counseling prior to
 10 executing a written relinquishment of parental rights or written consent
 11 to adoption. Such relinquishment or consent shall state whether the birth
 12 parent or parents received or declined counseling."; in line 8 strike
 13 "(2)" and insert "(3)"; in line 14 strike "(3)" and insert "(4)"; in line
 14 17 strike "(4)" and insert "(5)"; and in line 23 strike "(5)" and insert
 15 "(6)".
 16 2. On page 2, line 7, strike "(6)" and insert "(7)"; in line 18
 17 strike "(7)" and insert "(8)"; in line 21 strike "6" and insert "(7)";

18 and in line 22 strike "(8)" and insert "(9)".
19 3. On page 3, line 4, strike "(9)" and insert "(10)"; and in line 5
20 strike "(6)" and insert "(7)".

Senator Howard filed the following amendment to LB894:
AM2600

(Amendments to E and R amendments, ER181)

1 1. On page 2, line 9, strike "Placements" and insert "Except for the
2 use of manually controlled delayed egress of not more than thirty
3 seconds, placements".

Senator Krist filed the following amendment to LB894:
AM2610

(Amendments to E and R amendments, ER181)

1 1. Insert the following new sections:
2 Sec. 14. Section 43-272.01, Revised Statutes Supplement, 2015, is
3 amended to read:
4 43-272.01 (1) A guardian ad litem as provided for in subsections (2)
5 and (3) of section 43-272 shall be appointed when a child is removed from
6 his or her surroundings pursuant to subdivision (2) or (3) of section
7 43-248, subsection (2) of section 43-250, or section 43-251. If a county
8 has a guardian ad litem division created under section 15 of this act,
9 the court shall appoint the guardian ad litem division unless a conflict
10 of interest exists. If removal has not occurred, a guardian ad litem
11 shall be appointed at the commencement of all cases brought under
12 subdivision (3)(a) or (7) of section 43-247 and section 28-707.
13 (2) In the course of discharging duties as guardian ad litem, the
14 person so appointed shall consider, but not be limited to, the criteria
15 provided in this subsection. The guardian ad litem:
16 (a) Is appointed to stand in lieu of a parent for a protected
17 juvenile who is the subject of a juvenile court petition, shall be
18 present at all hearings before the court in such matter unless expressly
19 excused by the court, and may enter into such stipulations and agreements
20 concerning adjudication and disposition deemed by him or her to be in the
21 juvenile's best interests;
22 (b) Is not appointed to defend the parents or other custodian of the
23 protected juvenile but shall defend the legal and social interests of
24 such juvenile. Social interests shall be defined generally as the usual
25 and reasonable expectations of society for the appropriate parental
26 custody and protection and quality of life for juveniles without regard
1 to the socioeconomic status of the parents or other custodians of the
2 juvenile;
3 (c) May at any time after the filing of the petition move the court
4 of jurisdiction to provide medical or psychological treatment or
5 evaluation as set out in section 43-258. The guardian ad litem shall have
6 access to all reports resulting from any examination ordered under
7 section 43-258, and such reports shall be used for evaluating the status
8 of the protected juvenile;
9 (d) Shall make every reasonable effort to become familiar with the

10 needs of the protected juvenile which (i) shall include consultation with
11 the juvenile in his or her respective placement within two weeks after
12 the appointment and once every six months thereafter, unless the court
13 approves other methods of consultation as provided in subsection (6) of
14 this section, and inquiry of the most current caseworker, foster parent,
15 or other custodian and (ii) may include inquiry of others directly
16 involved with the juvenile or who may have information or knowledge about
17 the circumstances which brought the juvenile court action or related
18 cases and the development of the juvenile, including biological parents,
19 physicians, psychologists, teachers, and clergy members;

20 (e) May present evidence and witnesses and cross-examine witnesses
21 at all evidentiary hearings. In any proceeding under this section
22 relating to a child of school age, certified copies of school records
23 relating to attendance and academic progress of such child are admissible
24 in evidence;

25 (f) Shall be responsible for making written reports and
26 recommendations to the court at every dispositional, review, or
27 permanency planning hearing regarding the temporary and permanent
28 placement of the protected juvenile, the type and number of contacts with
29 the juvenile, the type and number of contacts with other individuals
30 described in subdivision (d) of this subsection, and any further relevant
31 information on a form prepared by the Supreme Court. As an alternative to
1 the written reports and recommendations, the court may provide the
2 guardian ad litem with a checklist that shall be completed and presented
3 to the court at every dispositional or review hearing. A copy of the
4 written reports and recommendations to the court or a copy of the
5 checklist presented to the court shall also be submitted to the Foster
6 Care Review Office for any juvenile in foster care placement as defined
7 in section 43-1301;

8 (g) Shall consider such other information as is warranted by the
9 nature and circumstances of a particular case; and

10 (h) May file a petition in the juvenile court on behalf of the
11 juvenile, including a supplemental petition as provided in section
12 43-291.

