

**CARRYOVER**

**LEGISLATION**

**Bill Titles and Resolutions  
Introduced in the  
One Hundred Fourth Legislature, First Session, 2015,  
and Pending Before the  
One Hundred Fourth Legislature, Second Session, 2016**

**January 6, 2016**

03-01-10-2016

**STATUS OF CARRYOVER  
BILLS  
AND  
RESOLUTIONS**

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General File (73): (111 472 472A 649 - 6/5/2015) 77 77A 270 586 586A 131  
295 189 505 275 474 474A LR26CA 221 621 53 311 400 400A 113 137 137A  
249 378 328 19 25 188 234 31 223 632 428 510 47 28 105 105A 465 465A 322  
618 459 494 235 619 619A 542 227 227A 362 254 21 343 634 349 136 289 30  
385 230 278 276 306 483 371 285 LR35 LR31CA

Select File (17): (18 18A 643 643A - 6/5/2015) (448 448A - 4/15/2016) 190 10  
LR7CA 423 423A 67 216 217 218 173 176

Final Reading (2): (128 173A)

Failed on Final Reading (1): 599

**BILLS HELD BY COMMITTEES:**

Agriculture (2): 393 558

Appropriations (42): 57 82 98 108 110 125 154 161 169 185 229 233 237 263  
274 309 318 332 364 374 381 387 397 417 418 436 442 450 461 485 496 506  
532 533 537 560 565 569 584 593 633 654

Bank., Com. & Ins. (16): 11 48 51 78 79 115 124 193 336 341 395 451 488 531  
553 628

Business & Labor (14): 83 133 134 158 251 288 363 388 429 493 555 556 600  
611

Education (34): 29 54 58 101 102 103 144 182 232 239 303 323 351 380 402  
410 435 443 444 478 507 508 522 524 526 528 530 534 563 572 590 595 601  
617

Executive Board (4): 376 501 580 LR201

General Affairs (4): 204 250 339 486

Gov., Mil. & Vet. Affs. (31): 16 24 61 84 121 135 140 163 166 202 214 222 224  
273 319 368 383 403 427 462 487 491 492 503 552 562 576 578 588 646 LR73

Hlth. & Human Serv. (24): 27 147 148 211 258 333 346 353 369 370 411 440  
471 490 499 516 518 543 548 549 557 567 631 650

Judiciary (47): 14 22 38 44 60 66 114 119 120 172 184 187 212 225 244 281  
297 302 307 316 327 338 340 354 358 406 409 416 425 433 434 463 473 497  
502 545 592 603 606 612 620 625 630 635 638 647 648

Natural Resources (21): 86 117 127 130 143 174 208 337 344 394 404 407 475  
512 536 583 585 622 636 637 664

RESOLUTIONS

Nebr. Ret. Sys. (7): 236 447 467 484 551 594 655

Revenue (54): 20 26 62 63 64 68 69 71 73 74 75 153 162 165 178 186 191 210  
228 255 256 267 280 284 293 321 331 345 350 357 372 384 386 391 396 398  
438 453 454 466 470 476 495 521 523 550 573 587 608 613 614 615 645 653

Trans. & Telecom. (15): 192 248 373 399 517 535 564 568 579 597 609 624  
626 639 652

Urban Affairs (4): 238 300 445 596

(Totals in parentheses include bills, A bills, and resolutions of each section.)

**TITLES TO BILLS****LEGISLATIVE BILL 10.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to presidential electors; to amend section 32-1038, Reissue Revised Statutes of Nebraska, and sections 32-710, 32-713, and 32-714, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to ballots cast by presidential electors; and to repeal the original sections.

**LEGISLATIVE BILL 11.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Managed Care Plan Network Adequacy Act; to amend section 44-7105, Reissue Revised Statutes of Nebraska; to prohibit rules proscribing participation by or reimbursement to a provider with a familial relationship to the covered person receiving services; to provide a requirement for access plans; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 14.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-1201, and 28-1351, Revised Statutes Cumulative Supplement, 2014; to create the offense of use of a facsimile firearm or nonfunctioning firearm to commit a felony; to provide a penalty; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 16.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to government purchasing; to amend sections 81-159, 81-1118, and 83-145, Reissue Revised Statutes of Nebraska, and section 73-507, Revised Statutes Cumulative Supplement, 2014; to adopt the Purchasing from Persons with Disabilities Act; to change requirements for bidding and purchases by state and local governments; and to repeal the original sections.

**LEGISLATIVE BILL 18.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-217, Reissue Revised Statutes of Nebraska; to change provisions relating to immunizations; and to repeal the original section.

**LEGISLATIVE BILL 18A.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 18, One Hundred Fourth Legislature, First Session, 2015.

**LEGISLATIVE BILL 19.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend section 71-5306, Reissue Revised Statutes of Nebraska; to change

provisions relating to certification of laboratories as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 20.** Introduced by Krist, 10; Crawford, 45; Garrett, 3; Kintner, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to income tax exemptions for social security benefits and military retirement benefits; and to repeal the original section.

**LEGISLATIVE BILL 21.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to behavioral health services; to amend sections 71-801, 71-806, and 71-831, Revised Statutes Cumulative Supplement, 2014; to provide requirements for rate increases for providers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 22.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend section 81-3401, Reissue Revised Statutes of Nebraska; to provide immunity to architects and professional engineers for certain professional services performed during an emergency; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 24.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend sections 72-2204, 72-2211.01, 72-2213, and 81-1108.38, Reissue Revised Statutes of Nebraska; to change provisions relating to the appointment and qualifications of the State Capitol Administrator; to change provisions of the Capitol Commission Revolving Fund; to provide and change powers and duties for the Nebraska Capitol Commission and the Office of the Nebraska Capitol Commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 25.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to courts; to amend sections 29-1816, 43-245, 43-246.01, 43-247, and 43-2,129, Revised Statutes Cumulative Supplement, 2014; to change court jurisdiction as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 26.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to adopt the Choice for the Advancement of Nebraska Children in Education Act; to provide for tax credits; to harmonize provisions; to provide an operative date; to provide for severability; and to repeal the original sections.

**LEGISLATIVE BILL 27.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-615, Revised Statutes Cumulative Supplement, 2014; to create a reporting requirement when parenting time is established or modified; and to repeal the original section.

**LEGISLATIVE BILL 28.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to radon; to adopt the Radon Resistant New Construction Act; to require radon resistant new construction as prescribed; to provide powers and duties for the Department of Health and Human Services; and to create a task force.

**LEGISLATIVE BILL 29.** Introduced by McCoy, 39; Kintner, 2.

A BILL FOR AN ACT relating to schools; to amend section 79-248, Reissue Revised Statutes of Nebraska; to change provisions relating to health inspections as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 30.** Introduced by McCoy, 39; Kintner, 2.

A BILL FOR AN ACT relating to firearms; to prohibit disclosure of any applicant or permitholder information regarding firearms registration, possession, sale, or use as prescribed.

**LEGISLATIVE BILL 31.** Introduced by Bloomfield, 17; Ebke, 32; Groene, 42; Kintner, 2; Schnoor, 15; Davis, 43; Krist, 10; McCoy, 39; Morfeld, 46; Schumacher, 22; Hughes, 44; Coash, 27; Larson, 40; Murante, 49; Schilz, 47.

A BILL FOR AN ACT relating to motorcycles and mopeds; to amend section 60-4,182, Revised Statutes Cumulative Supplement, 2014; to eliminate motorcycle and moped helmet requirements; to harmonize provisions; to repeal the original section; and to outright repeal sections 60-6,278, 60-6,279, 60-6,280, 60-6,281, and 60-6,282, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 38.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-101 and 28-306, Revised Statutes Cumulative Supplement, 2014; to change penalties for motor vehicle homicide; to provide penalties for causing serious bodily injury to vulnerable road users; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 44.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to infants; to amend section 43-104.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to Notice

of Objection to Adoption and Intent to Obtain Custody; and to repeal the original section.

**LEGISLATIVE BILL 47.** Introduced by Watermeier, 1; McCollister, 20.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-494, Reissue Revised Statutes of Nebraska, and sections 60-484 and 60-4,144, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to applications and anatomical gifts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 48.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Reissue Revised Statutes of Nebraska; to designate certain acts by insurers as unfair trade practices; and to repeal the original section.

**LEGISLATIVE BILL 51.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend sections 44-4301 and 44-4309, Reissue Revised Statutes of Nebraska; to require certain disclosures prior to joining a risk management pool; to change provisions relating to termination of participation in a pool; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 53.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,100, Revised Statutes Cumulative Supplement, 2014; to provide for issuance of one license plate for passenger cars as prescribed; to provide a fee; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 54.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-1413, Reissue Revised Statutes of Nebraska; to change provisions relating to statewide transfer-of-credit policies; and to repeal the original sections.

**LEGISLATIVE BILL 57.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services to demolish certain buildings; and to declare an emergency.

**LEGISLATIVE BILL 58.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 and 79-1022, Reissue Revised Statutes of Nebraska; to provide for distribution of certain funds as described; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 60.** Introduced by Kintner, 2; Craighead, 6; Ebke, 32; Garrett, 3; Schnoor, 15.

A BILL FOR AN ACT relating to firearms; to authorize possession of firearms as prescribed.

**LEGISLATIVE BILL 61.** Introduced by Bolz, 29; Campbell, 25.

A BILL FOR AN ACT relating to public assistance; to amend section 68-130, Revised Statutes Cumulative Supplement, 2014; to change funding for county offices; to provide an operative date; to repeal the original section; and to outright repeal section 81-1139.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 62.** Introduced by Schumacher, 22; Coash, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to provide an income tax deduction for loan principal payments for graduate degrees as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 63.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to provide an income tax deduction to certain taxpayers for the amount of income subjected to federal social security taxes as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 64.** Introduced by Schumacher, 22; Coash, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to provide an income tax deduction for the income earned from second jobs; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 66.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to bonds; to amend section 13-928, Reissue Revised Statutes of Nebraska; to require disclosure statements as prescribed; to provide for joint and several liability; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 67.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Governmental Unit Security Interest Act; to amend sections 10-1101, 10-1102, 10-1103, 10-1104, 10-1105, 10-1106, and 70-1813, Reissue Revised Statutes of Nebraska; to rename the act; to define and redefine terms; to provide for governmental unit bond priority; to harmonize provisions; and to repeal the original sections.



**LEGISLATIVE BILL 68.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2716 and 77-27,132, Revised Statutes Cumulative Supplement, 2014; to eliminate step-up basis for real estate located in this state for determination of capital gains; to provide for use of funds; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 69.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07 and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to provide an income tax credit for corporate income taxes paid as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 71.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Agricultural Property Tax Credit Act; and to provide a property tax credit for agricultural land and horticultural land as prescribed.

**LEGISLATIVE BILL 73.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Modern Tax Act; to impose a tax on the interest paid on certain loans; and to provide an operative date.

**LEGISLATIVE BILL 74.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Cumulative Supplement, 2014; to change the sales and use tax collection fees; and to repeal the original sections.

**LEGISLATIVE BILL 75.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 39-2703, 77-2701, and 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to adopt the Taxpayer Investment Program; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 77.** Introduced by Nordquist, 7; Campbell, 25; Cook, 13; Haar, K., 21; Hansen, 26; Howard, 9; Morfeld, 46; Pansing Brooks, 28; Gloor, 35.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2014; to require a state plan amendment relating to coverage for family planning services; to state intent relating to appropriations; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 77A.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 77, One Hundred Fourth Legislature, First Session, 2015; to change appropriations; and to declare an emergency.

**LEGISLATIVE BILL 78.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend section 44-4304, Reissue Revised Statutes of Nebraska; to change provisions relating to the public agencies authorized to enter into agreements; and to repeal the original section.

**LEGISLATIVE BILL 79.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to insurance; to require coverage for renewals of prescription eye drops as prescribed.

**LEGISLATIVE BILL 82.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to support of dental services.

**LEGISLATIVE BILL 83.** Introduced by Cook, 13; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1228, Revised Statutes Cumulative Supplement, 2014; to provide certain protections for employees relating to wage disclosure; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 84.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Reissue Revised Statutes of Nebraska; to provide for a public body to use telephone conferencing or videoconferencing as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 86.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-101, 37-102, and 37-104, Reissue Revised Statutes of Nebraska; to provide for a ninth district and a tenth member; to change quorum requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 98.** Introduced by Bolz, 29; Gloor, 35.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services for tobacco use prevention control.

**LEGISLATIVE BILL 101.** Introduced by Sullivan, 41; Cook, 13; Kolowski, 31.

A BILL FOR AN ACT relating to education; to amend section 79-760.03, Reissue Revised Statutes of Nebraska; to change provisions relating to a statewide assessment and reporting system; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 102.** Introduced by Sullivan, 41; Cook, 13; Crawford, 45; Kolowski, 31.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-1412, 85-2101, 85-2102, 85-2104, 85-2106, and 85-2108, Reissue Revised Statutes of Nebraska; to rename and change provisions relating to the Access College Early Scholarship Program Act; to create a scholarship program; to provide for eligibility; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 103.** Introduced by Kintner, 2.

A BILL FOR AN ACT relating to schools; to amend section 79-2,136, Reissue Revised Statutes of Nebraska; to change provisions relating to participation in school-sponsored athletic activities; and to repeal the original section.

**LEGISLATIVE BILL 105.** Introduced by Watermeier, 1; Kolterman, 24.

A BILL FOR AN ACT relating to county government; to amend sections 23-1801, 23-1822, 33-139, and 48-135, Reissue Revised Statutes of Nebraska, and section 33-138, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the payment of fees and costs associated with the deaths of incarcerated persons and grand juries; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 105A.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 105, One Hundred Fourth Legislature, First Session, 2015.

**LEGISLATIVE BILL 108.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska to fund behavioral health internships.

**LEGISLATIVE BILL 110.** Introduced by Larson, 40; Mello, 5; Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for pediatric cancer specialists.

**LEGISLATIVE BILL 111.** Introduced by Larson, 40; Brasch, 16; Ebke, 32; Kintner, 2; Schilz, 47.

A BILL FOR AN ACT relating to elections; to amend sections 32-110.02, 32-311.01, 32-914, 32-938, and 32-1027, Reissue Revised Statutes of Nebraska, and sections 32-321, 32-902, 32-915, 32-947, 32-953, 32-1002, 60-4,115, and 60-4,181, Revised Statutes Cumulative Supplement, 2014; to require presentation of a government-issued photographic identification document to vote; to provide exceptions; to provide for provisional ballots; to change requirements for identification for certain first-time voters; to change provisions for issuance of state identification cards; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-318.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 113.** Introduced by Larson, 40; Kintner, 2.

A BILL FOR AN ACT relating to correctional services; to amend sections 47-701, 47-704, and 83-1,135, Reissue Revised Statutes of Nebraska; to provide for a copayment for health care services; to provide exemptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 114.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend sections 71-405 and 71-416, Reissue Revised Statutes of Nebraska; to redefine ambulatory surgical center and health clinic; and to repeal the original sections.

**LEGISLATIVE BILL 115.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to social security numbers; to define a term; to prohibit certain actions; and to provide exceptions.

**LEGISLATIVE BILL 117.** Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to energy; to amend sections 66-1062, 66-1064, 66-1065, and 66-1066, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to energy financing contracts between energy service companies and governmental units; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 119.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Revised Statutes Cumulative Supplement, 2014; to change where certain sentences of imprisonment may be served; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 120.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,167, Reissue Revised Statutes of Nebraska; to provide for the

seizure of license plates of certain uninsured motor vehicles or trailers as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 121.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to elections; to amend sections 32-103, 32-202, 32-813, 32-914, 32-916, 32-936, 32-938, 32-949, 32-950, 32-954, 32-1006, 32-1027, and 32-1030, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-809, 32-816, 32-902, 32-915, 32-942, 32-947, 32-953, 32-957, and 32-1002, Revised Statutes Cumulative Supplement, 2014; to require voter identification for purposes of voting as prescribed; to require secret-ballot envelopes for certain ballots; to change provisions relating to voting and counting votes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 124.** Introduced by Nordquist, 7; Howard, 9.

A BILL FOR AN ACT relating to insurance; to provide requirements for insurers relating to copayments, coinsurance, and deductibles; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 125.** Introduced by Nordquist, 7; Campbell, 25; Cook, 13; Crawford, 45; Gloor, 35; Mello, 5.

A BILL FOR AN ACT relating to health and human services; to create a fund; and to provide funds for federally qualified health centers as prescribed.

**LEGISLATIVE BILL 127.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-452, Revised Statutes Cumulative Supplement, 2014; to eliminate provisions relating to the hunting of mountain lions; to repeal the original section; to outright repeal sections 37-472 and 37-473, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency.

**LEGISLATIVE BILL 128.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to prairie dogs; to amend section 81-2,236, Reissue Revised Statutes of Nebraska; to repeal the Black-Tailed Prairie Dog Management Act; to harmonize provisions; to repeal the original section; and to outright repeal sections 23-3801, 23-3802, 23-3803, 23-3804, 23-3805, 23-3806, 23-3807, 23-3808, 23-3809, and 23-3810, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 130.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1507, 2-1508, and 2-1509, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to funding from the Water Sustainability Fund for projects as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 131.** Introduced by Craighead, 6; Crawford, 45; Davis, 43; Harr, B., 8; Howard, 9; Mello, 5; Riepe, 12.

A BILL FOR AN ACT relating to annexation; to amend sections 14-117, 15-104, 16-117, 16-130, 17-405.01, 17-407, and 31-763, Reissue Revised Statutes of Nebraska; to prohibit sanitary and improvement districts from spending assets after receiving a notice of proposed annexation; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 133.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Revised Statutes Cumulative Supplement, 2014; to change interest rate provisions on certain compensation court awards; and to repeal the original section.

**LEGISLATIVE BILL 134.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-144.01, Reissue Revised Statutes of Nebraska; to change provisions relating to first injury reports; and to repeal the original section.

**LEGISLATIVE BILL 135.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to county government and officers; to amend section 23-2,100, Reissue Revised Statutes of Nebraska; to change provisions relating to termination of a township board; and to repeal the original section.

**LEGISLATIVE BILL 136.** Introduced by Johnson, 23; Coash, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2014; to prohibit flying lanterns; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 137.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1212.04, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to discharge of a firearm; and to repeal the original section.

**LEGISLATIVE BILL 137A.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 137, One Hundred Fourth Legislature, First Session, 2015.

**LEGISLATIVE BILL 140.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to elections; to amend sections 22-412, 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-526, 32-528, 32-529, 32-611, 32-612, 32-721, 32-810, 32-813, 32-814, 32-912, and 32-1033, Reissue Revised

Statutes of Nebraska, and sections 32-312, 32-519, 32-524, 32-525, 32-602, 32-610, 32-615, 32-616, 32-623, 32-627, 32-702, 32-809, and 32-811, Revised Statutes Cumulative Supplement, 2014; to change provisions for voting for partisan county offices in primary elections in certain counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 143.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the environment; to amend section 81-15,123, Reissue Revised Statutes of Nebraska, and section 66-1519, Revised Statutes Cumulative Supplement, 2014; to change permitted uses of a fund; to change a provision relating to rules and regulations for training requirements; to provide for payment of certain training costs; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 144.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-1517 and 85-2234, Reissue Revised Statutes of Nebraska; to reduce the levy authority of community college areas as prescribed; to increase the amount of state aid to community colleges under the Community College Aid Act; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 147.** Introduced by Crawford, 45; Campbell, 25; Cook, 13; Howard, 9; Kolowski, 31.

A BILL FOR AN ACT relating to public assistance; to amend sections 43-512, 68-915, 68-1017.02, 68-1713, and 68-1726, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to asset limitations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 148.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-901, 68-911, and 68-915, Revised Statutes Cumulative Supplement, 2014; to provide coverage for certain individuals formerly in foster care as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 153.** Introduced by Morfeld, 46; Hansen, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2014; to exempt college textbooks from sales and use taxes; to define a term; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 154.** Introduced by Hadley, 37; Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska for economic competitiveness

initiatives that seek to advance strategic, multicampus initiatives that serve Nebraskans; and to declare an emergency.

**LEGISLATIVE BILL 158.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2014; to deny compensation in situations of false representation; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 161.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to economic development; to amend section 84-612, Reissue Revised Statutes of Nebraska, and sections 8-1108.01, 8-1111, and 8-1118, Revised Statutes Cumulative Supplement, 2014; to adopt the Pairing Equity to Enterprises Act; to change provisions of the Securities Act of Nebraska; to transfer funds; and to repeal the original sections.

**LEGISLATIVE BILL 162.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1859, Reissue Revised Statutes of Nebraska, and sections 19-5217, 77-1807, 77-1812, 77-1824, 77-1825, and 77-1831, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to sales of real property for nonpayment of taxes; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 163.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend sections 81-829.36 and 81-829.41, Reissue Revised Statutes of Nebraska; to provide for an emergency management registry allowing for public-provided data; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 165.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to change income tax provisions relating to Social Security benefits; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 166.** Introduced by Crawford, 45; Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1446.01 and 49-1462, Reissue Revised Statutes of Nebraska, and sections 49-1446, 49-1459, 49-14,123, and 49-14,126, Revised Statutes Cumulative Supplement, 2014; to require certain committees to file statements from financial institutions as prescribed; to prohibit candidate committees from making loans of money; to change provisions relating to campaign statements; to change the amount authorized for civil penalties; to



authorize an order of restitution; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 169.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Reissue Revised Statutes of Nebraska; to delete obsolete provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 172.** Introduced by Chambers, 11; Campbell, 25; Coash, 27; Davis, 43; Harr, B., 8; Howard, 9; Kolowski, 31; Krist, 10; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Ebke, 32.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 83-1,105.01, Reissue Revised Statutes of Nebraska, and sections 28-105 and 29-2204, Revised Statutes Cumulative Supplement, 2014; to eliminate certain mandatory minimum penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 173.** Introduced by Chambers, 11; Campbell, 25; Coash, 27; Davis, 43; Howard, 9; Kolowski, 31; Krist, 10; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Ebke, 32.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2221, Reissue Revised Statutes of Nebraska; to change provisions relating to habitual criminals; to define a term; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 173A.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 173, One Hundred Fourth Legislature, First Session, 2015.

**LEGISLATIVE BILL 174.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Wastewater Treatment Facilities Construction Assistance Act; to amend section 81-15,149, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 176.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Competitive Livestock Markets Act; to amend sections 54-2602, 54-2604, and 54-2627.01, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to prohibited acts; to change and eliminate provisions relating to legislative findings; to repeal the original sections; and to outright repeal section 54-2603, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 178.** Introduced by Watermeier, 1; Brasch, 16; Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 182.** Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to education; to state findings; to create the School Funding and Educational Outcomes Review Committee; and to provide powers and duties.

**LEGISLATIVE BILL 184.** Introduced by Ebke, 32; Craighead, 6; Lindstrom, 18; Schnoor, 15; Kintner, 2.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2441, Reissue Revised Statutes of Nebraska; to change provisions relating to prohibited locations to carry a concealed handgun; and to repeal the original section.

**LEGISLATIVE BILL 185.** Introduced by Bolz, 29; Kolowski, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to implement the Master Teacher Program Act.

**LEGISLATIVE BILL 186.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to adopt the Property Tax Circuit Breaker Act; to provide income tax credits; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 187.** Introduced by Kintner, 2; Bloomfield, 17; Brasch, 16; Craighead, 6; Ebke, 32; Friesen, 34; Garrett, 3; Groene, 42; Hilkemann, 4; Johnson, 23; Lindstrom, 18; Riepe, 12; Schnoor, 15; Smith, 14; Watermeier, 1; McCoy, 39; Davis, 43; Hughes, 44; Murante, 49; Scheer, 19; Stinner, 48; Williams, 36; Schilz, 47; Kuehn, 38; Larson, 40; Krist, 10; Gloor, 35.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-401, Revised Statutes Cumulative Supplement, 2014; to require the Department of Health and Human Services and health care facilities to provide information regarding abortion; to require the posting of signs regarding abortion; to provide penalties; to harmonize provisions; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 188.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change provisions

relating to innocent third parties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 189.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-439, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-401.01, 28-405, 28-416, and 28-1354, Revised Statutes Cumulative Supplement, 2014; to alphabetize definitions; to provide, change, and eliminate definitions; to change certain provisions and penalties relating to marijuana; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 190.** Introduced by Bloomfield, 17; Bolz, 29; Brasch, 16; Coash, 27; Crawford, 45; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Harr, B., 8; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolterman, 24; Krist, 10; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Murante, 49; Schilz, 47; Schumacher, 22; Sullivan, 41; Baker, 30; Craighead, 6; Mello, 5; Nordquist, 7; Schnoor, 15; Watermeier, 1; Davis, 43; Scheer, 19; Smith, 14; Hilkemann, 4; Kuehn, 38.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Revised Statutes Cumulative Supplement, 2014; to change application provisions regarding members of the United States Armed Forces to include spouses of such members; and to repeal the original section.

**LEGISLATIVE BILL 191.** Introduced by Bloomfield, 17; Brasch, 16; Garrett, 3; Kintner, 2; Krist, 10; Lindstrom, 18; McCoy, 39; Murante, 49; Schnoor, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Revised Statutes Cumulative Supplement, 2014; to exempt food sold by veterans service organizations from sales and use tax as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 192.** Introduced by Davis, 43; Groene, 42; Haar, K., 21; Howard, 9; Kolowski, 31; Kuehn, 38; Stinner, 48.

A BILL FOR AN ACT relating to railroads; to require a train crew of at least two individuals as prescribed; to provide fines; and to provide duties for the Public Service Commission.

**LEGISLATIVE BILL 193.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to electronic payment transactions; to prohibit the collection of interchange fees on specified taxes and fees; and to provide penalties.

**LEGISLATIVE BILL 202.** Introduced by Davis, 43; Mello, 5.

A BILL FOR AN ACT relating to elections; to amend section 32-912, Reissue Revised Statutes of Nebraska, and section 32-312, Revised Statutes Cumulative

Supplement, 2014; to provide for partisan ballots at primary elections for unaffiliated voters; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 204.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Cumulative Supplement, 2014; to provide a tax credit for certain beer manufacturers as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 208.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to water storage reservoirs; to amend sections 46-242 and 46-2,119, Reissue Revised Statutes of Nebraska, and section 46-241, Revised Statutes Cumulative Supplement, 2014; to provide a permit application exemption; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 210.** Introduced by Ebke, 32; Craighead, 6; Coash, 27.

A BILL FOR AN ACT relating to housing agencies; to amend sections 71-1575, 71-1590, and 71-15,124, Reissue Revised Statutes of Nebraska; to change provisions relating to taxation of mixed-use developments; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 211.** Introduced by Kolowski, 31; Mello, 5.

A BILL FOR AN ACT relating to schools; to amend section 79-214, Reissue Revised Statutes of Nebraska; to change provisions relating to preadmission physical and visual examinations; and to repeal the original section.

**LEGISLATIVE BILL 212.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-2,129, Revised Statutes Cumulative Supplement, 2014; to prohibit the use of restraints in juvenile court; and to repeal the original section.

**LEGISLATIVE BILL 214.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to elections; to amend section 32-1403, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2014; to provide for electronic signatures on initiative and referendum petitions; to provide powers and duties; to provide fees; to create a fund; to provide penalties; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 216.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2712.03, Revised Statutes Cumulative Supplement, 2014; to correct

provisions relating to the streamlined sales and use tax agreement; and to repeal the original section.

**LEGISLATIVE BILL 217.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-918, Revised Statutes Cumulative Supplement, 2014; to recodify provisions; and to repeal the original section.

**LEGISLATIVE BILL 218.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to correct references to a federal act; and to repeal the original section.

**LEGISLATIVE BILL 221.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to landlord and tenants; to amend sections 69-2303, 76-1414, 76-1441, and 76-1446, Reissue Revised Statutes of Nebraska; to provide for disposition of personal property upon the death of a tenant; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 222.** Introduced by Harr, B., 8; Garrett, 3.

A BILL FOR AN ACT relating to veterans memorials; to amend section 80-201, Reissue Revised Statutes of Nebraska; to change a provision relating to the erection of statues, monuments, and memorials; to create a commission; to authorize grants; and to repeal the original section.

**LEGISLATIVE BILL 223.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Insured Homeowners Protection Act; to amend sections 44-8601, 44-8602, 44-8603, and 44-8604, Revised Statutes Cumulative Supplement, 2014; to define a term; to change provisions relating to contractor duties and prohibited acts; to provide for notice of contract obligations and rights as prescribed; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 224.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to electioneering; to amend section 32-1524, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2014; to require the marking of areas near polling places for purposes of electioneering restrictions as prescribed; to change restrictions on electioneering; to prohibit removal of or refusal to display electioneering materials as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 225.** Introduced by Schnoor, 15; Bloomfield, 17; Ebke, 32; Garrett, 3; Groene, 42; Lindstrom, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1204.04, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to unlawful possession of a firearm at a school; and to repeal the original section.

**LEGISLATIVE BILL 227.** Introduced by Hansen, 26; Bolz, 29; Mello, 5; Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 79-1191, 79-1194, and 79-1196, Reissue Revised Statutes of Nebraska; to change provisions relating to appropriations for bridge programs; to require reports; to change a termination date; and to repeal the original sections.

**LEGISLATIVE BILL 227A.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 227, One Hundred Fourth Legislature, First Session, 2015.

**LEGISLATIVE BILL 228.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Revised Statutes Cumulative Supplement, 2014; to change corporate income tax rates; and to repeal the original section.

**LEGISLATIVE BILL 229.** Introduced by Watermeier, 1; Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court for court appointed special advocate state aid.

**LEGISLATIVE BILL 230.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-2170.01 and 25-2190, Reissue Revised Statutes of Nebraska; to change provisions relating to the parties that may compel partition and the payment of encumbrances in partition actions; and to repeal the original sections.

**LEGISLATIVE BILL 232.** Introduced by Nordquist, 7; Bolz, 29; Crawford, 45; Gloor, 35; Howard, 9; Kolowski, 31; Kolterman, 24; Larson, 40.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-1412, Reissue Revised Statutes of Nebraska; to adopt the College Choice Grant Program Act; to provide duties for the Coordinating Commission for Postsecondary Education; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 233.** Introduced by Howard, 9; Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 234.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to insurance; to amend section 44-322, Reissue Revised Statutes of Nebraska; to change provisions relating to filing requirements of insurance companies; and to repeal the original section.

**LEGISLATIVE BILL 235.** Introduced by Howard, 9; Kolterman, 24.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Consumer Protection in Eye Care Act.

**LEGISLATIVE BILL 236.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1019, 16-1038, 23-2322, 25-1563.01, 71-1631, 79-948, 79-9,104, 81-2032, 84-1324, 84-1505, 85-106, and 85-320, Reissue Revised Statutes of Nebraska, and sections 2-3228, 14-567, 14-2111, 19-3501, 24-710.02, and 48-1401, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to collection of judgments; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 237.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for correctional facilities.

**LEGISLATIVE BILL 238.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2107, 18-2116, and 18-2117.01, Reissue Revised Statutes of Nebraska, and sections 18-2103 and 18-2147, Revised Statutes Cumulative Supplement, 2014; to define a term; to change provisions relating to tax-increment financing; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 239.** Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to education; to amend sections 79-308, 79-309.01, 79-761, 79-1028.01, and 79-1035, Reissue Revised Statutes of Nebraska; to provide for a Coordinator for Educator Effectiveness and educator evaluation models as prescribed; to provide for grants and funding; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 244.** Introduced by Pansing Brooks, 28; Riepe, 12; Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2103, Reissue Revised Statutes of Nebraska; to change provisions relating to motions for new trial based upon discovery of new evidence; and to repeal the original section.

**LEGISLATIVE BILL 248.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to schools; to amend section 79-609, Reissue Revised Statutes of Nebraska; to prohibit use of interactive wireless communication devices by school bus drivers as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 249.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2014; to exempt horses from sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 250.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-607, Reissue Revised Statutes of Nebraska; to change restrictions on keno; and to repeal the original section.

**LEGISLATIVE BILL 251.** Introduced by Nordquist, 7; Crawford, 45; Garrett, 3; Morfeld, 46; Schnoor, 15.

A BILL FOR AN ACT relating to labor; to adopt the Veterans Subsidized Training and Employment Act.

**LEGISLATIVE BILL 254.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to unsworn declarations; to amend section 28-915, Reissue Revised Statutes of Nebraska, and section 28-915.01, Revised Statutes Cumulative Supplement, 2014; to adopt the Uniform Unsworn Foreign Declarations Act; to change provisions relating to perjury; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 255.** Introduced by Morfeld, 46; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to provide income tax credits for apprenticeships as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 256.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, and sections 77-27,132 and 77-4212, Revised Statutes Cumulative Supplement, 2014; to change the sales tax rate; to change the distribution of sales and use tax revenue; to provide funding for property tax relief; and to repeal the original sections.

**LEGISLATIVE BILL 258.** Introduced by Nordquist, 7; Campbell, 25; Gloor, 35.



A BILL FOR AN ACT relating to health care; to amend sections 38-2028 and 38-2034, Reissue Revised Statutes of Nebraska; to adopt the Interstate Medical Licensure Compact; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 263.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

**LEGISLATIVE BILL 267.** Introduced by Crawford, 45; Garrett, 3; Kintner, 2; Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to change the income tax exemption for military retirement income as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 270.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to labor; to amend sections 48-1706, 48-2107, and 48-2710, Reissue Revised Statutes of Nebraska; to create and eliminate funds; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 48-1707 and 48-2115, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 273.** Introduced by Sullivan, 41; Hughes, 44.

A BILL FOR AN ACT relating to elections; to amend sections 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-526, 32-528, and 32-529, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-519, 32-524, and 32-525, Revised Statutes Cumulative Supplement, 2014; to authorize voters to vote regarding partisan or nonpartisan ballots for nomination and election of county officers in certain counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 274.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education for mentor teacher programs in local systems.

**LEGISLATIVE BILL 275.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,197.06, Reissue Revised Statutes of Nebraska; to change penalties for operating a motor vehicle during a revocation period; and to repeal the original section.

**LEGISLATIVE BILL 276.** Introduced by Harr, B., 8; Kolterman, 24.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-106 and 48-116, Reissue Revised Statutes of Nebraska, and

section 48-1,110, Revised Statutes Cumulative Supplement, 2014; to provide for certified independent contractors and exempt such persons from the act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 278.** Introduced by Harr, B., 8; Garrett, 3; Coash, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.14, Reissue Revised Statutes of Nebraska, and section 77-2701.16, Revised Statutes Cumulative Supplement, 2014; to exempt motor vehicle washing and waxing services from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 280.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 79-1001, 79-1003, 79-1007.11, 79-1007.18, 79-1008.02, 79-1015.01, 79-1016, 79-1017.01, and 79-1023, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2014; to authorize a school-funding surtax; to reduce the levy authority for school districts and learning communities; to change the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 281.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to education; to amend section 85-1806, Reissue Revised Statutes of Nebraska; to adopt the Child Support for College Savings Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 284.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend section 13-3102, Reissue Revised Statutes of Nebraska, and section 13-3108, Revised Statutes Cumulative Supplement, 2014; to redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 285.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend section 13-3102, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 288.** Introduced by Ebke, 32; Garrett, 3.

A BILL FOR AN ACT relating to public employers; to prohibit certain provisions in collective-bargaining agreements; and to prohibit certain deductions from wages.

**LEGISLATIVE BILL 289.** Introduced by Ebke, 32; Kintner, 2.

A BILL FOR AN ACT relating to firearms; to amend sections 14-102, 15-255, 16-227, 17-556, and 18-1703, Reissue Revised Statutes of Nebraska; to prohibit certain regulation of firearms, ammunition, and firearm accessories by cities and villages as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 293.** Introduced by Schnoor, 15; Friesen, 34; Johnson, 23; Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 295.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-102.01, 15-237, 16-246, and 17-505, Reissue Revised Statutes of Nebraska; to require approval of a county board before enforcing ordinances in an extraterritorial zoning jurisdiction; and to repeal the original sections.

**LEGISLATIVE BILL 297.** Introduced by Seiler, 33; Chambers, 11; Ebke, 32; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Williams, 36.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2014; to change the salary of Supreme Court judges; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 300.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-733, Reissue Revised Statutes of Nebraska; to provide for enforcement of ordinances by imposing penalties; and to repeal the original section.

**LEGISLATIVE BILL 302.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2014; to create the offense of rehoming a child; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 303.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to child sexual abuse; to authorize schools to adopt a child sexual abuse policy as prescribed.

**LEGISLATIVE BILL 306.** Introduced by Nordquist, 7; Crawford, 45; Mello, 5.

A BILL FOR AN ACT relating to conveyances; to amend sections 48-2503, 48-2504, 48-2507, 48-2508, 48-2512, and 48-2529, Reissue Revised Statutes of Nebraska; to change the Conveyance Safety Act; to change the membership and powers of a committee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 307.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-311.02 and 28-311.03, Reissue Revised Statutes of Nebraska, and section 28-323, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to stalking and domestic assault; and to repeal the original sections.

**LEGISLATIVE BILL 309.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate additional funds to the Property Tax Credit Cash Fund.

**LEGISLATIVE BILL 311.** Introduced by Transportation and Telecommunications Committee: Smith, 14, Chairperson; Brasch, 16; Davis, 43; Friesen, 34; Garrett, 3; McCoy, 39; Murante, 49; Seiler, 33.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-469, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-463, 60-4,142, 60-4,144, 60-4,168, and 75-362, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to change provisions relating to CLP-commercial learner's permit issuance and applications for commercial drivers' licenses; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 316.** Introduced by Kintner, 2; Bloomfield, 17; Ebke, 32; Garrett, 3; Groene, 42; Schnoor, 15.

A BILL FOR AN ACT relating to interstate compacts; to prohibit joining certain interstate compacts and the sharing of red light camera and speed camera information with other compact members as prescribed; and to define terms.

**LEGISLATIVE BILL 318.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to planning and development regions; to state intent related to funding.

**LEGISLATIVE BILL 319.** Introduced by Smith, 14; Morfeld, 46.

A BILL FOR AN ACT relating to elections; to amend section 32-952, Reissue Revised Statutes of Nebraska, and sections 32-953 and 32-960, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to elections conducted by mail; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 321.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to job training; to amend sections 77-2756 and 77-3442, Revised Statutes Cumulative Supplement, 2014; to adopt the Nebraska Industrial New Job-training Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 322.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to increase child and dependent care tax credits as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 323.** Introduced by Davis, 43; Baker, 30; Kolowski, 31; Haar, K., 21; Hughes, 44; Morfeld, 46; Pansing Brooks, 28; Schnoor, 15; Friesen, 34; Kuehn, 38; Larson, 40; Scheer, 19; Schilz, 47; Seiler, 33; Kolterman, 24; Mello, 5; Nordquist, 7; Cook, 13; Howard, 9; Johnson, 23; Stinner, 48; Watermeier, 1; Bloomfield, 17; Coash, 27; McCollister, 20; Williams, 36; Hansen, 26; Bolz, 29; Craighead, 6; Crawford, 45; Ebke, 32; Harr, B., 8; Hilkemann, 4; Campbell, 25; Garrett, 3; Krist, 10; Lindstrom, 18.

A BILL FOR AN ACT relating to schools; to create and provide duties for the School Financing Review Commission; to state intent relating to appropriations; and to declare an emergency.

**LEGISLATIVE BILL 327.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1010, 25-1027, 25-1028, 25-1030.02, and 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment; and to repeal the original sections.

**LEGISLATIVE BILL 328.** Introduced by Schilz, 47; Davis, 43.

A BILL FOR AN ACT relating to the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act; to amend sections 81-15,237, 81-15,247, and 81-15,248.01, Reissue Revised Statutes of Nebraska; to change provisions relating to use of professionals and fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 331.** Introduced by Nordquist, 7; Davis, 43; Mello, 5; Schilz, 47; Williams, 36.

A BILL FOR AN ACT relating to economic development; to amend sections 49-801.01, 77-202, 77-2711, and 77-27,119, Revised Statutes Cumulative Supplement, 2014; to adopt the Bioscience Impact Opportunity Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 332.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for the statewide prescription drug disposal project.

**LEGISLATIVE BILL 333.** Introduced by Gloor, 35; Campbell, 25; Crawford, 45; Ebke, 32; Friesen, 34; Howard, 9; Morfeld, 46; Nordquist, 7; Pansing Brooks, 28; Scheer, 19; Schumacher, 22; Seiler, 33; Williams, 36.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Services Transformation Act.

**LEGISLATIVE BILL 336.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to real property; to amend sections 76-854, 76-855, 76-870, and 76-871, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Condominium Act; and to repeal the original sections.

**LEGISLATIVE BILL 337.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to energy conservation; to amend sections 66-1013, 66-1017, 66-1018, and 66-1019, Reissue Revised Statutes of Nebraska, and sections 66-1012, 66-1014, 66-1015, 66-1016, and 66-1019.01, Revised Statutes Cumulative Supplement, 2014; to rename and change the Low-Income Home Energy Conservation Act as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 338.** Introduced by Brasch, 16; Campbell, 25; Coash, 27; Howard, 9; Kuehn, 38.

A BILL FOR AN ACT relating to docket fees; to provide a docket fee for a paternity determination or parental support proceeding.

**LEGISLATIVE BILL 339.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to amend sections 53-1,115 and 84-914, Reissue Revised Statutes of Nebraska; to change provisions relating to payment of costs for certain proceedings before the commission as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 340.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2429, Reissue Revised Statutes of Nebraska, and section 69-2427, Revised Statutes Cumulative Supplement, 2014; to define a term; to provide signage requirements and duties for the Nebraska State Patrol; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 341.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to provide requirements relating to health benefit plans and coverage of insureds in jail custody.

**LEGISLATIVE BILL 343.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to education; to state intent; to define terms; to provide for funding for schools implementing and offering courses and programs as prescribed; to create a fund; and to declare an emergency.

**LEGISLATIVE BILL 344.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226, Reissue Revised Statutes of Nebraska; to provide for issuance of general obligation bonds; and to repeal the original section.

**LEGISLATIVE BILL 345.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 14-554, Reissue Revised Statutes of Nebraska; to adopt the Property Tax Relief Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 346.** Introduced by Krist, 10; Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2014; to provide for coverage for children's day health services; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 349.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the state building division; to amend section 81-1108.33, Reissue Revised Statutes of Nebraska; to change provisions relating to acquisitions of real property; and to repeal the original section.

**LEGISLATIVE BILL 350.** Introduced by Brasch, 16; Bloomfield, 17; Groene, 42; Hilkemann, 4; Johnson, 23; Kolterman, 24; Kuehn, 38; Lindstrom, 18; McCoy, 39; Schilz, 47; Kintner, 2; Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 351.** Introduced by Brasch, 16; Bloomfield, 17; Hilkemann, 4; Johnson, 23; Kolterman, 24; Kuehn, 38; Lindstrom, 18; Schilz, 47; Smith, 14.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1005.01, and 79-1008.02, Reissue Revised Statutes of Nebraska; to change provisions relating to allocated income tax funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 353.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Nursing Home Administrator Practice Act; to amend sections 38-2408, 38-2412, 38-2421, and 38-2422, Reissue Revised Statutes of Nebraska, and sections 38-2401, 38-2402, 38-2419, and 38-2420, Revised Statutes Cumulative Supplement, 2014; to change provisions regarding educational requirements for and licensure of nursing home administrators; to change and eliminate definitions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 38-2403, 38-2409, 38-2410, 38-2413, 38-2415, and 38-2416, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 354.** Introduced by McCollister, 20; Bolz, 29; Pansing Brooks, 28.

A BILL FOR AN ACT relating to crime victims and witnesses; to amend sections 81-1802, 81-1803, 81-1807, 81-1823, and 81-1848, Reissue Revised Statutes of Nebraska; to add a member to the Crime Victim's Reparations Committee; to eliminate obsolete provisions; to change provisions relating to compensation from the Victim's Compensation Fund; to change the rights of victims and witnesses of crimes as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 357.** Introduced by Smith, 14; Brasch, 16; Craighead, 6; Hilkemann, 4; Johnson, 23; Kolterman, 24; Larson, 40; McCollister, 20; Murante, 49; Schilz, 47; Schnoor, 15; Riepe, 12; Lindstrom, 18; Ebke, 32; Garrett, 3; Coash, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 84-612, Reissue Revised Statutes of Nebraska, and sections 77-2715.03 and 77-2734.02, Revised Statutes Cumulative Supplement, 2014; to change individual and corporate income tax rates; to transfer funds from the Cash Reserve Fund to the Property Tax Credit Cash Fund and the General Fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 358.** Introduced by Garrett, 3; Bloomfield, 17; Brasch, 16; Groene, 42; Johnson, 23; Kintner, 2; Howard, 9.

A BILL FOR AN ACT relating to sexual assault; to amend sections 43-292.02 and 43-2933, Reissue Revised Statutes of Nebraska, and sections 43-254, 43-283.01, and 43-1411.01, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to paternity of a child conceived as a result of sexual assault; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 362.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-1096, Reissue Revised Statutes of Nebraska; to change provisions relating to eminent domain takings; and to repeal the original section.



**LEGISLATIVE BILL 363.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Revised Statutes Cumulative Supplement, 2014; to provide time limits and penalties for late payment of medical payments; and to repeal the original section.

**LEGISLATIVE BILL 364.** Introduced by Watermeier, 1; Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to provide for transfers to the Property Tax Credit Cash Fund; and to provide for appropriations.

**LEGISLATIVE BILL 368.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to petition circulators; to amend sections 32-630 and 32-1546, Reissue Revised Statutes of Nebraska; to prohibit certain activities interfering with a circulator; to provide a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 369.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-1,106, 38-1,110, 38-1,111, and 38-1,113, Reissue Revised Statutes of Nebraska, and section 38-1,126, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to proceedings regarding impaired professionals; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 370.** Introduced by Riepe, 12; Krist, 10.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-911, Revised Statutes Cumulative Supplement, 2014; to provide a duty for the Department of Health and Human Services relating to a waiver to provide coverage for treatment of dyslexia; and to repeal the original section.

**LEGISLATIVE BILL 371.** Introduced by Sullivan, 41; Mello, 5.

A BILL FOR AN ACT relating to education; to create the Nebraska Council for Educational Success; and to provide powers and duties.

**LEGISLATIVE BILL 372.** Introduced by Craighead, 6; Kolterman, 24; Lindstrom, 18.

A BILL FOR AN ACT relating to first-time home buyers; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to adopt the First-time Home Buyer Savings Plan Act; to provide income tax adjustments as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 373.** Introduced by Hilkemann, 4; Kolterman, 24.

A BILL FOR AN ACT relating to school buses; to amend sections 79-601 and 79-609, Reissue Revised Statutes of Nebraska; to require lap-shoulder belts as

prescribed; to require instruction regarding use of certain belts; to require the use of certain belts; to state intent regarding liability; and to repeal the original sections.

**LEGISLATIVE BILL 374.** Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to road funding; to amend section 39-1390, Revised Statutes Cumulative Supplement, 2014; to require transfers from the State Recreation Road Fund as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 376.** Introduced by Hansen, 26; Coash, 27; Morfeld, 46.