13 (3) Nothing in this section shall operate to limit the discretion of
14 the juvenile court in protecting the best interests of a juvenile who is
15 the subject of a juvenile court petition.

16 (4) For purposes of subdivision (2)(d) of this section, the court
17 may order the expense of such consultation, if any, to be paid by the
18 county in which the juvenile court action is brought or the court may,
19 after notice and hearing, assess the cost of such consultation, if any,
20 in whole or in part to the parents of the juvenile. The ability of the
21 parents to pay and the amount of the payment shall be determined by the
22 court by appropriate examination.

23 (5) The guardian ad litem may be compensated on a per-case
24 appointment system or pursuant to a system of multi-case contracts or may
25 be employed by a guardian ad litem division created pursuant to section
26 15 of this act. If a county creates a guardian ad litem division,
27 guardian ad litem appointments shall be made first from the guardian ad

28 litem division and if a conflict exists, the court may appoint a guardian
29 ad litem from outside of the division. Regardless of the method of
30 compensation, billing hours and expenses for court-appointed guardian ad
31 litem services shall be submitted to the court for approval and shall be
1 recorded on a written, itemized billing statement signed by the attorney
2 responsible for the case. Billing hours and expenses for guardian ad
3 litem services rendered under a contract for such services shall be
4 submitted to the entity with whom the guardian ad litem contracts in the
5 form and manner prescribed by such entity for approval. Case time for
6 guardian ad litem services shall be scrupulously accounted for by the
7 attorney responsible for the case. Additionally, in the case of a multi-
8 lawyer firm or organization retained for guardian ad litem services, the
9 name of the attorney or attorneys assigned to each guardian ad litem case
10 shall be recorded.

11 (6) The guardian ad litem shall meet in person with the juvenile for
12 purposes of the consultation required by subdivision (2)(d) of this
13 section unless prohibited or made impracticable by exceptional
14 circumstances, including, but not limited to, situations in which an
15 unreasonable geographical distance is involved between the location of
16 the guardian ad litem and the juvenile. When such exceptional
17 circumstances exist, the guardian ad litem shall attempt such
18 consultation by other reasonable means, including, but not limited to, by
19 telephone or suitable electronic means, if the juvenile is of sufficient
20 age and capacity to participate in such means of communication and there
21 are no other barriers preventing such means of communication. If
22 consultation by telephone or suitable electronic means is not feasible,
23 the guardian ad litem shall seek direction from the court as to any other
24 acceptable method by which to accomplish consultation required by
25 subdivision (2)(d) of this section.

26 Sec. 15. (1) A county board may create a county guardian ad litem
27 division to carry out section 43-272.01.

28 (2) The county board shall appoint a division director for the
29 guardian ad litem division. The division director shall be an attorney
30 admitted to practice law in Nebraska with at least five years of Nebraska
31 juvenile court experience prior to appointment. The division director may
1 appoint assistant guardians ad litem and other employees as are
2 reasonably necessary to permit him or her to effectively and competently
3 fulfill the responsibilities of the division, subject to the approval and
4 consent of the county board. All assistant guardians ad litem shall be
5 attorneys admitted to practice law in Nebraska and shall comply with all
6 requirements of the Supreme Court relating to guardians ad litem.

7 (3) All assistant guardians ad litem employed by the division shall
8 devote their full time to the work of the division and shall not engage
9 in the private practice of law so long as each assistant guardian ad
10 litem receives the same annual salary as each deputy county attorney of
11 comparable ability and experience receives in such counties.