A BILL FOR AN ACT relating to the Deferred Building Renewal Act; to amend sections 81-173, 81-174, 81-176, 81-177, 81-179, 81-180, 81-181, 81-182, 81-185, 81-186, 81-188, and 81-188.01, Reissue Revised Statutes of Nebraska; to provide that public charitable corporations are subject to the act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 378.** Introduced by Groene, 42; Ebke, 32; Schnoor, 15.

A BILL FOR AN ACT relating to public improvements; to amend section 16-697.02, Reissue Revised Statutes of Nebraska; to change requirements for electoral approval of borrowing money by a first-class city for parks, recreational facilities, and public grounds; and to repeal the original section.

**LEGISLATIVE BILL 380.** Introduced by Morfeld, 46; Hansen, 26.

A BILL FOR AN ACT relating to postsecondary education; to create and provide duties for the Higher Education Affordability Commission.

**LEGISLATIVE BILL 381.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services to provide housing services as prescribed.

**LEGISLATIVE BILL 383.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to elections; to amend sections 32-202, 32-314, 32-929, 32-935, 32-936, 32-1530, and 32-1532, Reissue Revised Statutes of Nebraska, and sections 32-329, 32-915, 32-933, and 32-1002, Revised Statutes Cumulative Supplement, 2014; to provide duties for the Secretary of State; to change provisions relating to voter registration and provisional ballots; to authorize provisional ballots for registered voters changing residence within Nebraska; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 384.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to provide for reclassification of agricultural land and horticultural land as prescribed; and to provide an operative date.

**LEGISLATIVE BILL 385.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to real property; to amend sections 25-21,220, 76-1431, and 76-1441, Reissue Revised Statutes of Nebraska; to change provisions relating to forcible entry and detainer and the Uniform Residential Landlord and Tenant Act; and to repeal the original sections.

**LEGISLATIVE BILL 386.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.36, Revised Statutes Cumulative Supplement, 2014; to change a sales tax exemption for agricultural machinery and equipment; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 387.** Introduced by Schnoor, 15.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Reissue Revised Statutes of Nebraska; to transfer funds to the Property Tax Credit Cash Fund; and to repeal the original section.

**LEGISLATIVE BILL 388.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to provide annual adjustments for total disability income benefits; and to repeal the original section.

**LEGISLATIVE BILL 391.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2703, Revised Statutes Cumulative Supplement, 2014; to change sales tax collection fees for motor vehicles as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 393.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Livestock Animal Welfare Act; to amend sections 54-903 and 54-909, Reissue Revised Statutes of Nebraska, and sections 54-901 and 54-902, Revised Statutes Cumulative Supplement, 2014; to redefine terms; to change criminal penalties; to provide for animal cruelty investigation agents as prescribed; to provide powers and duties for the Director of Agriculture; to provide fees; and to repeal the original sections.

**LEGISLATIVE BILL 394.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-564 and 37-568, Reissue Revised Statutes of Nebraska; to change provisions relating

to interference with a person hunting, trapping, or fishing; and to repeal the original sections.

**LEGISLATIVE BILL 395.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Enterprise Act; and to authorize the awarding of grants for economic development as prescribed.

**LEGISLATIVE BILL 396.** Introduced by Riepe, 12; Coash, 27; Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to allow an income tax credit for certain long-term care insurance policy premiums; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 397.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to appropriations; to state intent relating to funding for a lead-based paint hazard reduction grant; and to authorize a grant.

**LEGISLATIVE BILL 398.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2014; to exempt all tangible personal property from property tax; and to repeal the original section.

**LEGISLATIVE BILL 399.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to transportation; to amend sections 75-301 and 75-304, Reissue Revised Statutes of Nebraska, and section 75-302, Revised Statutes Cumulative Supplement, 2014; to define a term; to restate intent; to provide powers and duties for the Public Service Commission relating to transportation network service; and to repeal the original sections.

**LEGISLATIVE BILL 400.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1493 and 49-1494, Reissue Revised Statutes of Nebraska; to change requirements for statements of financial interest; and to repeal the original sections.

**LEGISLATIVE BILL 400A.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 400, One Hundred Fourth Legislature, First Session, 2015.

**LEGISLATIVE BILL 402.** Introduced by Baker, 30; Davis, 43; Kuehn, 38; Schilz, 47.

A BILL FOR AN ACT relating to education; to amend sections 79-1336 and 79-1337, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to distance education incentives; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 403.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to elections; to amend section 32-960, Revised Statutes Cumulative Supplement, 2014; to change provisions regarding elections conducted by mail; and to repeal the original section.

**LEGISLATIVE BILL 404.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to water; to amend section 46-233, Reissue Revised Statutes of Nebraska; to provide for evidentiary hearings relating to applications as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 406.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-202, Reissue Revised Statutes of Nebraska; to change provisions relating to actions for the recovery of vacant, platted, and subdivided real property as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 407.** Introduced by Haar, K., 21; Davis, 43; Kolowski, 31; Nordquist, 7; Pansing Brooks, 28.

A BILL FOR AN ACT relating to public power; to amend sections 70-1001.01 and 70-1014.02, Revised Statutes Cumulative Supplement, 2014; to eliminate provisions relating to criteria for approval of certain facilities as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 70-1028, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 409.** Introduced by McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Schnoor, 15.

A BILL FOR AN ACT relating to landlords and tenants; to amend sections 76-1410 and 76-1416, Reissue Revised Statutes of Nebraska; to redefine the term tenant; to change the maximum pet deposit; and to repeal the original sections.

**LEGISLATIVE BILL 410.** Introduced by Sullivan, 41; Davis, 43; Gloor, 35; Haar, K., 21; Hansen, 26; Kolowski, 31; Morfeld, 46; Pansing Brooks, 28; Scheer, 19.

A BILL FOR AN ACT relating to the Access College Early Scholarship Program Act; to amend sections 85-2102 and 85-2104, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to eligibility; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 411.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Supplemental Nutrition Assistance Program; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 416.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to property; to amend sections 30-2333, 30-2353, 30-2723, 30-2742, and 30-3854, Reissue Revised Statutes of Nebraska, and sections 30-2354, 30-2715, 30-2715.01, and 76-3415, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to transfer of property upon death; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 417.** Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska for pediatric cancer research.

**LEGISLATIVE BILL 418.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 71-7611 and 77-2602, Revised Statutes Cumulative Supplement, 2014; to change the distribution of cigarette tax proceeds; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 423.** Introduced by Nordquist, 7; Davis, 43; Haar, K., 21; Kolowski, 31; Pansing Brooks, 28; Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,235, Revised Statutes Cumulative Supplement, 2014; to change a renewable energy tax credit; and to repeal the original section.

**LEGISLATIVE BILL 423A.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 423, One Hundred Fourth Legislature, First Session, 2015.

**LEGISLATIVE BILL 425.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 29-3803, 29-3804, 29-4014, 47-123, 81-1850, 83-170, 83-1,107, 83-1,108, 83-1,109, 83-1,110, 83-1,118, 83-1,122, 83-1,123, 83-1,125, 83-4,111, 83-4,122, and 83-4,123, Reissue Revised Statutes of Nebraska, and section 29-2204, Revised Statutes Cumulative Supplement, 2014; to provide for earned time; to discontinue the use of good time as prescribed; to define a term;

to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 427.** Introduced by Groene, 42; Davis, 43; Garrett, 3; Coash, 27; Hughes, 44; Kintner, 2; Bloomfield, 17.

A BILL FOR AN ACT relating to probation; to amend sections 25-2407 and 43-2,113, Reissue Revised Statutes of Nebraska, and section 29-2259, Revised Statutes Cumulative Supplement, 2014; to provide for state payment of probation services; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 428.** Introduced by Garrett, 3; Schnoor, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 60-3,185, Reissue Revised Statutes of Nebraska, and section 60-3,189, Revised Statutes Cumulative Supplement, 2014; to provide an exemption from motor vehicle taxation for certain veterans and their surviving spouses as prescribed; to provide for reimbursement of political subdivisions as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 429.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-134.01, Reissue Revised Statutes of Nebraska, and section 48-1,110, Revised Statutes Cumulative Supplement, 2014; to provide for medical utilization and treatment guidelines; to change provisions relating to independent medical examiners; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 433.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend section 28-101, Revised Statutes Cumulative Supplement, 2014; to establish the offense of false presentation of proof of liability insurance; to provide penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 434.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to personal property; to amend sections 69-401, 69-407, 69-408, and 69-409, Revised Statutes Cumulative Supplement, 2014; to require law enforcement agencies to use theft notification web sites as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 435.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to education; to adopt the Time to Teach and Time to Learn Act; and to provide operative dates.

**LEGISLATIVE BILL 436.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate funds for pediatric oral health services.

**LEGISLATIVE BILL 438.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2014; to change the distribution of sales and use tax revenue; to create a fund; to provide funding for schools; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 440.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2014; to provide for a study of rates for care provided by an Alzheimer's special care unit as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 442.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate additional funds to the Property Tax Credit Cash Fund.

**LEGISLATIVE BILL 443.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1125.01, Reissue Revised Statutes of Nebraska; to redefine the term support services; and to repeal the original section.

**LEGISLATIVE BILL 444.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1005.01, 79-1008.01, and 79-1017.01, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to a minimum levy adjustment; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1008.02, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 445.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2117.01, Reissue Revised Statutes of Nebraska; to authorize the Department of Revenue to audit redevelopment plans involving tax-increment financing; to change provisions relating to reporting; and to repeal the original section.

**LEGISLATIVE BILL 447.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Act; to amend sections 79-978, 79-980, 79-981, 79-982, 79-983, 79-984,



79-985, 79-986, 79-987, 79-989, 79-990, 79-991, 79-992, 79-996, 79-998, 79-9,102, 79-9,103, 79-9,105, 79-9,107, 79-9,108, 79-9,109, 79-9,111, 79-9,113, 79-9,115, and 79-9,117, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change membership of the board of trustees; to change provisions relating to administration of the retirement system and the services and benefits provided by the system; to provide a penalty; to provide immunity from liability; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 448.** Introduced by Nordquist, 7; Davis, 43; Kolowski, 31; Mello, 5.

A BILL FOR AN ACT relating to school employees retirement; to amend sections 79-901, 79-902, 79-910, 79-916, 79-918, 79-942, 79-978, 79-979, and 79-988, Reissue Revised Statutes of Nebraska; to make Class V school employees members of the School Employees Retirement Act; to end current and new employee participation in the Class V retirement system; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 448A.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 448, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

**LEGISLATIVE BILL 450.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to tourism; to amend sections 81-3701, 81-3711, and 81-3714, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Tourism Commission; to authorize grants; to change provisions relating to use of funds; to create a fund; to state intent; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 451.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to insurance; to amend sections 44-6410 and 44-6411, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to stacking of coverage; and to repeal the original sections.

**LEGISLATIVE BILL 453.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-395, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to motor vehicle fees and taxes; and to repeal the original section.

**LEGISLATIVE BILL 454.** Introduced by Garrett, 3; Craighead, 6; Schnoor, 15; Crawford, 45; Kintner, 2; Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to change provisions

relating to the taxation of military retirement benefits; and to repeal the original section.

**LEGISLATIVE BILL 459.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1917, Revised Statutes Cumulative Supplement, 2014; to provide for depositions of a child victim or child witness; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 461.** Introduced by Pansing Brooks, 28; Davis, 43.

A BILL FOR AN ACT relating to the Nebraska Tree Recovery Program; to amend section 72-1902, Reissue Revised Statutes of Nebraska; to change legislative intent relating to appropriations; and to repeal the original section.

**LEGISLATIVE BILL 462.** Introduced by Seiler, 33; Kuehn, 38.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-14,101.02, 49-14,101.03, and 49-14,114, Reissue Revised Statutes of Nebraska; to define a term; to change restrictions on campaigning by certain public officials and public employees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 463.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to fiduciaries; to adopt the Technology Information Management Act; and to provide severability.

**LEGISLATIVE BILL 465.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to notaries public; to adopt the Electronic Notary Public Act.

**LEGISLATIVE BILL 465A.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 465, One Hundred Fourth Legislature, First Session, 2015.

**LEGISLATIVE BILL 466.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to deductions of municipal sales and use tax refunds; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 467.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend sections 81-2014.01, 81-2017, 81-2026, 81-2027.08, and 81-2041,

Reissue Revised Statutes of Nebraska; to redefine a term; to change benefit calculation and adjustment; to eliminate certain state contributions as prescribed; to change DROP requirements; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 470.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to provide an income tax credit for caregivers as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 471.** Introduced by Howard, 9; Lindstrom, 18; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to health and human services; to amend sections 71-2454, 71-2455, and 71-2456, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to prescription drug monitoring; to state intent relating to appropriations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 472.** Introduced by Campbell, 25; Crawford, 45; Howard, 9; Mello, 5; Nordquist, 7; Pansing Brooks, 28; Cook, 13.

A BILL FOR AN ACT relating to medical assistance; to amend sections 44-4225, 68-901, 68-906, 68-908, and 68-909, Revised Statutes Cumulative Supplement, 2014; to adopt the Medicaid Redesign Act; to change provisions relating to the Comprehensive Health Insurance Pool Distributive Fund; to create a fund; to adopt by reference changes to federal law; to eliminate the Medicaid Reform Council and obsolete provisions; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal sections 68-948 and 68-949, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 472A.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 472, One Hundred Fourth Legislature, First Session, 2015; and to reduce appropriations.

**LEGISLATIVE BILL 473.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to eminent domain; to amend sections 57-1101 and 57-1408, Revised Statutes Cumulative Supplement, 2014; to eliminate the power of eminent domain for certain pipelines; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 474.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-201, 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes

Cumulative Supplement, 2014; to provide for Mountain Lion Protection Plates; to create the Game and Parks Commission Educational Fund and provide for its use; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 474A.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 474, One Hundred Fourth Legislature, First Session, 2015.

**LEGISLATIVE BILL 475.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1012, Reissue Revised Statutes of Nebraska; to change a provision relating to the construction or acquisition of certain electric generation facilities; and to repeal the original section.

**LEGISLATIVE BILL 476.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to provide duties for county assessors and the Property Tax Administrator relating to tax-exempt real property.

**LEGISLATIVE BILL 478.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1223, Reissue Revised Statutes of Nebraska; to provide for bonding; and to repeal the original section.

**LEGISLATIVE BILL 483.** Introduced by Pansing Brooks, 28; Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend section 83-1,105.01, Reissue Revised Statutes of Nebraska, and section 29-2204, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to indeterminate sentencing; and to repeal the original sections.

**LEGISLATIVE BILL 484.** Introduced by Nordquist, 7; Garrett, 3; Smith, 14; Crawford, 45.

A BILL FOR AN ACT relating to county employees retirement; to amend section 23-2308, Reissue Revised Statutes of Nebraska, and section 23-2307, Revised Statutes Cumulative Supplement, 2014; to change employee and county contribution rates as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 485.** Introduced by Stinner, 48; Bolz, 29; Davis, 43; Harr, B., 8; Hilkemann, 4; Howard, 9; Nordquist, 7; Krist, 10; Coash, 27; Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services for child welfare; and to declare an emergency.

**LEGISLATIVE BILL 486.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-123.14, Revised Statutes Cumulative Supplement, 2014; to provide for a limited bottling endorsement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 487.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Reissue Revised Statutes of Nebraska; to change the duties of the Auditor of Public Accounts as prescribed; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 488.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to insurance; to adopt the Transportation Network Insurance Act.

**LEGISLATIVE BILL 490.** Introduced by Watermeier, 1; Craighead, 6.

A BILL FOR AN ACT relating to medical care; to adopt the Provider Orders for Life-Sustaining Treatment Act.

**LEGISLATIVE BILL 491.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to elections; to amend sections 32-107, 32-108, 32-114, 32-115, 32-221, 32-302, 32-306, 32-307, 32-311.01, 32-314, 32-807, 32-813, 32-901, 32-904, 32-906, 32-907, 32-910, 32-912, 32-913, 32-914, 32-916, 32-917, 32-918, 32-919, 32-920, 32-921, 32-922, 32-923, 32-925, 32-927, 32-929, 32-938, 32-940, 32-945, 32-952, 32-1001, 32-1041, 32-1302, 32-1307, 32-1403, 32-1502, 32-1503, 32-1504, 32-1508, 32-1512, 32-1519, 32-1528, 32-1530, 32-1531, and 32-1532, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-308, 32-310, 32-311, 32-321, 32-325, 32-816, 32-902, 32-915, 32-933, 32-941, and 32-1002, Revised Statutes Cumulative Supplement, 2014; to provide for an election day voter registration pilot project as prescribed; to create a task force; to change provisions relating to registration, voting, and penalty provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 492.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to register of deeds document recording fees; to amend sections 25-2154, 33-109, 52-1004, and 77-3903, Revised Statutes Cumulative Supplement, 2014; to allow additional uses of fees charged by the register of deeds office for preservation and maintenance of records; to harmonize provisions; to change fees; and to repeal the original sections.

**LEGISLATIVE BILL 493.** Introduced by Nordquist, 7; Crawford, 45; Haar, K., 21; Hansen, 26; Howard, 9; Kolowski, 31; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to labor; to adopt the Healthy and Safe Families and Workplaces Act; and to provide severability.

**LEGISLATIVE BILL 494.** Introduced by Nordquist, 7; Crawford, 45; Haar, K., 21; Hansen, 26; Howard, 9; Kolowski, 31; Mello, 5; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to labor; to amend section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203, Reissue Revised Statutes of Nebraska, as amended by section 1, Initiative Law 2014, No. 425; to change the minimum wage for persons compensated by way of gratuities; to provide duties for the Commissioner of Labor; and to repeal the original sections.

**LEGISLATIVE BILL 495.** Introduced by Pansing Brooks, 28; Campbell, 25; Crawford, 45; Davis, 43; Hansen, 26; Howard, 9; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to increase the earned income tax credit; and to repeal the original section.

**LEGISLATIVE BILL 496.** Introduced by Kuehn, 38; Watermeier, 1; Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents for the Yeutter Institute for International Trade and Finance.

**LEGISLATIVE BILL 497.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to divorce; to amend sections 42-365 and 42-366, Reissue Revised Statutes of Nebraska; to change provisions relating to distribution of marital assets; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 499.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to behavioral and mental health services; to provide duties for the Department of Health and Human Services.

**LEGISLATIVE BILL 501.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Legislature; to provide for use of audio or visual materials of legislative proceedings produced by a public television or radio broadcasting station for a commercial purpose or political advertising; to define terms; to provide a penalty; and to provide for injunctive relief.

**LEGISLATIVE BILL 502.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to courts; to state intent relating to the establishment of a family court pilot project.

**LEGISLATIVE BILL 503.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend sections 29-2011.02, 29-2011.03, and 84-305, Reissue Revised Statutes of Nebraska; to provide authority to issue subpoenas and request court orders for testimony or information; and to repeal the original sections.

**LEGISLATIVE BILL 505.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3523, Reissue Revised Statutes of Nebraska; to change provisions relating to the Security, Privacy, and Dissemination of Criminal History Information Act; and to repeal the original section.

**LEGISLATIVE BILL 506.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to increase payments to community-based developmental disability providers.

**LEGISLATIVE BILL 507.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to teachers; to amend sections 79-808 and 79-810, Reissue Revised Statutes of Nebraska; to require certain examinations for special education teachers as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 508.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to teachers; to provide minimum requirements for acceptance to teacher education programs as prescribed; and to provide for rules and regulations.

**LEGISLATIVE BILL 510.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to provide an income tax credit to employers of recipients of certain public assistance as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 512.** Introduced by Stinner, 48; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend sections 57-901, 57-903, 57-905, 57-911, 57-913, 57-914, 57-915, 57-916, 57-916.01, 57-917, 57-918, 57-919, 57-920, 57-921, 57-922, and 81-1531.01, Reissue Revised Statutes of Nebraska; to provide powers and duties to the commission regarding the monitoring and regulation of the disposal in Nebraska of out-of-state produced wastewater; to define terms; to

charge an assessment; to create a fund; to provide funds for road damage and new road infrastructure; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 516.** Introduced by Bolz, 29; Coash, 27.

A BILL FOR AN ACT relating to brain injury; to define terms; to create a council and a fund; and to provide powers and duties.

**LEGISLATIVE BILL 517.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-4,182 and 60-601, Revised Statutes Cumulative Supplement, 2014; to prohibit use of an interactive wireless communication device while operating a motor vehicle as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 518.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2014; to state intent; to provide for changes to the medical assistance program; to provide powers and duties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 521.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to state aid to education; to amend sections 77-1701, 77-4211, 79-528, 79-1001, 79-1003, 79-1003.01, 79-1005.01, 79-1007.05, 79-1007.06, 79-1007.08, 79-1007.12, 79-1007.14, 79-1007.15, 79-1007.18, 79-1008.01, 79-1008.02, 79-1009, 79-1015.01, 79-1017.01, 79-1018.01, 79-1022, 79-1035, 79-1035.02, 79-1036, 79-1073.01, 79-2104, 79-2111, and 84-612, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 77-4212, Revised Statutes Cumulative Supplement, 2014; to provide, eliminate, and change provisions relating to property tax levies and credits and state aid to schools; to provide for property tax credit funds, apportionment funds, property tax relief aid, and student support aid; to provide for a transfer from the Cash Reserve Fund; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 77-4209, 77-4210, 79-1007.04 and 79-1007.17, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 522.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to state aid to education; to amend sections 79-309.01, 79-1001, 79-1003, 79-1003.01, 79-1005.01, 79-1007.05, 79-1007.06, 79-1007.08, 79-1007.12, 79-1007.14, 79-1007.15, 79-1007.18, 79-1008.01, 79-1008.02, 79-1009, 79-1015.01, 79-1017.01, 79-1018.01, 79-1022, 79-1035, 79-1035.02, 79-1036, and 84-612, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to state aid to schools; to provide for apportionment funds and student support aid; to provide for a transfer from the Cash Reserve Fund; to harmonize provisions; to repeal the original sections; and



to outright repeal sections 79-1007.04 and 79-1007.17, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 523.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2734.02, Revised Statutes Cumulative Supplement, 2014; to state intent; to change individual and corporate income tax rates; and to repeal the original sections.

**LEGISLATIVE BILL 524.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to schools; to amend sections 79-101, 79-8,137, 79-8,137.04, 79-1003, 79-1003.01, 79-1013, 79-2110, 79-2113, 79-2115, and 79-2120, Reissue Revised Statutes of Nebraska; to provide for information relating to eligibility for free or reduced-price lunches for students; to define and redefine terms; to change provisions relating to a summer school allowance, a poverty plan, a diversity plan, elementary learning centers, learning community funds, and certification of students relating to the Community Eligibility Provision as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 526.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to schools; to amend section 79-101, Reissue Revised Statutes of Nebraska; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 528.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to learning communities; to amend sections 79-413, 79-4,119, 79-4,121, 79-4,122, 79-4,124, 79-4,125, 79-4,126, 79-611, 79-1003, 79-1008.02, 79-1013, 79-1014, 79-1022, 79-1241.03, 79-2104, 79-2104.02, and 79-2117, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to transfers of parcels of land as prescribed; to provide for grants for certain purposes as prescribed; to change provide and change provisions relating to transportation of students; to redefine a term; to change and eliminate provisions relating to state aid and core services funding; to change and eliminate provisions relating to coordinating councils; to eliminate an advisory committee; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-1007.22, 79-2104.01, and 79-2104.03, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 530.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend section 79-11,155, Reissue Revised Statutes of Nebraska; to require recommendations by the student achievement coordinator; and to repeal the original section.

**LEGISLATIVE BILL 531.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to provide requirements for publication of information relating to health insurance policies, health plans, and health maintenance organization subscriptions; to provide duties for the Department of Insurance; and to provide for civil penalties.

**LEGISLATIVE BILL 532.** Introduced by Hilkemann, 4; Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to provide for an appropriation of funds to the University of Nebraska for construction of the Global Center for Advanced Interprofessional Learning at the University of Nebraska Medical Center.

**LEGISLATIVE BILL 533.** Introduced by Stinner, 48; Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska for operation of the Global Center for Advanced Interprofessional Learning at the University of Nebraska Medical Center.

**LEGISLATIVE BILL 534.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1001, Reissue Revised Statutes of Nebraska; to provide for limitations on General Fund expenditures as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 535.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Public Service Commission; to provide exclusive jurisdiction over depth requirements for underground oil and natural gas pipeline facilities as prescribed.

**LEGISLATIVE BILL 536.** Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to public power suppliers; to provide for the filing of an annual report with the Nebraska Power Review Board.

**LEGISLATIVE BILL 537.** Introduced by Watermeier, 1; Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to amend section 2-1588, Revised Statutes Cumulative Supplement, 2014; to appropriate funds relating to natural resources; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 542.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Cumulative Supplement, 2014; to provide a sales tax exemption for purchases by county agricultural societies; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 543.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to public health and welfare; to amend section 38-1201, Reissue Revised Statutes of Nebraska, and sections 38-1217 and 68-901, Revised Statutes Cumulative Supplement, 2014; to provide for certification of community paramedics under the Emergency Medical Services Practice Act; to provide for a waiver under the Medical Assistance Act for payment of community paramedic services as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 545.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 28-105, Revised Statutes Cumulative Supplement, 2014; to provide for additional mandatory minimum sentencing as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 548.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to surgical assistants; to amend section 38-2025, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-121, and 38-186, Revised Statutes Cumulative Supplement, 2014; to adopt the Surgical Assistant Practice Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 549.** Introduced by Campbell, 25; Gloor, 35.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Transformation Act.

**LEGISLATIVE BILL 550.** Introduced by Harr, B., 8; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Municipal Equalization Fund; to amend section 13-2814, Reissue Revised Statutes of Nebraska, and sections 77-27,139.03 and 77-27,144, Revised Statutes Cumulative Supplement, 2014; to change funding; to eliminate collection fees; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 551.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend section 84-1501, Reissue Revised Statutes of Nebraska; to adopt the Local Government Employees Retirement Act; to change membership on the Public Employees Retirement Board; and to repeal the original section.

**LEGISLATIVE BILL 552.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304.02, Reissue Revised Statutes of Nebraska; to change a requirement for preparing a written review of all audit, accounting, or financial reports; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 553.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to insurance; to amend section 44-3805, Reissue Revised Statutes of Nebraska, and section 44-7,105, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to dental services; and to repeal the original sections.

**LEGISLATIVE BILL 555.** Introduced by Harr, B., 8; Chambers, 11.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

**LEGISLATIVE BILL 556.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-103, 48-127, and 48-148, Reissue Revised Statutes of Nebraska; to waive workers' compensation as the exclusive remedy if an employer is willfully negligent; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 557.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend section 71-5724, Reissue Revised Statutes of Nebraska; to redefine place of employment; and to repeal the original section.

**LEGISLATIVE BILL 558.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,245.01, Reissue Revised Statutes of Nebraska; to redefine a term; to provide an exception for certain operations preparing food for indirect sale to a consumer as prescribed; to provide a duty for the Department of Agriculture; and to repeal the original section.

**LEGISLATIVE BILL 560.** Introduced by Williams, 36; Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska; and to create a fund.

**LEGISLATIVE BILL 562.** Introduced by Morfeld, 46; Stinner, 48.

A BILL FOR AN ACT relating to tourism; to amend section 81-3711, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Treasures Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 563.** Introduced by McCollister, 20; Kolowski, 31; Riepe, 12.

A BILL FOR AN ACT relating to schools; to amend section 79-1091, Reissue Revised Statutes of Nebraska; to change provisions relating to the school fiscal year; and to repeal the original section.

**LEGISLATIVE BILL 564.** Introduced by Lindstrom, 18; Schilz, 47.

A BILL FOR AN ACT relating to roads; to amend section 39-1811, Reissue Revised Statutes of Nebraska; to change duties and obligations relating to the mowing of weeds along county roads; and to repeal the original section.

**LEGISLATIVE BILL 565.** Introduced by Kuehn, 38; Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to amend section 85-1412, Reissue Revised Statutes of Nebraska, and section 71-7611, Revised Statutes Cumulative Supplement, 2014; to state intent relating to appropriations for education and training in high-need fields; to provide duties for the Coordinating Commission for Postsecondary Education; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 567.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to pharmacies; to amend sections 28-414.01 and 38-2871, Revised Statutes Cumulative Supplement, 2014; to permit transfer of prescription information between pharmacies as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 568.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-498.02, 60-4,131, 60-4,131.01, and 60-4,132, Revised Statutes Cumulative Supplement, 2014; to change certain administrative license revocation provisions relating to commercial drivers' licenses; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 569.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the Business Innovation Act; to amend sections 81-12,153, 81-12,157, 81-12,158, 81-12,159, 81-12,160, 81-12,161, and 81-12,166, Reissue Revised Statutes of Nebraska; to redefine a term; to change award limitations; to add provisions on confidentiality; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 572.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to schools; to amend section 79-2,144, Reissue Revised Statutes of Nebraska; to provide duties for the state school security director relating to cyberbullying and digital citizenship issues; and to repeal the original section.

**LEGISLATIVE BILL 573.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to health care; to amend section 84-602.02, Reissue Revised Statutes of Nebraska, and sections 49-801.01, 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to adopt the Health Enterprise Zone Act; to provide for

health enterprise zone tax credits; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 576.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to political subdivisions; to amend section 79-2117, Reissue Revised Statutes of Nebraska, and sections 32-546.01 and 32-555.01, Revised Statutes Cumulative Supplement, 2014; to change the election and membership of learning community coordinating councils; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 578.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 32-227, 32-228, 32-330, 32-813, 32-952, and 32-1032, Reissue Revised Statutes of Nebraska, and sections 10-703.01, 32-208, 32-607, 32-941, and 32-1203, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to expenses of elections, election commissioners, payment and service of election workers, the voter registration register, candidate filings, statewide general election ballots, early voting, special elections by mail, and inspection of election materials; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 579.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-695 and 60-699, Reissue Revised Statutes of Nebraska; to increase the dollar amount of damage resulting from an accident required for reporting by a peace officer; to change the dollar amount of damage resulting from an accident required for reporting by an operator as prescribed; to authorize a fee for a copy of a peace officer report; and to repeal the original sections.

**LEGISLATIVE BILL 580.** Introduced by Murante, 49; Mello, 5.

A BILL FOR AN ACT relating to redistricting; to amend sections 49-1493 and 49-1499.03, Reissue Revised Statutes of Nebraska; to adopt the Redistricting Act; to require statements of financial interest and conflict of interest statements as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 583.** Introduced by Schilz, 47; Kolowski, 31; Mello, 5; Nordquist, 7; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the State Energy Office; to require a state energy plan; and to provide powers and duties.

**LEGISLATIVE BILL 584.** Introduced by Schilz, 47; Nordquist, 7; Watermeier, 1; Larson, 40; Lindstrom, 18; Murante, 49.

A BILL FOR AN ACT relating to appropriations; to amend sections 84-612 and 85-1401, Reissue Revised Statutes of Nebraska; to provide for a transfer from the Cash Reserve Fund; to state findings and intent; to create a fund; to provide

powers and duties for the Coordinating Commission for Postsecondary Education; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 585.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend sections 61-201 and 61-202, Reissue Revised Statutes of Nebraska; to change provisions relating to director qualifications and employment of personnel; and to repeal the original sections.

**LEGISLATIVE BILL 586.** Introduced by Morfeld, 46; Haar, K., 21; Hansen, 26; Howard, 9; Nordquist, 7; Pansing Brooks, 28.

A BILL FOR AN ACT relating to discrimination; to amend sections 18-1724, 23-2525, 23-2531, 23-2541, 48-215, 48-628.01, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1111, 48-1113, 48-1115, 48-1119, 48-1122, 48-1124, 49-801, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and sections 29-401 and 48-1117, Revised Statutes Cumulative Supplement, 2014; to prohibit discrimination based upon sexual orientation, gender identity, sex, and disability as prescribed; to change the Nebraska Fair Employment Practice Act; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 586A.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 586, One Hundred Fourth Legislature, First Session, 2015.

**LEGISLATIVE BILL 587.** Introduced by McCollister, 20; Nordquist, 7; Schnoor, 15.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,187, Revised Statutes Cumulative Supplement, 2014; to change the motor vehicle tax schedules; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 588.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-943, Reissue Revised Statutes of Nebraska, and sections 32-808 and 32-941, Revised Statutes Cumulative Supplement, 2014; to provide for application for ballots to vote early on the Secretary of State's web site; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 590.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1016, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxable value certified by county assessors; and to repeal the original section.

**LEGISLATIVE BILL 592.** Introduced by Bolz, 29; Chambers, 11; Krist, 10; Mello, 5; Schumacher, 22; Seiler, 33.

A BILL FOR AN ACT relating to corrections; to amend sections 71-907, 83-171, 83-173, 83-174.01, 83-180, 83-186.01, 83-188, 83-1,100, 83-1,107, 83-1,135, 83-903, 83-904, 83-922, 83-931, 83-932, 83-933, and 83-939, Reissue Revised Statutes of Nebraska; to redefine the term mentally ill and the term dangerous sex offender; to provide a duty for the Director of Correctional Services; to provide notice and change provisions regarding release of persons who are mentally ill and dangerous as prescribed; to change provisions relating to the Board of Parole, the Department of Correctional Services, and the Office of Parole Administration; to rename and transfer supervision of the Division of Community-Centered Services; to authorize and mandate the Department of Correctional Services to provide mental health care and establish certain release and reentry programs for mentally ill committed offenders; to make permanent a reentry planning pilot program; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 593.** Introduced by Nordquist, 7; Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska to study current health data systems.

**LEGISLATIVE BILL 594.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1005, 23-2332, and 23-2332.01, Reissue Revised Statutes of Nebraska; to change provisions relating to contribution rates for police officers in cities of the primary class and for supplement county retirement plans; and to repeal the original sections.

**LEGISLATIVE BILL 595.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to schools; to create the Task Force on School Construction Assistance; to provide duties for the task force; to provide a duty to the State Department of Education to establish a data base; and to declare an emergency.

**LEGISLATIVE BILL 596.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to economic development; to amend sections 18-2102.01, 18-2116, 18-2117.01, and 84-304, Reissue Revised Statutes of Nebraska, and sections 18-2101 and 18-2103, Revised Statutes Cumulative Supplement, 2014; to change the Community Development Law; to create the Tax-increment Financing Division of the Auditor of Public Accounts and provide duties; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 597.** Introduced by Davis, 43.



A BILL FOR AN ACT relating to contract carriers; to amend section 75-109.01, Revised Statutes Cumulative Supplement, 2014; to adopt the Contract Carrier Safety Act; to provide civil penalties; to provide jurisdiction to the Public Service Commission; and to repeal the original section.

**LEGISLATIVE BILL 599.** Introduced by Ebke, 32; Brasch, 16; Groene, 42; Kintner, 2; Lindstrom, 18; Schnoor, 15; Kolterman, 24; Watermeier, 1; Krist, 10; Stinner, 48; Garrett, 3; Coash, 27; Davis 43; Larson, 40; Bloomfield, 17; Riepe, 12; Kuehn, 38.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Reissue Revised Statutes of Nebraska, as amended by section 1, Initiative Law 2014, No. 425; to provide a minimum wage for certain young student workers; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 600.** Introduced by Ebke, 32; Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-145, Reissue Revised Statutes of Nebraska; to change provisions relating to the investment of trust funds for self-insurers; and to repeal the original section.

**LEGISLATIVE BILL 601.** Introduced by Bloomfield, 17; Groene, 42; Haar, K., 21; Kintner, 2; Morfeld, 46.

A BILL FOR AN ACT relating to school boards; to amend section 79-544, Reissue Revised Statutes of Nebraska; to prohibit a board member and an immediate family member from being employed with the school district as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 603.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to firearms; to amend section 69-2404, Reissue Revised Statutes of Nebraska, and section 69-2402, Revised Statutes Cumulative Supplement, 2014; to define terms; to provide for the processing and certification of federal firearms forms as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 606.** Introduced by Mello, 5; Bolz, 29; Chambers, 11; Krist, 10; Schumacher, 22; Seiler, 33.

A BILL FOR AN ACT relating to state government; to amend sections 81-8,241, 81-8,244, 81-8,245, 83-1,135, 83-962, and 84-901, Reissue Revised Statutes of Nebraska; to adopt the Office of Inspector General of the Nebraska Correctional System Act; to change provisions relating to the Public Counsel; to require access to records by the Public Counsel; to mandate a declaration by the Governor of a correctional system overcrowding emergency as prescribed; to redefine a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 608.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1229, 77-1230, and 77-4105, Reissue Revised Statutes of Nebraska, and sections 77-123, 77-202, 77-1233.04, 77-1502, 77-2711, 77-27,119, and 77-5725, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to dates for personal property taxes, property tax exemptions, sales tax record-keeping, and audits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 609.** Introduced by Smith, 14; Watermeier, 1.

A BILL FOR AN ACT relating to bridges; to adopt the Nebraska Bridge Repair Act.

**LEGISLATIVE BILL 611.** Introduced by Kintner, 2; Bloomfield, 17; Ebke, 32; Groene, 42; Hughes, 44; Larson, 40; Scheer, 19; Schilz, 47; Smith, 14; Watermeier, 1.

A BILL FOR AN ACT relating to employment; to amend section 4-114, Reissue Revised Statutes of Nebraska; to require private employers to use the E-Verify Program; and to repeal the original section.

**LEGISLATIVE BILL 612.** Introduced by Kintner, 2; Bloomfield, 17; Ebke, 32; Garrett, 3; Groene, 42; Hughes, 44; Schilz, 47; Schnoor, 15; Smith, 14; Watermeier, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1409, Reissue Revised Statutes of Nebraska; to change provisions relating to use of force in self-protection; and to repeal the original section.

**LEGISLATIVE BILL 613.** Introduced by Kintner, 2; Bloomfield, 17; Ebke, 32; Groene, 42; Hughes, 44; Larson, 40; Lindstrom, 18; McCollister, 20; Scheer, 19; Schilz, 47; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-27,132, Revised Statutes Cumulative Supplement, 2014; to provide duties for the Department of Revenue; to provide for decreased individual income tax rates; to change the distribution of sales and use tax revenue; and to repeal the original sections.

**LEGISLATIVE BILL 614.** Introduced by Kintner, 2; Bloomfield, 17; Ebke, 32; Garrett, 3; Larson, 40; Lindstrom, 18; McCollister, 20; Schilz, 47; Smith, 14; Watermeier, 1; Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the taxation of military retirement benefits; and to repeal the original section.

**LEGISLATIVE BILL 615.** Introduced by Kintner, 2; Ebke, 32; Groene, 42; Larson, 40; Lindstrom, 18; Schilz, 47; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3507, 77-3508, and 77-3509, Revised Statutes Cumulative Supplement, 2014; to provide a property tax exemption for homesteads of certain persons; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 617.** Introduced by Larson, 40; Schilz, 47.

A BILL FOR AN ACT relating to schools; to adopt the Working to Improve Nebraska Schools Act; and to provide severability.

**LEGISLATIVE BILL 618.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2301, 2-2304, 2-3601, 2-3611, 2-3612, 2-3615, 2-3627, 2-3629, 2-3634, 2-3635, 2-3735, 2-3745, 2-3746, and 2-3747, Reissue Revised Statutes of Nebraska; to provide for redesignation of districts of members of various commodities boards or commissions as prescribed; to provide for changing the number of at-large members; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 619.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.11, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-123.14, 53-123.16, and 53-131, Revised Statutes Cumulative Supplement, 2014; to state intent; to define terms; to provide for a special designated poker license and a poker endorsement; to provide for fees and disposition of proceeds; to provide restrictions on participants; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 619A.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 619, One Hundred Fourth Legislature, First Session, 2015.

**LEGISLATIVE BILL 620.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to public petition and participation; to amend sections 25-21,242, 25-21,243, 25-21,244, 25-21,245, and 25-21,246, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to a motion to dismiss; and to repeal the original sections.

**LEGISLATIVE BILL 621.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-314, Reissue Revised Statutes of Nebraska; to change the qualifications of the deputy director; and to repeal the original section.

**LEGISLATIVE BILL 622.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend sections 72-2006 and 72-2007, Reissue Revised Statutes of Nebraska; to redefine a term; to change membership provisions of the Niobrara Council; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 624.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,301, Reissue Revised Statutes of Nebraska; to change provisions relating to vehicle load requirements; and to repeal the original section.

**LEGISLATIVE BILL 625.** Introduced by Krist, 10; Pansing Brooks, 28.

A BILL FOR AN ACT relating to behavioral health services; to adopt the Interstate Placement for Involuntarily Admitted Patients Agreement Act.

**LEGISLATIVE BILL 626.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,143 and 60-3,146, Reissue Revised Statutes of Nebraska, and sections 60-3,147, 60-3,186, 60-3,187, and 60-3,190, Revised Statutes Cumulative Supplement, 2014; to create a fund; to change motor vehicle taxes and fees and their distribution; to state intent relating to appropriations; and to repeal the original sections.

**LEGISLATIVE BILL 628.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to insurance; to provide procedures for electronic delivery of notices and documents and Internet posting of property and casualty insurance policies.

**LEGISLATIVE BILL 630.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Security, Privacy, and Dissemination of Criminal History Information Act; to amend section 29-3517, Reissue Revised Statutes of Nebraska; to provide duties for the Nebraska State Patrol regarding criminal history record information checks; and to repeal the original section.

**LEGISLATIVE BILL 631.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-906, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to acceptance of and assent to certain federal laws as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 632.** Introduced by Scheer, 19; Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to prohibit employers and associations from precluding certain contracts relating to health benefit plans; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 633.** Introduced by Stinner, 48; Haar, K., 21; Nordquist, 7; Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for state aid to municipalities and counties.

**LEGISLATIVE BILL 634.** Introduced by Garrett, 3; Bloomfield, 17; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-201 and 37-405, Revised Statutes Cumulative Supplement, 2014; to provide for issuance of permits for prisoners of war as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 635.** Introduced by Garrett, 3; Bloomfield, 17; Schnoor, 15.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2441, Reissue Revised Statutes of Nebraska; to change a provision relating to where a permit holder may carry a concealed handgun; and to repeal the original section.

**LEGISLATIVE BILL 636.** Introduced by Garrett, 3; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-421.01, Revised Statutes Cumulative Supplement, 2014; to provide for a discounted permit for deployed military and spouses while on leave as described; and to repeal the original section.

**LEGISLATIVE BILL 637.** Introduced by Garrett, 3; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-419, Reissue Revised Statutes of Nebraska; to provide for a resident permit for spouses of persons in military service as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 638.** Introduced by Garrett, 3; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2434, Reissue Revised Statutes of Nebraska, and section 69-2436, Revised Statutes Cumulative Supplement, 2014; to change permit expiration provisions for members of the armed forces or their spouses as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 639.** Introduced by Garrett, 3.

A BILL FOR AN ACT relating to road signs; to amend section 39-220, Reissue Revised Statutes of Nebraska; to provide for the issuance of permits to control vegetation obscuring advertising signage along highways as prescribed; to provide duties for the Department of Roads; and to repeal the original section.

**LEGISLATIVE BILL 643.** Introduced by Garrett, 3; Craighead, 6; Ebke, 32; Pansing Brooks, 28; Haar, K., 21; Coash, 27; Howard, 9; Krist, 10; McCollister, 20; Campbell, 25; Cook, 13; Johnson, 23; Nordquist, 7; Schumacher, 22; Chambers, 11.

A BILL FOR AN ACT relating to cannabis; to amend section 77-4303, Reissue Revised Statutes of Nebraska; to adopt the Cannabis Compassion and Care Act; to provide for taxation as prescribed; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 643A.** Introduced by Garrett, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 643, One Hundred Fourth Legislature, First Session, 2015.

**LEGISLATIVE BILL 645.** Introduced by Nordquist, 7; Campbell, 25; Cook, 13; Howard, 9; Kolowski, 31; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to adopt the Early Childhood Workforce Development Opportunity Act; to provide income tax credits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 646.** Introduced by Kintner, 2; Brasch, 16; Craighead, 6; Ebke, 32; Groene, 42; Larson, 40; Lindstrom, 18; Murante, 49; Schilz, 47; Schnoor, 15.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1413, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to secret ballots; and to repeal the original section.

**LEGISLATIVE BILL 647.** Introduced by Nordquist, 7; Campbell, 25; Howard, 9; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to children; to amend sections 43-2,129, 43-1311.01, and 71-1902, Revised Statutes Cumulative Supplement, 2014; to prohibit discrimination relating to placement of children as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 648.** Introduced by Howard, 9; Hansen, 26; Morfeld, 46; Nordquist, 7; Pansing Brooks, 28.

A BILL FOR AN ACT relating to adoption; to amend sections 43-101, 43-104.08, 43-104.13, 43-104.15, 43-104.18, 43-104.19, and 43-111, Reissue Revised Statutes of Nebraska; to provide for adoption by two adult persons jointly; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 649.** Introduced by Kintner, 2; Brasch, 16; Craighead, 6; Ebke, 32; Groene, 42; Larson, 40; Lindstrom, 18; Murante, 49; Schilz, 47; Schnoor, 15.

A BILL FOR AN ACT relating to public records; to amend section 84-712.01, Reissue Revised Statutes of Nebraska; to provide that certain votes of public officials are public record; and to repeal the original section.

**LEGISLATIVE BILL 650.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to vaccinations; to amend section 71-467, Revised Statutes Cumulative Supplement, 2014; to encourage hospitals to offer vaccinations as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 652.** Introduced by Transportation and Telecommunications Committee: Smith, 14, Chairperson; Brasch, 16; Davis, 43; Friesen, 34; Garrett, 3; Seiler, 33; McCoy, 39.

A BILL FOR AN ACT relating to telecommunications; to amend sections 28-1311, 75-132.01, 77-2703.04, 84-712.05, 86-163, 86-435, 86-438, 86-457, 86-463, and 86-903, Reissue Revised Statutes of Nebraska, and sections 75-109.01 and 75-156, Revised Statutes Cumulative Supplement, 2014; to adopt the 911 Emergency Services Communications Act; to change the offense of interference with a public service company; to provide powers and duties for the Public Service Commission; to change provisions relating to use of funds; to terminate a certain surcharge; to change a fee; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 653.** Introduced by Johnson, 23; Kolowski, 31; Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2014; to exempt certain purchases of energy star qualified products from sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 654.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services.

**LEGISLATIVE BILL 655.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to retirement; to amend sections 4-108, 16-1020, 84-1501, 84-1503, and 84-1511, Reissue Revised Statutes of Nebraska; to adopt the Cities of the First Class Firefighters Cash Balance Retirement Act; to create funds; to change provisions relating to the Public Employees Retirement Board; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 664.** Introduced by Chambers, 11; Baker, 30; Bolz, 29; Campbell, 25; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Groene, 42; Haar, K., 21; Harr, B., 8; Hughes, 44; Johnson, 23; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; McCollister, 20; Mello, 5; Nordquist, 7; Pansing Brooks, 28; Riepe, 12; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend sections 57-903 and 57-905, Reissue Revised Statutes of Nebraska; to provide duties for the commission regarding the disposal of wastewater; to define a term; to repeal the original sections; and to declare an emergency.



## RESOLUTIONS

### LEGISLATIVE RESOLUTION 7CA. Introduced by Schumacher, 22.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 7 and 12:

III-7 At the general election to be held in November 2020 and every six years thereafter, members of the Legislature representing odd-numbered districts shall be elected for six-year terms, with the manner of such election to be determined by the Legislature. At the general election in November 2022 and every six years thereafter, members of the Legislature representing even-numbered districts shall be elected to terms of six years, with the manner of such election to be determined by the Legislature. Until the general election elections to be held in November 1964 2020 and November 2022, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years in November of every even-numbered year, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

III-12 (1) No person shall be eligible to serve as a member of the Legislature for ~~four~~ six years next after the expiration of two consecutive terms regardless of the district represented. This section applies to consecutive four-year terms, consecutive six-year terms, and consecutive terms of four years and six years.

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

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

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

A constitutional amendment to limit the service of members of the Legislature to two consecutive six-year terms and provide for implementation of six-year terms.

For  
Against.

**LEGISLATIVE RESOLUTION 26CA.** Introduced by Larson, 40.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 8, Article IV, section 2, and Article V, section 7:

III-8 ~~A No person is shall be eligible for to~~ the office of member of the Legislature ~~if, unless~~ on the date of the general election at which such person he is elected; or on the date of his or her appointment, such person he is a registered voter, has attained the federal voting age, of twenty-one years and has resided within the district from which he or she is elected or appointed for the term of one year next before his or her election or appointment unless such person has ; ~~unless he shall have~~ been absent on the public business of the United States or of this State. ~~A And no person elected or appointed to the office of member of the Legislature as aforesaid shall not hold such his office after he or she has shall have removed from such district.~~

IV-2 A person shall be eligible to any public office, whether elected or appointed, if such person has attained the federal voting age, subject to qualifications, other than age, established by law. ~~A No person shall be eligible to the office of Governor; or Lieutenant Governor if he or she has , who shall not have attained the age of thirty years, and who shall not have been for five years next preceding his or her election a resident and citizen of this state and a citizen of the United States. Any None of the appointive officers mentioned in this article shall not be eligible to any other state office during the period for which they have been appointed.~~

V-7 A person shall be eligible to any public office, whether elected or appointed, if such person has attained the federal voting age, subject to qualifications, other than age, established by law. ~~A No person shall be eligible to the office of Chief Justice or Judge of the Supreme Court if such person is unless he shall be at least thirty years of age, and a citizen of the United States; and has shall have resided in this state at least three years next preceding his or her selection; and nor, in the case of a Judge of the Supreme Court selected from a Supreme Court judicial district, if unless he or she is shall be a resident and elector of the district from which selected.~~

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

A constitutional amendment to provide and change eligibility requirements for public office.

For  
Against.

**LEGISLATIVE RESOLUTION 31CA.** Introduced by Bloomfield, 17; Brasch, 16; Coash, 27; Groene, 42; Kintner, 2; Krist, 10; Morfeld, 46.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 12:

III-12 (~~4~~) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive full terms regardless of the district represented.

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

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

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

A constitutional amendment to change the limit on terms of members of the Legislature to two consecutive full terms.

For

Against.

**LEGISLATIVE RESOLUTION 35.** Introduced by Ebke, 32.

WHEREAS, the founders of our constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

WHEREAS, the federal government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

WHEREAS, it is the solemn duty of the states to protect the liberty of our people-particularly for the generations to come-by proposing Amendments to the Constitution of the United States through a Convention of the States under Article V for the purpose of restraining these and related abuses of power.

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

1. The Legislature of the State of Nebraska hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

2. The Clerk of the Legislature shall transmit copies of this application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of the Senate and House of Representatives from this state, and to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

3. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject.

**LEGISLATIVE RESOLUTION 73.** Introduced by Ebke, 32; Chambers, 11.

WHEREAS, the President and Vice President of the United States are elected by the Electoral College which consists of 538 presidential electors from the fifty states and the District of Columbia; and

WHEREAS, a candidate must currently receive a majority of 270 electoral votes to win the office of President or Vice President; and

WHEREAS, Article II, Section 1, Clause 2, of the United States Constitution requires each state legislature to determine how presidential electors for each state are chosen; and

WHEREAS, in every state except Maine and Nebraska, presidential electors are chosen by a "winner-take-all" method which awards all presidential electors to the candidate who receives the most votes in those states; and

WHEREAS, Maine and Nebraska use a proportional method whereby presidential electors are allocated based on the popular vote winner within each state's congressional districts and the statewide popular vote winner receives two additional presidential electors; and

WHEREAS, advocates of the proportional method for allocating presidential electors believe it encourages grassroots organizing within each congressional district and incentivizes presidential candidates to broaden their campaigns in otherwise noncompetitive states; and

WHEREAS, in the interest of fairness, all states should have the same method for allocating presidential electors and the proportional method is most democratic method while still maintaining the Electoral College.

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

1. That the Legislature urges each state to adopt or continue the proportional method for allocating presidential electors.
2. That a copy of this resolution be sent to each state legislature.

**LEGISLATIVE RESOLUTION 201.** Introduced by Sullivan, 41; Baker, 30; Brasch, 16; Cook, 13; Gloor, 35; Groene, 42; Hadley, 37; Harr, B., 8; Hilkemann, 4; Kolowski, 31; Mello, 5; Morfeld, 46; Pansing Brooks, 28; Scheer, 19; Schnoor, 15; Schumacher, 22; Smith, 14.

WHEREAS, providing quality education through Nebraska's public schools is essential to the quality of life for all citizens of the state; and

WHEREAS, school finance is a complex combination of education and tax issues; and

WHEREAS, the first recommendation by the 2013 Tax Modernization Committee regarding property taxes was to increase the state aid commitment to

schools to offset property tax use and reduce property taxes as a share of total state and local taxes; and

WHEREAS, the need to continually review and update policy in response to changing circumstances also applies to the interaction between school funding and tax policies in the state; and

WHEREAS, the Legislature is the appropriate forum for discourse and community involvement to develop school finance and tax policy to enhance Nebraska's system of quality education within the context of state priorities and fiscal limitations.

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

1. The School Finance Modernization Committee is created as a special legislative committee and shall comprise:

- (a) The members of the Education Committee;
- (b) The members of the Revenue Committee;
- (c) The chairperson and vice-chairperson of the Appropriations Committee;
- (d) The chairperson of the Legislature's Planning Committee; and
- (e) The Speaker of the Legislature.

2. The chairperson of the Education Committee shall serve as the chairperson and the chairperson of the Revenue Committee shall serve as the vice-chairperson of the School Finance Modernization Committee, which shall meet as often as is deemed necessary in order to accomplish the objectives expressed in this resolution. At least one meeting shall be held concurrently with a meeting of the Legislative Council convened by the chairperson of the Executive Board.

3. The School Finance Modernization Committee shall continue the work of the Tax Modernization Committee with respect to examining the financing of public schools in Nebraska and developing recommendations for improving school finance in Nebraska. The committee shall consider, but not be limited to, the following issues:

- (a) Efficiency and effectiveness in the availability and the use of tax resources necessary to successfully educate the public school students of Nebraska;
- (b) Fairness and equity for taxpayers and public school students in all parts of the state;
- (c) Competitiveness for the state in terms of the state's ability to attract and keep well-paying jobs and investments based on the economic climate and a workforce educated for success;
- (d) Stability in the resources available to school districts and the tax expectations for citizens of the state, particularly in times of economic volatility; and
- (e) Simplicity, to the extent practical, to meet the wide variances in the circumstances of students and taxpayers across the state.

4. The School Finance Modernization Committee shall examine school finance and taxing systems in other states and relevant studies and literature with a focus on the mix of taxable resources used to support education, strategies for addressing economic volatility, and other issues as determined by the committee.

5. The School Finance Modernization Committee may require any state agency or political subdivision to provide information relevant to the committee's work, and the state agency or political subdivision shall provide the information

requested to the committee within thirty days after the request. All such requests shall be made only by the chairperson or vice-chairperson of the committee. The committee may hold public hearings and may, pursuant to section 50-406 and the rules of the Legislature, exercise its authority to administer oaths, issue subpoenas, compel attendance of witnesses and the production of documents, and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

6. The School Finance Modernization Committee shall utilize the services of an outside facilitator with expertise in neutral facilitation who does not have a professional or financial interest in school or tax policy in Nebraska to assist the committee with the study. The facilitator shall be selected by the chairperson and vice-chairperson of the committee in consultation with the chairperson of the Executive Board of the Legislative Council.

7. The School Finance Modernization Committee shall issue a report to the Executive Board of the Legislative Council and to the Governor not later than December 15, 2015, containing any recommendations and proposed language for any needed legislation. The report to the Legislature shall be submitted electronically.

**FIRST DAY - JANUARY 6, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 6, 2016

**PRAYER**

The prayer was offered by Senator Williams.

**PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska Army National Guard.

**ROLL CALL**

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Fourth Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 6, 2016, and was called to order by President Foley.

The roll was called and the following members were present:

Baker, Roy	Groene, Mike	McCollister, John S.
Bloomfield, Dave	Haar, Ken	McCoy, Beau
Bolz, Kate	Hadley, Galen	Mello, Heath
Brasch, Lydia	Hansen, Matt	Morfeld, Adam
Campbell, Kathy	Harr, Burke J.	Murante, John
Chambers, Ernie	Hilkemann, Robert	Pansing Brooks, Patty
Coash, Colby	Howard, Sara	Riepe, Merv
Cook, Tanya	Hughes, Dan	Scheer, Jim
Craighead, Joni	Johnson, Jerry	Schnoor, David
Crawford, Sue	Kintner, Bill	Schumacher, Paul
Davis, Al	Kolowski, Rick	Seiler, Les
Ebke, Laura	Kolterman, Mark A.	Smith, Jim
Fox, Nicole	Krist, Bob	Stinner, John P.
Friesen, Curt	Kuehn, John L.	Sullivan, Kate
Garrett, Tommy L.	Larson, Tyson	Watermeier, Dan
Gloor, Mike	Lindstrom, Brett	Williams, Matt

The following member was excused:

Schilz, Ken

**MOTION - Adopt Temporary Rules**

Senator Garrett moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

**RESIGNATION**

June 30, 2015

Governor Pete Ricketts  
Office of the Governor  
P.O. Box 94848  
Lincoln, NE 68509-4848

Dear Governor Ricketts,

I am resigning from the Nebraska Legislature effective at midnight tonight, Tuesday, June 30, 2015.

It has been an honor representing the people of downtown and South Omaha in the Nebraska Legislature for the past seven years. The Unicameral is a truly unique institution that facilitates thoughtful discussion and debate about critical issues facing our state. I feel blessed to have been a part of it.

As you begin the process to find a qualified candidate to fill the remainder of my legislative term, I encourage you to think about the people of District 7 and the values they hold.

The residents of downtown and South Omaha work hard and deserve a representative that will work hard for them and stand up for families living paycheck to paycheck. They believe in a tax system that does not favor the wealthy or special interests. They know that strong public schools create unlimited opportunity for their children. The South Omaha community has welcomed immigrants for generations and the community wants our state to be just as welcoming.

The citizens of District 7 deserve to have their values and their voices heard next session in the Unicameral. Appointing a candidate that does not share their values and does not work in their best interest would certainly be unfortunate; it would also be an affront to our democracy.

God bless you, and God bless the state of Nebraska.

Sincerely,  
(Signed) Senator Jeremy Nordquist  
District 7







DISTRICT/NAME	ELECTED
1 Dan Watermeier	November 6, 2012
2 Bill Kintner	November 4, 2014
3 Tommy Garrett	November 4, 2014
4 Robert Bob Hilkemann	November 4, 2014
5 Heath Mello	November 6, 2012
6 Joni Craighead	November 4, 2014
7 Nicole Fox - Appointed	August 18, 2015
8 Burke J. Harr	November 4, 2014
9 Sara Howard	November 6, 2012
10 Bob Krist	November 4, 2014
11 Ernie Chambers	November 6, 2012
12 Merv Riepe	November 4, 2014
13 Tanya Cook	November 6, 2012
14 Jim Smith	November 4, 2014
15 David Schnoor - Appointed	December 12, 2014
16 Lydia Brasch	November 4, 2014
17 Dave Bloomfield	November 6, 2012
18 Brett Lindstrom	November 4, 2014
19 Jim Scheer	November 6, 2012
20 John S. McCollister	November 4, 2014
21 Ken Haar	November 6, 2012
22 Paul Schumacher	November 4, 2014
23 Jerry Johnson	November 6, 2012
24 Mark A. Kolterman	November 4, 2014
25 Kathy Campbell	November 6, 2012
26 Matt Hansen	November 4, 2014
27 Colby Coash	November 6, 2012
28 Patty Pansing Brooks	November 4, 2014
29 Kate Bolz	November 6, 2012
30 Roy Baker	November 4, 2014
31 Rick Kolowski	November 6, 2012
32 Laura Ebke	November 4, 2014
33 Les Seiler	November 6, 2012
34 Curt Friesen	November 4, 2014
35 Mike Gloor	November 6, 2012
36 Matt Williams	November 4, 2014
37 Galen Hadley	November 6, 2012
38 John L. Kuehn	November 4, 2014
39 Beau McCoy	November 6, 2012
40 Tyson Larson	November 4, 2014
41 Kate Sullivan	November 6, 2012
42 Michael Groene	November 4, 2014
43 Al Davis	November 6, 2012
44 Dan Hughes	November 4, 2014
45 Sue Crawford	November 6, 2012
46 Adam Morfeld	November 4, 2014
47 Ken Schilz	November 6, 2012
48 John P. Stinner Sr.	November 4, 2014
49 John Murante	November 6, 2012

**MESSAGE(S) FROM THE GOVERNOR**

June 3, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Roads:

Kyle Schneweis, Department of Roads, 1500 Highway 2, Lincoln, NE 68509

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

June 24, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Exchange Stakeholder Commission:

Shari Flowers, 15822 Emline Street, Omaha, NE 68136  
Patrick Booth, 1120 Timberwood Drive, Ames, NE 68621

Contingent upon your approval, the following individual is being appointed to the Nebraska Exchange Stakeholder Commission:

Edward (Ed) Rieker, 915 North Emory Avenue, North Platte, NE 69101

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

June 24, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Environmental Quality Council:

Hilary K. Maricle, 2985 State Hwy 39, Albion, NE 68620

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

June 24, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Stan H. Carpenter, 6731 Crooked Creek Dr., Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 6, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Accountability and Disclosure Commission:

James J. Ziebarth, 2402 Hwy 44, Wilcox, NE 68982

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 23, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Health and Human Services - Division of Children and Family Services:

Douglas J. Weinberg, MBA/CPA, 301 Centennial Mall South, Lincoln, NE 68509

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 23, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Natural Resources:

Jeff Fassett, P.E., 100 N. 12 Street, #802, Lincoln, NE 68508

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 26, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Environmental Quality Council:

James W. Hawks, 3121 West Phillip, North Platte, NE 69101

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

July 30, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Crime Victim's Reparation Committee:

Brian Wachman, 6340 Glass Ridge Drive, Lincoln, NE 68526

Contingent upon your approval, the following individual is being appointed to the Crime Victim's Reparation Committee:

JoAnna Briggs, Lincoln Police Department, 575 S. 10th Street, Lincoln, NE 68508

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosures

August 12, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Health and Human Services - Division of Behavioral Health:

Sheri Dawson, R.N., 2929 Whitlock Road, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

(Signed) Sincerely,  
Pete Ricketts



Governor

Enclosures

August 26, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Beginning Farmer Board:

Bradley Lubben, 20508 Maple Circle, Eagle, NE 68347  
Todd Reed, 8730 Colby Street, Lincoln, NE 68505  
Donald Anthony, 43970 Road 758, Lexington, NE 68850

Contingent upon your approval, the following individuals are being appointed to the Beginning Farmer Board:

Nadine Hagedorn, 1815 F Road, West Point, NE 68788  
Ryan Ueberrhein, 19107 Ohio Street, Elkhorn, NE 68022

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

August 26, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Electrical Board:

Edwin Bergstraesser, 1300 SW 24th Street, Lincoln, NE 68522

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

August 26, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Health and Human Services - Division of Developmental Disabilities:

Yolanda Webb, 301 Centennial Mall South, Lincoln, NE 68508

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

August 26, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Board of Parole:

Virgil J. Patlan Sr., 3305 E Street, Omaha, NE 68107

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

September 3, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being  
reappointed to the Nebraska Arts Council:

Kathryn LeBaron, 6130 The Knolls, Lincoln, NE 68512  
Sherry McClymont, 1909 Wedgewood Drive, Holdrege, NE 68949  
Patrick Drickey, 1510 Leavenworth Street, Omaha, NE 68102

Contingent upon your approval, the following individual is being appointed  
to the Nebraska Arts Council:

Harvey Varenhorst, P.O. Box 165, Nebraska City, NE 68410-0165

The aforementioned appointees are respectfully submitted for your  
consideration. Copies of the certificates and background information are  
included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

September 3, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being  
reappointed to the Nebraska Ethanol Board:

Timothy L. Else, 6171 Road U, Belvidere, NE 68315

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

September 3, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Electrical Board:

Cory L. Mueller, 238 S. 2nd Street, Seward, NE 68434

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

September 3, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Oil and Gas Conservation Commission:

John Arley Rundel, 416 East C Street, Trenton, NE 69044

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are

included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

October 13, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the State Emergency Response Commission:

Kimberly Plouzek, 1417 County Road D, Dorchester, NE 68343  
Keith Deiml, 905 Crest Road, Papillion, NE 68046

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

October 13, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Ethanol Board:

Jan Tenbenschel, 703 Nasby, Cambridge, NE 69022

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

October 13, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being  
reappointed to the Board of Educational Lands and Funds:

Charles Ward, 90235 Nollett Road, Valentine, NE 69201

The aforementioned appointee is respectfully submitted for your  
consideration. Copies of the certificate and background information are  
included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

November 5, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being  
reappointed to the Nebraska Rural Health Advisory Commission:

John A. E. Craig, M.D., 5737 S. 190 Terrace, Omaha, NE 68135  
Roger Wells, PA-C, 1518 Jay Street, St. Paul, NE 68873  
Michael A. Sitorius, M.D., 8115 Jackson Street, Omaha, NE 68144  
Rebecca Schroeder, Ph.D., 212 W. 9th Street, Curtis, NE 69025  
Mary J. Kent, 71565 625 Avenue, Table Rock, NE 68447

Contingent upon your approval, the following individual is being appointed  
to the Nebraska Rural Health Advisory Commission:

Laeth Nasir, MBBS (MD), 1865 South 110 Street, Omaha, NE 68144

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

November 5, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Foster Care Advisory Committee:

Kristin Huber, 10306 Washington Drive, Omaha, NE 68127

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

November 5, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Personnel Board:

Brian Tessman, 12929 Jessie Avenue, Omaha, NE 68164

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the certificate and background information are included for your review.

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosures

November 5, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Commission for the Blind and Visually Impaired:

Michael D. Hansen, 5635 Lenox Avenue, Lincoln, NE 68510

Contingent upon your approval, the following individual is being appointed to the Commission for the Blind and Visually Impaired:

Mark M. Bulger, 7520 S. 135 Street, Omaha, NE 68138

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosures

November 5, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska State Fair Board:

Lowell Minert, P.O. Box 68, Dunning, NE 68833



The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

November 5, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Emergency Response Commission:

Polly Jordening, 1432 Buckingham Drive, Grand Island, NE 68830

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

November 5, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Please withdraw the following individual from consideration for confirmation of appointment as the Director of the Department of Health and Human Services - Division on Developmental Disabilities:

Yolanda Webb, Lincoln, NE

Sincerely,

(Signed) Pete Ricketts  
Governor

December 1, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Highway Commission:

Mary K. Gerdes, 511 First Street, Johnson, NE 68378

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

December 3, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Tax Equalization and Review Commission:

Steven Keetle, 14812 Berry Circle, Omaha, NE 68137

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

December 8, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being  
reappointed to the Board of Public Roads Classifications and Standards:

Roger Figard, 5411 Glade Street, Lincoln, NE 68506  
LeRoy Gerrard, 814 E. 7th St., Box 108, Stromsburg, NE 68666  
John F. Krager III, 15205 Bauman Avenue, Omaha, NE 68116  
Lisa Kramer, 13263 County Road 38, Kennard, NE 68034  
Darold Tagge, 204 West 15 Avenue, Holdrege, NE 68949  
David Wacker, 907 N. Webster Avenue, Hastings, NE 68901  
Timothy W. Weander, 17734 Castellar Circle, Omaha, NE 68130

The aforementioned appointees are respectfully submitted for your  
consideration. Copies of the certificates and background information are  
included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

December 8, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being  
reappointed to the Nebraska State Fair Board:

Christopher P. Kircher, 15715 California Street, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your  
consideration. Copies of the certificate and background information are  
included for your review.

Sincerely,  
(Signed) Pete Ricketts

Governor

Enclosures

December 8, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission for the Blind and Visually Impaired:

Chad Bell, 2416 Rainbow Acres, Alliance, NE 69301

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

December 8, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Child Abuse Prevention Fund Board:

Shelly K. McQuillan, 1106 East G Street, Ogallala, NE 69153

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

December 14, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Health and Human Services - Division of Developmental Disabilities:

Courtney L. Miller, 5520 NW 3rd Street, Lincoln, NE 68521

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

December 15, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Economic Development:

Courtney Dentlinger, 1309 N. 30 Street, Norfolk, NE 68701

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

December 21, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Tax Commissioner of the Nebraska Department of Revenue:

Tony Fulton, P.E. Ameritus, 6100 S. 31 Street, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

December 30, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Game and Parks Commission:

Richard R. Bell, 9960 Bloomfield Drive, Omaha, NE 68114

Contingent upon your approval, the following individual is being appointed to the Game and Parks Commission:

Dan C. Kreitman, 1689 County Road E, Wahoo, NE 68056

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

December 30, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Tax Equalization and Review Commission:

Robert W. Hotz, 8117 Imperial Circle, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

#### **ATTORNEY GENERAL'S OPINIONS**

##### Opinion 15-011

SUBJECT:           Constitutionality of Legislation Requiring Nonresident Drivers of Motor Vehicles to Carry Proof of Insurance or Financial Responsibility

REQUESTED BY:   Senator Al Davis  
Nebraska State Legislature

WRITTEN BY:      Douglas J. Peterson, Attorney General  
Lynn A. Melson, Assistant Attorney General

You have asked, "whether it would be lawful for the State to require that non-resident drivers provide proof of financial responsibility if stopped by a law enforcement officer on a public Nebraska highway, and provide for civil penalties for non-compliance." You state that the current requirement to carry proof of insurance applies only to Nebraska residents and that a police chief in your district has expressed concern for public safety. Your proposal is to amend Neb. Rev. Stat. § 60-3,167(1) by deleting the words "in this state" as follows:

(1) It shall be unlawful for any owner of a motor vehicle or trailer which

is being operated or towed with In Transit stickers pursuant to section 60-376, which is being operated or towed pursuant to section 60-365 or 60-369, or which is required to be registered ~~in this state~~ and which is operated or towed on a public highway of this state to allow the operation or towing of the motor vehicle or trailer on a public highway of this state without having a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility.

That statutory provision further provides that the owner who operates or allows the operation of the motor vehicle in violation of this section shall be guilty of a Class II misdemeanor. The owner is allowed ten days after the date of the law enforcement officer's request to produce proof to the appropriate prosecutor or county attorney that the owner had automobile insurance or proof of financial responsibility and the citation will then be dismissed.

We first note that § 60-3,167 is found within the Motor Vehicle Registration Act, Neb. Rev. Stat. §§ 60-301 to 60-3,222 (2010 and Cum. Supp. 2014). As a general rule, no motor vehicle may be operated on Nebraska highways unless it is registered in compliance with the Motor Vehicle Registration Act, Neb. Rev. Stat. § 60-362. In order to apply for registration of a motor vehicle, an owner must show proof of financial responsibility or evidence of insurance coverage, Neb. Rev. Stat. § 60-387. And, by paying the required registration fees, the owner certifies that he or she will maintain insurance or proof of financial responsibility and provide evidence of insurance or proof of financial responsibility upon demand, Neb. Rev. Stat. § 60-390. In other words, the provisions concerning proof of insurance currently found within this Act are tied to registration of a motor vehicle in Nebraska.<sup>1</sup>

The Motor Vehicle Registration Act includes certain provisions pertaining specifically to nonresidents. The right of a nonresident owner of a motor vehicle to operate that vehicle in Nebraska under a registration issued in another state is recognized in some circumstances. Neb. Rev. Stat. § 60-366(2) provides generally that a nonresident owner of a vehicle, which is properly registered in the place of which the owner is a resident and which displays the appropriate license plates, may operate the motor vehicle within Nebraska without registering the vehicle in Nebraska or paying any fees in this state. Section 60-366(3) requires that a nonresident owner "shall register such motor vehicle or trailer in the same manner as a Nebraska resident, after thirty days of continuous employment or presence in this state, unless the state of his or her legal residence grants immunity from such requirements to residents of this state operating a motor vehicle or towing a trailer in that state." Further, § 30-367 states that Nebraska statutes "relative to registration and display of registration numbers do not apply to a motor vehicle or trailer owned by a nonresident...if the owner thereof has complied with the provisions of the law of the foreign country, state, territory, or federal district of his or her residence relative to registration of



motor vehicles..." There are also separate provisions concerning particular nonresident vehicles such as trucks, truck-tractors, trailers and buses.

You have proposed to amend § 60-3,167(1) by deleting the words "in this state" in the first sentence which refers to motor vehicles required to be registered in this state. We note that the last sentence of subsection (1) states "[T]his subsection shall not apply to motor vehicles or trailers registered in another state." It seems to us that this language would also need to be amended. Depending on the language of your proposed amendment, it may also be appropriate or necessary to amend other provisions of the Act pertaining to nonresidents to eliminate any conflict or inconsistency within the Act. Also, for purposes of this opinion, we will presume that the intent of your proposed amendment is that nonresidents carry proof of insurance that is adequate under the laws of their state of residence and not necessarily adequate under Nebraska laws.

You have requested an opinion whether it would be "lawful" for the State to require nonresident drivers to also provide proof of insurance or financial responsibility as required by § 60-3,167 and to impose civil penalties for non-compliance. You did not set out any specific constitutional concerns regarding your proposal. We have previously indicated that a general question on the constitutionality of proposed legislation will necessarily result in a general response from this office. Op. Att'y Gen. No. 94012 (March 8, 1994). As a result, our response to your opinion request must be in general terms.

It seems to us that one area which might present potential constitutional issues with respect to your proposal involves the Equal Protection provisions of the state and federal constitutions. The Nebraska Supreme Court has stated "The Nebraska Constitution and U.S. Constitution have identical requirements for equal protection challenges." *DeCoste v. City of Wahoo*, 255 Neb. 266, 274, 583 N.W.2d 595, 601 (1998). Those constitutional provisions prohibit improper disparate treatment or improper classifications of people who are otherwise similarly situated. With regard to your proposed amendment of Neb. Rev. Stat. § 60-3,167, the classification at issue would presumably involve nonresident owners of motor vehicles who operate or allow the operation of that vehicle on Nebraska highways as distinguished from motor vehicle owners who are Nebraska residents. Treating nonresident and resident motor vehicle owners alike, and requiring both to provide proof of insurance on demand, would seem to eliminate possible equal protection concerns. For example, in *Bookbinder v. Hults*, 19 Misc. 2d 1062, 192 N.Y.S.2d 331 (1959), a New York court upheld the validity of an act similar to Nebraska's Motor Vehicle Safety Responsibility Act, noting that a section of that Act "makes the safeguards which are applicable to resident operators applicable to the non-resident operators. This is not a discrimination against non-residents, denying them the equal protection of the law. On the contrary, it puts non-resident owners upon an equality with resident owners." *Id.* at 1064, 192 N.Y.S. 2d at 334.

However, your request letter also mentions civil penalties for nonresident motor vehicle owners. If you intend to impose civil penalties for nonresidents that are not also imposed on Nebraska residents, or to otherwise amend the Motor Vehicle Registration Act to treat nonresidents differently than residents, such a proposal may require analysis under the Equal Protection provisions.

Without specific legislation to review, other than the deletion of "in this state" in § 60-3,167, we are unable to fully address that potential challenge. We do note that, generally, the equal protection clause allows government to make distinctions among groups and to treat different groups differently so long as there is a "rational basis" serving a legitimate governmental purpose for such differing treatment. *Le v. Lautrup*, 271 Neb. 931, 716 N.W.2d 713 (2006). However, if a "fundamental right" or "suspect classification" is involved, then the classification and differing treatment in the legislation will be subject to strict judicial scrutiny and will be upheld only if there is a compelling governmental interest.

The right to travel has been identified as a fundamental right. *State v. Michalski*, 221 Neb. 380, 391, 377 N.W.2d 510, 518 (1985), *abrogated on other grounds*, *State v. Mata*, 275 Neb. 1, 745 N.W.2d 229 (2008). The Nebraska Supreme Court therein held that a statute providing for permanent revocation of an operator's license upon that individual's drunken driving conviction did not impair the defendant's right to travel and was constitutional. "While the revocation of Michalski's driver's license limits his options as to method of transportation, it does not impair his right to travel or his right to reach a given destination." *Id.* at 392, 377 N.W.2d at 518. *Michalski* involved action taken against a driver's operator's license after a conviction. It is possible that the Court's analysis might differ when applied to a statutory requirement of carrying proof of insurance or financial responsibility prior to an accident or violation of law.

In *City of Beatrice v. Meints*, 20 Neb. App. 776, 830 N.W.2d 524 (Ct. App. 2013), the Nebraska Court of Appeals considered an equal protection challenge to a Beatrice city ordinance that requires operators of motor vehicles registered in Nebraska to carry proof of insurance and noted that the ordinance is virtually identical to Neb. Rev. Stat. § 60-3,167. Meints, when asked for his proof of insurance after a motorcycle accident, challenged the ordinance because it applies only to vehicles registered in Nebraska and, arguably, treats residents less favorably than nonresidents. The Court of Appeals did not refer to the right to travel and instead stated, "[A] classification based on the location of motor vehicle registration is not the type of suspect classification that warrants strict judicial scrutiny." *Id.* at 784, 830 N.W.2d at 532. The Court found that the Beatrice city ordinance at issue and Neb. Rev. Stat. § 60-3,167 serve the same purpose as the Motor Vehicle Safety Responsibility Act, which was upheld by the Nebraska Supreme Court in *Russell v. State*, 247 Neb. 885, 531 N.W.2d 212 (1995) (protecting the public against the operation of motor vehicles by financially irresponsible persons). It also quoted with approval a decision of the

Massachusetts Supreme Court regarding a similar law. "Moreover, a classification including only motor vehicles registered under our statutes cannot be pronounced unreasonable. Nonresident owners of motor vehicles or motor vehicles not registered under our laws doubtless might be included within the law." *Opinion of the Justices*, 251 Mass. 569, 602, 147 N.E. 681, 696 (1925). In *Meints*, the Court then applied a rational basis level of scrutiny and found the Beatrice city ordinance to be constitutional.

Finally, while your opinion request refers generally to imposing civil penalties on nonresidents who fail to carry the proof of insurance required in their states of residence, we note that imposing such penalties may raise issues of due process, lack of notice to nonresidents or other concerns. It is our understanding that most states, but perhaps not all, require insurance coverage as a requirement of registering a motor vehicle. Also, it appears that not all states require that the proof of insurance or financial responsibility be carried in the motor vehicle. For these reasons, while we lack specific language to review, we suggest that imposing civil penalties may be problematic.

In summary, to the extent your proposed legislation is limited to deleting the words "in this state" from § 60-3,167, we conclude that the legislation would most likely be upheld as the result would seem to be equal treatment of residents and nonresidents. If other amendments to the Motor Vehicle Registration Act are also proposed, such as civil penalties for nonresidents, those specific amendments would need to be addressed separately.

<sup>1</sup>Nebraska also has a Motor Vehicle Safety Responsibility Act, codified at Neb. Rev. Stat. §§ 60-501 to 60-569, that pertains to proof of financial responsibility subsequent to a motor vehicle accident or conviction in Nebraska. That Act contains various provisions applying to residents and nonresidents. However, as you propose to amend a statute that falls within the Motor Vehicle Registration Act, we will limit our discussion to that Act.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Lynn A. Melson  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature  
09-525-29

Opinion 15-012

SUBJECT:           Constitutionality of LB 232 – the Nebraska College Choice Grant Program

REQUESTED BY:   Senator Mark Kolterman  
Nebraska State Legislature

WRITTEN BY:      Douglas J. Peterson, Attorney General  
Lynn A. Melson, Assistant Attorney General

You have requested our opinion concerning the constitutionality of LB 232, which would create the Nebraska College Choice Grant Program Act. Your letter explains that this bill "would provide state funds to resident students with financial need who attend Nebraska privately-controlled, nonprofit colleges and universities."

Noting that the language of the proposed College Choice Grant Program is quite similar to the Postsecondary Education Award Program (or "PEAP"), which was in effect from 1991 to 2003, you have asked us to revisit our prior opinion concerning the PEAP Act in which this office opined that the Act was constitutional. Op. Att'y Gen. No. 91037 (May 5, 1991). As our review of Nebraska law reveals that the law in this area has not changed significantly since our 1991 opinion, we conclude that LB 232 would also likely be held constitutional.

As drafted, LB 232 would provide "for awards made directly to eligible students demonstrating substantial financial need and shall be administered by the commission [the Coordinating Commission for Postsecondary Education] in conjunction with eligible postsecondary educational institutions." LB 232, §13. An "eligible" institution is a "nonprofit institution not controlled or administered by any state agency or any political subdivision of the state" which is located in Nebraska and meets other statutory criteria. LB 232, § 7. An "eligible student" is a Nebraska resident who is enrolled as an undergraduate student at an eligible institution and who is eligible to receive student financial assistance as provided for in the Act. LB 232, § 8. Sections 13 and 14 of the proposed Act provide that the award is made directly to the eligible student, although section 13(2) also states that "[I]n order to reduce the costs of administering the act, the commission shall allocate the funds to be distributed pursuant to the act to the eligible postsecondary educational institutions which shall act as the agents of the commission in the distribution of funds to eligible students." Section 13 also sets forth the formula for the determination of the allocation amount for each institution.

The PEAP Act, which we discussed in Op. Att'y Gen. No. 91037, was enacted by the Legislature in 1991 Neb. Laws LB 647. Comparing the PEAP Act to LB 232, we agree that the pertinent provisions of each are quite similar. The definitions of "eligible student" and "eligible

postsecondary educational institution" are very close in their wording. Further, the language of LB 232, § 13, provides that, in order to reduce administration costs, the awards are to be administered by the commission in conjunction with the educational institutions, which is nearly identical to § 12 of the PEAP Act. Both acts provide for an allocation formula by which the funds to be distributed are allocated to the eligible institutions and both provide that the institutions participate in the distribution of funds to eligible students. Finally, both acts state that the awards are made directly to eligible students.

In Op. Att'y Gen. No. 91037, we discussed three constitutional provisions, of which Neb. Const. art. VII, § 11 seems the most pertinent to our current discussion. Article VII, § 11 provides, in part, that "appropriation of public funds shall not be made to any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof. . ." In our analysis of the PEAP Act we stated at page 3 of the opinion that:

The Act does not provide for appropriation of funds to any school or institution. The Act authorizes scholarship awards directly to eligible students. This distinction is constitutionally significant. . . . In *Lenstrom v. Thone*, 209 Neb. 783, 311 N.W.2d 884 (1981), the Nebraska Supreme Court upheld the constitutionality of the Scholarship Award Program. This statute is very similar to the present Act, but covers students attending both public and private educational institutions. The court expressly rejected the contention that the statute violated Article VII, § 11. *Id.* at 788. Article VII, § 11 prohibits appropriations to a nonpublic school. It does not prohibit such aid to individual students attending nonpublic schools.

For those reasons we concluded that the PEAP Act was constitutional. We note that the Scholarship Award Program discussed in *Lenstrom* differed from the PEAP Act and LB 232 in that it did not include specific language stating that, for administrative purposes, the educational institutions would act as agents of the commission to assist in distribution of the funds to eligible students. However, the Scholarship Award Program, the PEAP Act and the proposed Nebraska College Choice Grant Program all state that the funds will be provided directly to eligible students and such aid to individual students is not prohibited by the Nebraska Constitution.

The only pertinent Nebraska case decided subsequent to the 1991 opinion is *Father Flanagan's Boys Home v. Department of Social Services*, 255 Neb. 303, 583 N.W.2d 774 (1998). The issue in *Father Flanagan's* was whether a state agency was required to reimburse Father Flanagan's (or "FFBH"), a private educational institution, for the cost of regular education services which that institution provided to state wards. The state agency contended that the trial court's interpretation of Neb. Rev. Stat. § 79-445(2) so as to require payment to the private institution resulted in a violation of article VII, § 11. However, the Court held that a contract between the state agency and FFBH to provide educational services for state wards was

distinguishable from a direct appropriation to a nonpublic school and upheld the constitutionality of the statute. In reaching its decision, the Court discussed the meaning of the term "appropriation" as follows:

In the context of appropriation of public funds, 'to appropriate means to set apart, or assign to a particular person or use in exclusion of others, to use or employ for a particular purpose, or in a particular case.' *State ex rel. Creighton Univ. v. Smith*, 217 Neb. 682, 688, 353 N.W.2d 267, 271 (1984). Here, there has been no appropriation of public funds to FFBH. Instead, a state agency has exercised its discretionary authority to contract for services necessary to fulfill a governmental duty and further a public purpose, namely, the state's duty to obtain a nonsectarian education for its wards.

*Father Flanagan's* at 315-16, 583 N.W.2d at 782.

Since our 1991 opinion was issued, this office has discussed art. VII, § 11 in several other opinions. For example, in Op. Att'y Gen. No. 95018 (March 9, 1995), we answered questions concerning grants awarded from the Education Innovation Fund. While we determined that certain direct grants to nonpublic schools would be constitutionally prohibited, we did not address grant awards to individual students in that opinion. In Op. Att'y Gen. No. 03020 (July 30, 2003), we concluded that payments from the Nebraska Soil and Water Conservation Fund to eligible landowners, including nonpublic schools and churches, were not "appropriations" as that term is used in art. VII, § 11. More recently, in Op. Att'y Gen. No. 15007 (May 6, 2015), we opined that payments for services pursuant to a contract with a nonpublic educational institution under the Oral Health Training and Services Fund would not violate that constitutional provision.

For the reasons above, we find no reason to change the opinions expressed in Op. Att'y Gen. No. 91037. Therefore, in our view, LB 232 would likely not be found to violate art. VII, § 11.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Lynn A. Melson  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature  
09-528-29

Opinion 15-013

SUBJECT: Whether enactment of LB 176, which proposes to exempt pork packers from the prohibition against vertical integration of livestock production and packing in Neb. Rev. Stat. § 54-2604 (2010), is necessary to prevent a violation of the dormant Commerce Clause created by the current statute.

REQUESTED BY: Senator Ken Schilz  
Nebraska State Legislature

WRITTEN BY: Doug J. Peterson, Attorney General  
Emily K. Rose, Assistant Attorney General

You have requested our opinion regarding whether Neb. Rev. Stat. § 54-2604 (2010), which prohibits the vertical integration of livestock production and packing, is vulnerable to a constitutional challenge under the dormant Commerce Clause similar to that which occurred in *Smithfield Foods, Inc. v. Miller*, 241 F.Supp.2d 978 (S.D. Iowa 2003). You also ask whether enactment of Legislative Bill 176 ("LB176"), which primarily seeks to exempt pork packers from the vertical integration prohibition in § 54-2604, is necessary to prevent a violation of the dormant Commerce Clause under the existing statute.

The dormant Commerce Clause of the United States Constitution prohibits states from "enacting laws that discriminate against or unduly burden interstate commerce" and it is well-settled that courts apply a two-tiered analysis in determining whether a statute violates the dormant Commerce Clause. *Smithfield Foods, Inc. v. Miller*, 367 F.3d 1061, 1064-65 (8<sup>th</sup> Cir. 2004) (quoting *S.D. Farm Bureau, Inc. v. Hazeltine*, 340 F.3d 583, 592 (8<sup>th</sup> Cir. 2003)); *See also Jones v. Gale*, 470 F.3d 1261, 1267-1270 (8<sup>th</sup> Cir. 2006). First, courts must consider whether the statute discriminates against interstate commerce. *Id.* Such discrimination has been defined as "differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter." *Id.* (quoting *Hazeltine*, 340 F.3d at 593). Courts also recognize that a statute discriminates against interstate commerce if it is discriminatory on its face, if it was adopted with a discriminatory purpose, or if it has a discriminatory effect. *Id.* If a statute is found to be discriminatory, it is subject to strict scrutiny, and is only upheld if there are "no other means to advance a legitimate local interest." *Id.* (quoting *Hazeltine*, 340 F.3d at 593). Furthermore, courts apply the second-tier of the dormant Commerce Clause analysis only if the statute is not discriminatory and merely incidentally affects interstate commerce. *Id.* Under this inquiry, a statute will be upheld "unless the burden imposed on [interstate] commerce is clearly excessive in relation to the putative local benefits." *Id.* (quoting *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142 (1970)).

In *Smithfield*, a group of pork packers challenged the constitutionality pursuant to the dormant Commerce Clause of Iowa Code § 9H.2 (hereinafter, "9H.2"). *Id.* 9H.2 prohibited beef and pork packers from directly or indirectly owning, operating, or controlling livestock production, **but provided an express exemption for Iowa cooperatives**, foreign cooperatives that contracted with Iowa cooperatives, and foreign cooperatives that had an Iowa cooperative in its membership. *Id.* at 987. The District Court found that 9H.2's exemption facially discriminated against interstate commerce and stated that "[w]hen, as here, a statute clearly prohibits out-of-state entities from conducting business in a certain way, and then expressly exempts in-state entities from the very same prohibitions, there can be no mistake that such a regulatory scheme treats in-state and out-of-state interests differently." *Id.* at 990-91. Following the dormant Commerce Clause framework, the District Court determined that 9H.2 could not withstand strict scrutiny.<sup>1</sup>

Nebraska's general prohibition against the vertical integration of livestock production and packing under Neb. Rev. Stat. § 54-2604 can be distinguished from Iowa's 9H.2. Neb. Rev. Stat. § 54-2604 is part of the Competitive Livestock Markets Act ("Act"), Neb. Rev. Stat. §§ 54-2601 *et. seq.*, and provides that it is unlawful "...for a packer to directly or indirectly be engaged in the ownership, keeping, or feeding of livestock for the production of livestock or livestock products...." The term "packer" is defined as "... a person, or agent of such person, engaged in the business of slaughtering livestock in Nebraska in excess of one hundred fifty thousand animal units per year." Neb. Rev. Stat. § 54-2602 (5).

The prohibition against vertical integration under Neb. Rev. Stat. § 54-2604 does not discriminate against or unduly burden interstate commerce. Currently, the law prohibits *Nebraska* packers who process more than 150,000 animal units per year from practicing vertical integration. Out-of-state packers are not included in the definition of "packer" and are thus not precluded from practicing the vertical integration business model. As Neb. Rev. Stat. § 54-2604 does not prohibit out-of-state-entities from conducting business in a certain way, there is no burden on interstate commerce.

However, it should be noted that LB 176 would not fix any apparent or alleged liability under the dormant Commerce Clause due to Neb. Rev. Stat. § 54-2604's ban on vertical integration because LB 176 does not get rid of the ban altogether. LB 176 only carves out an exception to the ban, leaving cattle packers still subject to the ban.

We conclude that LB 176 is not necessary to prevent liability under the dormant Commerce Clause because Neb. Rev. Stat. § 54-2604, as written, does not prohibit out-of-state-entities from conducting business in a certain way, and therefore, there is no burden on interstate commerce.



<sup>1</sup> *Smithfield* was appealed to the Eighth Circuit Court of Appeals. *Smithfield Foods, Inc., v. Miller*, 367 F.3d 1061 (8<sup>th</sup> Cir. 2004). During the appeal, 9H.2 was amended to remove the cooperative exemption that was found to be facially discriminatory. *Id.* at 1064. As a result, the Eighth Circuit found that based on the record before it, the Court could not determine whether the newly-amended 9.H2 discriminated against interstate commerce. *Id.* at 1065-66. The Court vacated that District Court's judgment and remanded for discovery to determine whether the newly-amended 9H.2 violated the dormant Commerce Clause. Subsequently, the parties reached settlement.

Very truly yours,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Emily K. Rose  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature  
07-954-29

Opinion 15-014

SUBJECT: Authority of the Department of Correctional Services  
to Adopt Administrative Regulations Without  
Complying With Rulemaking Procedures Required  
Under the Administrative Procedure Act

REQUESTED BY: Senator Dan Watermeier  
Senator Heath Mello  
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
Lynn A. Melson, Assistant Attorney General

As members of the Legislative Performance Audit Committee you requested an Attorney General's Opinion regarding the interpretation of Neb. Rev. Stat. § 84-901 of the Administrative Procedure Act and its application to the Department of Correctional Services ("DCS"). You informed us that the Research Office or Performance Audit Committee planned to conduct "an assessment to determine whether any of the Department of Correctional Services Administrative Regulations were promulgated in violation of the Administrative Procedure Act." In that context, you requested our opinion on this question.<sup>1</sup>

It has been our general practice to issue opinions to members of the Legislature only with respect to pending or proposed legislation and not with respect to construction of existing statutes. Op. Att'y Gen. No. 157 (December 24, 1985). Also, it is our understanding that there are 225 DCS

"Administrative Regulations", or ARs, such that a detailed review of each would not be practical. Further, we might be called upon to defend particular ARs if their validity was challenged in litigation. Therefore, based upon our longstanding policy and these considerations, we originally deemed it inappropriate to issue an opinion. We have now received the Committee's audit report which was released on September 3, 2015. One focus of this report is the exception for "internal management" rules and regulations found in the definition of "rule or regulation" at Neb. Rev. Stat. § 84-901(2), and it appears from the report that legislation may be proposed to modify or further define this exception. In this context, we will issue an opinion, limiting our response to a general discussion of § 84-901(2) and the Nebraska case law on this topic.

Our review reveals that DCS has issued numerous ARs to govern the agency and set forth general standards. In addition, each correctional institution has issued operational memoranda (OMs) designed to implement DCS policies. DCS also promulgates rules and regulations through the process outlined in the Administrative Procedure Act when directed to do so by statute. To the extent the ARs and OMs concern the internal management of the agency or otherwise fall within the exceptions listed in Neb. Rev. Stat. § 84-901(2), DCS need not comply with the formal rulemaking requirements of the Administrative Procedure Act.

You originally requested our opinion whether any of the ARs issued by DCS were promulgated in violation of the Administrative Procedure Act and directed our attention, in particular, to the "Temporary Alternative Placement" program and the "Re-entry Furlough Program." The Committee's audit report states that the "Temporary Alternative Placement" (TAP) program was developed through a memo by the former DCS Director and was not an AR. Audit Report at 10. Further, the DCS response, dated July 30, 2015, which is attached to the audit report, states that this program was eliminated in October of 2014. We will, therefore, not address the TAP program. With regard to the Re-entry Furlough Program, it appears to have been created in 2008 as AR number 201.12. You state that the program was suspended by the current DCS director on February 9, 2015. Audit Report at 9. The attached DCS response states that no new individuals have since entered the program and that there are five individuals who remain in the program as of July 27, 2015. Our discussion of the "internal management" exception may be relevant to the Re-Entry Furlough Program.

#### **Discussion of § 84-901(2) and Nebraska Case Law**

Neb. Rev. Stat. § 84-901(2) (2014) provides, in pertinent part, that a "[R]ule or regulation shall mean any rule, regulation, or standard issued by an agency, . . . designed to implement, interpret, or make specific the law enforced or administered by it or governing its organization or procedure. Rule or regulation shall not include (a) rules and regulations concerning the internal management of the agency not affecting private rights, private interests, or procedures available to the public . . . every rule and regulation

which prescribes a penalty shall be presumed to have general applicability or to affect private rights and interests." If a rule or regulation fits within this statutory definition it must be promulgated pursuant to the rulemaking requirements of the Administrative Procedure Act, including the provision of notice and the holding of a public hearing. See e.g., Neb. Rev. Stat. § 84-907. Agency regulations properly adopted and filed with the Secretary of State then have the effect of statutory law. *Swift and Co. v. Nebraska Dept. of Revenue*, 278 Neb. 763, 767, 773 N.W.2d 3831, 385 (2009).

One of the purposes of an Administrative Procedure Act is to give the public notice of the existence of rules that could affect their rights and to allow members of the public to have input into those rules. However, as explained in a comment to the Model State Administrative Procedure Act upon which the Nebraska Act is patterned, in part, subjecting all agency statements or rules to the formal rulemaking requirements would be unnecessary and unduly burdensome. Section 3-116(1) of the 1981 version of the model act provided that the rulemaking requirements were inapplicable to a rule concerning only the internal management of an agency. "The exemptions from usual rule-making procedures and publication requirements for [certain] rules . . . represent an effort to strike a fair balance between the need for public participation in, and adequate publicity for, agency policymaking on the one hand, and the conflicting need for efficient, economical and effective government on the other hand." 1981 Model State Admin. Procedure Act § 3-116, comment, 15 U.L.A. 56. See, *McAllister v. Nebraska Dept. of Corr. Servs.*, 253 Neb. 910, 573 N.W.2d 143 (1998) (recognizing this comment to the model act). The same internal management exception is found in the definition of "rule" in the Revised Model State Administrative Procedure Act of 2010.

Section 84-901(2) provides that the term "rule or regulation" includes any rule, regulation or standard designed to interpret the law. Nebraska courts have considered this portion of the statutory definition when determining whether a court had subject matter jurisdiction under Neb. Rev. Stat. § 84-911, which provides a limited waiver of sovereign immunity for the purpose of reviewing the validity of a rule or regulation. For example, the Nebraska Court of Appeals examined the issue of jurisdiction under § 84-911 in a case involving good time credit. The Court of Appeals held that the decision of the state defendants as to awarding good time credit could be reviewed by filing a declaratory judgment action pursuant to § 84-911. "When Clarke and the Department decided to determine the length of these sentences pursuant to § 83-1,107 . . . the decision was a 'standard issued by an agency . . . designed to implement, interpret, or make specific the law' administered by it." *Richardson v. Clarke*, 2 Neb. App. 575, 577-78, 512 N.W.2d 653, 655 (1994), quoting the definition of rule or regulation at § 84-901(2).

On the other hand, in a subsequent case, *Perryman v. Nebraska Dept. of Corr. Servs.*, 253 Neb. 66, 568 N.W.2d 241 (1997), *disapproved on other grounds*, *Johnson v. Clarke*, 258 Neb. 316, 603 N.W.2d 373 (1999), an

inmate sought a determination whether DCS could revoke his good time credit based on a letter by the Nebraska Attorney General interpreting relevant statutes. The director of DCS then sent a memorandum to the DCS records administrator regarding that interpretation. In determining whether the district court had jurisdiction under Neb. Rev. Stat. § 84-911, the Nebraska Supreme Court concluded that the director's memorandum concerning the interpretation of good time credit statutes was *not* a rule, regulation or standard as defined in § 84-901. The Supreme Court in *Perryman* found that "*Richardson* is distinguishable from the instant case because it involved the judicial interpretation of a standard, not a statute." *Perryman* at 70, 568 N.W.2d at 245.

The Nebraska Supreme Court has discussed the internal management exception of § 84-901(2) in a personnel case involving DCS in *McAllister v. Nebraska Dept. of Corr. Servs.*, 253 Neb. 910, 573 N.W.2d 143 (1998). A DCS employee was charged with violating an AR, or administrative regulation, and appealed the decision in a disciplinary proceeding. While the AR at issue might be characterized as a personnel policy, and DCS asserted that it fell within the internal management exception of § 84-901, the Court disagreed. The Court found that violation of the AR could result in pecuniary punishment such as suspension without pay or demotion. Section 84-901 excludes those rules and regulations concerning the internal management of the agency and not affecting private rights and interests. However, the statute further provides that "every rule and regulation which prescribes a penalty shall be presumed to have general applicability or to affect private rights and interests." Because the AR at issue prescribed a penalty, it was presumed to affect private rights and interests and did not fit within the internal management exception.

The issue of whether an AR or OM should have been promulgated in compliance with the Administrative Procedure Act arose in two other cases filed by inmates against DCS, but the appellate courts did not directly address the issue. In *Randolph v. Dept. of Corr. Servs.*, 205 Neb. 672, 289 N.W.2d 529 (1980), DCS had issued certain OMs concerning the acquisition and disposition of hobby materials by inmates. Randolph claimed that the OM in question was invalid because the provisions of the Administrative Procedure Act had not been met. The trial court found that the OM fell within the internal management exception and need not meet the requirements of the Act. The Supreme Court, however, based its decision on a statute and did not address the validity of the OM. In *Meis v. Houston*, 19 Neb. App. 504, 808 N.W.2d 897 (2012), the Court of Appeals reviewed an AR and an OM in which DCS limited the amount of personal property that can be possessed by an inmate. While the trial court found that the property limitation was not required to be formally promulgated as it fell within the internal management exception, the Court of Appeals held that it need not address the validity of the property limitation because it did not interfere with any legally recognized rights of the inmate.

In an unpublished opinion, *Abdullah v. Gunter*, 1 Neb. C.A. 2442, 1992 WL 359093, the Court of Appeals concluded that two OMs pertaining to processing of grievances and the provision of inmate clothing need not be promulgated under the Administrative Procedure Act as they were regulations concerning the internal management of DCS.

Nebraska courts have also addressed the statutory definition of rule or regulation in cases involving other state agencies. For example, in *Capitol City Telephone, Inc. v. Dept. of Revenue*, 264 Neb. 515, 650 N.W.2d 467 (2002), the Supreme Court held that, just as the DCS director's memorandum in *Perryman* was not a rule or regulation, a letter written by the deputy Tax Commissioner stating the department's position on the taxation of telephone companies was not a rule or regulation.

In a civil contempt case concerning the Department of Health and Human Services, the Court held that two policies which the Department was ordered to prepare and distribute to departmental employees and those of the Nebraska Families Collaborative were not rules or regulations as defined by § 84-901(2). In *Re Interest of Zachary D. and Alexander D.*, 289 Neb. 763, 857 N.W.2d 323 (2015) found that the policies fell within the internal management exception as the policies were intended to provide notice to employees of certain requirements of state law. "The two policies at issue here are akin to those that concern 'the internal management of the agency.' Moreover, while these policies certainly relate to statutes governing the juvenile court process, they 'are not designed to implement, interpret, or make specific the law enforced or administered by it or governing its organization or procedure.' Rather, these policies are intended to provide notice to all departmental and NFC employees of certain requirements of state law relating to notice of changes in placement and records review and retention policies." *Id.* at 771, 857 N.W.2d at 330.

These Nebraska cases provide some indication as to how our courts might interpret § 84-901(2). While the answer would differ on a case by case basis, it appears that at least some of the ARs and OMs issued by DCS need not be formally promulgated in compliance with the Administrative Procedure Act. In our view, the courts have not construed the "internal management" exception so narrowly as to include only agency personnel rules. And, *McAllister*, discussed above, indicates that at least certain personnel policies or rules may need to be formally promulgated if they are found to prescribe a penalty.

With regard to the Re-Entry Furlough Program, AR 201.12, which you mentioned in your request letter, the cases discussed above provide little guidance. Our review of AR 201.12 reveals that portions of the AR may fall within the internal management exception to the extent they describe the program, set up responsibilities for various categories of staff members, provide limitations on inmates participating in the program and include attachments such as checklists and interview forms. We recognize that Nebraska courts might disagree and that it could be argued that provisions

of the AR pertaining to violations of the furlough agreement or termination of the inmate from the Re-Entry Furlough Program, for example, might be viewed as rules which prescribe a penalty and, therefore, presumed to affect private rights and interests. In its response to the Legislative Performance Audit Committee's findings, DCS has stated that it "is currently in the process of reviewing all of its internal policies to determine which of those policies should be promulgated under the APA." If DCS decides to reinstate this suspended program, it may wish to review this AR to determine whether the AR, or any portion of it, should be formally adopted in compliance with statutory requirements.

### Conclusion

In summary, there is currently no clear definition of the term "internal management" within § 84-901 or in Nebraska case law. Nebraska courts have provided some guidance on this issue, but there are not a great number of cases which discuss the internal management exception or other exceptions to the statutory definition of rule or regulation. For these reasons, enactment of clarifying legislation may be helpful.

<sup>1</sup> As a preliminary matter, the memorandum attached to your request letter states that Attorney General Bruning previously referred to a 1991 Attorney General opinion, which may pertain to this question. We were unable to find a formal opinion on this subject. We note that Op. Att'y Gen. No. 91001 (January 3, 1991) discusses the statutory authority for a work furlough program, but does not address the question of promulgating rules or regulations.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Lynn A. Melson  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature  
09-526-529

### Opinion 15-016

SUBJECT: Status of Omaha Metropolitan Entertainment & Convention Authority as a Public, Private or "Hybrid" Entity

REQUESTED BY: Senator Ernie Chambers  
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
David Bydalek, Deputy Attorney General

You have requested an opinion from this office regarding the status of the Metropolitan Entertainment & Convention Authority ("MECA") as a public, private or "hybrid" entity. Your request letter refers to legislation which you introduced in 2014 pertaining to MECA. In part, L.B. 778 would have required certain entities, including MECA, to comply with state law provisions on open meetings and public records. You state that you intend to introduce legislation pertaining to MECA again in 2016, but have not made reference to any specific legislation. We presume the focus of the 2016 legislation would again be to clarify whether entities such as MECA are subject to the Nebraska Open Meetings Act and Nebraska Public Records Statutes, and we will address your question in that context.

#### **RELEVANT ORDINANCE, STATUTORY PROVISIONS AND GENERAL PROPOSITIONS OF LAW**

It is our understanding that MECA was initially registered as a nonprofit public benefit corporation with the Nebraska Secretary of State by two private individuals in 1997. However, in 1999, the Omaha City Council ("City Council") established MECA in the Omaha Municipal Code with the enactment of Ordinance No. 35043, which was subsequently approved by voters in May 2000. Pursuant to Section 4.07, MECA is managed and controlled by a five-member board ("Board") appointed by the City Council or the mayor of Omaha ("Mayor") on a rotating basis, subject to confirmation by the City Council. Board members serve without compensation, but are entitled to reimbursement for reasonable expenses incurred. They may be removed by the City Council for malfeasance in office. Section 4.07(a).

Section 4.07(b) sets out the powers and duties of MECA. It is given express management and control over city public events facilities, which includes "the power to enter into any contracts, [and] have control and management of property, personnel, equipment, facilities and finances." Section 4.07(b)(i) and (ii). Under Section 4.07(b)(iii), the City Council may provide by ordinance additional powers, duties, and administrative and procedural requirements and authorizations for MECA. Section 4.07(c) relates generally to MECA's governance, and provides that MECA shall have no taxing authority or power of eminent domain, may incorporate as a Nebraska nonprofit corporation, and may create committees, subcommittees, etc., as it deems necessary.

Section 4.07(d), (e), (f) and (g) relate to MECA's fiscal matters and operations. Subsection (d) gives MECA the authority "to charge fees, rentals and other charges for the use of the facilities within its jurisdiction," such charges to be applied to MECA's operating, administration and other necessary expenses, subject to bondholder contracts. Subsection (e) requires MECA to prepare an annual budget and request that the Mayor include in the city's annual budget an amount for MECA's "operating, administration, and other such payments to or for the benefit of [MECA]."

Subsection (f) requires MECA to pay to the city treasurer, who shall serve as MECA's *ex officio* treasurer, "[a]ll income, revenue, receipts, donations, retained earnings and money of [MECA] from whatever source derived . . . ." This money shall not be commingled with any other funds under the treasurer's control, and can only be disbursed upon requisition by designated individuals authorized by the Board. MECA, the city, or an outside entity must conduct an annual audit of MECA's funds and accounts, independent of the general city audit. A copy of the audit shall be submitted to the City Council.

Finally, subsection (g) authorizes the city or an entity on behalf of the city to issue and sell "[g]eneral obligation bonds, redevelopment bonds, lease-purchase bonds, revenue bonds and refunding bonds" or notes, or any combination thereof, "to finance or refinance the acquisition, construction, improving and equipping of such facilities, and public improvements and acquisitions pursuant to a redevelopment plan containing such facilities."<sup>1</sup>

The Open Meetings Act is codified at Neb. Rev. Stat. §§ 84-1407 through 84-1414 (2014) ("Act"). Under those statutes, a "public body" subject to the meetings provisions includes the governing bodies of political subdivisions and state agencies as well as "all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law" and "instrumentalities exercising essentially public functions." Neb. Rev. Stat. § 84-1409(1)(a). While the term "public body" is not defined within the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2014) ("NPRS"), § 84-712.01 defines "public records" as records of or belonging to "this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit or committee of any of the foregoing."

The purpose of this statute is "to guarantee that public government records are public." Introducer's Statement of Purpose for L.B. 505, 72<sup>nd</sup> Nebraska Legislature (1961). Under this statute, it was intended that all public records of the state, its counties, and its other political subdivisions should be open to inspection, except where the Legislature has otherwise provided that the record shall be confidential. Judiciary Committee Statement on L.B. 505, 72<sup>nd</sup> Nebraska Legislature (1961). Thus, public records are broadly defined, and a wide scope of bodies is covered.

With regard to the Nebraska Open Meetings laws, the Nebraska Supreme Court has held that they are a statutory commitment to openness in government. *Wasikowski v. The Nebraska Quality Jobs Board*, 264 Neb. 403, 648 N.W.2d 756 (2002); *Steenblock v. Elkhorn Township Board*, 245 Neb. 722, 515 N.W.2d 128 (1994). Their purpose is to ensure that public policy is formulated at open meetings of the bodies to which the law is applicable. *Dossett v. First State Bank, Loomis, NE*, 261 Neb. 959, 627



N.W.2d 131 (2001). In Nebraska, the formation of public policy is public business, which may not be conducted in secret. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010).

Finally, the open meetings laws should be broadly interpreted and liberally construed to obtain their objective of openness in favor of the public. *Schauer*. The beneficiaries of the openness sought by the Open Meetings Act include citizens, members of the general public, and reporters or other representatives of the news media. *State ex rel. Newman v. Columbus Township Board*, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007).

### ANALYSIS

This office has previously examined the status of MECA as a private or a governmental entity in response to a public records petition in 2001 and an open meetings inquiry in 2010. In the 2001 disposition letter to *The Omaha Weekly* dated December 28, 2001, we concluded that MECA was not a unit of government, but rather a private organization which was not subject to the Nebraska Public Records Statutes. In our disposition letter dated March 11, 2010, we responded to an open meetings inquiry by Common Cause Nebraska concerning MECA. We pointed out that MECA is a Nebraska nonprofit corporation, its Board is appointed by the Mayor and City Council, and that it develops, manages and operates various public facilities in Omaha, including the Qwest Center, now known as the CenturyLink Center. We noted that we had previously concluded that MECA was not subject to the NPRS, and that a similar result with respect to the Open Meetings Act was "entirely possible." However, we stated that there was no need to engage in an extensive analysis regarding the application of the Act to nonprofit corporations such as MECA because MECA had voluntarily chosen to follow the Open Meetings Act, through its bylaws. It is our understanding that MECA still adheres to this policy.

Both of those disposition letters, however, were issued prior to the Nebraska Supreme Court's recent opinion in *Frederick v. City of Falls City*, 289 Neb. 864, 857 N.W.2d 569 (2015). In *Frederick*, the court discussed whether certain documents in the possession of a nonprofit corporation, the Falls City Economic Development and Growth Enterprise, Inc., or EDGE, were public records for purposes of the Nebraska Public Records Statutes.

In reviewing the relevant facts in *Frederick*, the court noted that EDGE was a mutual benefit corporation incorporated under the Nebraska Nonprofit Corporation Act by eight private individuals for the purpose of encouraging economic development in Falls City and the surrounding area. The EDGE board was governed by a 21-member board of directors, which included the mayor of Falls City and one city council member. The Falls City administrator was an *ex officio* member of the board of directors.

With regard to the finances of EDGE, it received both public and private funding and performed services for Falls City and Richardson County, as well as its private investors. It had an ongoing contractual relationship with Falls City, reflected in part by a memorandum of understanding in which the parties desired "to work together to implement an aggressive, targeted approach to creating a positive image of Falls City and marketing the community as a preferred business location that will generate new wealth and create quality employment opportunities." *Id.* at 867, 857 N.W.2d at 572.

The court then noted that in a prior opinion, *Evertson v. City of Kimball*, 278 Neb. 1, 767 N.W.2d 751 (2009), it "recognized that many courts have adopted functional equivalency tests which focus on whether the documents are in the possession of a 'hybrid public/private entity: an entity created by, funded by, and regulated by the public body.' We noted that such tests 'appear appropriate when a private entity performs an ongoing government function.'" *Frederick* at 872, 857 N.W.2d at 575 (quoting *Evertson*, 278 Neb. at 11, 767 N.W.2d at 761).

However, the court in *Evertson* declined to employ a functional equivalency test, as the record at issue was a lone document prepared in the course of an isolated incident. The court instead devised a test which focused on the requested document. In contrast, the requested records in *Frederick* consisted of "multiple documents prepared over a period of time by an entity which had an ongoing relationship with Falls City." *Id.* at 873, 857 N.W.2d at 576. Under these factual circumstances, the court concluded that the functional equivalency test was appropriate to determine whether a private entity which has an ongoing relationship with a governmental entity should be considered an agency, branch, or department of the governmental entity within the meaning of § 84-712.01(1). *Id.* at 874, 857 N.W.2d at 576.

The functional equivalency test, as borrowed from the Supreme Court of Connecticut, considers the following factors:

- (1) whether the private entity performs a governmental function,
- (2) the level of government funding,
- (3) the extent of government involvement or regulation, and
- (4) whether the private entity was created by the government. This test is applied on a case-by-case basis, with no single factor being dispositive.

*Id.* at 874, 857 N.W.2d at 576 (internal citations omitted).

The court then applied the functional equivalency test to the facts pertinent to EDGE. As for the first prong of the test, the court found that

EDGE, in promoting economic development, performed a governmental function. The court did specify that promoting economic development was a permissive, rather than a mandatory, government function, noting that Falls City was not required by statute to engage in the promotion of economic development. The court stressed that "unlike essential governmental functions such as building and maintaining streets and highways and providing for public health and safety, private entities are free to engage in economic development activities without any involvement of public bodies." *Id.* at 878, 857 N.W.2d at 579.

With regard to the second factor, level of government funding, the court found that EDGE received approximately 63 percent of its revenue from public sources. As to the public funding, the court stated:

In *Dow v. CCCI*, the Maine Supreme Court held that receipt by a private development corporation of at least 60 percent of its annual revenue from a city did not support a conclusion that it was the functional equivalent of a city agency. But in *State v. Beaver Dam Area Development Corp.*, the Wisconsin Supreme Court considered the fact that a development corporation was "almost entirely taxpayer funded" to be a significant factor in its determination that the entity was a "quasi-governmental corporation" subject to state open meetings and public records statutes.

*Id.* at 876, 857 N.W.2d at 578.

Looking at the third and fourth factors, the extent of government involvement and the creation of the entity, the court pointed out that "the city has representation on EDGE's board of directors, but not control." *Id.* at 877, 857 N.W.2d at 578. EDGE's employees were not city employees; it maintained separate financial records and did not occupy city offices. The court further found that EDGE was incorporated by several private individuals, none of whom were employed by Falls City.

After weighing all factors, the *Frederick* court concluded that EDGE was not the functional equivalent of an agency, branch, or department of Falls City and its records are not "public records" as that term is defined in the Nebraska Public Records Statutes. *Id.* at 878, 857 N.W.2d at 579. While EDGE performed a governmental function, the fact that economic development was not a mandatory governmental function was significant in its ruling. Likewise, the fact that EDGE received 63 percent of its funding from government was, in light of the totality of the circumstances, not enough to render it a government agency. Despite the presence of factors one and two of the functional equivalency test (to at least some extent), the nearly complete absence of factors three and four appeared to be important in the court's analysis.

## FUNCTIONAL EQUIVALENCY TEST AS APPLIED TO MECA

Whether a nonprofit corporation which has an ongoing relationship with a state agency or a political subdivision or which performs services for a governmental entity is a public body for purposes of the Nebraska Public Records Statutes involves a case-by-case analysis. This analysis necessarily involves a consideration of the factors enumerated above.

**Performance of a governmental function:** As noted above, the Omaha City Council has given MECA control over the management and operations of two of Omaha's public events facilities – the CenturyLink Center and T.D. Ameritrade Park. The court in *Frederick* held that the general encouragement of growth and industry (economic development) are public purposes. Public funds may be expended through private entities to achieve these public purposes. A study commissioned by MECA in 2014 revealed that the CenturyLink Center has had a \$4.8 billion economic impact to the Omaha economy.<sup>2</sup> As such, MECA's management of city-owned public events facilities has had a substantial impact on Omaha's economic development and, as such, constitutes the performance of a governmental function.

However, at issue is whether the management of city-owned public events facilities constitutes an essential function which governmental entities have a duty or responsibility to perform, as opposed to the simple authority to do so if it chooses. In *Frederick*, the court stressed that EDGE's promotion of economic development was not an essential governmental function, reasoning that "private entities [such as the Chamber of Commerce] are free to engage in economic development activities without any involvement of public bodies."

There are key differences, however, between MECA's operation of Omaha's public events facilities, and the economic development undertaken by EDGE. The public nature of EDGE was much less evident than that of MECA. EDGE was primarily directed by private interests (only two of the 21 members of the EDGE board were public officials), did not occupy any public buildings in Falls City, and its agreement with Falls City was revocable upon 60 days written notice.

By contrast, we understand that, pursuant to a 99 year agreement, MECA operates Omaha's public events facilities - facilities which have a substantial economic impact on the city.<sup>3</sup> Moreover, the people of Omaha voted to establish the public-private partnership between MECA and the City of Omaha in the Omaha Municipal Code – affirmatively expressing a desire to yield a governmental function to MECA.

**The level of government funding:** After a city-wide vote, Omaha funded approximately 75% of the cost to build CenturyLink Center (\$216 public funds, \$75 million private funds). And, as previously noted, a study released in March of 2014 (commissioned by MECA) found that CenturyLink Center

Omaha generated \$4.8 billion of overall economic impact to the local economy between 2002 and 2013. The study further found that the convention center and arena have contributed \$86.4 million in indirect and direct tax collections to the City of Omaha during this same time, including sales tax, parking tax and property taxes paid by new developments near the facility.<sup>4</sup> The governmental function assumed by MECA has a considerable effect on Omaha's economy.

Pursuant to Section 4.07(e) of the Omaha Municipal Code, MECA's operations and administration expenses may be funded by the City of Omaha. MECA is also authorized to use facility fees, rentals, and other charges to pay for operating, administrative and necessary expenses, with certain limitations.

A review of Omaha City budgets over the past several years reveals that MECA has received public funding - \$880,000 in 2012, \$424,887 in 2013, \$1,100,000 in 2014, and a recommended appropriation of \$450,000 in 2015.<sup>5</sup>

**Extent of government involvement or regulation:** We note that MECA is created by city ordinance and that its members are appointed on a rotating basis by the City Council or the Mayor and thereafter confirmed by the City Council. MECA board members are subject to removal by the City Council for malfeasance. Thus, while MECA board members are not public officials nor employees, city officials have direct control over the composition of the board.

In addition to control of MECA board appointments by city officials, other factors reveal a significant amount of governmental involvement in MECA:

- (1) The powers and duties of MECA are set forth in the Omaha Municipal Code;
- (2) The Omaha City Treasurer is ex officio treasurer of MECA and all income, revenue, receipts, etc., are paid to and under the control of the city treasurer;
- (3) MECA's funds and accounts must be audited annually, and the audit report must be submitted to the City Council;
- (4) MECA's offices are located in the CenturyLink Center – obviously a city-owned facility;
- (5) The City Council has expressly reserved the opportunity to enact by ordinance additional powers and duties and administrative and procedural requirements for MECA

The extent of government involvement with respect to MECA is quite different from the circumstances presented in the *Frederick* case. There, the court noted that only two of the 21 voting members of EDGE's board were city officials that Falls City had no control over the composition of the EDGE board, and that EDGE and Falls City maintained separate financial records.

MECA is much more akin to the economic development corporation at issue in *Meri-Weather v. Freedom of Info. Com'n*, 47 Conn. Supp. 113, 778 A.2d 1038 (Conn. Super. 2000) discussed by the court in *Frederick*. The court in *Meri-Weather* held that the economic development corporation at issue in that case appointed a majority of that corporation's board of directors, the executive director of the city agency served as the executive officer of the nonprofit corporation, and the city agency maintained the nonprofit corporation's financial records in the office of the city agency. The corporation was found to be subject to the Connecticut Freedom of Information Act.

**Creation of the entity:** While MECA was originally created as a private, nonprofit corporation, it was subsequently created in the Omaha Municipal Code with the enactment of Ordinance No. 35043, which was approved by voters in 2000 (*see* Section 4.07, which reads, "There is hereby **created** a Metropolitan Entertainment and Convention Authority..." emphasis supplied). MECA and the City of Omaha signed a 99-year Lease and Development Agreement in August of 2000. As it now exists, MECA is a "creation" of a city ordinance. Interestingly, in MECA's audited financial statements for 2013 and 2014, MECA is referred to as "a component unit of the City of Omaha."<sup>6</sup>

## CONCLUSION

We conclude that the Metropolitan Entertainment & Convention Authority is a hybrid public/private entity as it is created by ordinance, though it is also authorized to incorporate as a Nebraska nonprofit corporation. Utilizing the functional equivalency test set forth in *Frederick*, we conclude that MECA should be subject to the Nebraska Public Records Act. All four of the factors set forth in that test are applicable to MECA such that it should be considered an agency, branch, or department of the City of Omaha.

We likewise conclude that MECA is subject to the dictates of the Nebraska Open Meetings Act. MECA, as it now exists, is a creation of an Omaha City Ordinance. It serves the public function of managing and controlling the public events facilities of the City of Omaha.

<sup>1</sup>According to MECA's website at <http://www.omahameca.com/About/WhoWeAre.aspx>:

The Metropolitan Entertainment & Convention Authority (MECA) is a 501©(3) non-profit organization that builds and manages public event venues in Omaha, Nebraska. The formal operations of MECA commenced on August 25, 2000 with the signing of a 99-year Lease and Development Agreement with the City of Omaha. The cost to build CenturyLink Center Omaha was \$291 million, funded through a public-private arrangement. The private sector contributed \$75 million and the public sector contributed \$216 million. CenturyLink Center Omaha opened in 2003.

<sup>2</sup>See

[http://www.omahameca.com/Libraries/MECA\\_PDFs/Goss\\_Study\\_Press\\_Release\\_FINAL.sflb.ashx](http://www.omahameca.com/Libraries/MECA_PDFs/Goss_Study_Press_Release_FINAL.sflb.ashx)

<sup>3</sup>While the agreement is referenced on MECA's website, we do not have a copy of the agreement.

<sup>4</sup>See

[http://www.omahameca.com/Libraries/MECA\\_PDFs/Goss\\_Study\\_Press\\_Release\\_FINAL.sflb.ashx](http://www.omahameca.com/Libraries/MECA_PDFs/Goss_Study_Press_Release_FINAL.sflb.ashx)

<sup>5</sup>See

<http://www.cityofomaha.org/finance/images/stories/2015%20Recommended%20Budget.pft> and  
<http://www.cityofomaha.org/finance/images/stories/Budgets/budget2013recommended/2013%20Recommended%20Budget.pdf>

<sup>6</sup>See

[http://cityclerk.cityofomaha.org/images/stories/agenda/ID%2015\\_03\\_31/City%20Clerk/402.pdf](http://cityclerk.cityofomaha.org/images/stories/agenda/ID%2015_03_31/City%20Clerk/402.pdf)

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) David Bydalek  
Chief Deputy Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature  
07-993-29

Opinion 15-017

SUBJECT: Whether Legislation Requiring Fifty Percent of the Revenues Generated From School Lands, That Are Placed In the Temporary School Fund, Be Kept For the Benefit of the School District in Which It Was Produced Would Be Constitutional

REQUESTED BY: Senator Dan Hughes, Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
John L. Jelkin, Assistant Attorney General

In your opinion request letter, you make the following comments:

"My office has been doing research on educational lands and funds in Nebraska. I would like to know if the following idea would be constitutional. I would like to have 50% of the revenue generated on school lands, that is placed in the temporary school fund, be kept for the benefit of the school district in which it is produced."

**ANALYSIS**

On April 19, 1864, the U.S. Congress passed and President Abraham Lincoln signed the Enabling Act. (U.S. Stat. at Large, Vol. 13, p. 47.) The Enabling Act enabled the people of Nebraska to form a Constitution and State Government, and allowed the State of Nebraska admission into the Union on an equal footing with the original States. Section 7 of the Act provides:

"And be it further enacted, that sections number sixteen and thirty-six in every township., shall be, and are hereby granted to said State for the support of the common schools." (U.S. Stat. at Large, Vol. 13, p. 47).

Thereafter, the people of Nebraska did form a Constitution and State Government and by proclamation of then President Andrew Johnson, the State of Nebraska was admitted to the Union on March 1, 1867.

It appears to us that the threshold question is, "May the State provide more support to those school districts in which school lands are located, or must all of the funds be used for the benefit of all school districts, regardless of the location of the school lands?"

"In some parts of the State of Nebraska, most of the school's land have been sold." Op. Att'y Gen. No. 93035 (May 4, 1993). Currently, Colfax County, Dodge County, Fillmore County, Hamilton County, Nance County, Saunders County, Thurston County and Wayne County, Nebraska have no school lands. Douglas County has only 142.84 acres of school lands and Lancaster County, Nebraska has only 534.27 acres of school lands. On the



other hand, Perkins County, Nebraska has 28,519.26 acres of school lands. Source: Nebraska Board of Educational Lands and Funds website at <http://belf.nebraska.gov>. Accordingly, under your proposal, some Nebraska school districts would receive more income from the school lands than other Nebraska school districts.

In 1989, we were asked if the legislature could abolish the in lieu of tax payment to schools in counties wherein school lands are located and substitute a formula diverting the income and interest on school funds and lands into the equalization portion of the School Foundation and Equalization Act. In response, we stated:

The law is well settled. A grant by Congress of land to a state for the benefit of the common schools is an absolute grant, vesting title for a specific purpose. *Alabama v. Schmidt*, 232 U.S. 168, 34 S.Ct. 301, 58 L.Ed.2d 555 (1914). Hence, section 7 of the Enabling Act and section 9 of Article VII of the Constitution of Nebraska mandate that income from the unsold school lands "be exclusively used for the support and maintenance of the common schools in each school district in the state." As noted in your inquiry, some school districts do not receive funds pursuant to the equalization portion of the School Foundation and Equalization Act, and, therefore, your above described amendment to L.B. 807 would, in our opinion, be unconstitutional.

Op. Att'y Gen. No. 89022 (March 24, 1989).

Further, in a subsequent opinion, we stated:

The fact that these lands are held in trust pursuant to the Nebraska Constitution and Enabling Act has the effect of incorporating the rules of law regulating the administration of trusts and the conduct and duties of trustees. Consequently, the State as trustee of these lands, and of the income therefrom, is required to administer the trust estate under the rules of law applicable to trustees acting in a fiduciary capacity. *State ex. Rel. Ebke v. Board of Educational Lands and Funds*, 159 Neb. 79, 65 N.W.2d 392 (1954). This means, among other things, that the State in its capacity as trustee has duties to **all** beneficiaries of the school trust and cannot lawfully confer special benefits on some to the detriment of others, nor can it lawfully impose special detriments on some to the benefit of others.

Op. Att'y Gen. No. 89030 (April 5, 1989) (Emphasis added).

### CONCLUSION

The answer to your question then, as to whether it would be constitutional to have 50% of the revenue generated on school lands be kept for the benefit of the school district in which it was produced, is clear. The State cannot discriminate against school districts in which little or no school lands are located, in favor of school districts in which more school lands are located.

To do so would violate the sacred trust that was placed on the State to use the school lands for the support and maintenance of the common schools in each school district in the State.

Sincerely yours,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) John L. Jelkin  
Assistant Attorney General

pc: Patrick J. O'Donnell  
Clerk of the Nebraska Legislature  
25-093-29

Opinion 15-018

SUBJECT: L.B. 338 – Imposition of a Docket Fee for Original Actions and Modifications for Child Support and Custody Filed by Never- Married Parents

REQUESTED BY: Senator Lydia Brasch  
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
Lynn A. Melson, Assistant Attorney General

You have requested an opinion from this office regarding the interpretation of Neb. Rev. Stat. § 33-107.02 and the need to enact L.B. 338 which you introduced last year. You state that "L.B. 338 would mandate that never-married parents who are seeking 'a modification of an award of child support, or a modification of child custody, parenting time, visitation, or other access as defined in section 43-2922' also be charged the \$65 docket fee, of which \$50 is credited to the Parenting Act Fund." As you explain, the Legislature enacted this fee in 2007 in order to subsidize the costs of mediation in custody and parenting time disputes.

**Background**

The Parenting Act, now found at Neb. Rev. Stat. §§ 43-2920 to 43-2943 (2008 and Cum. Supp. 2014), was substantially revised by L.B. 554, Laws 2007. Under the Act as revised, mediation on the issues of custody and parenting time is mandatory in some instances. Parents may also participate in mediation on a voluntary basis. Neb. Rev. Stat. §§ 43-2936 and 43-2937. Section 43-2942 provides that the parties are responsible for the costs of mediation, which costs are charged according to a sliding fee scale if the court orders the parties to mediation. You point out that the Parenting Act fee imposed by § 33-107.02 subsidizes the costs incurred by mediation centers in providing mediation to indigent and low-income parents involved in custody and parenting disputes.

L.B. 554 amended certain statutes found in Chapter 33 in regard to docket fees. Section 33-107.02(1) (2008) provides as follows:

A docket fee of sixty-five dollars shall be collected by the clerk of the county court or the clerk of the district court for each proceeding to modify a decree of dissolution or annulment of marriage, a modification of an award of child support, or a modification of child custody, parenting time, visitation, or other access as defined in section 43-2922. . . . Fifteen dollars shall be credited to the Legal Aid and Services Fund, and fifty dollars shall be credited to the Parenting Act Fund.

There is a separate docket fee imposed by Neb. Rev. Stat. § 33-106.03 that pertains only to actions for dissolution of marriages. Your questions concerning the imposition of docket fees for filings made by unmarried parents would clearly not be governed by that statute.

### **Discussion**

We first note that the statement of intent for L.B. 338 states that L.B. 338 "provides a docket fee for original actions and modifications for custody, parent time, visitation, and other parental access filed by unmarried parents." Introducer's Statement of Intent for L.B. 338, 104<sup>th</sup> Neb. Leg., 1<sup>st</sup> Sess. (January 29, 2015). In your request letter, you inquire about the applicability of the docket fee to never-married parents who seek a modification. You also inquire about the applicability of the docket fee when never-married parents file a cross complaint or motion to intervene in an action initiated by a county attorney.

It seems to us that there are several categories of pleadings or actions that might be filed by never-married parents. One of the parents could file an action for paternity or parental support under Neb. Rev. Stat. §§ 43-1401 to 43-1418. The initial filing in such an action would involve neither an action for dissolution subject to § 33-106.03 nor an action seeking modification subject to § 33-107.02 and neither docket fee would apply.

An unmarried parent could subsequently file an application for modification of a prior decree of child support or child custody, parenting time, or visitation. In our view, such a filing with regard to a decree entered in a private action brought by the parent would require the \$65 docket fee called for by § 33-107.02(1). Statutory language should generally be given its plain and ordinary meaning and where the words of the statute are plain, direct and unambiguous, no interpretation is necessary to ascertain their meaning. *State v. Mena-Rivers*, 280 Neb. 948, 791 N.W.2d 613 (2010); *Sorensen v. Meyer*, 220 Neb. 457, 370 N.W.2d 173 (1985). When construing a statute, courts will attempt to discover legislative intent from the language of the act. A court will also "construe statutes relating to the same subject matter together to maintain a sensible and consistent scheme, so that effect is given to every provision." *Tracfone Wireless, Inc. v.*

*Nebraska Public Service Comm'n*, 279 Neb. 426, 433, 778 N.W.2d 452, 459 (2010). In our view, the language of § 33-107.02(1) which imposes a \$65 docket fee for "a modification of an award of child support, or a modification of child custody, parenting time, visitation, or other access", on its face, applies to applications for modifications of prior awards, whether filed by previously married parents or never married parents.

The answer is less clear if the original proceeding to determine paternity or parental support pursuant to §§ 43-1401 to 43-1418 was filed by a county attorney and one of the parents later files an application for modification of an award entered in that proceeding. Subsection (2) of § 33-107.02, the statute imposing the additional docket fee, provides that a "proceeding filed by a county attorney or authorized attorney, as defined in section 43-1704, . . . shall not be subject to the provisions of this section." It is clear that the county attorney need not pay the \$65 docket fee if he or she files a petition to determine paternity or parental support or a subsequent application for modification. However, if one of the parents later seeks to modify the decree entered in a proceeding initiated by the county attorney, one could argue that the parent would be subject to the docket fee applicable to modifications. Yet, the statutory language provides that the "proceeding" is not subject to the docket fee provision and use of the term "proceeding" may indicate that none of the pleadings filed in a proceeding initiated by the county attorney would trigger the docket fee. "Proceeding" has been defined in a general sense as "[T]he regular and orderly progression of a lawsuit, including all acts and events between the time of commencement and the entry of judgment." Black's Law Dictionary 1324 (9<sup>th</sup> ed. 2009). For this reason, you may wish to proceed with legislation to clarify the applicability of the docket fee in this situation.

Finally, your request letter also refers to a situation in which never-married parents file a cross complaint or motion to intervene in a paternity or parental support action brought by the county attorney. If we understand your reference correctly, it seems to us that those pleadings would likely be filed prior to the entry of a decree and may, thus, not be considered "modifications" of a prior award so as to fall under the current docket fee requirement. However, you state that such pleadings are filed subsequent to an order of child support. If you intend for these pleadings to trigger the docket fee, clarifying legislation may be necessary.

### **Conclusion**

In your request letter, you explain that the docket fee provided for at § 33-107.02 is not currently imposed on never-married parents in certain situations. For the reasons stated above, we agree that the applicability of the docket fee is not entirely clear and that, if you wish to ensure that the docket fee is assessed, amendment of the statute would be appropriate.

Sincerely,  
DOUGLAS J. PETERSON

Attorney General  
(Signed) Lynn A. Melson  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature  
09-531-29

### **REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### **COMMUNICATION(S)**

Received petition from the Village Board of Dodge, Nebraska, adopted on October 5, 2015.

Received petition from the Village of Decatur, Nebraska, adopted on October 8, 2015.

Received petition from the Village of Bancroft, Nebraska, adopted on November 2, 2015.

Received petition from the Village of Rosalie, Nebraska, adopted on November 16, 2015.

### **EXECUTIVE BOARD REPORT**

The Executive Board reported the following committee assignments made over the interim:

Senator Lindstrom has been appointed to the Nebraska Retirement Systems Committee. Senator Mello has been appointed to the Rules Committee. Senator Cook has been appointed to the Appropriations Committee and no longer serves on the Education Committee and the Health and Human Services Committee. Senator Krist has been appointed to the Education Committee and no longer serves on the General Affairs Committee and the Urban Affairs Committee. Senator McCollister has been appointed to the General Affairs Committee and no longer serves on the Business and Labor Committee. Senator Howard has been appointed to the Business and Labor Committee and the Urban Affairs Committee and no longer serves on the Banking, Commerce and Insurance Committee. Senator Fox has been appointed to the Banking, Commerce and Insurance Committee and the Health and Human Services Committee.

**EXECUTIVE BOARD REPORT**

The Executive Board has appointed the following members of the Legislature to the Committee on Justice Reinvestment Oversight (LB605):

Senator Seiler (chairperson)  
 Senator Mello  
 Senator Krist  
 Senator Hadley  
 Senator Campbell

**MOTION - Chairperson of Nebraska Retirement Systems**

Senator Watermeier moved to proceed to the election of the Nebraska Retirement Systems Committee chairperson, by secret ballot, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

CHAIRPERSON - Nebraska Retirement Systems

Senator Kolterman placed his name in nomination.

Senator Davis placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Crawford, Friesen, and Mello as tellers.

Senator Kolterman	30
Senator Davis	<u>18</u>
	48

Senator Kolterman was duly elected Chairperson of the Nebraska Retirement Systems Committee.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 665.** Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Water Resources Cash Fund; to eliminate obsolete transfer provisions; and to outright repeal sections 61-220 and 61-221, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 666.** Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-3,136 and 60-4,147.03, Reissue Revised Statutes of Nebraska, and sections 60-3,198, 60-487, 60-4,131, 60-4,144.01, 60-4,144.02, 60-4,168, and 60-4,181, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 667.** Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the International Fuel Tax Agreement Act; to amend section 66-1418, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions relating to trip permits; and to repeal the original section.

**LEGISLATIVE BILL 668.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,120.01 and 79-609, Reissue Revised Statutes of Nebraska, sections 60-6,179.01 and 60-6,268, Revised Statutes Cumulative Supplement, 2014, and sections 60-4,123, 60-4,124, 60-6,265, 60-6,267, and 60-6,270, Revised Statutes Supplement, 2015; to change provisional operator's permit restrictions from secondary offenses to primary offenses; to change certain uses of interactive wireless communication devices from secondary offenses to primary offenses as prescribed; to update references to certain federal provisions; to eliminate as a secondary action certain occupant protection system enforcement requirements; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 669.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,268, Revised Statutes Cumulative Supplement, 2014, sections 60-6,265, 60-6,267, and 60-6,270, Revised Statutes Supplement, 2015; to update federal references; to change and eliminate provisions relating to the use and enforcement of occupant protection systems; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 670.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to mental health evaluations; to amend section 71-919, Reissue Revised Statutes of Nebraska, and section 43-254.01, Revised Statutes Cumulative Supplement, 2014; to require a hearing prior to release for persons taken into custody for mental health reasons; and to repeal the original sections.

**LEGISLATIVE BILL 671.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to roads; to amend section 39-2703, Revised Statutes Cumulative Supplement, 2014, and sections 77-27,132 and 77-27,237, Revised Statutes Supplement, 2015; to repeal the Build Nebraska Act; to terminate a fund; to change the distribution of sales and use tax revenue; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 39-2701, 39-2702, 39-2704, and 39-2705, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency.

**LEGISLATIVE BILL 672.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Waste Reduction and Recycling Incentive Act; to amend sections 81-15,159.02, 81-15,162, and 81-15,164, Reissue Revised Statutes of Nebraska; to eliminate fees on tires as prescribed; to eliminate a definition; to harmonize provisions; to provide a termination date; and to repeal the original sections.

**LEGISLATIVE BILL 673.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-273, Reissue Revised Statutes of Nebraska, and section 43-272.01, Revised Statutes Supplement, 2015; to change provisions relating to guardians ad litem and determination of fees; and to repeal the original sections.

**LEGISLATIVE BILL 674.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Disabled Persons and Family Support Act; to amend sections 68-1502, 68-1504, 68-1505, 68-1506, 68-1508, 68-1509, 68-1510, 68-1511, 68-1512, 68-1513, 68-1515, 68-1516, and 68-1519, Reissue Revised Statutes of Nebraska, and section 68-1518, Revised Statutes Cumulative Supplement, 2014; to provide financial compensation for care given by families at home as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 675.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 43-251.01, Revised Statutes Supplement, 2015; to change provisions relating to placement and detention; and to repeal the original section.

**LEGISLATIVE BILL 676.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Supplement, 2015; to revise powers of state-chartered banks, building and loan associations, and credit unions; to repeal the original sections; and to declare an emergency.



**LEGISLATIVE BILL 677.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to veterans; to amend section 80-410, Reissue Revised Statutes of Nebraska; to change a state residency qualification for state veterans service officers; to change a military service requirement for certain officers and personnel; and to repeal the original section.

**LEGISLATIVE BILL 678.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885 and 81-885.07, Reissue Revised Statutes of Nebraska, and section 81-885.01, Revised Statutes Supplement, 2015; to define terms; to provide duties for a team leader as prescribed; to require the adoption and promulgation of rules and regulations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 679.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Community Corrections Act; to amend section 47-624, Revised Statutes Cumulative Supplement, 2014; to change reporting requirements; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 680.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to pharmacy technicians; to amend section 38-2890, Revised Statutes Supplement, 2015; to change requirements for pharmacy technicians; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 681.** Introduced by Schnoor, 15.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2441, Reissue Revised Statutes of Nebraska, and sections 69-2435, 69-2436, 69-2439, and 69-2443, Revised Statutes Cumulative Supplement, 2014; to change certain violation and penalty provisions; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 682.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to elections; to amend section 32-949.01, Revised Statutes Cumulative Supplement, 2014, and sections 32-941, 32-947, and 32-953, Revised Statutes Supplement, 2015; to change deadlines for ballots for early voting and special elections by mail; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 683.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3506, Revised Statutes Cumulative Supplement, 2014, and section 77-3509, Revised Statutes Supplement, 2015; to change provisions relating to homestead exemptions for certain surviving spouses as prescribed; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 684.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to adoption; to amend section 43-107, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to adoptive home studies as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 685.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2717 and 77-2734.03, Revised Statutes Cumulative Supplement, 2014, and section 77-2715.07, Revised Statutes Supplement, 2015; to adopt the Student Loan Repayment Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 686.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to law; to amend section 49-501.01, Reissue Revised Statutes of Nebraska; to provide for the publication and distribution of the Constitution of Nebraska; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 687.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to recall; to amend sections 32-1205, 32-1301, 32-1302, 32-1304, 32-1305, and 32-1309, Reissue Revised Statutes of Nebraska, sections 32-628, 32-1303, and 32-1306, Revised Statutes Cumulative Supplement, 2014, and section 32-1308, Revised Statutes Supplement, 2015; to provide for recall of an official elected or appointed to a state elective office; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 688.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-479, Revised Statutes Cumulative Supplement, 2014, and section 60-462, Revised Statutes Supplement, 2015; to require all examinations and tests of applicants to be in the English language; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 689.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Revised Statutes Cumulative Supplement, 2014; to eliminate a sales and use tax exemption relating to political events; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 690.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2014; to eliminate a provision relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 691.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-1412, Revised Statutes Supplement, 2015; to adopt the Teacher Education and Health Care Professions Student Grant Program Act; to provide duties for the Coordinating Commission for Postsecondary Education; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 692.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to students; to adopt the Student Online Personal Protection Act.

**LEGISLATIVE BILL 693.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; and to repeal the original sections.

**LEGISLATIVE BILL 694.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend section 84-602.02, Revised Statutes Supplement, 2015; to change provisions relating to exempt contracts; and to repeal the original section.

**LEGISLATIVE BILL 695.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Revised Statutes Supplement, 2015; to provide for the counting of ballots; and to repeal the original section.

**LEGISLATIVE BILL 696.** Introduced by Howard, 9; Morfeld, 46.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2014; to provide for a waiver for coverage of opioid abuse as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 697.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2015; to require application for a medicaid state plan amendment for functional family therapy; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 698.** Introduced by Mello, 5; Bolz, 29; Campbell, 25; Cook, 13; Davis, 43.

A BILL FOR AN ACT relating to health; to adopt the Home Care Consumer Bill of Rights Act; and to provide a penalty.

**LEGISLATIVE BILL 699.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Nebraska Municipal Land Bank Act; to amend sections 19-5205, 19-5210, and 19-5213, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to board members, priorities for use of land, and reporting; and to repeal the original sections.

**LEGISLATIVE BILL 700.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to cities; to amend section 14-407, Reissue Revised Statutes of Nebraska, and section 19-4029.01, Revised Statutes Supplement, 2015; to require notice to neighborhood associations for actions relating to zoning and business improvement districts; and to repeal the original sections.

**LEGISLATIVE BILL 701.** Introduced by Mello, 5; Campbell, 25.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1721, Revised Statutes Cumulative Supplement, 2014; to eliminate a termination date relating to a self-sufficiency contract; and to repeal the original section.

**LEGISLATIVE BILL 702.** Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

A BILL FOR AN ACT relating to cities of the second class; to amend

sections 17-102 and 17-104, Reissue Revised Statutes of Nebraska; to harmonize provisions relating to the election of city council members; and to repeal the original sections.

**LEGISLATIVE BILL 703.** Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-207 and 17-555, Revised Statutes Supplement, 2015; to change provisions relating to nuisances; and to repeal the original sections.

**LEGISLATIVE BILL 704.** Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

A BILL FOR AN ACT relating to building codes and regulations; to amend sections 14-419 and 18-132, Reissue Revised Statutes of Nebraska, sections 15-905, 19-922, 23-172, and 71-6404, Revised Statutes Cumulative Supplement, 2014, and section 71-6406, Revised Statutes Supplement, 2015; to define terms; to change provisions relating to adoption and applicability of building codes by political subdivisions; and to repeal the original sections.

**LEGISLATIVE BILL 705.** Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-102, 16-103, 16-104, 16-105, 16-117, 16-119, 16-120, 16-122, 16-124, 16-125, 16-126, 16-127, 16-128, 16-129, 16-202, 16-206, 16-212, 16-213, 16-214, 16-217, 16-218, 16-219, 16-220, 16-221, 16-222, 16-225, 16-226, 16-227, 16-229, 16-231, 16-232, 16-233, 16-236, 16-238, 16-239, 16-241, 16-246, 16-247, 16-249, 16-251, 16-253, 16-302.01, 16-304, 16-305, 16-306, 16-308, 16-309, 16-310, 16-312, 16-314, 16-319, 16-320, 16-321, 16-322, 16-323, 16-324, 16-325, 16-326, 16-327, 16-401, 16-402, 16-403, 16-404, 16-405, 16-406, 16-501, 16-502, 16-503, 16-606, 16-607, 16-609, 16-613, 16-617, 16-618, 16-619, 16-620, 16-621, 16-622, 16-623, 16-624, 16-625, 16-626, 16-627, 16-628, 16-632, 16-633, 16-634, 16-635, 16-636, 16-637, 16-646, 16-647, 16-649, 16-650, 16-651, 16-653, 16-654, 16-655, 16-661, 16-662, 16-665, 16-666, 16-667, 16-667.01, 16-667.02, 16-667.03, 16-670, 16-671, 16-672.01, 16-672.02, 16-672.03, 16-672.04, 16-672.05, 16-672.06, 16-672.07, 16-672.08, 16-672.11, 16-676, 16-677, 16-678, 16-679, 16-680, 16-681, 16-682, 16-683, 16-684, 16-684.01, 16-686, 16-686.01, 16-687, 16-688, 16-691, 16-691.01, 16-691.02, 16-692, 16-693, 16-694, 16-695, 16-696, 16-697, 16-697.01, 16-697.02, 16-698, 16-699, 16-6,100, 16-6,100.03, 16-6,100.05, 16-6,101, 16-6,102, 16-6,103, 16-6,104, 16-6,105, 16-6,107, 16-6,108, 16-6,109, 16-701, 16-702, 16-704, 16-706, 16-707, 16-709, 16-711, 16-712, 16-713, 16-714, 16-716, 16-717,

16-718, 16-719, 16-720, 16-721, 16-722, 16-723, 16-727, 16-728, 16-729, 16-801, 16-802, 16-803, 16-804, 16-805, 16-806, 16-807, 16-809, 16-810, 16-901, 16-902, 16-905, 16-1014, 16-1034, 16-1035, and 19-2402, Reissue Revised Statutes of Nebraska, and sections 16-313, 16-317, and 16-318, Revised Statutes Cumulative Supplement, 2014, and sections 16-207, 16-230, 16-240, 16-243, 16-250, 16-615, 16-630, 16-631, 16-664, 16-669, 16-672, and 16-708, Revised Statutes Supplement, 2015; to change provisions relating to cities of the first class; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 706.** Introduced by Coash, 27; Campbell, 25; Howard, 9.

A BILL FOR AN ACT relating to insurance; to define habilitative services.

**LEGISLATIVE BILL 707.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to increase the number of judges of the separate juvenile court as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 708.** Introduced by Bolz, 29; Campbell, 25; Cook, 13; Davis, 43; Mello, 5.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-516.01, 71-516.02, and 71-516.03, Reissue Revised Statutes of Nebraska, section 71-516.04, Revised Statutes Cumulative Supplement, 2014, and sections 71-401 and 71-403, Revised Statutes Supplement, 2015; to define and redefine terms; to provide for a memory care endorsement under the Health Care Facility Licensure Act; to provide for applicability to Alzheimer's special care units as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 709.** Introduced by Howard, 9; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-253, 43-255, 43-256, 43-260, 43-260.01, and 43-3504, Revised Statutes Cumulative Supplement, 2014, and sections 43-245 and 43-250, Revised Statutes Supplement, 2015; to provide for an alternative to detention; to define and eliminate a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 710.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311.06, Reissue Revised Statutes of Nebraska; to change provisions relating to hazing; and to repeal the original section.

**LEGISLATIVE BILL 711.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to noxious weed control; to amend sections 2-945.01 and 2-958.02, Reissue Revised Statutes of Nebraska; to change provisions relating to grants for certain vegetation management programs; to create the Riparian Vegetation Management Task Force; to provide task force duties; to require an annual report; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-967 and 2-968, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 712.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to environmental protection; to amend sections 25-21,255 and 81-1577.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of aboveground motor vehicle fuel storage tanks; to remove an obsolete provision; to eliminate certain provisions relating to the storage of hazardous substances; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1575, 81-1576, and 81-1577, Reissue Revised Statutes of Nebraska.

**EASE**

The Legislature was at ease from 10:43 a.m. until 11:16 a.m.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 713.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations for the Access College Early Scholarship Program.

**LEGISLATIVE BILL 714.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to irrigation and regulation of water; to amend section 46-229.04, Reissue Revised Statutes of Nebraska; to provide for and change a provision relating to sufficient cause for nonuse of a water appropriation; and to repeal the original section.

**LEGISLATIVE BILL 715.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Cultural Preservation Endowment Fund; to amend section 82-331, Reissue Revised Statutes of Nebraska; to provide for transfers from the General Fund; and to repeal the original section.

**LEGISLATIVE BILL 716.** Introduced by Kolowski, 31; Garrett, 3; Gloor, 35; Hilkmann, 4; Lindstrom, 18; McCollister, 20.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,153, 60-6,154, and 60-6,317, Reissue Revised Statutes of Nebraska; to provide for the right-of-way for pedestrians; to provide and eliminate requirements for persons operating bicycles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 717.** Introduced by Groene, 42; Brasch, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-5023, and 77-5026, Reissue Revised Statutes of Nebraska, and sections 77-1301, 77-1327, and 77-5027, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to change provisions relating to assessment of real property; to change the Tax Equalization and Review Commission Act; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 718.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to veterans aid; to amend section 80-411, Reissue Revised Statutes of Nebraska; to change requirements for submitting an application for a waiver of college tuition and fees; and to repeal the original section.

**LEGISLATIVE BILL 719.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2123, Reissue Revised Statutes of Nebraska; to change provisions relating to undeveloped vacant land; and to repeal the original section.

**LEGISLATIVE BILL 720.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to rights of privacy; to amend sections 20-201, 20-205, 20-206, 20-207, and 20-208, Reissue Revised Statutes of Nebraska; to change certain invasion of privacy provisions to include unmanned aircraft or unmanned aircraft systems; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 721.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-2025, Reissue Revised Statutes of Nebraska, section 38-121, Revised Statutes Cumulative Supplement, 2014, and section 38-101, Revised Statutes Supplement, 2015; to adopt the Surgical First Assistant Practice Act; to harmonize provisions; and to repeal the original sections.



**LEGISLATIVE BILL 722.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-1217 and 38-1221, Revised Statutes Cumulative Supplement, 2014, and section 71-401, Revised Statutes Supplement, 2015; to adopt the Stroke System of Care Act; to provide for establishment of model protocols under the Emergency Medical Services Practice Act; to restrict advertising by hospitals; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 723.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Cumulative Supplement, 2014; to change the sales and use tax collection fees; and to repeal the original sections.

**LEGISLATIVE BILL 724.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Cumulative Supplement, 2014; to change the sales and use tax collection fees; and to repeal the original sections.

**LEGISLATIVE BILL 725.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to real property; to amend section 76-214, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to a requirement to file statements regarding conveyances of real estate; and to repeal the original section.

**LEGISLATIVE BILL 726.** Introduced by Sullivan, 41; Bolz, 29; Morfeld, 46; Scheer, 19.

A BILL FOR AN ACT relating to universities and colleges; to require providing information to students relating to federal student loans.

**LEGISLATIVE BILL 727.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to cigar shops; to impose a tax on certain sales of tobacco as prescribed.

**LEGISLATIVE BILL 728.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1413, Revised Statutes Supplement, 2015; to authorize electronic voting devices for natural resources districts; and to repeal the original section.

**LEGISLATIVE BILL 729.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2201 and 76-2221, Revised Statutes Supplement, 2015; to provide an exemption for persons retained by a county to assist in the assessment of real property for taxation purposes; to eliminate a moratorium on enforcement of the act by the Real Property Appraiser Board involving certain mass appraisals; to harmonize provisions; to repeal the original sections; to outright repeal section 76-2251, Revised Statutes Supplement, 2015; and to declare an emergency.

**LEGISLATIVE BILL 730.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to grain warehouses; to amend section 88-530, Reissue Revised Statutes of Nebraska; to change a provision relating to security coverage for sellers of grain stored in a warehouse closed by the Public Service Commission; and to repeal the original section.

**LEGISLATIVE BILL 731.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to real property; to amend section 76-2217.03, Revised Statutes Cumulative Supplement, 2014, and sections 76-2202, 76-2207.13, 76-2207.14, 76-2216.01, 76-2218.02, 76-2221, 76-2222, 76-2227, 76-2227.01, 76-2228.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2236, 76-2238, and 76-2241, Revised Statutes Supplement, 2015; to change provisions relating to the Real Property Appraiser Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 732.** Introduced by Watermeier, 1; McCollister, 20.

A BILL FOR AN ACT relating to motor vehicles; to amend section 80-414, Reissue Revised Statutes of Nebraska, and sections 60-3,122.03 and 60-3,122.04, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to Military Honor Plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 733.** Introduced by Watermeier, 1; Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services.

**LEGISLATIVE BILL 734.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-502, Reissue Revised Statutes of Nebraska; to change provisions relating to residency; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 735.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,290, Revised Statutes Cumulative Supplement, 2014; to provide a length limit exception for an articulated bus vehicle operated by a transit authority as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 736.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Rural Community-Based Energy Development Act; to amend sections 70-1905, 70-1906, and 70-1908, Reissue Revised Statutes of Nebraska, section 70-1904, Revised Statutes Cumulative Supplement, 2014, and section 70-1903, Revised Statutes Supplement, 2015; to define a term; to change powers and duties relating to electric utilities and electric suppliers; to change a notification requirement; and to repeal the original sections.

**LEGISLATIVE BILL 737.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-15,149, 81-15,150, 81-15,151, 81-15,154, 81-15,155, and 81-15,156, Reissue Revised Statutes of Nebraska; to change provisions of the Wastewater Treatment Facilities Construction Assistance Act; to redefine a term; to change powers of the Director of Environmental Quality; to provide additional options for paying program costs; to expand categories of loan eligibility; to change loan conditions and terms as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 738.** Introduced by Ebke, 32; Morfeld, 46; Watermeier, 1.

A BILL FOR AN ACT relating to law enforcement; to prohibit the use of cell-site simulator technology or devices by law enforcement agencies as prescribed.

**LEGISLATIVE BILL 739.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to schools; to amend sections 79-528, 79-1007.18, 79-1008.02, 79-1022, 79-1036, 79-1041, 79-10,120, 79-10,126, 79-2104, 79-2111, and 79-2404, Reissue Revised Statutes of Nebraska, sections 70-651.04 and 77-1736.06, Revised Statutes Cumulative Supplement, 2014, and section 77-3442, Revised Statutes Supplement, 2015; to eliminate certain taxing authority of learning communities; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1073, 79-1073.01, and 79-10,126.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 740.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Unfair Insurance Claims Settlement Practices Act; to amend section 44-1540, Revised Statutes Cumulative Supplement, 2014; to add an unfair claims settlement practice; and to repeal the original section.

**LEGISLATIVE BILL 741.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to elections; to amend section 32-1524, Reissue Revised Statutes of Nebraska; to change prohibitions related to yard signs; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 742.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to counties; to amend sections 2-955, 8-157, 23-150, 23-151, 23-1723, 23-1723.01, 23-1732, 23-2503, 23-2518, 23-3502, 23-3582, 29-902.01, 32-221, 32-555, 33-114.01, and 71-1631, Reissue Revised Statutes of Nebraska, section 32-554, Revised Statutes Cumulative Supplement, 2014, and sections 23-148 and 32-528, Revised Statutes Supplement, 2015; to change county population thresholds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 743.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to clarify compensation for shoulder injuries; and to repeal the original section.

**LEGISLATIVE BILL 744.** Introduced by Watermeier, 1; Kolterman, 24.

A BILL FOR AN ACT relating to adoptions; to provide for communication and contact agreements in private and agency adoptions as prescribed; and to prohibit enforcement of agreements by civil action.

**LEGISLATIVE BILL 745.** Introduced by McCollister, 20; Johnson, 23; Kolowski, 31.

A BILL FOR AN ACT relating to game and parks; to amend section 37-406, Reissue Revised Statutes of Nebraska, and sections 37-327, 37-405, 37-407, 37-415, 37-420, 37-421, 37-421.01, 37-426, 37-438, 37-447, 37-449, 37-450, 37-451, 37-457, 37-484, 37-490, 37-497, and 37-4,111, Revised Statutes Cumulative Supplement, 2014; to change the limit for increasing fees by the Game and Parks Commission; to change provisions relating to permits and permit applications; to change license, permit, stamp, and application fees as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 746.** Introduced by Campbell, 25; Bolz, 29; Coash, 27; Howard, 9; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to foster care; to amend sections 43-1311.03 and 43-1312, Revised Statutes Cumulative Supplement, 2014, and sections 43-272.01 and 43-285, Revised Statutes Supplement, 2015; to adopt the Nebraska Strengthening Families Act; to change reporting requirements for guardians ad litem; to change provisions relating to independent living transition proposals and permanency plans; to create the Normalcy Task Force; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 747.** Introduced by Kolterman, 24; Gloor, 35; Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Capital Expansion Act; to amend section 72-1263, Revised Statutes Cumulative Supplement, 2014; to increase the amount of funds offered to banks and other financial institutions as deposits; and to repeal the original section.

**LEGISLATIVE BILL 748.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-194.03, Reissue Revised Statutes of Nebraska; to change provisions relating to limits on bringing alcoholic liquor into the state for personal consumption; and to repeal the original section.

**LEGISLATIVE BILL 749.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2015; to change an income tax exemption for benefits received under the federal Social Security Act; and to repeal the original section.

**LEGISLATIVE BILL 750.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-175, 38-190, 38-1,105, 38-1,106, 38-1,121, 38-1,129, 38-1,130, and 38-1,134, Reissue Revised Statutes of Nebraska, sections 38-1,126 and 38-1,127, Revised Statutes Cumulative Supplement, 2014, and sections 38-101 and 71-401, Revised Statutes Supplement, 2015; to provide for confidentiality as prescribed; to provide prohibitions on retaliation as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 751.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-115.01, 8-117, 8-157, 8-234, 8-374, 8-1510, and 21-1725.01, Reissue Revised Statutes of Nebraska; to provide that payment of certain expenses is

not a condition precedent to certain approvals by the Director of Banking and Finance; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 752.** Introduced by Crawford, 45; Cook, 13; Kolowski, 31; Krist, 10; Morfeld, 46.

A BILL FOR AN ACT relating to education; to create and provide membership and duties for the Adult Career Pathways Task Force; and to provide a termination date.

**LEGISLATIVE BILL 753.** Introduced by Crawford, 45; Bloomfield, 17; Craighead, 6; Garrett, 3; Hansen, 26; Hilkemann, 4; Krist, 10; Morfeld, 46.

A BILL FOR AN ACT relating to the Military Code; to amend section 55-161, Reissue Revised Statutes of Nebraska; to change provisions relating to absence from employment for military purposes; and to repeal the original section.

**LEGISLATIVE BILL 754.** Introduced by Crawford, 45; Craighead, 6; Garrett, 3; Hansen, 26; Krist, 10; Morfeld, 46.

A BILL FOR AN ACT relating to the military; to create the Commission on Military and Veteran Affairs; to provide for membership, terms, duties, expenses, and staff; and to require a report.

**LEGISLATIVE BILL 755.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Trustees of the Nebraska State Colleges.

**LEGISLATIVE BILL 756.** Introduced by Legislative Performance Audit Committee: Watermeier, 1, Chairperson; Krist, 10; Kuehn, 38; Larson, 40; Mello, 5; Scheer, 19; Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6103, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement, 2015; to terminate the Nebraska long-term care savings plan; to harmonize provisions; to repeal the original sections; to outright repeal sections 77-6101, 77-6102, 77-6104, and 77-6105, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 757.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1552 and 25-1556, Reissue Revised Statutes of Nebraska; to change provisions relating to personal property exemptions in cases of forced sale on execution or attachment; and to repeal the original sections.

**LEGISLATIVE BILL 758.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to insurance; to amend section 21-104, Reissue Revised Statutes of Nebraska, and section 44-8216, Revised Statutes Cumulative Supplement, 2014; to prohibit limited liability companies from operating as insurers; to change provisions relating to special purpose financial captive insurers; and to repeal the original sections.

**LEGISLATIVE BILL 759.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to bank deposits and collections; to amend section 4-403, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to stop-payment orders; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 760.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-318 and 8-345.01, Reissue Revised Statutes of Nebraska, section 8-135, Revised Statutes Cumulative Supplement, 2014, and section 8-157.01, Revised Statutes Supplement, 2015; to update certain references to the federal Electronic Fund Transfer Act; to change an internal reference; and to repeal the original sections.

**LEGISLATIVE BILL 761.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Consumer Rental Purchase Agreement Act; to amend sections 69-2103, 69-2104, and 69-2112, Revised Statutes Cumulative Supplement, 2014; to change and update certain federal references; and to repeal the original sections.

**LEGISLATIVE BILL 762.** Introduced by Kintner, 2; Bloomfield, 17; Coash, 27.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend section 77-4008, Reissue Revised Statutes of Nebraska; to change the tax on cigars, cheroots, and stogies as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 763.** Introduced by Garrett, 3; Craighead, 6; Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2714.01, 77-2753, and 77-2761, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement, 2015; to adopt the Nebraska is Honoring Our Military Exemption Act; to provide an income tax exemption as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 764.** Introduced by Garrett, 3; Bloomfield, 17; Craighead, 6; Crawford, 45; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to the Nebraska Code of Military Justice; to amend sections 55-401, 55-402, 55-416, 55-418, 55-419, 55-427, 55-428, and 55-452, Reissue Revised Statutes of Nebraska; to authorize summary discipline for minor offenses as prescribed; to change certain references to the code; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 765.** Introduced by Garrett, 3; Bolz, 29; Craighead, 6; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-154, Revised Statutes Cumulative Supplement, 2014; to increase original certificate of title fees for vehicles transferred to Nebraska from another state; to provide for distribution of such fees; and to repeal the original section.

**LEGISLATIVE BILL 766.** Introduced by Garrett, 3; Bloomfield, 17; Craighead, 6; Krist, 10.

A BILL FOR AN ACT relating to veterans; to amend section 80-411, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for waiver of educational tuition and fees as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 767.** Introduced by Garrett, 3; Craighead, 6; Watermeier, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-332, Reissue Revised Statutes of Nebraska, sections 28-325, 28-326, 28-340, and 38-2021, Revised Statutes Cumulative Supplement, 2014, and section 28-101, Revised Statutes Supplement, 2015; to prohibit dismemberment abortion as prescribed; to define a term; to provide for a disciplinary proceeding, for civil damages, for a criminal penalty; and a savings clause; to harmonize provisions; to provide for severability; and to repeal the original sections.

**LEGISLATIVE BILL 768.** Introduced by Garrett, 3; Craighead, 6; Krist, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Supplement, 2015; to provide for Choose Life License Plates; to create a fund; to provide for grants to certain organizations; to harmonize provisions; and to repeal the original sections.



**LEGISLATIVE BILL 769.** Introduced by Garrett, 3; Craighead, 6; Groene, 42; Watermeier, 1.

A BILL FOR AN ACT relating to firearms; to amend sections 28-1204.02, 69-2441, and 79-283, Reissue Revised Statutes of Nebraska, and section 29-820, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to forfeited or abandoned firearms; to eliminate certain state-wide restrictions and penalties on the carrying of firearms; to repeal the original sections; and to outright repeal section 79-263, Reissue Revised Statutes of Nebraska, and sections 28-1204.03 and 28-1204.04, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 770.** Introduced by Groene, 42; Gloor, 35.

A BILL FOR AN ACT relating to the Nebraska Exchange Transparency Act; to amend sections 44-8703 and 44-8706, Revised Statutes Cumulative Supplement, 2014; to change the termination date of the act and the terms of certain commission members; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 771.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1106 and 8-1108.02, Revised Statutes Supplement, 2015; to change provisions relating to registration by coordination and federal covered securities; and to repeal the original sections.

#### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 378CA.** Introduced by Kuehn, 38.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 26 to Article XV:

XV-26 (1) To protect agriculture as a vital sector of Nebraska's economy, which provides food, energy, health benefits, and security and is the foundation and stabilizing force of Nebraska's economy, the rights of citizens and lawful residents of Nebraska to engage in farming and ranching practices shall be forever guaranteed in this state, and the Legislature shall pass no law which abridges the right of citizens and lawful residents of Nebraska to employ agricultural technology and livestock production and ranching practices without a compelling state interest.

(2) This section shall not be construed to modify any provision of law relating to trespass, eminent domain, dominance of mineral interests, easements, rights of way, or any other property rights.

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

A constitutional amendment to guarantee the right to engage in certain farming and ranching practices.

For

Against.

**LEGISLATIVE RESOLUTION 379CA.** Introduced by Bloomfield, 17.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 12 to Article XVII:

XVII-12 (1) For purposes of this section, state elective office means the office of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, member of the Legislature, and member of a board or commission established by this Constitution with one or more election districts of more than one county.

(2) Any official elected or appointed to a state elective office may be recalled from office at any time through the procedure and in the manner provided for by law. The procedure shall be known as recall and shall be in addition to any other method of removal from office provided by this Constitution.

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

A constitutional amendment to provide for recall of holders of state elective office as prescribed by law.

For

Against.

**LEGISLATIVE RESOLUTION 380CA.** Introduced by Bloomfield, 17.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises

which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) ~~Twenty-six~~~~Forty-four~~ and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) ~~Sixty-five~~~~Forty-four~~ and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) ~~Seven and one-half~~~~Ten~~ percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ~~seven and one-half~~~~ten~~ percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

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

A constitutional amendment to change the distribution of state lottery proceeds.

For

Against.

**LEGISLATIVE RESOLUTION 381.** Introduced by Ebke, 32; Craighead, 6; Fox, 7; Friesen, 34; Groene, 42; Lindstrom, 18; Scheer, 19; Schnoor, 15; Smith, 14; Watermeier, 1.

WHEREAS, The first Congress of the United States, at its first session, held in New York, New York, on the twenty-fifth day of September, in the year one thousand seven hundred and eighty-nine, passed the following resolution to amend the Constitution of the United States of America, in the following words and figures in part, to wit:

The Conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government will best ensure the beneficent ends of its institution;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

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

1. That such proposed amendment to the Constitution of the United States be ratified.

2. That the Clerk of the Legislature send copies of this resolution to the Administrator of the General Services Administration, the President of the United States Senate, and the Speaker of the United States House of Representatives.

**LEGISLATIVE RESOLUTION 382.** Introduced by Gloor, 35; Friesen, 34.

WHEREAS, the Case New Holland America, LLC manufacturing facility in Grand Island has achieved 50 years of producing industry leading agricultural equipment; and

WHEREAS, the facility in Grand Island was created out of a need for locally built, highly productive, and superior quality harvesting machinery; and

WHEREAS, it first opened for operation in October, 1965, and has continued to expand to meet customer needs for 50 years; and

WHEREAS, the first product lines launched from the Grand Island facility were Sperry New Holland 980 and 990 combines; and

WHEREAS, the first combine rolled off the production line on November 22, 1965; and

WHEREAS, Case New Holland America, LLC has continually improved and expanded its world class manufacturing operations through the hard work and dedication of the employees working at the Grand Island facility.

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

1. That the Legislature congratulates Case New Holland America, LLC in Grand Island on achieving the milestone of producing industry leading agricultural equipment for 50 years and commends them on their achievements.

2. That a copy of this resolution be sent to Case New Holland America, LLC in Grand Island and Operations Manager William Baasch.

Laid over.

**LEGISLATIVE RESOLUTION 383.** Introduced by Brasch, 16.

WHEREAS, Darcey Simonsen, a senior at Lyons-Decatur Northeast High School, won third place in the discus at the 2015 Class D Girls State Track and Field Championship; and

WHEREAS, in addition to track and field, Darcey was also involved in volleyball, basketball, and dance; 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 Darcey Simonsen on winning third place in the discus at the 2015 Class D Girls State Track and Field Championship.

2. That a copy of this resolution be sent to Darcey Simonsen.

Laid over.

**LEGISLATIVE RESOLUTION 384.** Introduced by Brasch, 16.

WHEREAS, the 3200 meter relay team from Wisner-Pilger High School won second place at the 2015 Class C Boys State Track and Field Championship with a time of 8:11:41; and

WHEREAS, members of the relay team included Samuel Ferguson, Cooper Von Seggern, Riley Ruskamp, and Jacob Von Seggern; 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 3200 meter relay team from Wisner-Pilger High School on winning second place at the 2015 Class C Boys State Track and Field Championship.

2. That a copy of this resolution be sent to Samuel Ferguson, Cooper Von Seggern, Riley Ruskamp, and Jacob Von Seggern.

Laid over.

**LEGISLATIVE RESOLUTION 385.** Introduced by Brasch, 16.

WHEREAS, Alexander Tietz, a senior at Fort Calhoun High School, won second place in the 3200 meter run at the 2015 Class B Boys State Track and Field Championship; and

WHEREAS, Alexander also won third place in the 1600 meter run at the state track and field championship; and

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

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

1. That the Legislature congratulates Alexander Tietz on winning second place in the 3200 meter run and third place in the 1600 Meter Run at the 2015 Class B Boys State Track and Field Championship.

2. That a copy of this resolution be sent to Alexander Tietz.

Laid over.

**LEGISLATIVE RESOLUTION 386.** Introduced by Brasch, 16.

WHEREAS, Ashleigh Carr, a senior at Oakland-Craig High School, won third place in both the 200 meter dash and 400 meter dash at the 2015 Class C Girls State Track and Field Championship; and

WHEREAS, Ashleigh's performance helped lead the Oakland-Craig Knights to a fourth place team finish and earn a team score of 36 points; 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 Ashleigh Carr on winning third place in both the 200 meter dash and 400 meter dash at the 2015 Class C Girls State Track and Field Championship.

2. That a copy of this resolution be sent to Ashleigh Carr.

Laid over.

**LEGISLATIVE RESOLUTION 387.** Introduced by Brasch, 16.

WHEREAS, Bancroft-Rosalie Elementary School was recognized as a 2015 National Blue Ribbon School by the United States Department of Education; and

WHEREAS, the Blue Ribbon Schools Program honors public and private elementary, middle, and high schools that are exemplary, high-performing schools or that have improved student achievement to high levels, especially among disadvantaged and minority students; and

WHEREAS, Bancroft-Rosalie High School was ranked 253 out of the 500 schools on Newsweek's 2015 "Beating the Odds" list; and

WHEREAS, Newsweek's rankings aim to identify public high schools across the United States that excel at preparing students for college while overcoming the obstacles posed by socioeconomic inequality; and

WHEREAS, Bancroft-Rosalie High School ranked in the 81st percentile for college readiness and achieved 100 percent in the categories of student retention, graduation rate, and percentage of students who go to college; and

WHEREAS, Bancroft-Rosalie Public School was the only Nebraska school to achieve recognition as both a Blue Ribbon and "Beating the Odds" school; and

WHEREAS, these achievements are a testament to the dedication of the students of Bancroft-Rosalie Public School, as well as the commitment of the faculty and staff to providing the best educational opportunities for their students.

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

1. That the Legislature congratulates the students, faculty, and staff of Bancroft-Rosalie Public School on their admirable achievements and applauds their dedication to a high standard of education.

2. That the Legislature recognizes the superior administration of Superintendent and Elementary School Principal Dr. Jon Cerny and Principal Mike Sjuts and thanks them for their commitment to their students.

3. That a copy of this resolution be sent to Bancroft-Rosalie Public School, Dr. Jon Cerny, and Mike Sjuts.

Laid over.

**LEGISLATIVE RESOLUTION 388.** Introduced by Brasch, 16; Baker, 30; Bloomfield, 17; Bolz, 29; Campbell, 25; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, Joseph G. Lemm, a technical sergeant with the 105th Security Forces Squadron of the New York Air National Guard, died on December 21, 2015, from wounds he received while serving his country in Afghanistan; and

WHEREAS, Joseph served three tours of duty in both Iraq and Afghanistan. Throughout his military service, he received numerous awards and commendations including a Purple Heart. He will be posthumously awarded the Bronze Star with Valor; and

WHEREAS, Joseph was also a 16-year veteran of the New York City Police Department with over 590 arrests to his credit. After serving in the 48th Precinct and Bronx Street Crime Unit, Joseph was promoted to detective as a member of the Bronx Warrant Squad; and

WHEREAS, as a police officer, Joseph spent three weeks at Ground Zero after the terrorist attacks on September 11, 2001, working over eighteen hours a day searching for survivors; and

WHEREAS, Joseph was a 1989 graduate of Beemer High School where he excelled as an athlete in football, basketball, and track; and

WHEREAS, Joseph leaves behind his wife Christine, daughter Brooke, and son Ryan.

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

1. That the Legislature honors Joseph G. Lemm for his service to his community, country, and the world and extends its deep sympathy to his family.

2. That a copy of this resolution be sent to the family of Joseph G. Lemm.

Laid over.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 772.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Insurance Holding Company System Act; to amend sections 44-2120, 44-2121, 44-2138, and 44-9004, Revised Statutes Cumulative Supplement, 2014; to define terms; to provide for



group-wide supervisors and international insurance groups as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Campbell, Stinner, Kolowski, Garrett, Scheer, Hansen, Mello, Morfeld, Pansing Brooks, Howard - LB166

**VISITORS**

Visitors to the Chamber were Rod Edwards; Senator Mello's parents, John and Cheri Mello from Omaha; and Gerald Sullivan and Bob Benzel from Omaha.

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Bloomfield, the Legislature adjourned until 10:00 a.m., Thursday, January 7, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**SECOND DAY - JANUARY 7, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 7, 2016

**PRAYER**

The prayer was offered by Senator Scheer.

**ROLL CALL**

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

The roll was called and all members were present except Senator Schilz who was excused; and Senators McCoy and Smith who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the first day was approved.

**2015 INTERIM REPORT  
ON THE DISPOSITION OF  
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
212	Examine utilization of commodity development program authority to influence federal legislation		X	
213	Interim study to develop a reference manual to describe and compare elements of commodity development programs	X		
214	Examine means to implement LB941 Dairy Growth Study recommendations		X	

215	Examine feasibility of establishing a program modeled after the buffer strip program for pesticide drift abatement		X	
216	Examine alternative means to indemnify for damages associated with pesticide drift			X
217	Interim study to complete the work of the LR309 interim study to examine means to mitigate conflicts arising from herbicide drift and sensitive crops			X
218	Examine utilization of in-store transfers to satisfy direct delivery obligations		X	
270	Study the fee structure of the Nebraska Brand Committee		X	
322	Study the potential for expansion of fruit and product gleaning in Nebraska			X

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
200	Interim study to examine the history and development of the Nebraska Innovation Campus at the University of Nebraska-Lincoln	X		
256	Interim study to examine the history and development of the Peter Kiewit Institute to include the University of Nebraska-Omaha College of Information Science and Technology and the University of Nebraska-Lincoln College of Engineering			X
257	Interim study to examine how to create a sustainable and adequate stream of state funds to local public health departments to ensure the departments are able to meet their core responsibilities and functions	X		

262	Interim study to examine creation of a separate program within the budget of the Department of Health and Human Services for long-term care expenditures made from all funding sources			X
296	Interim study to examine the financing of Nebraska's child welfare system			X
305	Interim study examine issues under the jurisdiction of the Appropriations Committee			X
321	Interim study to examine the potential growth for tourism in Nebraska and to develop funding recommendations		X	
333	Interim study to examine methods to improve government efficiency		X	
336	Interim study to examine the appropriation of funds to the State Department of Education to implement mentor teacher programs			X

Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
258	Interim study to determine whether the Real Property Appraiser Act should be amended		X	
263	Interim study to examine possible changes to the Nebraska Model Business Corporation Act		X	
324	Interim study to analyze the ability of employers or associations to enter into contracts with an agent or broker for compensation to be paid to the agent or broker for the sale of a health benefit plan			X
233	Interim study to examine payday loans and other short-term lending practices where high interest rates are charged and collected from customers			X
182	Interim study to investigate and			X

	make recommendations regarding what can be done to provide Nebraska consumers the necessary information to enable them to make informed decisions as to which health care plan to purchase			
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## Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
222	Examine issues relating to family and medical leave		Hearing held Sept. 25, 2015	
227	Examine opportunities to train Nebraska's youth for the workforce			X
228	Examine the Commission of Industrial Relations	X		
229	Examine Nebraska's unemployment insurance laws and unemployment insurance program		X	
239	Examine issues surrounding implementation of the federal Workforce Innovation and Opportunity Act in Nebraska			X
245	Review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to workers' compensation			X
246	Analyze the effectiveness of vocational rehabilitation in workers' compensation cases		Hearing held Oct. 1, 2015	
277	Examine workforce development that will support growth and retention of youth talent			X
297	Examine career technical education in Nebraska			X

## Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
223	Interim study to examine strategies and ideas to ensure more adults have the education			X

	and skills needed to fill positions for in demand industries in Nebraska			
249	Interim study to examine the use of seclusion in public and private schools for children with behavioral issues or special needs			X
255	Interim study to investigate issues under the jurisdiction of the Education Committee			X
271	Interim study to examine the positive and negative effects of education funding if Nebraska chooses not to accept federal funds that are tied to federal mandates			X
281	Interim study to review issues concerning the dates on which the fiscal year for Nebraska's public schools begin and end			X
283	Interim study to examine potential state policy and funding improvements to address unique educational needs of low-achieving students in poverty and students with limited English proficiency			X
284	Interim study to examine potential modifications to the laws governing learning communities			X
285	Interim study to examine class size in Nebraska's public schools			X
293	Interim study to examine the funding distribution for the community college areas			X
299	Interim study to examine the need-based financial aid program, the Nebraska Opportunity Grant Act, to determine whether the program is sufficient to meet the needs of students			X
314	Interim study to examine issues relating to the use of restraint and seclusion techniques in Nebraska schools		X	
334	Interim study to examine the integral link between achievement and risky health behaviors		X	

344	Interim study to examine the financing of public education and to develop recommendations for improving school funding in Nebraska	X		
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## Executive Board

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
254	Interim study to examine public charitable corporations in Nebraska		X	
303	Interim study to examine issues raised in LB501, 2015, addressing the appropriate use of legislative audio or video materials produced by a public television or public radio broadcasting station		X	

## General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
287	Interim study to examine craft breweries and whether brewpubs and microbreweries should be licensed as craft breweries or should have separate licenses		X	
288	Interim study to examine the statutory relationship between cities of the second class and villages and the public libraries within their jurisdictions		X	
289	Interim study to examine the current alcohol policies of the University of Nebraska system		X	
290	Interim study to examine how public libraries are archiving newspapers		X	
307	Interim study to examine issues under the jurisdiction of the General Affairs Committee (Pickle Cards)		X	
315	Interim study to examine the contractual relationship between craft breweries and distributors		X	



## Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
196	Interim study to examine current state statutes governing population thresholds for Nebraska counties.		X	
198	Interim study to examine how the state can assist individuals who are blind or who have other disabilities to achieve personal independence through gainful employment.		X	
269	Interim study to examine the aerial and aviation safety concerns of structures over fifty feet in height on which an antenna, sensor, camera, or other equipment is mounted.		X	
294	Interim study to examine issues under the jurisdiction of the Government, Military & Veterans Affairs Committee.		X	
335	Interim study to examine the most recent report published by the Presidential Commission on Election Administration.		X	

## Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
22	Health care – patient centered medical homes		X	
52	Child Maternal Death Review		X	
181	Public assistance and workforce		X	
185	Behavioral Health professional workforce		X	
231	Prescription Drug Monitoring Program		X	
242	Developmental disabilities and child welfare		X	
248	Strengthening families		X	
250	HHS committee issues		X	
259	Early childhood education – home visits		X	

275	Child care affordability		X	
291	Health – Stroke designation		X	
292	Child welfare – kinship assistance		X	
298	Emergency Medical Services		X	
300	Child welfare – Out of state placement		X	
304	Children's behavioral health		X	
306	Medicaid expansion		X	
310	Community paramedic		X	
312	Children's behavioral health		X	

## Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
295	Interim study to examine how to improve behavioral health and mental health services in Nebraska in order to prevent crime and reduce costs associated with the incarceration of people who have heightened behavioral and mental health needs		X	
38	Interim study to examine statutes governing prisons and parole to ensure the Board of Parole is independent from the Dept. of Correctional Services		X	
39	Interim study to examine certain acts to ensure the evaluation procedures regarding potentially mentally ill and dangerous inmates and potentially dangerous sex offenders are clear and consistent		X	
265	Interim study to examine minor traffic violation, adult, and juvenile pretrial diversion programs authorized by counties and municipalities	X		
311	Interim study to examine Second Chances, the operating while intoxicated jail diversion program in Iowa, to determine whether the program would be workable in Nebraska		X	

252	Interim study to examine court costs and fees in Nebraska	X		
186	Interim study to examine state services available to victims of human trafficking in Nebraska		X	
279	Interim study to examine issues under the jurisdiction of the Judiciary Committee	X		
286	Interim study to examine the effectiveness of civil forfeiture under the Uniform Controlled Substances Act		X	
211	Interim study to examine synthetic recreational drugs that are marketed and sold as incense		X	
320	Interim study to examine the membership, role, and duties of the Nebraska Police Standards Advisory Council		X	
244	Interim study to examine the salaries of all judges in Nebraska, including the history of adjusting these salaries	X		
276	Interim study to examine bullying by and against students and youth		X	
261	Interim study to examine implementing the use of body cameras for state and local law enforcement in Nebraska		X	
232	Interim study to examine the process by which a person changes his or her name		X	

Natural Resources

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
154	Interim study 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	X		
247	Interim study to examine the process of eliminating the Nebraska Oil and Gas Conservation Commission	X		

272	Interim study to examine the Niobrara Council and its current statutory authority outlined in the Niobrara Scenic River Act		X	
323	Interim study to examine issues surrounding the N-CORPE augmentation project		X	

## Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
243	Examine public employees retirement systems administered by the Public Employees Retirement Board		X	
301	Examine the practice of "double dipping"			X
230	Study pensions provided for firefighters from cities of the first class	X		

## Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
332	Examine tax revenues for public schools	X		
309	Structure of the individual income tax		X	
316	Examine Nebraska withdrawing from Master Settlement Agreement			X
302	Sales tax on Ag land sales and Ag Property Tax Credit	X		
260	Feasibility of Tax-Preferential Zones on college campuses			X
328	Implementing circuit breaker for Ag Land property tax	X		
327	Examine practices of county assessors	X		
326	Examine effect of like-kind exchanges on Ag Land values	X		
308	Examine tools for rural and ag economic development		X	
325	Examine use of adjusted property valuation as primary measurement of local resources for public education			X

329	Study sales and use taxes		X	
330	Study property taxes		X	
331	Study individual and corporate income taxes		X	

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
266	Max load limits for ag products		X	
313	Design/construction of expressway system		X	
317	Maximum weight limits		X	
318	Nebraska's state and local roads system		X	
319	Jurisdiction of PSC		X	
337	Distracted driving due to hand-held devices		X	
339	Removal of roadside vegetation		X	

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
152	Interim study to examine the Local Option Municipal Economic Development Act		X	
155	Interim study to examine current and potential economic development tools available to municipalities in Nebraska	X		
156	Interim study to examine issues under the jurisdiction of the Urban Affairs Committee			X
159	Interim study to examine issues surrounding handicapped parking		X	
174	Interim study to examine issues surrounding the Nebraska Energy Code		X	
240	Interim study to examine state law governing cities of the first class in Chapter 16 of the Nebraska statutes		X	
273	Interim study to examine the current practices of municipalities using tax increment financing under the Community Development Law			X

278	Interim study to examine existing resources and the need for additional tools for municipalities to further encourage revitalization of neighborhoods		X	
280	Interim study to examine municipal bankruptcy			X

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 773.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to early childhood; to create the Early Childhood Workforce Development Task Force; to provide for appointment of members; to require a report; and to declare an emergency.

**LEGISLATIVE BILL 774.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2014; to provide a sales and use tax exemption for purchases by nonprofit substance abuse treatment centers; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 775.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-120 and 77-201, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Supplement, 2015; to redefine a term; to change property tax provisions relating to motor vehicles; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 776.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2704.24 and 77-2791, Reissue Revised Statutes of Nebraska, sections 77-2712.03, 77-2793, and 77-3508, Revised Statutes Cumulative Supplement, 2014, and section 77-2716, Revised Statutes Supplement, 2015; to change provisions relating to a sales tax exemption for food, the streamlined sales and use tax agreement, income tax adjustments, income tax overpayments, claims for credit or refund, and homestead exemptions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 777.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1704.02, Reissue Revised Statutes of Nebraska; to change provisions

relating to partial payments for property taxes that are held in escrow; and to repeal the original section.

**LEGISLATIVE BILL 778.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-2701, 8-2734, 45-334, 45-335, 45-346, and 45-348, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Money Transmitters Act and the Nebraska Installment Sales Act; to eliminate obsolete provisions; to define a term; to change provisions relating to change in control; to harmonize provisions; to repeal the original sections; and to outright repeal section 8-2748, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 779.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to elections; to amend sections 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-526, 32-529, and 32-557, Reissue Revised Statutes of Nebraska, sections 32-519, 32-524, 32-525, and 32-707, Revised Statutes Cumulative Supplement, 2014, and section 32-528, Revised Statutes Supplement, 2015; to change provisions relating to the partisan status of certain offices; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 780.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 71-919 and 71-1203, Reissue Revised Statutes of Nebraska, and section 71-901, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to emergency protective custody; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 781.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to education; to require school districts to prepare for the closure of nonpublic schools as prescribed.

**LEGISLATIVE BILL 782.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2014; to require a state plan amendment relating to coverage for family planning services; to state intent relating to appropriations; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 783.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to

amend sections 60-316, 60-317, and 60-3,151, Reissue Revised Statutes of Nebraska, sections 60-3,147, 60-3,148, and 60-3,221, Revised Statutes Cumulative Supplement, 2014, and sections 60-301, 60-302, and 60-3,104, Revised Statutes Supplement, 2015; to define and redefine terms; to provide for registration of public power district vehicles as prescribed; to provide fees; to provide duties for the Department of Motor Vehicles; to change provisions relating to increase of gross vehicle weight and trailer towing restrictions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 784.** Introduced by Friesen, 34; Gloor, 35.

A BILL FOR AN ACT relating to the County Budget Act of 1937; to amend section 23-914, Reissue Revised Statutes of Nebraska; to authorize counties to expend funds prior to the adoption of a budget as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 785.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-493, 60-495, and 60-4,120.01, Reissue Revised Statutes of Nebraska, sections 60-479, 60-484, 60-4,113, 60-4,115, 60-4,117, 60-4,127, 60-4,149, 60-4,150, and 60-4,181, Revised Statutes Cumulative Supplement, 2014, and sections 60-462, 60-4,123, and 60-4,124, Revised Statutes Supplement, 2015; to change provisions relating to the Motor Vehicle Operator's License Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 786.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-605, Revised Statutes Cumulative Supplement, 2014; to change requirements for completion of death certificates and cremation permits; and to repeal the original section.

**LEGISLATIVE BILL 787.** Introduced by Morfeld, 46; Murante, 49.

A BILL FOR AN ACT relating to elections; to amend section 32-1527, Reissue Revised Statutes of Nebraska; to allow a voter to photograph and reveal a marked ballot as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 788.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Professional Landscape Architects Act; to amend sections 81-8,183.01, 81-8,184, 81-8,186, 81-8,190, 81-8,191, 81-8,191.01, 81-8,192, 81-8,194, 81-8,196, 81-8,198, 81-8,199, 81-8,200, 81-8,202, 81-8,204, 81-8,205, and 81-8,206, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to licensure and regulation of professional landscape architects; to provide and change penalties; to harmonize provisions; to repeal the original sections;



and to outright repeal sections 81-8,184.01, 81-8,185, 81-8,187, 81-8,188, 81-8,195, 81-8,197, 81-8,200.01, 81-8,200.02, 81-8,201, and 81-8,203, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 789.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend section 82-326, Reissue Revised Statutes of Nebraska; to change provisions regarding appropriations for the installation of art in public buildings; and to repeal the original section.

**LEGISLATIVE BILL 790.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement systems; to amend section 24-710.01, Reissue Revised Statutes of Nebraska, section 16-1002, Revised Statutes Cumulative Supplement, 2014, and sections 24-701, 79-902, 79-904.01, 79-934, and 79-978, Revised Statutes Supplement, 2015; to alphabetize defined terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 791.** Introduced by Ebke, 32; Craighead, 6.

A BILL FOR AN ACT relating to the Funeral Directing and Embalming Practice Act; to amend section 38-1424, Reissue Revised Statutes of Nebraska; to eliminate certain grounds for refusal or discipline of a credential under the Funeral Directing and Embalming Practice Act; and to repeal the original section.

**LEGISLATIVE BILL 792.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to lobbying; to amend section 49-1492, Reissue Revised Statutes of Nebraska; to prohibit certain former officeholders and public employees from being lobbyists as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 793.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-913 and 83-417, Reissue Revised Statutes of Nebraska, and sections 28-115, 28-929, 28-929.01, 28-930, 28-931, 28-1351, and 28-1354, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions and penalties relating to implements for escape and contraband and assault on an officer, certain employees, or a health care professional; to define a term; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-931.01, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 794.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to corporations; to amend sections 21-201,

21-214, 21-216, 21-227, 21-250, 21-253, 21-256, 21-2,110, 21-2,117, 21-2,172, and 21-303, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Model Business Corporation Act and corporate occupation taxes; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 795.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-316, 86-318, 86-323, and 86-324, Reissue Revised Statutes of Nebraska; to change provisions of the Nebraska Telecommunications Universal Service Fund Act; to define a term; to eliminate obsolete provisions; to establish the Wireless in Nebraska Program; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 796.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to insurance; to prohibit alterations to property and casualty liability coverage for claims arising under the Minor Alcoholic Liquor Liability Act; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 797.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3517, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the accrual of interest on denied and reduced exemptions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 798.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-2,239, 81-2,240, 81-2,244.01, 81-2,245.01, 81-2,248, 81-2,251.01, 81-2,251.06, 81-2,257, 81-2,259, 81-2,272.01, 81-2,272.24, and 81-2,277, Reissue Revised Statutes of Nebraska; to redefine terms and eliminate definitions; to update references to federal law; to change provisions relating to potentially hazardous food; to provide compliance requirements for salvage operations; to repeal adoption of and eliminate references to the Food Salvage Code; to eliminate provisions relating to a reduced oxygen packing method and the use of linens and cloth napkins; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-2,246.01, 81-2,247, 81-2,254.01, 81-2,258, 81-2,272.25, 81-2,272.27, and 81-2,272.34, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 799.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Public Transportation Act; to amend sections 13-1209, 13-1210, and 13-1212, Reissue Revised Statutes of Nebraska; to authorize state financial assistance for capital acquisition

costs as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 800.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education as prescribed.

**LEGISLATIVE BILL 801.** Introduced by Bolz, 29; Stinner, 48.

A BILL FOR AN ACT relating to the Long-Term Care Insurance Act; to amend section 44-4501, Reissue Revised Statutes of Nebraska; to require educational material on long-term care insurance and a report; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 802.** Introduced by Haar, K., 21; Mello, 5.

A BILL FOR AN ACT relating to public health and welfare; to state intent; to create the Health and Climate Resiliency Task Force; and to provide powers and duties.

**LEGISLATIVE BILL 803.** Introduced by Nebraska Retirement Systems Committee: Kolterman, 24, Chairperson; Davis, 43; Groene, 42; Kolowski, 31; Lindstrom, 18; Mello, 5.

A BILL FOR AN ACT relating to fees; to amend section 33-106.02, Reissue Revised Statutes of Nebraska; to change disposition of docket fees as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 804.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Investigational Drug Use Act.

**LEGISLATIVE BILL 805.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to retirement benefits and plans; to amend section 13-2402, Revised Statutes Supplement, 2015; to require an experience study by certain political subdivisions and a report filing as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 806.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to cities; to adopt the Riverfront Development District Act; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 807.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to county attorneys; to amend section

23-1201, Reissue Revised Statutes of Nebraska; to change a provision relating to quarterly reports of criminal cases by county attorneys; and to repeal the original section.

**LEGISLATIVE BILL 808.** Introduced by Hansen, 26; Crawford, 45.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2714, Reissue Revised Statutes of Nebraska; to change provisions relating to amending an economic development program; and to repeal the original section.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 389CA.** Introduced by Harr, B., 8.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

Article I, section 29, of the Constitution of Nebraska is repealed.

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

A constitutional amendment to remove provisions regarding marriage from the Constitution of Nebraska.

For

Against.

### AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB447: AM1815 is available in the Bill Room.

### SENATOR GLOOR PRESIDING

#### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 809.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Property Tax Credit Cash Fund.

**LEGISLATIVE BILL 810.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to game and parks; to amend section 37-913, Reissue Revised Statutes of Nebraska; to transfer funds as

prescribed; to provide requirements on the use of certain funds; to eliminate the Nebraska Youth Conservation Program and a fund; to repeal the original section; and to outright repeal sections 37-915, 37-916, 37-917, 37-918, 37-919, 37-920, and 37-921, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 811.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-370, Reissue Revised Statutes of Nebraska; to change provisions relating to motor vehicle registration; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 812.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2015; to provide a sales tax exemption relating to custom software; to harmonize provisions; to provide an operative date; and to repeal the original sections.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 390CA.** Introduced by Davis, 43.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 1:

VII-1 (1) The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.

(2) The Legislature shall provide funding for community colleges using the proceeds of sales and use taxes or income taxes or both. Community colleges shall not be funded using property taxes.

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

A constitutional amendment to require the Legislature to fund community colleges using sales and use taxes, income taxes, or both, and to prohibit the use of property taxes for community colleges.

For

Against.

**LEGISLATIVE RESOLUTION 391.** Introduced by Brasch, 16.

WHEREAS, Guardian Angels Central Catholic High School in West Point had an outstanding 2015 season in volleyball; and

WHEREAS, the Guardian Angels Central Catholic Bluejays won third place in the 2015 Class C-2 State Volleyball Championship by defeating Shelby-Rising City High School; and

WHEREAS, this achievement would not have been possible without the Bluejays' teamwork and commitment and the efforts of Coach Kate Hagemann; 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 Guardian Angels Central Catholic Bluejays for their outstanding season and for winning third place in the 2015 Class C-2 State Volleyball Championship.

2. That a copy of this resolution be sent to the Guardian Angels Central Catholic Bluejays and Coach Kate Hagemann.

Laid over.

**LEGISLATIVE RESOLUTION 392.** Introduced by Brasch, 16.

WHEREAS, Oakland-Craig High School had an outstanding 2015 football season; and

WHEREAS, the Oakland-Craig Knights played in the championship game and won second place in the 2015 Class C-2 State Football Championship; and

WHEREAS, this achievement would not have been possible without the Knights' teamwork and dedication and the hard work of Coach Joe Anderson; 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 Oakland-Craig Knights for their outstanding season and for winning second place in the 2015 Class C-2 State Football Championship.

2. That a copy of this resolution be sent to the Oakland-Craig Knights and Coach Joe Anderson.

Laid over.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB665	General File
LB666	General File
LB667	General File
LB668	Transportation and Telecommunications
LB669	Transportation and Telecommunications
LB670	Judiciary
LB671	Revenue
LB672	Natural Resources
LB673	Judiciary
LB674	Health and Human Services
LB675	Judiciary
LB676	Banking, Commerce and Insurance
LB677	Government, Military and Veterans Affairs
LB678	Banking, Commerce and Insurance
LB679	Judiciary
LB680	Health and Human Services
LB681	Judiciary
LB682	Government, Military and Veterans Affairs
LB683	Revenue
LB684	Health and Human Services
LB685	Revenue
LB686	Executive Board
LB687	Government, Military and Veterans Affairs
LB688	Transportation and Telecommunications
LB689	Revenue
LB690	Health and Human Services
LB691	Education
LB692	Education
LB693	Judiciary
LB694	Government, Military and Veterans Affairs
LB695	Government, Military and Veterans Affairs
LB696	Health and Human Services
LB697	Health and Human Services
LB698	Health and Human Services
LB699	Urban Affairs
LB700	Urban Affairs
LB701	Health and Human Services
LB702	Government, Military and Veterans Affairs
LB703	Urban Affairs
LB704	Urban Affairs
LB705	Urban Affairs
LB706	Banking, Commerce and Insurance
LB707	Judiciary
LB708	Health and Human Services

LB709	Judiciary
LB710	Judiciary
LB711	Natural Resources
LB712	Natural Resources
LB713	Appropriations
LB714	Natural Resources
LB715	Appropriations
LB716	Transportation and Telecommunications
LB717	Revenue
LB718	Government, Military and Veterans Affairs
LB719	Urban Affairs
LB720	Judiciary
LB721	Health and Human Services
LB722	Health and Human Services
LB723	Revenue
LB724	Revenue
LB725	Revenue
LB726	Education
LB728	Government, Military and Veterans Affairs
LB729	Banking, Commerce and Insurance
LB730	Agriculture
LB731	Banking, Commerce and Insurance
LB732	Transportation and Telecommunications
LB733	Appropriations
LB734	Education
LB735	Transportation and Telecommunications
LB736	Natural Resources
LB737	Natural Resources
LB738	Judiciary
LB739	Education
LB740	Banking, Commerce and Insurance
LB741	Government, Military and Veterans Affairs
LB742	Government, Military and Veterans Affairs
LB743	Business and Labor
LB744	Judiciary
LB745	Natural Resources
LB746	Health and Human Services
LB747	Nebraska Retirement Systems
LB748	General Affairs
LB749	Revenue
LB750	Health and Human Services
LB751	Banking, Commerce and Insurance
LB752	Education
LB753	Government, Military and Veterans Affairs
LB754	Government, Military and Veterans Affairs
LB755	Appropriations
LB756	Revenue
LB757	Judiciary
LB758	Banking, Commerce and Insurance



LB759 Banking, Commerce and Insurance  
 LB760 Banking, Commerce and Insurance  
 LB761 Banking, Commerce and Insurance  
 LB763 Revenue  
 LB764 Government, Military and Veterans Affairs  
 LB765 Transportation and Telecommunications  
 LB766 Government, Military and Veterans Affairs  
 LB767 Judiciary  
 LB768 Transportation and Telecommunications  
 LB769 Judiciary  
 LB770 Banking, Commerce and Insurance  
 LB771 Banking, Commerce and Insurance  
 LB772 Banking, Commerce and Insurance  
 LR378CA Agriculture  
 LR379CA Government, Military and Veterans Affairs  
 LR380CA General Affairs  
 LR381 Government, Military and Veterans Affairs

(Signed) Bob Krist, Chairperson  
 Executive Board

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Mello - LB447  
 McCollister, Schumacher - LB166  
 Bloomfield - LB674  
 Garrett - LB289 and LB471  
 Haar, K. - LB166

**VISITORS**

The Doctor of the Day was Dr. Kevin Wycoff from Hastings.

**ADJOURNMENT**

At 11:38 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 10:00 a.m., Friday, January 8, 2016.

Patrick J. O'Donnell  
 Clerk of the Legislature



**THIRD DAY - JANUARY 8, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 8, 2016

**PRAYER**

The prayer was offered by Senator Sullivan.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ebke, Johnson, and Schilz who were excused; and Senator Smith who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the second day was approved.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 813.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to public health and welfare; to authorize certain persons to donate plasma as prescribed.

**LEGISLATIVE BILL 814.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,124, Revised Statutes Supplement, 2015; to change a requirement for issuance of a school permit; and to repeal the original section.

**LEGISLATIVE BILL 815.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 71-963, Revised Statutes Cumulative Supplement,

2014; to change provisions relating to petitions for removal of a person's firearms-related disabilities or disqualifications; and to repeal the original section.

**LEGISLATIVE BILL 816.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to public health; to amend section 83-109, Reissue Revised Statutes of Nebraska, and section 50-424, Revised Statutes Supplement, 2015; to change provisions relating to release of patient and resident records; to eliminate certain reporting requirements; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-825, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 817.** Introduced by Riepe, 12; Hilkemann, 4; Hughes, 44; Kolterman, 24; Stinner, 48.

A BILL FOR AN ACT relating to health care; to adopt the Direct Primary Care Agreement Act.

**LEGISLATIVE BILL 818.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Children's Residential Facilities and Placing Licensure Act; to amend section 71-1936, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to immunity when submitting a complaint; and to repeal the original section.

#### **SENATOR SCHEER PRESIDING**

**LEGISLATIVE BILL 819.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to amend section 44-4404, Reissue Revised Statutes of Nebraska; to adopt the Corporate Governance Annual Disclosure Act; to change provisions relating to risk retention groups; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 820.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to gambling; to amend sections 9-401, 9-411, 9-415, 9-501, 9-507, 9-509, and 9-607, Reissue Revised Statutes of Nebraska; to redefine terms; to provide another method of selection of winning tickets in certain lotteries and raffles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 821.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to employment; to adopt the Workplace Privacy Act.

**LEGISLATIVE BILL 822.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the State Electrical Division; to amend section 81-2103, Reissue Revised Statutes of Nebraska; to eliminate consent of the Legislature for appointment of State Electrical Board members; and to repeal the original section.

**LEGISLATIVE BILL 823.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend section 81-8,139, Revised Statutes Supplement, 2015; to change the powers of the commissioner; to provide for identification of banned substances and banned substance testing; to provide for suspension and civil penalties as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 824.** Introduced by McCollister, 20; Baker, 30; Brasch, 16; Davis, 43; Haar, K., 21; Kolowski, 31; Lindstrom, 18; Watermeier, 1.

A BILL FOR AN ACT relating to public power; to amend section 70-670, Reissue Revised Statutes of Nebraska, sections 70-1001.01, 70-1013, 70-1014, and 70-1015, Revised Statutes Cumulative Supplement, 2014, and sections 70-1903 and 77-6203, Revised Statutes Supplement, 2015; to provide, change, and eliminate definitions; to exempt certain privately developed renewable energy generation facilities from regulation as prescribed; to eliminate provisions related to certified renewable export facilities; to harmonize provisions; to repeal the original sections; and to outright repeal sections 70-1014.02 and 70-1028, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 825.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-382, Revised Statutes Cumulative Supplement, 2014; to provide reporting requirements for tax-exempt property as prescribed; to provide duties for the Department of Revenue; to change provisions relating to a tax expenditure report; and to repeal the original section.

**LEGISLATIVE BILL 826.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-1142 and 79-1145, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 827.** Introduced by Harr, B., 8; Garrett, 3.

A BILL FOR AN ACT relating to fees; to amend section 33-114, Reissue

Revised Statutes of Nebraska; to allow county treasurers to receive fees for services rendered to sanitary and improvement districts; and to repeal the original section.

**LEGISLATIVE BILL 828.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-602, Revised Statutes Supplement, 2015; to redefine terms; and to repeal the original section.

**LEGISLATIVE BILL 829.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to fiduciaries; to adopt the Revised Uniform Fiduciary Access to Digital Assets Act (2015); to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 830.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to state employees; to amend section 81-1328, Reissue Revised Statutes of Nebraska; to change provisions relating to vacation leave; and to repeal the original section.

**LEGISLATIVE BILL 831.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to motor vehicles; to adopt the Automatic License Plate Reader Privacy Act; and to provide severability.

**LEGISLATIVE BILL 832.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-309.01, Reissue Revised Statutes of Nebraska; to declare that transportation of household goods for hire without a certificate is a public nuisance; to provide for seizure and sale of a motor vehicle in violation; to provide duties for the commission; and to repeal the original section.

**LEGISLATIVE BILL 833.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to child support; to amend section 42-348, Reissue Revised Statutes of Nebraska, sections 43-512.03 and 43-1411.01, Revised Statutes Cumulative Supplement, 2014, and section 43-512.04, Revised Statutes Supplement, 2015; to change provisions relating to child support enforcement actions as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 834.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Supplement, 2015; to prohibit the retail sale of alcohol at or below cost; to provide for damages, attorney's

fees, and civil penalties as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 835.** Introduced by Mello, 5; Coash, 27.

A BILL FOR AN ACT relating to consumer protection; to amend sections 8-2603, 59-1611, 59-1614, 87-301, 87-302, 87-303, 87-802, 87-803, and 87-804, Reissue Revised Statutes of Nebraska; to change provisions relating to the Credit Report Protection Act, Consumer Protection Act, Uniform Deceptive Trade Practices Act, and Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 836.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to public safety officials; to adopt the In the Line of Duty Compensation Act; and to provide compensation for deaths occurring in the line of duty as prescribed.

**LEGISLATIVE BILL 837.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Surplus Lines Insurance Act; to amend sections 44-5506 and 44-5515, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to premium taxes and quarterly statements; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 838.** Introduced by Bolz, 29; Campbell, 25; Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to state intent regarding an educational specialist as prescribed.

**LEGISLATIVE BILL 839.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to personal property; to require background checks and other requirements for persons purchasing certain types of tactical gear and helmets, body armor, night-vision goggles, and high-capacity ammunition clips.

**LEGISLATIVE BILL 840.** Introduced by Fox, 7; Craighead, 6; Howard, 9; Kintner, 2; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schnoor, 15; Watermeier, 1; Williams, 36.

A BILL FOR AN ACT relating to the Health Carrier External Review Act; to amend sections 44-1305 and 44-1307, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the time allowed for certain internal grievances; and to repeal the original sections.

**LEGISLATIVE BILL 841.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-626 and 48-628, Reissue Revised Statutes of Nebraska; to change provisions relating to maximum annual unemployment benefit amounts and disqualification for unemployment benefits; and to repeal the original sections.

**LEGISLATIVE BILL 842.** Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to health and human services; to amend section 71-208, Reissue Revised Statutes of Nebraska, and section 71-202.01, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to change provisions relating to prerequisites to admission to and graduation from barber schools or colleges as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 843.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-801 and 43-248, Revised Statutes Cumulative Supplement, 2014, and section 43-1303, Revised Statutes Supplement, 2015; to change provisions relating to prostitution; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 844.** Introduced by Pansing Brooks, 28; Bolz, 29; Brasch, 16; Craighead, 6; Crawford, 45; Fox, 7; Howard, 9; Sullivan, 41.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-3,104, and 60-3,130.04, Revised Statutes Supplement, 2015; to provide for Breast Cancer Awareness Plates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 845.** Introduced by Pansing Brooks, 28; McCollister, 20; Schumacher, 22; Williams, 36.

A BILL FOR AN ACT relating to juvenile confinement; to amend sections 83-4,125, 83-4,126, 83-4,132, and 83-4,134, Reissue Revised Statutes of Nebraska; and section 43-251.01, Revised Statutes Supplement, 2015; to define terms; to provide requirements relating to room confinement of juveniles; to provide for reports; to provide a duty for the Inspector General of Nebraska Child Welfare; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 846.** Introduced by Pansing Brooks, 28; Morfeld, 46; Schumacher, 22; Williams, 36.

A BILL FOR AN ACT relating to witnesses; to require law enforcement agencies to adopt a policy on suspect identification by witnesses as prescribed.



**LEGISLATIVE BILL 847.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juries; to amend sections 25-412.04, 25-1107.01, 25-1108, 25-1121, 25-1313, 25-1601, 25-1601.03, 25-1606, 25-1607, 25-1611, 25-1612, 25-1627, 25-1627.01, 25-1629, 25-1629.01, 25-1629.04, 25-1630, 25-1631.03, 25-1632, 25-1632.01, 25-1633, 25-1633.01, 25-1634.01, 25-1635, 25-1636, 25-1637, 25-1641, 25-1642, 25-1643, 28-916, 29-1201, 29-2003, 29-2011, 29-2017, and 29-2023, Reissue Revised Statutes of Nebraska, and sections 25-1628, 25-2705, and 33-138, Revised Statutes Cumulative Supplement, 2014; to name the Jury Selection Act; to change provisions relating to jurors' notes and jurors viewing property or a place subject to litigation; to change terminology relating to juries; to define terms; to change provisions relating to juror qualifications and summoning jurors; to change and eliminate powers and duties of a jury commissioner; to change provisions relating to jury lists; to provide duties for clerk magistrates; to change provisions relating to juror compensation; to eliminate provisions relating to summary jury trials and submissions to a grand jury; to harmonize provisions; to repeal the original sections; and to outright repeal sections 25-1154, 25-1155, 25-1156, 25-1157, and 72-247, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 848.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to courts, to amend sections 15-1203, 16-729, 24-303, 24-729, 25-412, 25-533, 25-602, 25-901, 25-915, 25-1031.02, 25-1121, 25-1126, 25-1129, 25-1149, 25-1301, 25-1301.01, 25-1303, 25-1305, 25-1318, 25-1415, 25-1416, 25-1504, 25-1510, 25-1521, 25-1531, 25-1578, 25-1587.04, 25-1587.06, 25-1635, 25-1912, 25-21,212, 25-21,228, 25-2205, 25-2207, 25-2208, 25-2211, 25-2213, 25-2234, 25-2704, 25-2706, 25-2707, 25-2731, 28-814, 29-1302, 29-1407.01, 29-1414, 29-1418, 29-1705, 29-1802, 29-1816.01, 29-2001, 29-2023, 29-2315.01, 29-2407, 29-2413, 29-3903, 30-2429.01, 30-2488, 31-320, 31-329, 32-1412, 33-106.01, 33-106.02, 33-131, 33-140.03, 35-102, 42-372.02, 43-102, 43-2,113, 44-2006, 48-1119, 76-717, 76-723, 81-8,211, 81-1848.03, and 84-712.03, Reissue Revised Statutes of Nebraska, and sections 25-410, 25-21,271, 25-2209, 25-2721, 25-3401, 30-2608, 33-106, 37-1283, 42-364, 44-4828, 50-406, 60-166, and 71-6903, Revised Statutes Cumulative Supplement, 2014, and sections 29-4007 and 43-2,108, Revised Statutes Supplement, 2015; to define terms; to change and eliminate record and recording requirements and change terminology; to provide for, change, and eliminate provisions relating to retention and disposition of records; to change provisions relating to the duties of court clerks; to eliminate a filing requirement for volunteer fire departments; to provide a duty for the State Court Administrator; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-337, 24-348, 25-1322, 25-2210, 25-2211.01, 25-2211.02, and 25-2616, Reissue Revised Statutes of Nebraska, and sections 25-1319, 25-1320, and 25-1321, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 849.** Introduced by Crawford, 45; Campbell, 25; Cook, 13; Haar, K., 21; Hansen, 26; Hilkemann, 4; Howard, 9; Kolowski, 31; McCollister, 20; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to health care; to adopt the Assisting Caregiver Transitions Act.

**LEGISLATIVE BILL 850.** Introduced by Crawford, 45; Campbell, 25; Cook, 13; Haar, K., 21; Hansen, 26; Howard, 9; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to employment; to adopt the Paid Family Medical Leave Insurance Act; to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 851.** Introduced by McCollister, 20; Crawford, 45; Howard, 9.

A BILL FOR AN ACT relating to state government; to amend sections 84-602 and 84-602.01, Reissue Revised Statutes of Nebraska, and section 84-602.02, Revised Statutes Supplement, 2015; to change the Taxpayer Transparency Act; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 852.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for aid to community colleges.

#### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 393.** Introduced by Bloomfield, 17; Baker, 30; Bolz, 29; Brasch, 16; Campbell, 25; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, Major General Claude M. Bolton, Jr., a beloved husband, father, grandfather, brother, and uncle, passed away on July 28, 2015; and

WHEREAS, Claude Bolton graduated from South Sioux City High School in 1964; and

WHEREAS, in 1969, Claude Bolton married his wife, Linda, then graduated from the University of Nebraska-Lincoln and received his commission in the United States Air Force. He then served as a combat pilot

in the Vietnam War, in which he flew 232 combat missions, including 40 over North Vietnam; and

WHEREAS, Claude Bolton continued to serve in the Air Force until 2002. Throughout his distinguished military career, Claude Bolton served as a test pilot, flight instructor, and acquisition professional; and

WHEREAS, in 2002, Claude Bolton was nominated by President George W. Bush to serve as the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, and served in that position until 2008; and

WHEREAS, Claude Bolton was a command pilot with over 2,700 flying hours in more than 30 different aircraft and knew firsthand the importance of reliable aircraft and equipment. He dedicated his career to ensuring that the men and women of our armed forces had the best possible equipment; and

WHEREAS, Claude Bolton is survived by his wife, Linda, his two daughters, Cindy and Jennifer, his grandchildren, brothers and sisters, and nieces and nephews.

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

1. That the Legislature honors Major General Claude M. Bolton, Jr., for his service to his country.
2. That the Legislature extends its deep sympathy to the family of Claude Bolton.
3. That a copy of this resolution be sent to the family of Claude Bolton.

Laid over.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB727	Revenue
LB762	Revenue
LB773	Education
LB774	Revenue
LB775	Revenue
LB776	Revenue
LB777	Revenue
LB778	Banking, Commerce and Insurance
LB779	Government, Military and Veterans Affairs
LB780	Judiciary
LB781	Education
LB782	Health and Human Services
LB783	Transportation and Telecommunications
LB784	Government, Military and Veterans Affairs
LB785	Transportation and Telecommunications
LB786	Health and Human Services
LB787	Government, Military and Veterans Affairs

LB788 Government, Military and Veterans Affairs  
 LB789 Appropriations  
 LB790 Nebraska Retirement Systems  
 LB791 Health and Human Services  
 LB792 Government, Military and Veterans Affairs  
 LB793 Judiciary  
 LB794 Banking, Commerce and Insurance  
 LB795 Transportation and Telecommunications  
 LB796 Banking, Commerce and Insurance  
 LB797 Revenue  
 LB798 Agriculture  
 LB799 Transportation and Telecommunications  
 LB800 Appropriations  
 LB801 Banking, Commerce and Insurance  
 LB802 Health and Human Services  
 LB803 Judiciary  
 LB804 Health and Human Services  
 LB805 Nebraska Retirement Systems  
 LB806 Urban Affairs  
 LB807 Government, Military and Veterans Affairs  
 LB808 Urban Affairs  
 LB809 Appropriations  
 LB810 Appropriations  
 LB811 Transportation and Telecommunications  
 LB812 Revenue  
 LR389CA Judiciary  
 LR390CA Revenue

Anthony, Donald - Beginning Farmer Board - Agriculture  
 Bell, Chad - Commission for the Blind and Visually Impaired - Health and Human Services  
 Bell, Richard R. - Game and Parks Commission - Natural Resources  
 Bergstraesser, Edwin - State Electrical Board - General Affairs  
 Booth, Patrick - Nebraska Exchange Stakeholder Commission - Banking, Commerce and Insurance  
 Briggs, JoAnna - Crime Victim's Reparations Committee - Judiciary  
 Bulger, Mark M. - Commission for the Blind and Visually Impaired - Health and Human Services  
 Carpenter, Stan H. - Nebraska Educational Telecommunications Commission - Education  
 Craig, John A.E. - Nebraska Rural Health Advisory Commission - Health and Human Services  
 Dawson, Sheri - Director, Division of Behavioral Health - Department of Health and Human Services - Health and Human Services  
 Deiml, Keith - State Emergency Response Commission - Government, Military and Veterans Affairs  
 Dentlinger, Courtney - Director, Department of Economic Development - Banking, Commerce and Insurance  
 Drickey, Patrick - Nebraska Arts Council - General Affairs

Else, Timothy L. - Nebraska Ethanol Board - Natural Resources  
Fassett, Jeff - Director, Department of Natural Resources - Natural Resources  
Figard, Roger - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
Flowers, Shari - Nebraska Exchange Stakeholder Commission - Banking, Commerce and Insurance  
Fulton, Tony - Tax Commissioner, Department of Revenue - Revenue  
Gerdes, Mary K. - State Highway Commission - Transportation and Telecommunications  
Gerrard, LeRoy - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
Hagedorn, Nadine - Beginning Farmer Board - Agriculture  
Hansen, Michael D. - Commission for the Blind and Visually Impaired - Health and Human Services  
Hawks, James W. - Environmental Quality Council - Natural Resources  
Hotz, Robert W. - Tax Equalization and Review Commission - Revenue  
Huber, Kristin - Foster Care Advisory Committee - Health and Human Services  
Jordening, Polly - State Emergency Response Commission - Government, Military and Veterans Affairs  
Keetle, Steven - Tax Equalization and Review Commission - Revenue  
Kent, Mary J. - Nebraska Rural Health Advisory Commission - Health and Human Services  
Kircher, Christopher P. - Nebraska State Fair Board - Agriculture  
Krager, John F., III - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
Kramer, Lisa - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
Kreitman, Dan C. - Game and Parks Commission - Natural Resources  
LeBaron, Kathryn - Nebraska Arts Council - General Affairs  
Lubben, Bradley - Beginning Farmer Board - Agriculture  
Maricle, Hilary K. - Environmental Quality Council - Natural Resources  
McClymont, Sherry - Nebraska Arts Council - General Affairs  
McQuillan, Shelly K. - Nebraska Child Abuse Prevention Fund Board - Health and Human Services  
Miller, Courtney L. - Director, Division of Developmental Disabilities - Department of Health and Human Services - Health and Human Services  
Minert, Lowell - Nebraska State Fair Board - Agriculture  
Mueller, Cory L. - State Electrical Board - General Affairs  
Nasir, Laeth - Nebraska Rural Health Advisory Commission - Health and Human Services  
Patlan, Virgil J., Sr. - Board of Parole - Judiciary  
Plouzek, Kimberly - State Emergency Response Commission - Government, Military and Veterans Affairs  
Reed, Todd - Beginning Farmer Board - Agriculture  
Rieker, Edward (Ed) - Nebraska Exchange Stakeholder Commission - Banking, Commerce and Insurance

Rundel, John Arley - Nebraska Oil and Gas Conservation Commission - Natural Resources  
 Schneweis, Kyle - Director, Department of Roads - Transportation and Telecommunications  
 Schroeder, Rebecca - Nebraska Rural Health Advisory Commission - Health and Human Services  
 Sitorius, Michael A. - Nebraska Rural Health Advisory Commission - Health and Human Services  
 Tagge, Darold - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
 Tenbenschel, Jan - Nebraska Ethanol Board - Natural Resources  
 Tessman, Brian - State Personnel Board - Government, Military and Veterans Affairs  
 Ueberrhein, Ryan - Beginning Farmer Board - Agriculture  
 Varenhorst, Harvey - Nebraska Arts Council - General Affairs  
 Wachman, Brian - Crime Victim's Reparations Committee - Judiciary  
 Wacker, David - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
 Ward, Charles - Board of Educational Lands and Funds - Education  
 Weander, Timothy W. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
 Weinberg, Douglas J. - Director, Division of Children and Family Services - Department of Health and Human Services - Health and Human Services  
 Wells, Roger - Nebraska Rural Health Advisory Commission - Health and Human Services  
 Ziebarth, James J. - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs

(Signed) Bob Krist, Chairperson  
 Executive Board

### PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Let it be noted and read into the record that the following rules were adopted by the Rules Committee on January 7, 2016.

#### **Amend Rule 4, Sec. 1 and 2**

**Section 1. Identification.** A resolution shall be designated as Legislative Resolution \_\_\_\_\_. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal. Individual members shall be limited to eight resolutions per session ~~which result in the referring, scheduling, and conducting of a public hearing by a legislative committee.~~ This limitation shall not apply to resolutions ~~proposing an amendment to the Nebraska Constitution, resolutions proposing interim~~

~~studies, or which are honorary in nature~~ subject to Rule 4, Section 2 or resolutions proposing interim studies.

**Sec. 2. When Considered as a Bill.** Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

**Amend Rule 6, Sec. 8.**

**Sec. 8. Final Reading, Motions.** (a) On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken, unless three-fifths of all of the members elected to the Legislature vote to dispense with the at large reading under this section. The Speaker shall designate on the published agenda which bills will be considered for a vote without an at large reading. This vote shall be taken on each bill individually without amendment, motion, or debate. If the Legislature confirms the Speaker's designation, the title of the bill will be read, and the final vote will be taken with voting being held open for ~~three minutes~~ one minute. If the motion on any bill fails to receive the support of three-fifths of the elected members of the Legislature, then such bill and all amendments thereto will be read at large prior to the vote being taken.

**Amend Rule 5, Sec. 4.**

**Sec. 4. Introducers Signing Bills.** (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any member may request to have his or her name added as cointroducer of a bill but only if the principal introducer has concurred, in writing or electronically, to that request.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Baker, Brasch, Fox - LB817  
Scheer - LB843  
Mello - LB850

**VISITORS**

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

**ADJOURNMENT**

At 11:29 a.m., on a motion by Senator Cook, the Legislature adjourned until 10:00 a.m., Monday, January 11, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**FOURTH DAY - JANUARY 11, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 11, 2016

**PRAYER**

The prayer was offered by Senator Kintner.

**ROLL CALL**

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

The roll was called and all members were present except Senator Murante who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

Page 152, line 14, strike "county" and insert "country".  
The Journal for the first day was approved as corrected.

The Journal for the third day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 10, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Abboud, Chris - Public Affairs Group  
DraftKings Inc.  
FanDuel, Inc.  
Manheims Omaha Auto Auction  
MasterCard  
Vehicle and Truck Cleaning Tax Association  
Adair, Peggy  
League of Women Voters of Greater Omaha  
League of Women Voters of Nebraska

Adams, John H.  
International Gamco, Inc.

Alston, Garth R.  
Altria Client Services LLC and its Affiliates

Amack, Angela K.  
Center for People in Need  
Everytown for Gun Safety Action Fund  
Grand Island Public Schools  
International Brotherhood of Electrical Workers (IBEW)  
Nebraska Professional Fire Fighters Association (NPPFA)

American Communications Group, Inc.  
American Cancer Society Cancer Action Network  
American Heart Association  
Association of Surgical Technologists  
Autism Speaks  
Center for Rural Affairs  
EHPV Lottery Services LLC aka Big Red Keno  
Empyrean Brewing Company  
Friends of Public Health in Nebraska  
Health Center Association of Nebraska  
Legal Aid of Nebraska  
Nebraska Association of Behavioral Health Organizations  
Nebraska Association of Public Employees NAPE/AFSCME Local 61  
Nebraska Board of Engineers and Architects  
Nebraska Chapter of the American Physical Therapy Association  
Nebraska Child Health and Education Alliance  
Nebraska Dental Assistants Association  
Nebraska Emergency Medical Services Association  
Nebraska Society for Respiratory Care  
Nebraska Speech-Language-Hearing Association (NSLHA)  
North Central States Regional Council of Carpenters  
Regions II and V  
Research Nebraska!  
Teamsters Local Union 554  
Vigilnet America LLC  
Wind Coalition, The  
YMCA's of Nebraska

Andersen, Robert C.  
Nebraska Cooperative Council

Anderson, Benjamin  
First Five Nebraska

Ariano, Elizabeth  
Indivior PLC

Auckenthaler, Leah  
Everytown for Gun Safety Action Fund

Baack, Dennis G.  
Nebraska Community College Association

Babcock, Marsha L.  
Mechanical Contractors Association of Omaha, Inc.

Badeer, Debra A.  
Nebraska Christian Home Educators Association

Baier, Richard J.  
Nebraska Bankers Association

Baird Holm LLP  
BHE Renewables, LLC  
Bluestem Energy Solutions  
Dundee Bank  
Geronimo Energy, LLC  
Immanuel Retirement Communities  
Northeast Nebraska Public Power District  
Sandhills Wind Energy, LLC

Barrett, John R.  
Great Plains Communications, Inc.

Bartee, Robert D.  
University of Nebraska

Becker, Jill  
Black Hills Energy

Becker, Timothy A.  
Heartland Strategy Group, LLC

Beermann, Allen J.  
Nebraska Press Association

Behmer, Nicole  
Heartland Strategy Group, LLC

Belka, Matt  
Nebraska Association of School Boards

Bell, David  
Loup River Public Power District

Benjamin, Melody  
Nebraska Cattlemen, Inc.

Beyer, Nolan  
Millard Public Schools

Blunt, Andrew B.  
General Motors LLC

Boddy, Heath  
Licensed Practical Nurse Association of Nebraska (LPNAN)  
Nebraska Health Care Association, Inc.

Bohrer, Bruce J.  
Lincoln Chamber of Commerce

Bolen, Holley  
Bruning Law Group

Bonaiuto, John A.  
Nebraska Association of School Boards

Borgeson, Robert A.  
SMART-TD

Bowen, Steven S.  
Nebraska Occupational Therapy Association

Bowling, Karen  
Nebraska Family Alliance

Bradford, Jonathan  
Kissel/E&S Associates, LLC

Brady, Justin J.  
Radcliffe, Walter H. of Radcliffe and Associates

Brandt, Horan, Hallstrom and Stilmock  
National Federation of Independent Business (NFIB)  
Nebraska Bankers Association  
Nebraska Bankers Insurance and Services Company (NBISCO)  
Nebraska Fire Chiefs' Association  
Nebraska Pharmacists Association  
Nebraska State Volunteer Firefighters' Association  
Nebraskans for Workers' Compensation Equity and Fairness  
NetWorks, Inc.

Bredenkamp, Troy  
Nebraska Rural Electric Association

Breed, Roger D.  
RDB - LLC

Bromm, Curt/Bromm & Associates  
Aflac  
Douglas County West Community Schools  
Education Service Unit #3  
Educational Service Unit Coordinating Council  
Nebraska Cable Communications Association  
Nebraska Medical Center  
Springfield Platteview Community Schools  
Verizon Communications, Inc.

Brown, Jill  
University of Nebraska

Bruckner, Traci  
Center for Rural Affairs

Bruning Law Group  
Facebook  
National Rifle Association  
Nebraska Appropriated Basin Coalition  
Nebraska Licensed Beverage Association  
TracFone Wireless, Inc.

Bruning, Deonne  
U.S. Cellular

Bruning, Jon  
Bruning Law Group

Buettner, Jeffrey J.  
Central Nebraska Public Power and Irrigation

Carritt, Nicole  
Project Extra Mile

Carstenson, Eric B.  
Nebraska Telecommunications Association

Carter, Jennifer  
Food Bank of Lincoln  
Food Bank of the Heartland

Cavanaugh Law Firm, P.C., L.L.O.  
Explore Information Services  
Independent Insurance Agents of Nebraska

Cavanaugh, James P.  
Cavanaugh Law Firm, P.C., L.L.O.

Cheloha, John A.  
City of Omaha

Chittenden, Michael J.  
Arc of Nebraska, The

Christensen, Graham  
Burt County Wind, LLC

Clements, Steven J.  
Nebraska Investment Finance Authority

Coburn, Tom  
Convention of States Action

Conrad, Danielle  
ACLU Nebraska

Cookson, David D.  
Bruning Law Group

Cover, Joni  
Nebraska Pharmacists Association

CP Strategies LLC  
Alan E. Cobb & Assoc. Inc. on behalf of PACE Sage, LLC  
Nebraska Petroleum Producers Association

Crawford, Brittany  
Heartland Strategy Group, LLC

Creager, Jennifer  
Greater Omaha Chamber

Cunningham, Colleen  
Equal Justice USA

Cunningham, James R.  
Nebraska Catholic Conference

Davison-Rippey, Erin  
Planned Parenthood of the Heartland

Dibbern, Chris  
Nebraska Municipal Power Pool

Dix, Larry J.  
Nebraska Association of County Officials

Dobler, James B.  
Nebraska Insurance Information Service  
Professional Insurance Agents of Nebraska

Dubas, Annette  
Nebraska Association of Behavioral Health Organizations

Dudley, William H.  
Aflac

Dukesherer, James  
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Dulaney, Michael S.  
Nebraska Council of School Administrators

Dunning, Eric  
Blue Cross and Blue Shield of Nebraska

Edson, Dean E.  
Nebraska Association of Resources Districts

Edwards, Jon  
Nowka and Edwards

Eickholt, Christopher  
ACLU Nebraska  
Nebraska Criminal Defense Attorneys Association

Erb, Matthew  
Lincoln Education Association

Erickson, Julie S.  
American Communications, Inc.

Ernst, Dan E.  
Nebraska Council of School Administrators

Falk, W. Jarad  
Time Warner Cable

Ferrell, Beth Bazyn  
Nebraska Association of County Officials

Field, Laura  
Nebraska Cattlemen, Inc.

Fraizer, Theodore D. (Tad)/Fraizer & Fraizer  
American Insurance Association  
Mutual of Omaha

Freeman, Clayton  
Alzheimer's Association Nebraska Chapter

Frohman, Ann M.  
Ameritas Life Insurance Corp.

Fry, Renee  
OpenSky Policy Institute

Gay, Tim  
Husch Blackwell LLP

Geis, Gavin Lawrence  
Common Cause National

Gerrard, Eric  
American Communications, Inc.  
City of Lincoln

Gilbertson, Korby M.  
Radcliffe, Walter H. of Radcliffe and Associates

Girthoffer, Garner R.  
Baird Holm LLP

Goettemoeller, Jennifer M.  
First Five Nebraska

Gokie, Mark T.  
Farmers Mutual of Nebraska

Gottschalk, Kristen  
Nebraska Rural Electric Association

Gould, John 'Jack'  
Common Cause National

Common Cause Nebraska  
Grasz, Nate  
Nebraska Family Alliance  
Grasz, Steve  
Husch Blackwell LLP  
Habben, Jon  
Nebraska Rural Community Schools Association  
Hack, Mace A.  
Nature Conservancy, The  
Hallstrom, Robert J.  
Brandt, Horan, Hallstrom and Stilmock  
Hamilton, Hallie  
Nebraska Family Alliance  
Hansen, John K.  
Nebraska Farmers Union  
Hapgood, Wade  
United Healthcare Services, Inc.  
Harrold, Michael D.  
Express Scripts Holding Co.  
Harrold, Patricia  
Nebraska Firearms Owners Association (NFOA)  
Hartmann, William  
Nebraska One-Call Notification Center  
Harvey, William F.  
EHPV Lottery Services LLC aka Big Red Keno  
Vigilnet America LLC  
Hayes, Jason W.  
Nebraska State Education Association  
Heartland Strategy Group, LLC  
Bennington Public Schools  
Blue Cross and Blue Shield of Nebraska  
Community Alliance, Inc.  
DraftKings Inc.  
FanDuel, Inc.  
Lamar Outdoor Advertising Company  
Nebraska Coalition of Agricultural Manufacturers  
Nebraska Collectors Association  
Nebraska Credit Union League  
Nebraska School Activities Association  
Omaha Police Officers Association  
Omaha Professional Firefighters Association  
Hebb, Jeff  
Nebraska Realtors Association  
Heidemann, Lavon L  
Nebraska Farm Bureau Federation  
Hein, Derek  
DraftKings Inc.  
Herrmann, Jessica  
Platte Institute for Economic Research

Higgins, Shirley  
Nebraska Public Power District

Hladik, Johnathan  
Center for Rural Affairs

Hollingsead, Andrew  
Nebraska Organ Recovery System, Inc.

Holmquist, David  
American Cancer Society Cancer Action Network

Hruza, Timothy  
Lincoln Independent Business Association (LIBA)

Hunzeker, Mark A.  
Rath, Douglas and Kimberly

Hurley, Rachel  
Monsanto

Hurst, Elisabeth  
Nebraska Hospital Association

Husch Blackwell LLP  
Ash Grove Cement Company  
Blue Cross and Blue Shield of Nebraska  
Enhanced Capital  
Home Instead, Inc.  
Invenergy LLC  
Koch Companies Public Sector, LLC and its Affiliates  
KVC Health Systems, Inc.  
Nebraska Chiropractic Physicians Association  
Nebraska Families Collaborative  
Nebraska Indoor Tanning Association  
Nebraska Intergovernmental Risk Management Association  
NextEra Energy Resources, LLC  
Papillion - La Vista School District  
Papio-Missouri River Natural Resources District  
Sarpy County Board of Commissioners  
Waste Management, Inc.

Intermill, Mark  
AARP Nebraska

Irsik, Ryan  
Wal-Mart Stores, Inc.

Jacobson, Mary  
Bruning Law Group

Jarecke, David A.  
Nebraska Rural Electric Association

Jarecke, Kate Kulesher  
Novartis Pharmaceuticals Corporation

Jarecke, Kate Kulesher - Advocacy and Issue Management Inc.  
Brain Injury Association of Nebraska

Jeffers, Thomas E.  
Nebraska Cooperative Council

Jensen Rogert Associates, Inc.  
ABATE of Nebraska, Inc.



Altria Client Services LLC and its Affiliates  
Capitol Management Group  
Children's Respite Care Center  
DentaQuest, LLC  
Eli Lilly and Company  
Industrial Energy Users of Nebraska  
LeadingAge Nebraska  
Learning Community of Douglas and Sarpy Counties  
Magellan Health, Inc.  
Mosaic  
Nebraska Association of Nurse Anesthetists  
Nebraska Dental Hygienists' Association  
Nebraska Intellectual Disabilities Services Providers  
Nebraska Optometric Association  
Nebraska Podiatric Medical Association  
Statewide Property Owners' Association  
Jensen, Ronald L.  
Jensen Rogert Associates, Inc.  
Joekel, Tiffany  
OpenSky Policy Institute  
Johnson, Blake  
Bruning Law Group  
Johnson, Larry  
Nebraska Trucking Association  
Johnson, Mary A.  
Mueller Robak, LLC  
Jorgensen, Jennifer  
Nebraska Association of School Boards  
Juhnke, Alan R  
Nebraska Pork Producers Association  
Kadavy, Cindy  
Nebraska Health Care Association, Inc.  
Karl, Jamie  
Nebraska Chamber of Commerce & Industry  
Karnes, David K.  
EHPV Lottery Services LLC aka Big Red Keno  
Vigilnet America LLC  
Kay, Sara A.  
American Institute of Architects, Nebraska Chapter  
Keigher & Associates, LLC  
Credit Management Services  
Iowa-Nebraska Equipment Dealers Association  
MillerCoors, LLC  
Nebraska AirBoat Association  
Nebraska Aviation Trade Association  
Nebraska Community College Association  
Nebraska Land Improvement Contractors Association  
Professional Towers Association of Nebraska

Keigher, Timothy P.  
Keigher & Associates, LLC  
Nebraska Petroleum Marketers & Convenience Store Association

Kelley & Jerram, PC, LLO  
Cigar Association of America, Inc.  
Daily Record, The  
Douglas County, Nebraska  
Eastern Nebraska Human Services Agency  
Elevator Industry Work Preservation Fund  
Johnson Brothers of Nebraska  
Nebraska Coalition for Capital  
Nebraska State Lodge of the Fraternal Order of Police  
Stonehenge Capital Company, LLC  
WellCare Health Plans, Inc.  
Westside Community Schools

Kelley Governmental Relations, LLC  
Creighton University  
EHPV Lottery Services LLC aka Big Red Keno  
Metro Area Transit (O-Metro)  
Omaha Airport Authority

Kelley, Michael A.  
Kelley & Jerram, PC, LLO  
Kelley Governmental Relations, LLC

Kelley, Sean  
Kelley & Jerram, PC, LLO  
Kelley Governmental Relations, LLC

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Kingery, Shannon L.  
RAI Services Co. (Reynolds American Inc.)

Kissel, Gordon  
Kissel/E&S Associates, LLC

Kissel/E&S Associates, LLC  
American Petroleum Institute  
AmeriHealth Caritas  
Associated Beverage Distributors of Nebraska  
Boys & Girls Clubs Alliance of Nebraska  
Burlington Northern Sante Fe (BNSF) Railway Company  
Lancaster County Agricultural Society, Inc.  
Lancaster County Board of Commissioners  
March of Dimes  
Metropolitan Area Planning Agency  
Nebraska Association of Regional Administrators  
Nebraska CASA Association  
Nebraska Cooperative Council

Nebraska County Court Association  
Nebraska Golf Alliance  
Nebraska Municipal Power Pool  
Nebraska State Historical Society Foundation  
Professional Engineers Coalition  
Ralston Public School District  
Spectra Energy  
Telecare Corporation  
United Cities of Sarpy County  
Koch, Brandon  
Farmers Group, Inc.  
Kohout, Joseph D.  
Kissel/E&S Associates, LLC  
Kolterman, Jessica A.  
Nebraska Farm Bureau Federation  
Kopacki, Christopher  
National Rifle Association  
Krannawitter, Brian  
American Heart Association  
Krumland, Gary G.  
League of Nebraska Municipalities  
Kruse, Dacia D.  
RAI Services Co. (Reynolds American Inc.)  
Kubat, Rick  
Metropolitan Utilities District  
Landwehr, Susan M.  
Eli Lilly and Company  
Levy, David C.  
Baird Holm LLP  
Licht, Andrew W.  
Capitol Management Group  
Likes, Steven C.  
Nebraska Investment Finance Authority  
Lindsay, John C.  
O'Hara Lindsay & Associates, Inc.  
Litt, Matthew J.  
Americans for Prosperity  
Loeffler, Michael T.  
Northern Natural Gas  
Logsdon, Robert R.  
Cox Communications  
Lombardi, Richard A.  
American Communications, Inc.  
Loontjer, Pat  
Gambling with the Good Life  
Lostroh, David L.  
Nebraska Christian Home Educators Association  
Ludwig, David M  
Educational Service Unit Coordinating Council

Luebbe, Lori  
Nebraska Soybean Association

Luetkenhaus, Brandon  
Nebraska Credit Union League

Lyons, Liz  
Children's Hospital & Medical Center

Mach, Coby  
Lincoln Independent Business Association (LIBA)

Mahlman, Dale  
Nebraska Medical Association

Mallett, Rochelle A.  
O'Hara Lindsay & Associates, Inc.

Mancuso, Aubrey  
Voices for Children in Nebraska

Martin, Susan L.  
Nebraska State AFL-CIO

Marvin, Michael  
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Matheson, Michael D  
Grain Belt Energy Services

McBride, David S.  
National Association of Insurance and Financial Advisors (NAIFA)  
Nebraska Optometric Association

McClure, Jeanne L.  
CHI Health

McClure, John C.  
Nebraska Public Power District

McClymont, Pete  
Nebraska Cattlemen, Inc.

McCullough, Jacqueline K.  
American Council of Engineering Companies/Nebraska  
Nebraska County Attorneys Association

McDonald, Sarah  
Werner Enterprises, Inc. and Subsidiaries

McDonald, Vickie  
Nebraska Association of Former State Legislators

McGuire, Mark D.  
Cameco Resources

McKenzie, Janis M.  
Nebraska Association for the Gifted  
Nebraska Insurance Federation

McLarty, Brianna  
Nebraskans for Civic Reform

Menzel, Elaine  
Nebraska Association of County Officials

Meradith, Steve  
Windstream Communications

Merritt, Scott  
Automotive Recycling Industry of Nebraska

Capitol Management Group  
Nebraska Agri-Business Association  
Nebraska Auctioneers Association  
Nebraska Hotel & Lodging Association, Inc.  
Nebraska State Pest Control Association

Meurrens, Bradley  
Disability Rights Nebraska

Meyer, Les  
American Life and Security  
Nebraska Winery and Grape Growers Association (NWGGA)

Meyer, Patricia  
American Life and Security  
Nebraska Winery and Grape Growers Association (NWGGA)

Mick, Ansley  
We Support Agriculture

Mikkelsen, Brian  
Nebraska State Education Association

Mikolajczyk, Megan N  
Planned Parenthood of the Heartland

Miller, Amy A.  
ACLU Nebraska

Mines, Mick  
3M COMPANY  
Cameco Resources  
Cargill  
Diageo North America, Inc.  
Johnson & Johnson  
Mark Anthony Brands  
National Association of Insurance and Financial Advisors (NAIFA)  
Nebraska Agri-Business Association  
Nebraska Corn Growers Association  
Nebraska Grocery Industry Association  
Nebraska Hotel & Lodging Association, Inc.  
Nebraska Humane Society  
Papio Valley Preservation Association, Inc.  
Syngenta

Mischo, Craig  
Bayer Corporation

Moeller, Rodney  
Nebraska Firearms Owners Association (NFOA)

Mollhoff, Janece  
League of Women Voters of Nebraska

Moody, Christopher  
General Motors LLC

Moon, Virginia  
Nebraska Council of School Administrators

Mueller Robak  
American Express Travel Related Services, Inc.  
Associated General Contractors of America, Nebraska Chapter

Association of Independent Colleges and Universities of Nebraska  
AT&T, Inc.  
Chief Industries, Inc.  
Children and Family Coalition of Nebraska  
COPIC Insurance Company  
Cummins Inc  
Data Recognition Corporation  
Duncan Aviation, Inc.  
Eastern Nebraska Development Council  
First Data Corporation  
Frenchman Cambridge Irrigation District  
GlaxoSmithKline  
Innocence Project, The  
Integrated Life Choices  
Lincoln Airport Authority  
Madonna Rehabilitation Hospital  
Millard Public Schools  
Millard Roofing and Gutter Company  
Nebraska Academy of Eye Physicians and Surgeons  
Nebraska Association of Airport Officials  
Nebraska Association of Commercial Property Owners  
Nebraska Court Reporters Association  
Nebraska Dental Association  
Nebraska District Court Judges Association  
Nebraska Interactive  
Nebraska Land Title Association  
Nebraska Machinery Company  
Nebraska Medical Association  
Nebraska Methodist Health Systems  
Nebraska Press Association  
Nebraska Society of Independent Accountants  
Nebraska State Bar Association  
Nebraskans for Civic Reform  
PayPal  
Pharmaceutical Research and Manufacturers of America  
Plasma Protein Therapeutics Association  
Smithfield Foods, Inc.  
State Troopers Association of Nebraska, Inc.  
Sugar Creek Capital  
Uber Technologies, Inc.  
Viaero Wireless  
Women's Fund of Greater Omaha, Inc.  
Mueller, William J.  
Mueller Robak, LLC  
Muir, Tara  
Domestic Violence Council  
Neal, John P.  
Lincoln Public Schools

Neilan, Perre S.  
Neilan Strategy Group

Nelson, Stephen D.  
Nebraska Farm Bureau Federation

Neville, Brennan S.  
National Indemnity Company

Nickerson, Jocelyn S.  
Humane Society of the United States, The

Nielsen, Coleen J.  
AHIP - America's Health Insurance Plans  
Bromm, Curt/Bromm & Associates  
Express Scripts Holding Co.  
Merck Sharp and Dohme Corp.  
Nebraska Criminal Defense Attorneys Association  
Nebraska Insurance Information Service  
Nebraska State Athletic Trainers Association  
State Farm Insurance Companies

Nolan, Michael J.  
League of Nebraska Municipalities

Nowka & Edwards  
Adams Central Public Schools  
Anheuser-Busch Companies  
Bryan Health  
Digital Gaming Solutions, Inc.  
Elkhorn Public Schools  
Grand Island Northwest Public Schools  
Kelley & Jerram, PC, LLO  
Lakeview Community Schools  
Metropolitan Utilities District  
National Multiple Sclerosis Society  
National Utility Contractors Association of Nebraska, Inc. (NUCA)  
Nebraska Academy of Family Physicians  
Nebraska Academy of Nutrition and Dietetics  
Nebraska Acupuncture and Oriental Medicine Association  
Nebraska Association of Area Agencies on Aging  
Nebraska Association of County Officials  
Nebraska Association of Resources Districts  
Nebraska County Attorneys Association  
Nebraska Funeral Directors Association  
Nebraska Home Care Association  
Nebraska Pork Producers Association  
Nebraska Poultry Industries, Inc.  
Nebraska Public Power District  
Nebraska Rural Community Schools Association  
Nebraska Sheriffs' Association  
Nebraska Society of Radiologic Technologists  
Nebraska State College System  
Nebraska Water Coalition  
NET Foundation for Television

Pfizer, Inc.  
Southern Public Power District  
Union Pacific Railroad  
US Assets  
Nowka, Trent  
Nowka and Edwards  
O'Brien, Kelli Erin  
Union Pacific Railroad  
O'Hara Lindsay & Associates, Inc.  
4 Lanes 4 Nebraska  
Alliance of Automobile Manufacturers  
Alter Trading Corporation  
Black Hills Energy  
Blue Cross and Blue Shield of Nebraska  
Cabelas, Inc.  
Center Pivot Manufacturers Association  
City of Hastings  
City of Kearney  
City of Lexington  
City of Lincoln  
First National of Nebraska, Inc.  
Gracie Technologies LLC  
Humanities Nebraska  
Institute of Scrap Recycling Industries, Inc., Northwest Chapter  
Motorola Solutions, Inc.  
National Association of Housing and Redevelopment Officials, Nebraska  
Chapter  
Nebraska Association of Independent Ambulatory Centers  
Nebraska Association of Trial Attorneys  
Nebraska Beverage Association  
Nebraska County Judges Association  
Nebraska Nurses Association  
Nebraska Rural Broadband Coalition  
Nebraskans For Alternatives to the Death Penalty  
Nebraskans for Rate Equity  
Northern Natural Gas  
Nucor Corporation  
Omaha Public Power District  
Omaha Public Schools  
Parkinson's Action Network  
Recyclebank  
Self Storage Association  
SourceGas Distribution, LLC  
Teradata  
Vandelay Investments, LLC  
Winnebago Tribe of Nebraska  
O'Neill, Thomas, Jr.  
Association of Independent Colleges and Universities of Nebraska



Orton, Leroy W.  
Nebraska Onsite Waste Water Association  
Nebraska State Irrigation Association  
Nebraska Well Drillers Association

Othmer, Mark F.  
Iowa-Nebraska Equipment Dealers Association

Otto, James A.  
Nebraska Restaurant Association  
Nebraska Retail Federation

Otto, Richard J.  
Nebraska Restaurant Association  
Nebraska Retail Federation

Pack, Mary M.  
Radcliffe, Walter H. of Radcliffe and Associates

Paden, Nicholas K.  
Cox Communications

Parker, David R.  
Great West Casualty Company

Parr, Ann L.  
Farmers Mutual of Nebraska

Partington, Jim  
Nebraska Restaurant Association

Pearce, Denise K.  
City of Lincoln

Peetz & Company  
Advocates for Behavioral Health  
Aetna  
CHI Health  
Children's Hospital & Medical Center  
Cox Communications  
First Five Nebraska  
Friends of Nebraska Multisport Complex  
Kiewit Corporation  
Lockridge Grindal Nauen P.L.L.P.  
Metropolitan Entertainment & Convention Authority  
Microsoft Corporation  
Nebraska Nurse Practitioners  
Omaha Zoological Society  
Tenaska  
TradeWind Energy  
Yahoo, Inc.

Peetz, Jack  
Peetz & Company

Peetz, Natalie  
Peetz & Company

Peters, William E.  
Burlington Northern Sante Fe (BNSF) Railway Company

Petersen, Scott  
Printing Industry Midwest (PIM)

Peterson, Chris  
CP Strategies LLC

Peterson, Patricia Schuett  
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Petsch, Jean  
Associated General Contractors - Nebraska Building Chapter

Pfeifer, Pat  
Nebraska State Legislative Board - Brotherhood of Locomotive Engineers  
and Trainmen

Pickering, Barbara  
University of Nebraska

Pitts, Kathleen  
Nebraska Appleseed

Plucker, Julia  
Heartland Strategy Group, LLC

Pollock, Andy  
Nebraska Catholic Conference  
Nebraska Defense Counsel Association  
Nebraska Library Association  
Nebraska Rural Telecommunications Coalition  
Nebraska Transportation Association  
Nebraska Travel Association (NETA)  
NorthWestern Energy  
Pillen Family Farms (formerly Progressive Swine Technologies)  
United Healthcare Services, Inc.  
Waste Connections of Nebraska, Inc.

Potter, Cara E.  
CVS Health

Prenda, Amy  
Nebraska Cable Communications Association  
Nebraska Sheriffs' Association  
Nebraska Water Resources Association

Prockish, Ann  
CenturyLink

Prokop, Matthew  
American Cancer Society Cancer Action Network

Propes, Margaret  
Sunovion Pharmaceuticals Inc.

Pulliam, Greg  
Exxon Mobil Corporation

Quick, Kim A.  
Nebraska Labor Unity Council c/o Teamsters Local 554

Radcliffe, Walter H. of Radcliffe and Associates  
Advance America c/o MultiState Associates, Inc.  
Altria Client Services LLC and its Affiliates  
Bellevue Public Schools  
Citizens for Responsible Development  
Educators Health Alliance of Nebraska  
Enterprise Rent-A-Car

Farm Credit Services of America  
Father Flanagan's Boys' Home aka Boys Town  
Father Flanagan's Boys' Home dba Boys Town National Research  
Hospital  
Friends of Nebraska Parks  
HBAL/MOBA Coalition  
Ho-Chunk, Inc.  
Housing Policy Network  
Hy-Vee  
League of Nebraska Municipalities  
Lincoln Public Schools  
Media of Nebraska, Inc.  
Metropolitan Community College  
Motion Picture Association of America  
Nat'l Assn of Professional Surplus Lines Offices, Ltd (NAPSLO) Council  
of Insurance Agents (CIAB)  
Nebraska Association of Health Underwriters (NAHU)  
Nebraska Broadcasters Association  
Nebraska Cable Communications Association  
Nebraska Cultural Endowment  
Nebraska Expressways for Economic Development (NEED)  
Nebraska Families 4 Medical Cannabis  
Nebraska Health Care Association, Inc.  
Nebraska Liquor Wholesalers  
Nebraska Optometric Association  
Nebraska Organ Recovery System, Inc.  
Nebraska Pyrotechnics Association  
Nebraska Realtors Association  
Nebraska Society of Certified Public Accountants  
Nebraska State Cemetery Association  
Nebraska State Fair Board  
Nebraska Telecommunications Association  
Pinnacle Bank  
Property Casualty Insurers Association of America  
Sanofi Pasteur c/o MultiState Associates Inc.  
Siemens Corporation c/o MultiState Associates Inc.  
Tyson Foods, Inc.  
University of Nebraska  
Woodmen of the World Life Insurance Society and Subordinate Entities  
Ragland, Jina  
Nebraska Medical Association  
Redoutey, Laura J.  
Nebraska Hospital Association  
Reiman, Charlene  
SourceGas Distribution, LLC  
Reiser, Richard S.  
Nebraska Trucking Association  
Rempe, Jay E.  
Nebraska Farm Bureau Federation

Renner, Shawn D.  
Media of Nebraska, Inc.

Rex, L. Lynn  
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Richards, Thomas  
Omaha Public Power District

Rickert, Sheri  
Nebraska Catholic Conference

Rieker, Bruce R.  
Nebraska Farm Bureau Federation

Riley, Christopher T.  
Archer Daniels Midland Company

Riskowski, Al  
Nebraska Family Alliance

Robak, Kim M.  
Mueller Robak, LLC

Robino, Steven  
Aetna

Rogert, Kent  
Jensen Rogert Associates, Inc.

Root, David  
Prime Therapeutics, LLC

Roque, Matthew  
ProRail Nebraska, Inc.

Rubin, Barry R.  
Heartland Strategy Group, LLC

Sahling-Zart, Shelley R.  
Lincoln Electric System

Sanne, Richard D.  
Nebraska Grain and Feed Association

Schaefer, Matthew T.  
Mueller Robak, LLC

Schleppenbach, Greg  
Nebraska Catholic Conference

Schmit-Albin, Julie  
Nebraska Right to Life

Schneider, David  
Convention of States Action

Schrader, Cora  
Peetz & Company

Schubauer, Tyler  
Ameritas Life Insurance Corp.

Schuller, Lynne  
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Nebraska Propane Gas Association

Sears, Jay  
Nebraska State Education Association

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Seelhoff, Janet  
National Utility Contractors Association of Nebraska, Inc. (NUCA)  
Nebraska Home Care Association  
Siefken, Kathy  
Nebraska Grocery Industry Association  
SHAZAM  
Silke, Vanessa  
Nebraska Craft Brewers Guild  
Sobotta, Russell  
Sanofi US  
Spatz, John  
Nebraska Association of School Boards  
Spohn, Katherine J.  
Bruning Law Group  
Stilmock, Gerald M.  
Brandt, Horan, Hallstrom and Stilmock  
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Prime Therapeutics, LLC  
Sullivan, J. Scott  
Nebraska Credit Union League  
Summers, Juliet  
Voices for Children in Nebraska  
Todd, A. Loy, Jr.  
Nebraska New Car & Truck Dealers Association  
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Sarpy County Board of Commissioners  
Ullstrom, Galen F.  
Mutual of Omaha  
Valentin, Michaela  
Home Instead, Inc.  
Venzor, Tom  
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Nebraska Society of Certified Public Accountants  
Vokal, James D., Jr.  
Platte Institute for Economic Research  
Waite, Michelle  
University of Nebraska  
Warth, Terry  
Nebraska Public Power District  
Weatherford, Holly  
Bristol-Myers Squibb Co.  
Weber, Michelle  
Zulkoski Weber LLC  
Weber, Rocky  
Nebraska Cooperative Council  
Werner, Terry  
Nebraska Chapter of the National Association of Social Workers

Wesely, Don  
O'Hara Lindsay & Associates, Inc.

Weston, Christie  
Nebraska Investment Finance Authority

White, Rosemary  
AAA Nebraska and The Auto Club Group

Wickersham, William R.  
Nebraska Association of Former State Legislators

Wickman-Byrd, Barbara J.  
Nebraska State Home Builders Association

Wightman, Anna Castner  
First National of Nebraska, Inc.

Williams, David M.  
Ameritas Life Insurance Corp.

Windle, J. Bub  
Mueller Robak, LLC

Winger, Dwight R.  
Pinpoint Holdings, Inc.

Withem, Ronald E.  
University of Nebraska

Wolf, Ron  
Nebraska State Irrigation Association

Wright, Sheryl L.  
League of Women Voters of Nebraska

Wurster, Donald F.  
National Indemnity Company

Yost, Kurt T.  
Central Nebraska Public Power and Irrigation  
MM Finance, LLC  
Nebraska Financial Services Association  
Nebraska Independent Community Bankers

Young, Joseph  
Nebraska Chamber of Commerce & Industry

Young, Philip  
Aksamit Resource Management

Youngberg, Steven Dr.  
Nebraska Firearms Owners Association (NFOA)

Zalenski, Susan D.  
Johnson & Johnson

Zulkoski Weber LLC  
Association of Nebraska Ethanol Producers  
Audubon Nebraska  
Bio Nebraska Life Sciences Association  
Biotechnology Innovation Organization  
Consortia Consulting  
Disaster Response Group  
Ducks Unlimited, Inc.  
Human Rights Campaign  
M+R Strategic Services, Inc.

Nebraska Academy of Physician Assistants  
Nebraska Broadband Coalition  
Nebraska Cattlemen, Inc.  
Nebraska Hospital Association  
Nebraska Veterinary Medical Association  
Zulkoski, Katie W.  
Zulkoski Weber LLC  
Zych, Michelle  
Women's Fund of Greater Omaha, Inc.

#### ANNOUNCEMENT(S)

Senator Krist designates LB18 as his priority bill.

#### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 853.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend sections 1-113, 1-118, 1-119, 1-121, and 1-136.04, Reissue Revised Statutes of Nebraska, and section 1-136.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to an advisory committee, certified public accountant reexamination provisions, the examination fee, and accounting experience; and to repeal the original sections.

**LEGISLATIVE BILL 854.** Introduced by Coash, 27; Seiler, 33.

A BILL FOR AN ACT relating to self-service storage facilities; to adopt the Self-Service Storage Facilities Act; and to authorize certain liens as prescribed.

**LEGISLATIVE BILL 855.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-627, Reissue Revised Statutes of Nebraska; to require rounding a dollar amount to the nearest whole dollar amount; and to repeal the original section.

**LEGISLATIVE BILL 856.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Insured Homeowners Protection Act; to amend sections 44-8602 and 44-8604, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to change provisions relating to prohibited acts of residential contractors; and to repeal the original sections.

**LEGISLATIVE BILL 857.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-222.02, Revised Statutes Supplement, 2015; to change a provision relating to employment of a full-time fire chief; and to repeal the original section.

**LEGISLATIVE BILL 858.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to state universities; to amend section 85-421, Reissue Revised Statutes of Nebraska; to create the University of Nebraska Facilities Program of 2016; to provide powers and duties for the Board of Regents of the University of Nebraska relating to construction and improvement projects; to repeal the original section; and to declare an emergency.

#### **MOTION - Adopt Permanent Rules**

Senator Garrett moved to adopt the permanent rules for the One Hundred Fourth Legislature, Second Session, and any special sessions held during the 2016 calendar year.

The Rules Committee offered the proposed rules change, found on pages 190 and 191, to Rule 4, Sec. 1 and 2.

Senator Chambers offered the following amendment to the proposed rules change:

Hadley Proposal 5  
Strike "eight" and insert "five".

Senator Chambers withdrew his amendment.

The Rules Committee's proposed rules change to Rule 4, Sec. 1 and 2, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

The Rules Committee offered the proposed rules change, found on page 191, to Rule 6, Sec. 8.

The Rules Committee's proposed rules change to Rule 6, Sec. 8, was adopted with 37 ayes, 1 nay, 9 present and not voting, and 2 excused and not voting.

The Rules Committee offered the proposed rules change, found on page 191, to Rule 5, Sec. 4.

The Rules Committee's proposed rules change to Rule 5, Sec. 4, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.



Senator Kintner offered the following proposed rules change:

**Amend Rule 1, Sec. 1**

**Section 1. Officers to be Elected.** (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by ~~secret ballot~~ roll call vote with each member indicating the candidate he/she is supporting the following officers:

Speaker  
 Chairperson of Committee on Committees  
 Chairperson of Executive Board  
 Vice Chairperson of Executive Board  
~~6 Members of Executive Board (See footnote)~~

If the election is not contested, the presiding officer may accept a motion to declare the nominations closed, and declare the nominee elected by acclamation.

Before the ~~ballot~~ roll call vote is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered in the legislative journal.

*The Legislature elects two from Legislative Districts 2, 3, 15, 16, 19, 21 through 29, 45, and 46; two from Legislative Districts 4 through 14, 18, 20, 31, 39, and 49; and two from Legislative Districts 1, 17, 30, 32 through 38, 40 through 44, 47, and 48. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.*

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect ~~by secret ballot~~ a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected ~~by secret ballot~~ for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected ~~by secret ballot~~ for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 8(c) until the commencing of the next regular session of the Legislature at which time the Legislature shall nominate from the floor and elect ~~by secret ballot~~ a Vice Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

### **Amend Rule 3, Sec. 8**

**Sec. 8. Chairperson, Vice Chairperson.** (a) The chairperson of each standing and select committee shall be selected by ~~secret ballot~~ roll call vote with each member indicating the candidate he/she is supporting.

(b) At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered into the legislative journal.

If the election is not contested, the presiding officer may accept a motion to declare the nominations closed, and declare the nominee elected by acclamation.

~~(b)~~(c) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

~~(e)~~(d) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

~~(d)~~(e) The chairperson may, at his or her discretion, assume the title of chairman, chairwoman, or chair for legislative purposes.

### **SENATOR KRIST PRESIDING**

Senator Chambers offered the following amendment to the Kintner proposed rules change:

Rule 1, Sec. 1

(a) in line 3 strike all new language after "vote";

Rule 3, Sec. 8

(a) after "vote" strike remaining new language.

**SENATOR COASH PRESIDING**

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 859.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-140 and 38-1,124, Reissue Revised Statutes of Nebraska; to change provisions relating to cease and desist orders; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 860.** Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2701 and 18-2703, Reissue Revised Statutes of Nebraska, and section 18-2705, Revised Statutes Supplement, 2015; to authorize economic development programs involving the construction or rehabilitation of certain housing; to define a term; to require certain information in proposed plans; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 861.** Introduced by Schumacher, 22; Bolz, 29; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10; Mello, 5; Morfeld, 46; Pansing Brooks, 28; Seiler, 33; Williams, 36.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 83-173.03 and 83-4,114, Revised Statutes Supplement, 2015; to provide for review by a district court of inmate restrictive housing placement as prescribed; to provide for the inclusion of such information in a report; and to repeal the original sections.

**LEGISLATIVE BILL 862.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1101 and 28-1105, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide an exception for conducting or participating in fantasy contests as prescribed; to change a provision relating to the possession of gambling records; and to repeal the original sections.

**LEGISLATIVE BILL 863.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the State Energy Office; to amend section 81-1607, Reissue Revised Statutes of Nebraska, and sections 81-1601,

81-1602, 81-1603, 81-1605, 81-1606, and 81-1607.01, Revised Statutes Supplement, 2015; to adopt the Wind Energy Expansion Act; to provide duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 864.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-327, 16-902, and 17-1002, Reissue Revised Statutes of Nebraska; to change provisions relating to a city or village requesting additional extraterritorial zoning jurisdiction; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 865.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to handicapped parking; to amend sections 60-331.02 and 60-3,113.05, Revised Statutes Cumulative Supplement, 2014; to redefine handicapped or disabled person; to eliminate obsolete parking permit provisions; and to repeal the original sections.

**LEGISLATIVE BILL 866.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to juveniles; to adopt the Transition to Adult Living Success Program Act.

**LEGISLATIVE BILL 867.** Introduced by Legislative Performance Audit Committee: Watermeier, 1, Chairperson; Krist, 10; Kuehn, 38; Larson, 40; Mello, 5; Scheer, 19.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-901, 84-902, 84-906, 84-906.03, 84-906.04, 84-907, 84-907.06, 84-907.07, 84-907.09, 84-908, and 84-920, Reissue Revised Statutes of Nebraska, and section 83-173.03, Revised Statutes Supplement, 2015; to state intent; to define and redefine terms; to provide for issuance of guidance documents; to allow for emergency rules and regulations; to change powers and duties of the Secretary of State; to require the Department of Correctional Services to adopt and promulgate rules and regulations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 84-907.01 and 84-907.02, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 868.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to education; to state intent; and to provide for successful completion of a civics test as a prerequisite to high school graduation as prescribed.

**LEGISLATIVE BILL 869.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend

section 68-901, Revised Statutes Supplement, 2015; to require that certain providers be subject to a national criminal history record information check as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 870.** Introduced by Harr, B., 8; Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2015; to provide an income tax credit to graduates of certain educational institutions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 871.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 32-401, 32-1036, 32-1201, and 32-1207, Reissue Revised Statutes of Nebraska, sections 32-613, 32-614, 32-701, 32-809, and 32-1202, Revised Statutes Cumulative Supplement, 2014, and section 32-101, Revised Statutes Supplement, 2015; to provide for a presidential preference primary election; to change provisions relating to statewide primary elections; to provide for payment of costs as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 872.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,230, Revised Statutes Supplement, 2015; to change a provision relating to rotating or flashing lights; and to repeal the original section.

**LEGISLATIVE BILL 873.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend section 69-1329, Revised Statutes Cumulative Supplement, 2014; to authorize escheatment to the state of unclaimed United States Savings Bonds as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 874.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to school boards; to amend section 32-570, Revised Statutes Cumulative Supplement, 2014; to change procedures for filling vacancies on school boards; and to repeal the original section.

**LEGISLATIVE BILL 875.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-3001, Reissue Revised Statutes of Nebraska; to change conditions for approval of a planned unit development for certain cities of the second class

or villages; and to repeal the original section.

**LEGISLATIVE BILL 876.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1413, Revised Statutes Supplement, 2015; to authorize electronic voting devices for public bodies; and to repeal the original section.

**LEGISLATIVE BILL 877.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to suburban development; to amend section 17-1002, Reissue Revised Statutes of Nebraska; to change a provision relating to review of proposed subdivision plats by certain county planning commissions; and to repeal the original section.

**LEGISLATIVE BILL 878.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to veterans homes; to amend sections 80-320 and 80-401.10, Reissue Revised Statutes of Nebraska; to provide duties for rulemaking governing the Veterans' Homes Board; to provide and change rulemaking duties as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 879.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend section 32-618, Revised Statutes Cumulative Supplement, 2014; to change requirements for certain petition candidates; and to repeal the original section.

**LEGISLATIVE BILL 880.** Introduced by McCollister, 20; Bloomfield, 17; Brasch, 16; Crawford, 45; Ebke, 32; Garrett, 3; Krist, 10; Watermeier, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 80-414, Reissue Revised Statutes of Nebraska, and sections 60-3,122.03, 60-3,122.04, and 60-4,189, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to Military Honor Plates and the notation of veteran status on operator's licenses and state identification cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 881.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to energy financing contracts; to amend sections 66-1062, 66-1064, and 66-1065, Reissue Revised Statutes of Nebraska; to redefine terms; to change governmental unit duties; to change provisions relating to contract contents and bond requirements as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 882.** Introduced by Scheer, 19; Ebke, 32; Fox, 7; Friesen, 34; Groene, 42; Hughes, 44; Kintner, 2; Kolterman, 24; Kuehn, 38; Larson, 40; Lindstrom, 18; Riepe, 12; Stinner, 48; Watermeier, 1.

A BILL FOR AN ACT relating to school budgeting; to amend sections 79-1025 and 79-1030, Reissue Revised Statutes of Nebraska, and section 13-519, Revised Statutes Supplement, 2015; to change provisions relating to budget limitations as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 883.** Introduced by Scheer, 19; Ebke, 32; Fox, 7; Friesen, 34; Groene, 42; Hughes, 44; Kolterman, 24; Kuehn, 38; Larson, 40; Lindstrom, 18; Riepe, 12; Watermeier, 1.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1005.01, 79-1007.15, 79-1007.18, 79-1008.01, 79-1008.02, 79-1009, 79-1009.01, and 79-1024, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, 79-1003.01, 79-1007.11, and 79-1018.01, Revised Statutes Supplement, 2015; to state intent; to provide for foundation aid per student as prescribed; to add, change, and eliminate provisions relating to the formula for calculation of state aid; to provide for forfeiture of certain funds as prescribed; to provide for citizen oversight groups; to harmonize provisions; to repeal the original sections; to outright repeal section 79-1007.04, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 884.** Introduced by Scheer, 19; Coash, 27; Johnson, 23; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-2603, 13-2604, 13-3102, 13-3103, and 13-3104, Reissue Revised Statutes of Nebraska, section 13-2709, Revised Statutes Cumulative Supplement, 2014, and sections 13-2610 and 13-3108, Revised Statutes Supplement, 2015; to redefine terms and change provisions of the Convention Center Facility Financing Assistance Act and the Sports Arena Facility Financing Assistance Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 885.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to journalism; to define terms; to provide student journalists the right to exercise freedom of speech and of the press; and to provide exceptions.

**LEGISLATIVE BILL 886.** Introduced by Davis, 43; Kolterman, 24; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2015; to adopt the Volunteer Emergency Responders Incentive Act; to provide income tax credits; to

harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 887.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Act; to amend sections 66-1519, 66-1523, 66-1525, and 66-1529.02, Revised Statutes Cumulative Supplement, 2014; to extend use of the Petroleum Release Remedial Action Cash Fund as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 888.** Introduced by Mello, 5; Fox, 7; Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Job Creation and Mainstreet Revitalization Act; to amend section 77-2909, Revised Statutes Cumulative Supplement, 2014, and section 77-2904, Revised Statutes Supplement, 2015; to change provisions relating to the treatment and applicability of certain tax credits; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 889.** Introduced by Mello, 5; Campbell, 25; Cook, 13; Kolowski, 31; Kolterman, 24; McCollister, 20; Stinner, 48; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2717 and 77-2734.03, Revised Statutes Cumulative Supplement, 2014, and sections 68-1201, 71-1962, and 77-2715.07, Revised Statutes Supplement, 2015; to adopt the School Readiness Tax Credit Act; to provide income tax credits; to exclude tax credits from certain eligibility determinations; to harmonize provisions; and to repeal the original sections.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 394CA.** Introduced by Hughes, 44.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at



such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

A taxing body may, with respect to any redevelopment project, elect to have its taxes excluded from any pledge made by a city or village under this section. If such election is made, the taxing body shall notify the city or village of its election and the city or village shall not pledge the taxes of such taxing body for the payment of any indebtedness related to such redevelopment project.

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

A constitutional amendment to authorize a taxing body to elect to have its taxes excluded from any pledge of taxes made by a city or village to pay indebtedness related to a redevelopment project.

For

Against.

### ANNOUNCEMENT(S)

Senator Schilz designates LB176 as his priority bill.

Senator Johnson designates LB136 as his priority bill.

Senator Lindstrom designates LB471 as his priority bill.

### COMMITTEE REPORT(S)

Health and Human Services

**LEGISLATIVE BILL 147.** Placed on General File.

**LEGISLATIVE BILL 471.** Placed on General File with amendment.

AM1809

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

2 sections:

3 Section 1. Section 71-2454, Revised Statutes Cumulative Supplement,

4 2014, is amended to read:

5 71-2454 (1) ~~An~~ ~~It is the intent of the Legislature that an~~ entity

6 described in section 71-2455 shall establish a system of prescription

7 drug monitoring for the purposes of (a ~~+~~) preventing the misuse of

8 controlled substances that are prescribed ~~in an efficient and cost-~~

9 ~~effective manner~~ and (b ~~2~~) allowing prescribers and dispensers ~~doctors~~

10 ~~and pharmacists~~ to monitor the care and treatment of patients for whom

11 such a prescription drug is prescribed to ensure that such prescription

12 drugs are used for medically appropriate purposes and that the State of  
13 Nebraska remains on the cutting edge of medical information technology.

14 (2) Such system of prescription drug monitoring shall be implemented  
15 beginning January 1, 2017, and shall include, but not be limited to,  
16 provisions that:

17 (a) Prohibit any patient from opting out of the prescription drug  
18 monitoring system;

19 (b) Require all prescriptions dispensed in this state or to an  
20 address in this state to be entered into the system by the dispenser or  
21 his or her designee daily after such prescription is dispensed, including  
22 those for patients paying cash for such prescription drug or otherwise  
23 not relying on a third-party payor for payment for the prescription drug;

24 (c) Allow all prescribers or dispensers of prescription drugs to  
25 access the system at no cost to such prescriber or dispenser; and

26 (d) Ensure that such system includes information relating to all  
27 payors, including, but not limited to, the medical assistance program  
1 established pursuant to the Medical Assistance Act.

2 Dispensers may begin on the effective date of this act to report  
3 dispensing of prescriptions to the entity described in section 71-2455  
4 which is responsible for establishing the system of prescription drug  
5 monitoring.

6 (3) Prescription information that shall be submitted electronically  
7 to the prescription drug monitoring system shall include:

8 (a) The patient's name, address, and date of birth;

9 (b) The name and address of the pharmacy dispensing the  
10 prescription;

11 (c) The date the prescription is written;

12 (d) The date the prescription is filled;

13 (e) The name of the drug prescribed;

14 (f) The strength of the drug prescribed;

15 (g) The quantity of the drug prescribed and the number of days'  
16 supply; and

17 (h) The prescriber's name, address, and National Provider Identifier  
18 number.

19 (4) For purposes of this section:

20 (a) Designee means any licensed or registered health care  
21 professional designated by a dispenser to act as an agent of the  
22 dispenser for purposes of submitting or accessing data in the  
23 prescription drug monitoring system and who is directly supervised by  
24 such dispenser;

25 (b) Dispenser means a person authorized in the jurisdiction in which  
26 he or she is practicing to deliver a prescription to the ultimate user by  
27 or pursuant to the lawful order of a prescriber but does not include (i)  
28 a licensed hospital pharmacy that distributes such prescription for the  
29 purposes of inpatient hospital care or emergency department care for the  
30 immediate use of a prescription, (ii) an authorized person who

31 administers a prescription upon the lawful order of a prescriber, or

1 (iii) a wholesale distributor of a prescription drug monitored by the  
2 prescription drug monitoring system; and

3 (c) Prescriber means a health care professional authorized to  
 4 prescribe in the profession which he or she practices.  
 5 Sec. 2. Original section 71-2454, Revised Statutes Cumulative  
 6 Supplement, 2014, is repealed.

(Signed) Kathy Campbell, Chairperson

Judiciary

**LEGISLATIVE BILL 212.** Indefinitely postponed.  
**LEGISLATIVE BILL 244.** Indefinitely postponed.  
**LEGISLATIVE BILL 297.** Indefinitely postponed.  
**LEGISLATIVE BILL 354.** Indefinitely postponed.  
**LEGISLATIVE BILL 592.** Indefinitely postponed.  
**LEGISLATIVE BILL 606.** Indefinitely postponed.

(Signed) Les Seiler, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Kuehn filed the following amendment to LB471:  
 AM1823

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 71-2454, Revised Statutes Cumulative Supplement,  
 4 2014, is amended to read:  
 5 71-2454 ~~(1) An~~ ~~It is the intent of the Legislature that an~~ entity  
 6 described in section 71-2455 shall establish a system of prescription  
 7 drug monitoring for the purposes of ~~(a +)~~ preventing the misuse of  
 8 controlled substances that are prescribed ~~in an efficient and cost-~~  
 9 ~~effective manner~~ and ~~(b 2)~~ allowing prescribers and dispensers ~~doctors~~  
 10 ~~and pharmacists~~ to monitor the care and treatment of patients for whom  
 11 such a prescription drug is prescribed to ensure that such prescription  
 12 drugs are used for medically appropriate purposes and that the State of  
 13 Nebraska remains on the cutting edge of medical information technology.  
 14 (2) Such system of prescription drug monitoring shall be implemented  
 15 beginning January 1, 2017, and shall include, but not be limited to,  
 16 provisions that:  
 17 (a) Prohibit any patient from opting out of the prescription drug  
 18 monitoring system;  
 19 (b) Require all prescriptions dispensed in this state or to an  
 20 address in this state to be entered into the system by the dispenser or  
 21 his or her designee daily after such prescription is dispensed, including  
 22 those for patients paying cash for such prescription drug or otherwise  
 23 not relying on a third-party payor for payment for the prescription drug;  
 24 (c) Allow all prescribers or dispensers of prescription drugs to  
 25 access the system at no cost to such prescriber or dispenser; and  
 26 (d) Ensure that such system includes information relating to all  
 27 payors, including, but not limited to, the medical assistance program

1 established pursuant to the Medical Assistance Act.  
 2 Dispensers may begin on the effective date of this act to report  
 3 dispensing of prescriptions to the entity described in section 71-2455  
 4 which is responsible for establishing the system of prescription drug  
 5 monitoring.  
 6 (3) Prescription information that shall be submitted electronically  
 7 to the prescription drug monitoring system shall include:  
 8 (a) The patient's name, address, and date of birth;  
 9 (b) The name and address of the pharmacy dispensing the  
 10 prescription;  
 11 (c) The date the prescription is written;  
 12 (d) The date the prescription is filled;  
 13 (e) The name of the drug prescribed;  
 14 (f) The strength of the drug prescribed;  
 15 (g) The quantity of the drug prescribed and the number of days'  
 16 supply; and  
 17 (h) The prescriber's name, address, and National Provider Identifier  
 18 number.  
 19 (4) A veterinarian licensed under the Veterinary Medicine and  
 20 Surgery Practice Act shall only be required to report prescription of  
 21 controlled substances from listed on Schedule II, Schedule III, or  
 22 Schedule IV pursuant to section 28-405.  
 23 (5) For purposes of this section:  
 24 (a) Designee means any licensed or registered health care  
 25 professional designated by a dispenser to act as an agent of the  
 26 dispenser for purposes of submitting or accessing data in the  
 27 prescription drug monitoring system and who is directly supervised by  
 28 such dispenser;  
 29 (b) Dispenser means a person authorized in the jurisdiction in which  
 30 he or she is practicing to deliver a prescription to the ultimate user by  
 31 or pursuant to the lawful order of a prescriber but does not include (i)  
 1 a licensed hospital pharmacy that distributes such prescription for the  
 2 purposes of inpatient hospital care or emergency department care for the  
 3 immediate use of a prescription, (ii) an authorized person who  
 4 administers a prescription upon the lawful order of a prescriber, or  
 5 (iii) a wholesale distributor of a prescription drug monitored by the  
 6 prescription drug monitoring system, and (iv) through December 31, 2017,  
 7 a veterinarian licensed under the Veterinary Medicine and Surgery  
 8 Practice Act when dispensing prescriptions for animals in the usual  
 9 course of providing professional services; and  
 10 (c) Prescriber means a health care professional authorized to  
 11 prescribe in the profession which he or she practices.  
 12 Sec. 2. Original section 71-2454, Revised Statutes Cumulative  
 13 Supplement, 2014, is repealed.

Senator Cook filed the following amendment to LB510:  
 AM1822

(Amendments to Standing Committee amendments, AM732)

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Strike original section 2 and insert the following new section:  
 3 Sec. 2. (1) For taxable years beginning or deemed to begin on or  
 4 after January 1, 2017, there shall be allowed to an employer of any  
 5 eligible employee a nonrefundable credit, for not more than two years,  
 6 against the income tax imposed by the Nebraska Revenue Act of 1967 in the  
 7 amount of twenty percent of the employer's annual expenditures for any of  
 8 the following services that are provided to eligible employees and that  
 9 are incidental to the employer's business:  
 10 (a) The payment of tuition at a Nebraska public institution of  
 11 postsecondary education or the payment of the costs associated with a  
 12 high school equivalency program for eligible employees; and  
 13 (b) The provision of transportation of eligible employees to and  
 14 from work.  
 15 (2) The credit allowed under this section for any taxable year shall  
 16 not exceed the employer's actual tax liability for such taxable year.  
 17 (3) The Department of Revenue shall submit a report electronically  
 18 to the Clerk of the Legislature on or before July 1 of each year on (a)  
 19 the number of employers claiming a credit under this section and (b) the  
 20 number of eligible employees receiving the services for which credits are  
 21 claimed.  
 22 (4) The Department of Revenue, in consultation with the Department  
 23 of Health and Human Services, shall develop a process to verify that any  
 24 employer claiming credits under this section qualifies for such credits.  
 25 (5) The Department of Revenue may adopt and promulgate rules and  
 26 regulations necessary to carry out this section.  
 1 (6) For purposes of this section, eligible employee means a parent  
 2 or responsible relative who is a member of a family that received  
 3 benefits under the state or federally funded Temporary Assistance for  
 4 Needy Families program established in 42 U.S.C. 601 et seq., for any nine  
 5 months of the eighteen-month period immediately prior to the employee's  
 6 hiring date.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Kolterman - LB467  
 Watermeier - LR35  
 Kuehn - LB47  
 Schilz - LR388 and LB824

**RECESS**

At 11:54 a.m., on a motion by Senator Murante, 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 Gloor, Smith, and Watermeier who were excused until they arrive.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB813	Health and Human Services
LB814	Transportation and Telecommunications
LB815	Judiciary
LB816	Health and Human Services
LB817	Banking, Commerce and Insurance
LB818	Health and Human Services
LB819	Banking, Commerce and Insurance
LB820	General Affairs
LB821	Business and Labor
LB822	General Affairs
LB823	Government, Military and Veterans Affairs
LB824	Natural Resources
LB825	Revenue
LB826	Education
LB827	Government, Military and Veterans Affairs
LB828	Business and Labor
LB829	Judiciary
LB830	Government, Military and Veterans Affairs
LB831	Judiciary
LB832	Judiciary
LB833	Judiciary
LB834	General Affairs
LB835	Judiciary
LB836	Business and Labor
LB837	Banking, Commerce and Insurance
LB838	Appropriations
LB839	Judiciary
LB840	Banking, Commerce and Insurance
LB841	Business and Labor
LB842	Health and Human Services
LB843	Judiciary
LB844	Transportation and Telecommunications
LB845	Judiciary
LB846	Judiciary
LB847	Judiciary

LB848 Judiciary  
LB849 Health and Human Services  
LB850 Business and Labor  
LB851 Government, Military and Veterans Affairs  
LB852 Appropriations

(Signed) Bob Krist, Chairperson  
Executive Board

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 395.** Introduced by Hilkemann, 4.

WHEREAS, the Millard North High School football team won the 2015 Class A State Football Championship; and

WHEREAS, the Millard North Mustangs defeated previously unbeaten Millard West High School in the championship game by a score of 21-14; 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 Millard North High School football team on winning the 2015 Class A State Football Championship.

2. That a copy of this resolution be sent to the Millard North High School football team.

Laid over.

**LEGISLATIVE RESOLUTION 396.** Introduced by Hilkemann, 4; McCoy, 39.

WHEREAS, the Elkhorn South High School football team won the 2015 Class B State Football Championship; and

WHEREAS, the Elkhorn South Storm defeated Aurora High School in the championship game by a score of 32-21; and

WHEREAS, the Elkhorn South Storm football team finished their season undefeated; 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 Elkhorn South High School football team on winning the 2015 Class B State Football Championship.

2. That a copy of this resolution be sent to the Elkhorn South High School football team.

Laid over.

**ANNOUNCEMENT(S)**

Senator Schnoor designates LB289 as his priority bill.

**MOTION - Adopt Permanent Rules**

The Garrett motion to adopt the permanent rules for the One Hundred Fourth Legislature, Second Session, and any special sessions held during the 2016 calendar year, found in this day's Journal, as amended, was renewed.

Senator Chambers renewed his amendment to the Kintner proposed rules change, found in this day's Journal, to Rule 1, Sec. 1 and Rule 3, Sec. 8.

Senator Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 36:

Baker	Ebke	Hansen	McCollister	Stinner
Brasch	Fox	Harr, B.	Mello	Sullivan
Campbell	Friesen	Hilkemann	Morfeld	Watermeier
Chambers	Garrett	Howard	Murante	Williams
Coash	Gloor	Kolowski	Pansing Brooks	
Cook	Groene	Krist	Scheer	
Craighead	Haar, K.	Kuehn	Schumacher	
Crawford	Hadley	Lindstrom	Seiler	

Voting in the negative, 7:

Bloomfield	Johnson	Kolterman	Schnoor
Hughes	Kintner	Larson	

Present and not voting, 6:

Bolz	McCoy	Schilz
Davis	Riepe	Smith

The Chambers amendment was adopted with 36 ayes, 7 nays, and 6 present and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the Kintner proposed rules change:

Rule 1, Sec. 1

(a) Add: "No provision shall be allowed for write-ins".

Rule 3, Sec. 8



(a) Add: "No provision shall be allowed for write-ins".

Senator Chambers withdrew his amendment.

Senator Kintner renewed his proposed rules change, found in this days Journal, to Rule 1, Sec. 1 and Rule 3, Sec. 8, as amended.

Senator Kintner moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Kintner requested a roll call vote on his proposed rules change, as amended.

Voting in the affirmative, 17:

Brasch	Friesen	Larson	Riepe	Smith
Craighead	Groene	Lindstrom	Scheer	
Ebke	Kintner	McCoy	Schilz	
Fox	Kuehn	Murante	Schnoor	

Voting in the negative, 30:

Baker	Cook	Hadley	Kolowski	Schumacher
Bloomfield	Crawford	Hansen	Kolterman	Seiler
Bolz	Davis	Hilkemann	Krist	Sinner
Campbell	Garrett	Howard	Mello	Sullivan
Chambers	Gloor	Hughes	Morfeld	Watermeier
Coash	Haar, K.	Johnson	Pansing Brooks	Williams

Absent and not voting, 1:

McCollister

Excused and not voting, 1:

Harr, B.

The Kintner proposed rules change, as amended, lost with 17 ayes, 30 nays, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Kintner offered the following proposed rules change:

**Amend Rule 3, Sec. 20.**

**Sec. 20. Request From Committee, Bills Held.** (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected

members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. Final action taken by the committee following a motion filed pursuant to this subsection, and prior to when debate is initiated on the motion by the Legislature, shall take precedence over such motion. Except final action by the committee following a motion filed pursuant to this subsection, and prior to when debate is initiated on the motion by the Legislature shall not take precedence over such motion, when at the time such motion was filed said bill had a priority designation and had at least fifteen introducers, and by a vote of a majority of the elected members, said bill shall be placed on General File. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

(c) Any amendment, other than a committee amendment, offered which is substantially the same as a pending bill shall require a three-fifths vote of the elected members if offered prior to the public hearing or within ten days after the public hearing.

(d) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer of the bill must concur with any motion offered under this rule.

Senator Kintner moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Kintner requested a roll call vote on his proposed rules change.

Voting in the affirmative, 5:

Brasch      Ebke      Fox      Groene      Kintner

Voting in the negative, 35:

Bolz	Davis	Hughes	Mello	Schumacher
Campbell	Gloor	Johnson	Morfeld	Seiler
Chambers	Haar, K.	Kolowski	Murante	Smith
Coash	Hadley	Kolterman	Pansing Brooks	Stinner
Cook	Hansen	Krist	Riepe	Sullivan
Craighead	Harr, B.	Kuehn	Scheer	Watermeier
Crawford	Howard	McCollister	Schilz	Williams

Present and not voting, 7:

Baker	Friesen	Hilkemann	Schnoor
Bloomfield	Garrett	McCoy	

Excused and not voting, 2:

Larson	Lindstrom
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The Kintner proposed rules change lost with 5 ayes, 35 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a roll call vote on the Garrett motion to adopt the permanent rules, as amended.

The Garrett motion to adopt permanent rules, as amended, prevailed with 44 ayes, 1 nay, 2 present and not voting, and 2 excused and not voting.

Senator Chambers moved to reconsider the vote to adopt the permanent rules.

#### **PRESIDENT FOLEY PRESIDING**

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 890.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,274, Reissue Revised Statutes of Nebraska; to change provisions relating to actions involving motor vehicle collisions with domestic animals; and to repeal the original section.

**LEGISLATIVE BILL 891.** Introduced by Brasch, 16; Baker, 30; Bloomfield, 17; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; Mello, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Down Syndrome Diagnosis Information and Support Act.

**LEGISLATIVE BILL 892.** Introduced by Kintner, 2; Bloomfield, 17; Brasch, 16; Campbell, 25; Coash, 27; Cook, 13; Crawford, 45; Davis, 43; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hansen, 26; Harr, B., 8; Howard, 9; Hughes, 44; Johnson, 23; Kolowski, 31; Kuehn, 38; Lindstrom, 18; McCollister, 20; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Scheer, 19; Stinner, 48; Williams, 36.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1310, Reissue Revised Statutes of Nebraska; to change provisions relating to intimidation by telephone call; and to repeal the original section.

**LEGISLATIVE BILL 893.** Introduced by Pansing Brooks, 28; Chambers, 11; Ebke, 32; Krist, 10; McCollister, 20; Morfeld, 46; Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-248, Revised Statutes Cumulative Supplement, 2014, and sections 43-247, 43-250, and 43-251.01, Revised Statutes Supplement, 2015; to redefine nonoffender; to change provisions relating to court jurisdiction, temporary custody and disposition, and placements and commitments; and to repeal the original sections.

**LEGISLATIVE BILL 894.** Introduced by Pansing Brooks, 28; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10; McCollister, 20; Morfeld, 46; Williams, 36.

A BILL FOR AN ACT relating to law; to amend sections 29-3915, 43-248.01, and 43-279, Reissue Revised Statutes of Nebraska, and section 43-272, Revised Statutes Supplement, 2015; to change provisions relating to the appointment of counsel; to change provisions relating to the advisement of rights given to a juvenile in custody; to require the appointment of counsel for juveniles; to prohibit the waiver of counsel in certain circumstances; to require the Supreme Court to provide guidelines for attorneys practicing in juvenile court; to set forth requirements for a valid waiver of the right to counsel by a juvenile; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 895.** Introduced by Coash, 27; Baker, 30; Bolz, 29; Campbell, 25; Crawford, 45; Davis, 43; Fox, 7; Harr, B., 8; Hilkemann, 4; Howard, 9; Johnson, 23; Kolterman, 24; McCollister, 20; Mello, 5.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1201, Reissue Revised Statutes of Nebraska; to require a report regarding the Beatrice State Developmental Center and the Bridges program as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 896.** Introduced by Hansen, 26; Watermeier, 1.

A BILL FOR AN ACT relating to state government; to require pay increases for state employees to recognize length of service; and to provide a duty for the Revisor of Statutes.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 397.** Introduced by Gloor, 35; Campbell, 25.

**PURPOSE:** Patient-Centered Medical Home (PCMH) is a model of health care services delivery that puts the patient at the center of care in new ways that require informed joint decisionmaking on medical decisions with a focus on preventive care and management of chronic diseases.

In Nebraska, PCMH has been the focus of legislative efforts since 2009 and of the medical community since 2008. LR22 (2015) studied the multi-year, ongoing work to improve the health of Nebraskans through improved health care services delivery.

It is the purpose of this resolution for the Health and Human Services Committee of the Legislature to conduct an interim study to monitor this health care transformation in Nebraska, to examine the progress of the Nebraska PCMH Participation Agreement, and to provide a legislative forum for discussion and collaboration among the many stakeholders in the health care and health insurance industries.

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

1. That the Health and Human Services 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 398CA.** Introduced by Bloomfield, 17.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article V, section 20, and repeal Article V, sections 21 and 26:

V-20 (1) The Legislature shall provide by law for the election of judges provided for in this Article and may provide for appointment of judges for the unexpired terms in the case of vacancies.

(2) All officers provided for in this Article shall hold their offices until their successors shall be qualified and they shall respectively reside in the district or county from which they shall be selected. All officers, when not otherwise provided for in this Article, shall perform such duties and receive such compensation as may be prescribed by law.

Article V, sections 21 and 26, of the Constitution of Nebraska are repealed.

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

A constitutional amendment to provide for election of judges as prescribed by the Legislature and eliminate provisions relating to selection of judges.

For

Against.

**NOTICE OF COMMITTEE HEARING(S)**

Urban Affairs

Room 1510

Tuesday, January 19, 2016 1:30 p.m.

LB699

LB700

LB703

LB704

(Signed) Sue Crawford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 285.** Title read. Considered.

Committee AM1426, found on page 1390, First Session, 2015, was considered.

Senator Schumacher offered his amendment, AM1474, found on page 1481, First Session, 2015, to the committee amendment.

Senator Schumacher moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Schumacher requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bloomfield	Chambers	Fox	Pansing Brooks	Schumacher
Bolz	Ebke	Groene	Schnoor	Watermeier

Voting in the negative, 27:

Baker	Friesen	Johnson	McCoy	Seiler
Brasch	Gloor	Kintner	Mello	Stinner
Campbell	Haar, K.	Kolowski	Morfeld	Williams
Cook	Harr, B.	Kolterman	Murante	
Crawford	Hilkemann	Lindstrom	Riepe	
Davis	Hughes	McCollister	Scheer	

Present and not voting, 5:

Hadley	Hansen	Krist	Schilz	Smith
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Excused and not voting, 7:

Coash	Garrett	Kuehn	Sullivan
Craighead	Howard	Larson	

The Schumacher amendment lost with 10 ayes, 27 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 35 ayes, 2 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 3 nays, 6 present and not voting, and 6 excused and not voting.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 897.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the public power industry; to define terms; to authorize generating power agencies to engage in commodity futures financial hedging transactions; and to provide a duty for the Revisor

of Statutes.

**LEGISLATIVE BILL 898.** Introduced by Fox, 7; Brasch, 16; Campbell, 25; Chambers, 11; Cook, 13; Crawford, 45; Howard, 9; Kolterman, 24; Riepe, 12; Smith, 14.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend sections 38-1001, 38-1004, and 38-1075, Reissue Revised Statutes of Nebraska; to define a term; to exempt certain persons from credentialing requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 899.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend section 71-5301.01, Reissue Revised Statutes of Nebraska, and section 71-5301, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to lead content; to redefine a term; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 900.** Introduced by Bloomfield, 17; Ebke, 32; Hughes, 44; Kintner, 2; Krist, 10; Morfeld, 46; Schnoor, 15.

A BILL FOR AN ACT relating to motorcycles; to amend sections 60-3,153, 60-4,105, 60-4,118, 60-4,118.02, 60-4,118.03, 60-4,128, and 60-6,279, Reissue Revised Statutes of Nebraska, section 60-4,146, Revised Statutes Cumulative Supplement, 2014, and section 60-4,114, Revised Statutes Supplement, 2015; to change registration fees for motorcycles; to rename the Health Advisory Board and provide powers and duties; to create a fund; to create the brain injury services program; to provide powers and duties for the Department of Motor Vehicles and the Department of Health and Human Services; to change a penalty; to change motorcycle and moped helmet provisions; to eliminate obsolete fund provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-2132.01, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 901.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend sections 38-1107, 38-1116, 38-1119, 38-1121, 38-1131, 38-1132, 38-1135, and 38-1136, Reissue Revised Statutes of Nebraska, section 38-1130, Revised Statutes Cumulative Supplement, 2014, and sections 38-1101 and 38-1102, Revised Statutes Supplement, 2015; to define and redefine terms; to change provisions relating to dental assistants and licensed dental hygienists; to provide for licensed dental assistants, expanded function dental assistants, and expanded function dental hygienists; to provide powers and duties; to harmonize provisions; and to repeal the original sections.



**LEGISLATIVE BILL 902.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Nebraska Clean-burning Motor Fuel Development Act; to amend sections 66-202, 66-203, and 66-204, Revised Statutes Supplement, 2015; to redefine a term; to change provisions relating to qualification for rebates and use of funds; and to repeal the original sections.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 399CA.** Introduced by Davis, 43; Groene, 42.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Before exercising the power to pledge taxes as described in this section, a city or village shall submit, at any primary, general, or special election, the question of pledging such taxes to the registered voters of the city or village and each school district and county whose taxes would be pledged. The question submitted to the voters shall include a total dollar amount of taxes that the city or village may pledge and a timeframe during which the city or village is empowered to pledge such total dollar amount of taxes. If a majority of the votes cast on such question are in favor of authorizing the city or village to pledge such taxes, the city or village may do so. If a majority of the votes cast on such question are opposed to authorizing the city or village to pledge such taxes, the city or village may not do so. Any pledge of taxes occurring prior to January 1, 2017, shall not be subject to the election requirements of this section.

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

A constitutional amendment to require cities and villages to obtain voter approval before pledging taxes for the payment of indebtedness related to redevelopment projects.

For

Against.

#### **AMENDMENT(S) - Print in Journal**

Senator Watermeier filed the following amendment to LB47:  
AM1832

(Amendments to Standing Committee amendments, AM635)

1 1. Strike section 4 and insert the following new section:

2 Sec. 4. This act becomes operative on July 1, 2017.

#### **NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, January 19, 2016 1:30 p.m.

LB734

LB773

LB692

LB726

(Signed) Kate Sullivan, Chairperson

#### **VISITORS**

Visitors to the Chamber were Chris Zygielbaum from Lincoln and Douglas and Jan King from Melbourne, Australia.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

#### **ADJOURNMENT**

At 4:51 p.m., on a motion by Senator Mello, the Legislature adjourned until 9:00 a.m., Tuesday, January 12, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTH DAY - JANUARY 12, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 12, 2016

**PRAYER**

The prayer was offered by Pastor Brent Kuhlman, Trinity Lutheran Church, Murdock.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourth day was approved.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 903.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to schools; to amend sections 79-102, 79-233, 79-237, 79-238, 79-413, 79-473, 79-528, 79-611, 79-850, 79-979, 79-1007.18, 79-1008.02, 79-1022, 79-1036, 79-1041, 79-10,120, 79-10,126, 79-1241.03, 79-2104, 79-2104.01, 79-2104.02, 79-2104.03, 79-2111, and 79-2404, Reissue Revised Statutes of Nebraska, sections 32-546.01, 32-604, 70-651.04, and 77-1736.06, Revised Statutes Cumulative Supplement, 2014, and sections 77-3442, 79-215, 79-1001, 79-1007.11, 79-2110, and 79-2115, Revised Statutes Supplement, 2015; to change provisions relating to learning community coordinating councils; to change provisions relating to the option enrollment program; to provide for an extreme poverty allowance pursuant to the Tax Equity and Educational Opportunities Support Act; to change and eliminate certain levy authority and open enrollment provisions relating to learning communities; to eliminate the Learning Community

Reorganization Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-4,117, 79-4,118, 79-4,119, 79-4,120, 79-4,121, 79-4,122, 79-4,123, 79-4,124, 79-4,125, 79-4,126, 79-4,127, 79-4,128, 79-4,129, 79-1073, 79-1073.01, 79-10,126.01, and 79-2110.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 904.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to learning communities; to amend section 79-2102, Reissue Revised Statutes of Nebraska, and section 32-546.01, Revised Statutes Cumulative Supplement, 2014; to permit school districts to opt out of a learning community as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 905.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to public health; to adopt the Commission on Fathers, Men, and Boys Establishment Act of 2016.

**LEGISLATIVE BILL 906.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to law enforcement; to adopt the Law Enforcement Education Act.

**LEGISLATIVE BILL 907.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 58-210.02, Reissue Revised Statutes of Nebraska, sections 77-1108, 77-1109, and 77-1115, Revised Statutes Cumulative Supplement, 2014, and section 77-1116, Revised Statutes Supplement, 2015; to change provisions relating to the New Markets Job Growth Investment Act; and to repeal the original sections.

**NOTICE OF COMMITTEE HEARING(S)**

Agriculture

Room 2102

Tuesday, January 19, 2016 1:30 p.m.

LB730

LB798

(Signed) Jerry Johnson, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 400.** Introduced by Fox, 7.

WHEREAS, on December 21, 2015, more than 110 homeless shelter residents received free haircuts during the "You Look Good, You Feel Good" event at the Victory Boxing Club and Community Center in Omaha; and

WHEREAS, the event was started by Beauchamp Alejandro who said he wanted to give back to the community, and decided the best way to do that was to do something for the homeless. Nearly twenty other barbers and stylists joined Beauchamp to help with the event; and

WHEREAS, participants also received a gift bag with grooming products and a free meal; and

WHEREAS, the event was held in conjunction with National Homeless Persons' Memorial Day which is held each year on December 21.

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

1. That the Legislature recognizes Beauchamp Alejandro and all other contributors to the "You Look Good, You Feel Good" event in Omaha.
2. That a copy of this resolution be sent to Beauchamp Alejandro.

Laid over.

**LEGISLATIVE RESOLUTION 401.** Introduced by Fox, 7.

WHEREAS, on January 1, 2016, the Omaha South High Magnet School dance team, the Luvabulls, performed at the 2016 Sugar Bowl in New Orleans, Louisiana; and

WHEREAS, the Omaha South Luvabulls started fundraising in October of 2015 and raised \$33,000 for eighteen dancers and Coach Halley Taylor to attend the event. The team received donations from national and local supporters, teachers, and students; and

WHEREAS, the Omaha South Luvabulls won the 2016 Sugar Bowl Spirit Award; and

WHEREAS, when the Spirit Award was presented, the Omaha South Luvabulls were described as representing the spirit of the Sugar Bowl by "always showing kindness, respect, and leadership"; 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 dance team on performing at the 2016 Sugar Bowl and winning the Sugar Bowl Spirit Award.
2. That a copy of this resolution be sent to the Omaha South High Magnet School dance team and Coach Halley Taylor.

Laid over.

**GENERAL FILE****LEGISLATIVE BILL 47.** Considered.

Committee AM635, found on page 775 and considered on pages 973 and 990, First Session, 2015, was renewed.

Senator Watermeier offered his amendment, AM938, found on page 974, First Session, 2015, to the committee amendment.

Senator Chambers offered the following motion:

MO142

Bracket until April 20, 2016.

**SPEAKER HADLEY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his motion to bracket.

Voting in the affirmative, 6:

Bloomfield	Larson	Schumacher
Krist	Pansing Brooks	Sullivan

Voting in the negative, 35:

Bolz	Friesen	Hilkemann	Kuehn	Schilz
Brasch	Garrett	Howard	McCollister	Schnoor
Coash	Gloor	Hughes	McCoy	Seiler
Craighead	Groene	Johnson	Morfeld	Smith
Crawford	Haar, K.	Kintner	Murante	Stinner
Davis	Hadley	Kolowski	Riepe	Watermeier
Fox	Harr, B.	Kolterman	Scheer	Williams

Present and not voting, 5:

Baker	Chambers	Cook	Ebke	Hansen
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Excused and not voting, 3:

Campbell	Lindstrom	Mello
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The Chambers motion to bracket failed with 6 ayes, 35 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 908.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to veterinary technicians; to amend section 38-3325, Reissue Revised Statutes of Nebraska; to provide for temporary licenses; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 909.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 2-1807, 2-1808, 54-635, 54-850, 54-856, 54-1371, 54-1382, 54-1704, 54-1904, 54-2306, 54-2320, 81-2,147.10, 89-187, 89-187.02, 89-188, 89-197, and 89-1,100, Reissue Revised Statutes of Nebraska; to change the director's powers and duties; to change fee and penalty provisions relating to agriculture, livestock, and weights and measures; to provide for credits to various funds as prescribed; to eliminate permit and license requirements to furnish an applicant's social security number; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 910.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to parole administration; to amend section 83-1,101, Reissue Revised Statutes of Nebraska, and sections 47-903, 47-908, 47-913, 83-171, 83-1,100, and 83-933, Revised Statutes Supplement, 2015; to change provisions relating to parole administration; to define a term; to provide duties for the Office of Parole Administration, the Parole Administrator, the Director of Correctional Services, and the chairperson of the Board of Parole; to change a date relating to transition as prescribed; to change provisions relating to appointment of the Parole Administrator; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 911.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to state intent to transfer funds relating to systems of care for users of adult behavioral health services.

**LEGISLATIVE BILL 912.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to elections; to amend sections 32-914 and 32-1027, Reissue Revised Statutes of Nebraska, sections 32-329 and 32-915, Revised Statutes Cumulative Supplement, 2014, and section 32-947, Revised Statutes Supplement, 2015; to provide and change requirements for presentation of identification for purposes of voting; to harmonize provisions; to provide an operative date; and to repeal the

original sections.

**LEGISLATIVE BILL 913.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to state disasters; to adopt the Facilitating Business Rapid Response to State Declared Disasters Act.

**LEGISLATIVE BILL 914.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1003, Revised Statutes Cumulative Supplement, 2014; to change a provision relating to compensation for certain board members as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 915.** Introduced by McCollister, 20; Crawford, 45; Ebke, 32; Garrett, 3; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Seiler, 33; Williams, 36.

A BILL FOR AN ACT relating to veterans' treatment court programs; to amend section 24-1302, Reissue Revised Statutes of Nebraska; to state findings relating to the establishment of a veterans' treatment court program pilot project; to provide for court rules relating to the administration of veterans' treatment court programs; and to repeal the original section.

**LEGISLATIVE BILL 916.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to offenses against animals; to provide immunity from criminal or civil liability for removal of an animal from a motor vehicle by forcible entry as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 917.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Office of Inspector General of Nebraska Child Welfare Act; to amend sections 43-2,108, 43-4318, 43-4319, 43-4321, 43-4324, and 43-4326, Revised Statutes Supplement, 2015; to change provisions relating to access to records; to change provisions relating to investigations by the Inspector General; to harmonize provisions; and to repeal the original sections.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 402.** Introduced by Johnson, 23.

WHEREAS, the David City Aquinas Catholic High School football team won the 2015 Class C-2 State Football Championship; and

WHEREAS, the David City Aquinas Monarchs defeated Oakland-Craig High School in the championship game by a score of 36-7; and



WHEREAS, the David City Aquinas Monarchs have won the state championship four times in the last five years;

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 David City Aquinas Catholic High School football team on winning the 2015 Class C-2 State Football Championship.

2. That a copy of this resolution be sent to the David City Aquinas Catholic High School football team.

Laid over.

#### ANNOUNCEMENT(S)

Senator Campbell designates LB746 as her priority bill.

#### NOTICE OF COMMITTEE HEARING(S) Banking, Commerce and Insurance

Room 1507

Tuesday, January 19, 2016 1:30 p.m.

LB676  
LB760  
LB761  
LB771  
LB778  
LB751  
LB759

(Signed) Jim Scheer, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 47.** Senator Chambers offered the following motion:

MO143

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 10:

Bloomfield	Ebke	Hilkemann	Larson	Schumacher
Chambers	Haar, K.	Krist	Pansing Brooks	Sullivan

Voting in the negative, 25:

Bolz	Gloor	Johnson	McCoy	Seiler
Brasch	Groene	Kintner	Murante	Smith
Coash	Hadley	Kolterman	Riepe	Stinner
Fox	Hansen	Kuehn	Scheer	Watermeier
Friesen	Hughes	Lindstrom	Schnoor	Williams

Present and not voting, 8:

Baker	Cook	Harr, B.	Kolowski
Campbell	Crawford	Howard	McCollister

Excused and not voting, 6:

Craighead	Garrett	Morfeld
Davis	Mello	Schilz

The Chambers motion to reconsider failed with 10 ayes, 25 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 918.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,186 and 60-1505, Revised Statutes Cumulative Supplement, 2014; to change the use of motor vehicle tax proceeds; to provide for placement of funds in the Vehicle Title and Registration System Replacement and Maintenance Cash Fund as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 919.** Introduced by Williams, 36; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Seiler, 33.

A BILL FOR AN ACT relating to courts; to amend sections 24-1301 and 24-1302, Reissue Revised Statutes of Nebraska, and section 29-2246, Revised Statutes Supplement, 2015; to change legislative intent regarding

problem solving court programs and appropriations for such programs; to require the Supreme Court to promulgate rules; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 920.** Introduced by Pansing Brooks, 28; Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Police Standards Advisory Council; to amend section 81-1407, Reissue Revised Statutes of Nebraska; to add members to the council as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 921.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to agriculture; to eliminate provisions relating to organic food; and to outright repeal sections 81-2,233, 81-2,234, and 81-2,235, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 922.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend section 84-1501, Reissue Revised Statutes of Nebraska; to change terms of board members as prescribed; to provide for filling a vacancy in office; and to repeal the original section.

#### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 403.** Introduced by Hansen, 26; Murante, 49.

WHEREAS, the election equipment used as of January 1, 2016, to facilitate Nebraska elections contains outdated technology and data storage that is either hard to repair or replace or no longer available. The equipment was purchased by the Secretary of State between 2004 and 2006 with federal dollars granted to the State of Nebraska by the federal government pursuant to the federal Help America Vote Act of 2002, Public Law 107-252. The equipment is approaching or past the estimated lifecycle of the equipment; and

WHEREAS, state and federal laws require voting assistance machines be available in all precincts so any voter may cast a ballot independently and privately, but the age and condition of the existing equipment make its availability to voters in future elections questionable; and

WHEREAS, the cost to replace the election equipment will be significant and no federal dollars are expected to be available to assist states with the purchase. Furthermore, uncertainty exists whether this cost will fall to the State of Nebraska or to the individual Nebraska counties.

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

1. The Executive Board of the Legislative Council shall appoint the Election Technology Committee as a special committee of the Legislature. The committee shall have seven members, including the chairperson of the Appropriations Committee of the Legislature or his or her designee and the chairperson of the Government, Military and Veterans Affairs Committee of the Legislature or his or her designee.

2. The chairperson of the Government, Military and Veterans Affairs Committee shall serve as the chairperson of the Election Technology Committee. The Election Technology Committee shall elect a vice-chairperson from among the members of the committee. The legal counsel, committee clerk, and other staff of the Government, Military and Veterans Affairs Committee shall serve as staff for the Election Technology Committee.

3. The Election Technology Committee shall study the longevity of the technology used by election commissioners and county clerks to conduct elections as of January 1, 2016, and the feasibility of updating or replacing the technology. The study shall include, but not be limited to, a review of:

(a) The condition of the hardware used by election commissioners and county clerks to allow voters to mark ballots and to tabulate ballots;

(b) The availability of repair parts for such hardware;

(c) The hardware and software and other methods of voting used by other states or otherwise available as of January 1, 2016, to comply with Title III, section 301, of the federal Help America Vote Act of 2002, as such section existed on January 1, 2016;

(d) The cost to acquire hardware and software or use other methods of voting;

(e) The infrastructure and technology necessary to support such hardware and software or other methods of voting;

(f) The cost to purchase and implement such necessary infrastructure and technology; and

(g) The cost of long-term maintenance of such hardware and software or use of such voting methods.

4. The Election Technology Committee shall study options for acquiring hardware and software or implementing other methods of voting, including, but not limited to:

(a) The state contracting for all necessary equipment at state expense to be distributed to the counties for elections;

(b) The state contracting for all necessary equipment to be distributed to counties for a fee to cover part or all of the cost;

(c) Ninety-three counties purchasing the necessary equipment separately with county funds;

(d) The merits of purchasing all necessary equipment in one fiscal year; and

(e) The merits of purchasing all necessary equipment on a rolling timeline.

5. The Election Technology Committee shall consult with and request information, testimony, or research from:

(a) The Secretary of State;

- (b) The election commissioner from each county with a population of more than one hundred thousand inhabitants;
  - (c) At least three election commissioners or county clerks from other counties;
  - (d) A representative of the Nebraska Association of County Officials;
  - (e) Individuals with disabilities, including at least one individual with a vision impairment and one individual with a physical disability;
  - (f) At least one representative of organizations advocating for individuals with disabilities;
  - (g) At least one representative of organizations advocating for the voting rights of citizens; and
  - (h) Representatives from election technology and equipment manufacturers.
6. The Election Technology Committee shall electronically issue a report with its findings and recommendations to the Legislature no later than December 15, 2016.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR403 was referred to the Reference Committee.

#### **NOTICE OF COMMITTEE HEARING(S)** Government, Military and Veterans Affairs

Room 1507

Wednesday, January 20, 2016 1:30 p.m.

LB695  
LB702  
LB682

(Signed) John Murante, Chairperson

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Fox - LB884  
Baker, Bolz, Davis, Krist, Kuehn, Sullivan - LB166  
Ebke, Hilkemann, Watermeier, Williams - LB166  
Coash - LB817  
Kintner - LB868  
Kolterman - LB691

**VISITORS**

Visitors to the Chamber were Ilene Grossman and Tim Anderson from the Council of State Governments; 36 fourth-grade students from Eagle; and Rachel Riding from Falls City.

**RECESS**

At 11:57 a.m., on a motion by Senator Scheer, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Scheer presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Craighead who was excused; and Senators Campbell, Davis, Garrett, Gloor, Krist, Larson, Mello, Morfeld, Schilz, and Sullivan who were excused until they arrive.

**ANNOUNCEMENT(S)**

Senator Bloomfield designates LB900 as his priority bill.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB803	Nebraska Retirement Systems (rereferred)
LB853	Banking, Commerce and Insurance
LB854	Judiciary
LB855	Business and Labor
LB856	Banking, Commerce and Insurance
LB857	Urban Affairs
LB858	Appropriations
LB859	Health and Human Services
LB860	Urban Affairs
LB861	Judiciary
LB862	General Affairs
LB863	Natural Resources
LB864	Urban Affairs
LB865	Urban Affairs
LB866	Health and Human Services
LB867	Government, Military and Veterans Affairs
LB868	Education
LB869	Health and Human Services

LB870 Revenue  
 LB871 Government, Military and Veterans Affairs  
 LB872 Transportation and Telecommunications  
 LB874 Government, Military and Veterans Affairs  
 LB875 Urban Affairs  
 LB876 Government, Military and Veterans Affairs  
 LB877 Government, Military and Veterans Affairs  
 LB878 Government, Military and Veterans Affairs  
 LB879 Government, Military and Veterans Affairs  
 LB880 Transportation and Telecommunications  
 LB881 Natural Resources  
 LB882 Education  
 LB883 Education  
 LB884 Revenue  
 LB885 Judiciary  
 LB886 Revenue  
 LB887 Natural Resources  
 LB888 Revenue  
 LB889 Revenue  
 LB890 Judiciary  
 LB891 Health and Human Services  
 LB892 Judiciary  
 LB893 Judiciary  
 LB894 Judiciary  
 LB895 Health and Human Services  
 LB896 Business and Labor  
 LB897 Natural Resources  
 LB898 Health and Human Services  
 LB899 Health and Human Services  
 LB900 Transportation and Telecommunications  
 LB901 Health and Human Services  
 LB902 Natural Resources  
 LR394CA Urban Affairs  
 LR398CA Judiciary  
 LR399CA Urban Affairs

(Signed) Bob Krist, Chairperson  
 Executive Board

#### GENERAL FILE

**LEGISLATIVE BILL 47.** Senator Watermeier asked unanimous consent to withdraw his amendment, AM938, found on page 974, First Session, 2015, and considered in this day's Journal, and replace it with his substitute amendment, AM1837, to the committee amendment. No objections. So ordered. AM1837

(Amendments to Standing Committee amendments, AM635)

- 1 1. Strike section 4 and insert the following new section:
- 2 Sec. 4. This act becomes operative on July 1, 2017.

- 3 2. On page 3, line 3; and page 11, line 18, after "no" insert
- 4 "...elect not to answer".
- 5 3. On page 3, after line 3 insert the following new paragraph:
- 6 "An applicant's refusal to respond to this question shall not
- 7 preclude the department from issuing an operator's license or state
- 8 identification card to the applicant.".
- 9 4. On page 11, after line 18 insert the following new paragraph:
- 10 "An applicant's refusal to respond to this question shall not
- 11 preclude the department from issuing a CLP-commercial learner's permit or
- 12 commercial driver's license to the applicant.".

Senator Chambers requested a roll call vote on the Watermeier amendment.

The Watermeier amendment was adopted with 30 ayes, 2 nays, 7 present and not voting, 5 absent and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:  
MO144  
Reconsider the vote taken on AM1837.

**SENATOR COASH PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his motion to reconsider.

Voting in the affirmative, 7:

Baker	Chambers	Krist	Schumacher
Bloomfield	Haar, K.	Pansing Brooks	

Voting in the negative, 37:

Bolz	Fox	Howard	McCollister	Schnoor
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Stinner
Coash	Gloor	Kintner	Morfeld	Watermeier
Cook	Groene	Kolowski	Murante	Williams
Crawford	Hadley	Kolterman	Riepe	
Davis	Hansen	Kuehn	Scheer	
Ebke	Hilkemann	Lindstrom	Schilz	

Present and not voting, 1:

Smith

Excused and not voting, 4:



Craighead Harr, B. Larson Sullivan

The Chambers motion to reconsider failed with 7 ayes, 37 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 923.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to provide funds for federally qualified health centers as prescribed.

**LEGISLATIVE BILL 924.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Income Withholding for Child Support Act; to amend section 43-1718.01, Reissue Revised Statutes of Nebraska; to provide for an additional withholding procedure for certain payments; and to repeal the original section.

**LEGISLATIVE BILL 925.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1837 and 77-1902, Revised Statutes Cumulative Supplement, 2014; to define terms; to change a provision relating to issuance of a treasurer's tax deed; to change a limitation period for bringing a tax lien foreclosure action as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 926.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-908, Revised Statutes Cumulative Supplement, 2014; to adopt the Nebraska Rural Jobs Act; to provide tax credits as prescribed; to harmonize provisions; and to repeal the original section.

**NOTICE OF COMMITTEE HEARING(S)**  
Transportation and Telecommunications

Room 1113

Tuesday, January 19, 2016 1:30 p.m.

LB735  
LB811  
LB732  
LB880

(Signed) Jim Smith, Chairperson

Revenue

Room 1524

Wednesday, January 20, 2016 1:30 p.m.

LB756  
LB749  
LB763

Thursday, January 21, 2016 1:30 p.m.

Tony Fulton - Department of Revenue  
LB775  
LB776  
LB777  
LB725

(Signed) Mike Gloor, Chairperson

Judiciary

Room 1113

Wednesday, January 20, 2016 1:30 p.m.

LB709  
LB673  
LB675  
LB845  
LB894

Thursday, January 21, 2016 1:30 p.m.

JoAnna Briggs - Crime Victim's Reparations Committee  
 Virgil J. Patlan Sr. - Board of Parole  
 Brian Wachman - Crime Victim's Reparations Committee  
 LB831  
 LB846  
 LB738

(Signed) Les Seiler, Chairperson

#### ANNOUNCEMENT(S)

Senator Ebke designates LR35 as her priority resolution.

#### GENERAL FILE

**LEGISLATIVE BILL 47.** Senator Watermeier withdrew his amendment, AM1832, found on page 242.

Senator Bloomfield offered the following amendment to the committee amendment:

FA80

Amend AM635

On page 2, line 31 strike 16 and insert 21.

Senator Bloomfield moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Bloomfield requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Baker	Ebke	Haar, K.	Kolowski	Stinner
Bloomfield	Fox	Hadley	Krist	Sullivan
Campbell	Garrett	Hilkemann	Schnoor	
Chambers	Groene	Johnson	Seiler	

Voting in the negative, 19:

Bolz	Hansen	Kuehn	Murante	Smith
Brasch	Hughes	Lindstrom	Riepe	Watermeier
Davis	Kintner	McCollister	Scheer	Williams
Gloor	Kolterman	Morfeld	Schilz	

Present and not voting, 7:

Coash	Friesen	McCoy	Schumacher
Crawford	Howard	Pansing Brooks	

Excused and not voting, 5:

Cook            Craighead      Harr, B.        Larson        Mello

The Bloomfield amendment lost with 18 ayes, 19 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO145

Recommit to the Transportation and Telecommunications Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his motion to recommit to committee.

Voting in the affirmative, 2:

Bloomfield    Haar, K.

Voting in the negative, 34:

Bolz	Friesen	Hughes	McCollister	Schnoor
Brasch	Gloor	Johnson	McCoy	Seiler
Campbell	Groene	Kintner	Morfeld	Smith
Coash	Hadley	Kolowski	Murante	Sullivan
Crawford	Hansen	Kolterman	Riepe	Watermeier
Davis	Hilkemann	Kuehn	Scheer	Williams
Fox	Howard	Lindstrom	Schilz	

Present and not voting, 5:

Baker            Chambers      Ebke            Pansing Brooks Schumacher

Excused and not voting, 8:

Cook            Garrett        Krist            Mello  
 Craighead      Harr, B.        Larson        Stinner

The Chambers motion to recommit to committee failed with 2 ayes, 34 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO147

Reconsider the vote taken to recommit to committee.

**SPEAKER HADLEY PRESIDING**

The Chambers motion to reconsider failed with 5 ayes, 30 nays, 9 present and not voting, and 5 excused and not voting.

Senator Watermeier offered the following motion:

MO146

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Watermeier moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Watermeier requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 37:

Baker	Friesen	Johnson	McCoy	Seiler
Bolz	Gloor	Kintner	Mello	Smith
Brasch	Groene	Kolowski	Morfeld	Stinner
Campbell	Hadley	Kolterman	Murante	Watermeier
Coash	Hansen	Kuehn	Riepe	Williams
Crawford	Hilkemann	Larson	Scheer	
Davis	Howard	Lindstrom	Schilz	
Fox	Hughes	McCollister	Schnoor	

Voting in the negative, 7:

Bloomfield	Ebke	Pansing Brooks	Sullivan
Chambers	Haar, K.	Schumacher	

Excused and not voting, 5:

Cook	Craighead	Garrett	Harr, B.	Krist
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The Watermeier motion to invoke cloture prevailed with 37 ayes, 7 nays, and 5 excused and not voting.

Committee AM635, as amended, was adopted with 37 ayes, 2 nays, 5 present and not voting, and 5 excused and not voting.

Senator Watermeier requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Bolz	Gloor	Kintner	Morfeld	Smith
Brasch	Hadley	Kolowski	Murante	Stinner
Campbell	Hansen	Kolterman	Riepe	Watermeier
Coash	Hilkemann	Kuehn	Scheer	Williams
Crawford	Howard	Lindstrom	Schilz	
Davis	Hughes	McCoy	Schnoor	
Fox	Johnson	Mello	Seiler	

Voting in the negative, 8:

Bloomfield	Ebke	Larson	Schumacher
Chambers	Haar, K.	Pansing Brooks	Sullivan

Present and not voting, 4:

Baker	Friesen	Groene	McCollister
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Excused and not voting, 5:

Cook	Craighead	Garrett	Harr, B.	Krist
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Advanced to Enrollment and Review Initial with 32 ayes, 8 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 927.** Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-435, 86-457, and 86-903, Reissue Revised Statutes of Nebraska; to change provisions relating to surcharges for 911 service; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 928.** Introduced by Mello, 5; Baker, 30; Bolz, 29; Campbell, 25; Cook, 13; Crawford, 45; Hansen, 26; Howard, 9; Pansing Brooks, 28.

A BILL FOR AN ACT relating to labor; to amend sections 48-1220 and 48-1221, Reissue Revised Statutes of Nebraska; to change provisions relating to discriminatory wage practices based on sex; and to repeal the original sections.

**LEGISLATIVE BILL 929.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to transportation; to amend sections

60-119.01, 60-628.01, and 75-392, Revised Statutes Cumulative Supplement, 2014, and sections 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 60-501, 75-363, 75-364, 75-366, and 75-393, Revised Statutes Supplement, 2015; to adopt and update references to certain federal provisions relating to low-speed vehicles, handicapped or disabled parking permits, the International Registration Plan, operators' licenses, persons handling source documents, hazardous materials, motor carrier regulations and their enforcement, and the unified carrier registration plan and agreement; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 930.** Introduced by Scheer, 19; Ebke, 32; Fox, 7; Hilkemann, 4; Krist, 10; Kuehn, 38; McCollister, 20; Mello, 5; Morfeld, 46; Seiler, 33.

A BILL FOR AN ACT relating to education; to amend sections 79-759 and 79-760.03, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 2015; to change provisions relating to statewide assessments and a pilot project relating to college admission testing as prescribed; to provide for reimbursements to school districts as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 931.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-812, Reissue Revised Statutes of Nebraska, and section 71-401, Revised Statutes Supplement, 2015; to state intent regarding appropriations; to provide for incentives for certain assisted-living facilities; to provide powers and duties; to redefine a term relating to the Behavioral Health Services Fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 932.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to liability; to amend section 25-21,190, Reissue Revised Statutes of Nebraska; to redefine not-for-profit organization; and to repeal the original section.

**LEGISLATIVE BILL 933.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to payroll processors; to adopt the Payroll Processor Regulation Act.

**LEGISLATIVE BILL 934.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Public Guardianship Act; to amend sections 30-4103, 30-4104, 30-4115, and 30-4116, Revised Statutes Cumulative Supplement, 2014; to define a term; to change provisions relating to the Office of the Public Guardian and its powers and duties; to change provisions relating to the number of appointments the Public

Guardian may take; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 935.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-321, Reissue Revised Statutes of Nebraska, section 13-513, Revised Statutes Cumulative Supplement, 2014, and section 84-304, Revised Statutes Supplement, 2015; to require assessment of remedial fees for delinquent information; to authorize the appointment of additional assistant deputies; to provide for the assessment of interest rates on delinquent payments of fees; to change provisions relating to the Auditor of Public Accounts Cash Fund; and to repeal the original sections.

**COMMITTEE REPORT(S)**

Natural Resources

**LEGISLATIVE BILL 127.** Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524

Friday, January 22, 2016 1:30 p.m.

LB689  
LB723  
LB724  
LB884

(Signed) Mike Gloor, Chairperson

**ANNOUNCEMENT(S)**

Senator Riepe designates LB817 as his priority bill.



**MESSAGE(S) FROM THE GOVERNOR**

December 12, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Investment Council:

Keith Olson, CFA, 13024 Hawthorne Court, Omaha, NE 68154

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Groene and Lindstrom - LR35  
Ebke - LB717 and LB844  
Schnoor - LB817

**VISITORS**

Visitors to the Chamber were Senator Friesen's wife and father, Nancy and Albert, from Henderson and sister, Vernetta, from Fresno, CA.

The Doctor of the Day was Dr. David Filipi from Omaha.

**ADJOURNMENT**

At 5:10 p.m., on a motion by Senator Crawford, the Legislature adjourned until 9:00 a.m., Wednesday, January 13, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTH DAY - JANUARY 13, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 13, 2016

**PRAYER**

The prayer was offered by Senator Bloomfield.

**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 Senator Craighead who was excused; and Senators Hansen, B. Harr, Kolowski, Mello, Murante, Schilz, Schnoor, Seiler, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 232, line 9, after "Sec. 1" insert "and Rule 3, Sec. 8".  
The Journal for the fourth day was approved as corrected.

The Journal for the fifth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 619.** Title read. Considered.

Committee AM115, found on page 897, First Session, 2015, was offered.

Senator McCoy withdrew his motion, MO121, found on page 1667, First Session, 2015, to bracket until June 5, 2015.

Senator Larson offered his amendment, AM1654, found on page 1735, First Session, 2015, to the committee amendment.

**SPEAKER HADLEY PRESIDING**

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 936.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2004, 77-2005, 77-2006, and 77-2040, Reissue Revised Statutes of Nebraska; to change inheritance tax rates and exemption amounts; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 937.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to marriage; to amend section 42-102, Reissue Revised Statutes of Nebraska; to eliminate a provision prohibiting marriage by persons with venereal disease; and to repeal the original section.

**LEGISLATIVE BILL 938.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-458 and 86-463, Reissue Revised Statutes of Nebraska; to adopt the 911 Service System Act; to provide for the transfer of funds; to remove obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 939.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to infants and juveniles; to amend section 43-3401, Reissue Revised Statutes of Nebraska, and section 43-3402, Revised Statutes Cumulative Supplement, 2014; to adopt the Nebraska Early Childhood Advantage Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 940.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-201, Reissue Revised Statutes of Nebraska, sections 77-1301 and 77-4212, Revised Statutes Cumulative Supplement, 2014, and section 77-3442, Revised Statutes Supplement, 2015; to adopt the Tax Stabilization Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 941.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2015; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 942.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to marketing plans and trade practices; to amend sections 59-1724, 87-402, and 87-404, Reissue Revised Statutes of Nebraska; to provide a disclosure requirement to the Department of Banking and Finance for seller-assisted marketing plan contracts as prescribed; to define a term; to provide for reformation of a franchise agreement which unreasonably restrains competition; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 943.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to civil rights; to amend sections 15-1012, 18-1724, 21-612, 21-613, 25-305, 25-306, 25-1601, 27-505, 28-382, 28-701, 28-714, 28-803, 30-810, 30-2303, 30-2333, 30-2353, 30-3507, 36-213, 37-403, 38-1129, 40-103, 42-102, 42-103, 42-109, 42-201, 42-202, 42-203, 42-204, 42-206, 42-342, 42-367, 42-377, 42-501, 42-503, 42-617, 42-618, 42-619, 43-101, 43-104.08, 43-104.13, 43-108, 43-1257, 44-704, 44-705, 44-761, 44-1609, 44-2819, 45-1030, 48-122.01, 48-122.03, 48-124, 53-149, 71-601.01, 76-403, 76-409, 76-2117, 77-2732, 77-2769, 79-2,116, 80-102, 83-383, 85-171, and 85-9,168, Reissue Revised Statutes of Nebraska, sections 37-455, 44-710.01, 54-1,111, 76-3415, 77-3506, and 77-3509, Revised Statutes Cumulative Supplement, 2014, and sections 28-707, 32-630, 37-1278, 43-2202, 48-1111, and 80-403, Revised Statutes Supplement, 2015; to update references with respect to husband and wife; to harmonize provisions; to repeal the original sections; and to outright repeal section 42-207, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 944.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to parentage; to amend sections 28-702, 37-1267, 43-104, 43-105, 43-1402, 43-1404, 43-1405, 43-1407, 43-1410, 44-705, 68-149, 68-913, 71-604, 71-617.04, 71-628, 71-640, 71-640.01, 71-640.02, 71-640.03, 71-640.04, 71-641, 71-2103, and 79-233, Reissue Revised Statutes of Nebraska, sections 30-2608, 30-2613, 37-410, 43-292, and 48-604, Revised Statutes Cumulative Supplement, 2014, and section 43-512.04, Revised Statutes Supplement, 2015; to change terminology and application of statutes relating to parentage and marital relationships; and to repeal the original sections.

**LEGISLATIVE BILL 945.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to economic development; to amend section 81-1201.16, Reissue Revised Statutes of Nebraska, and section 13-208, Revised Statutes Cumulative Supplement, 2014; to adopt the Nebraska Healthy Food Financing Initiative Act; to change provisions relating to tax credits; to provide duties for the Community and Rural Development Division of the Department of Economic Development; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 946.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1403, Reissue Revised Statutes of Nebraska; to change powers and duties of the chairperson of the Nebraska Motor Vehicle Industry Licensing Board; and to repeal the original section.

**LEGISLATIVE BILL 947.** Introduced by Mello, 5; Campbell, 25; Gloor, 35; Howard, 9; Krist, 10; McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Schumacher, 22; Stinner, 48; Williams, 36.

A BILL FOR AN ACT relating to aliens; to amend sections 4-111 and 4-112, Reissue Revised Statutes of Nebraska; to state intent relating to professional or commercial licenses; to harmonize provisions; and to repeal the original sections.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 404.** Introduced by Kintner, 2.

WHEREAS, Todd Nott, a teacher at Plattsmouth High School, won the Hitchcock Hundred ultramarathon, a 100-mile race at the Hitchcock Nature Center in western Iowa; and

WHEREAS, Todd finished the race in 22 hours, 56 minutes, and 9 seconds. Of the 50 runners who started the race, only 17 completed it; and

WHEREAS, this is Todd's first win in a 100-mile race. In his running career, he has participated in 7 ultramarathons.

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

1. That the Legislature congratulates Todd Nott on winning the Hitchcock Hundred ultramarathon.
2. That a copy of this resolution be sent to Todd Nott.

Laid over.

### NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Wednesday, January 20, 2016 1:30 p.m.

LB786  
LB791  
LB898

(Signed) Kathy Campbell, Chairperson

Natural Resources

Room 1525

Wednesday, January 20, 2016 1:30 p.m.

Richard R. Bell - Game and Parks Commission  
James W. Hawks - Environmental