12 (4) The director and any assistant guardian ad litem employed by the
13 division shall not solicit or accept any fee for representing a child in
14 a case in which the director or the assistant guardian ad litem is

15 already acting as the child's court-appointed guardian ad litem.
 16 Sec. 16. Section 43-273, Reissue Revised Statutes of Nebraska, is
 17 amended to read:
 18 43-273 Counsel and guardians ad litem appointed as provided in
 19 section 43-272 shall apply to the court before which the proceedings were
 20 had for fees for services performed. The county board shall set a
 21 reasonable hourly rate for services performed. Upon application and
 22 hearing, the court shall review the itemized billing statement submitted
 23 by the attorney pursuant to subsection (5) of section 43-272.01 and make
 24 a determination as to the reasonable number of billing hours and amount
 25 of expenses. ~~The court upon hearing the application shall fix reasonable~~
 26 ~~fees.~~ The county board of the county wherein the proceedings were had
 27 shall allow the account, bill, or claim presented by any attorney or
 28 guardian ad litem for services performed under section 43-272 in the
 29 amount determined by the court. No such account, bill, or claim shall be
 30 allowed by the county board until the amount thereof shall have been
 31 determined by the court.
 1 2. Renumber the remaining sections, correct internal references, and
 2 correct the repealer accordingly.

GENERAL FILE

LEGISLATIVE BILL 900. The Morfeld amendment, AM2343, found on page 933 and considered in this day's Journal, to the committee amendment, was renewed.

SENATOR SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 698A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 883. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 745. Placed on Select File with amendment.
ER190

- 1 1. On page 1, line 7, strike "and" and insert a comma and after
- 2 "applications" insert ", and game breeding and controlled shooting
- 3 areas".

LEGISLATIVE BILL 956. Placed on Select File with amendment.
ER192 is available in the Bill Room.

LEGISLATIVE BILL 957. Placed on Select File with amendment.
ER191

- 1 1. In the Standing Committee amendments, AM2217:
- 2 a. On page 3, line 24, strike "\$5,325,000" and insert "five million
- 3 three hundred twenty-five thousand dollars";
- 4 b. On page 7, line 4, strike "deposited in" and insert "transferred
- 5 to"; and
- 6 c. On page 14, lines 7 and 8, strike the comma.
- 7 2. On page 1, strike beginning with "60-1513" in line 1 through line
- 8 6 and insert "37-913, 60-1513, 82-316, 82-326, 82-331, 84-1227, 85-419,
- 9 85-421, 85-422, 85-423, 85-424, and 85-425, Reissue Revised Statutes of
- 10 Nebraska, sections 71-5714, 71-8805, and 72-2009, Revised Statutes
- 11 Cumulative Supplement, 2014, and sections 2-1507, 66-204, 81-3140,
- 12 81-3714, and 84-612, Revised Statutes Supplement, 2015; to provide for
- 13 and change distribution and use of certain funds; to provide for
- 14 transfers and investment of funds; to create and eliminate funds and
- 15 programs; to state intent; to change provisions relating to artwork in
- 16 state buildings and renovation and replacement of university and state
- 17 college buildings; to eliminate obsolete provisions; to repeal the
- 18 original sections; to outright repeal sections 37-915, 37-916, 37-917,
- 19 37-918, 37-919, 37-920, and 37-921, Revised Statutes Cumulative
- 20 Supplement, 2014; and to declare and emergency."

LEGISLATIVE BILL 981. Placed on Select File.

LEGISLATIVE BILL 960. Placed on Select File with amendment.
ER193

- 1 1. In the Standing Committee amendment, AM2418:
- 2 a. On page 3, lines 11 and 12, strike "subsection (15) of"; and
- 3 strike beginning with "Legislative" in line 14 through "2015" in line 15
- 4 and insert "Laws 2015, LB610";
- 5 b. On page 5, line 8, strike "Department of Roads" and insert
- 6 "department"; and in line 28 strike the comma;
- 7 c. On page 7, line 27; and page 9, line 16, strike "alternate" and
- 8 insert "alternative";
- 9 d. On page 12, lines 14, 17, 22, and 26, strike the semicolon and
- 10 insert an underscored period;

11 e. On page 15, line 22; and page 16, line 19, strike "is" and insert
 12 "was"; and
 13 f. On page 18, line 10, strike the comma.
 14 2. On page 1, strike lines 6 and 7 and insert "change provisions
 15 relating to road and bridge construction projects; to restate intent; to
 16 change reporting requirements; to exempt certain projects from public
 17 bidding and contracting requirements as prescribed; to provide for a
 18 transfer from the Cash Reserve Fund;".

LEGISLATIVE BILL 960A. Placed on Select File.

LEGISLATIVE BILL 467A. Placed on Select File.

LEGISLATIVE BILL 722A. Placed on Select File.

LEGISLATIVE BILL 754A. Placed on Select File.

LEGISLATIVE BILL 977A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Coash filed the following amendment to LB894:
 AM2556

(Amendments to E and R amendments, ER181)

1 1. Insert the following new sections:
 2 Sec. 16. Section 43-2,119, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 43-2,119 (1) The number of judges of the separate juvenile court in
 5 counties which have established a separate juvenile court shall be:
 6 (a) Two judges in counties having seventy-five thousand inhabitants
 7 but less than two hundred thousand inhabitants;
 8 (b) Four judges in counties having at least two hundred thousand
 9 inhabitants but less than four hundred thousand inhabitants; and
 10 (c) ~~Six~~ Five judges in counties having four hundred thousand
 11 inhabitants or more.
 12 (2) The senior judge in point of service as a juvenile court judge
 13 shall be the presiding judge. The judges shall rotate the office of
 14 presiding judge every three years unless the judges agree to another
 15 system.
 16 Sec. 24. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
 17 15, 17, 18, 19, 20, 21, 22, 23, and 25 of this act become operative three
 18 calendar months after adjournment of this legislative session. The other
 19 sections of this act become operative on their effective date.
 20 Sec. 26. Original section 43-2,119, Reissue Revised Statutes of
 21 Nebraska, is repealed.
 22 Sec. 27. Since an emergency exists, this act takes effect when
 23 passed and approved according to law.
 24 2. Renumber the remaining sections accordingly.

Senator Mello filed the following amendment to LB1012:
 AM2602 is available in the Bill Room.

Senator Coash filed the following amendment to LB894:
AM2616

(Amendments to E and R amendments, ER181)

- 1 1. On page 27, line 23, after the semicolon insert "facility
- 2 staffing levels at the time of confinement".
- 3 2. On page 28, line 2, after the semicolon insert "facility staffing
- 4 levels at the time of each confinement".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 489. Introduced by Crawford, 45.

PURPOSE: The purpose of this interim study is to examine issues related to housing authorities. The issues addressed by this study shall include, but not be limited to, a review of the Nebraska Housing Agency Act and a review of federal statutes, rules, and regulations affecting housing authorities in Nebraska.

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

1. That the Urban Affairs Committee is 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 490. Introduced by Crawford, 45.

PURPOSE: The purpose of this interim study is to examine the enforcement of state and local building codes. The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of the role of the state in enforcing the state building code and the Nebraska Energy Code;
- (2) A review of the role of political subdivisions in enforcing the state building code, the Nebraska Energy Code, and local building and energy codes;
- (3) A review of the number of political subdivisions that have adopted local building or energy codes;
- (4) A review of the number of political subdivisions that employ local code inspectors;
- (5) An examination of the remedies available to a property owner when the owner's home or business does not meet the applicable building or energy code; and
- (6) An examination of the potential consequences for political subdivisions if they fail to enforce their local building or energy code.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose 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 491. Introduced by Seiler, 33.

WHEREAS, the Hastings St. Cecilia High School boys' basketball team won the 2016 Class C-2 Boys' State Basketball Championship; and

WHEREAS, the Hastings St. Cecilia Bluehawks defeated the Elmwood-Murdock Knights in the Class C-2 championship game by a score of 57-38; and

WHEREAS, the Bluehawks defeated the Battle Creek Braves in the quarterfinals by 12 points and the Amherst Broncos in an exciting overtime semifinals game by 6 points; and

WHEREAS, the senior members of the Hastings St. Cecilia boys' basketball team finished their final season together as state champions after beginning their basketball careers in the fifth grade; and

WHEREAS, the 2016 victory is the seventh state title for the St. Cecilia boys' basketball team and the team's eighth trip to the state finals in school history; and

WHEREAS, the Bluehawks were the only boys' basketball team to win back-to-back championships in 2016.

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

1. That the Legislature congratulates the Hastings St. Cecilia High School boys' basketball team on winning the 2016 Class C-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to Head Coach Kevin Asher and his championship team and to Father Tom Brouillette, Superintendent of Hastings St. Cecilia High School.

Laid over.

VISITOR(S)

Visitors to the Chamber were Homer Buell from Bassett; and 29 twelfth-grade students and teacher from Bertrand.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 4:55 p.m., on a motion by Senator Kuehn, the Legislature adjourned until 9:00 a.m., Thursday, March 17, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

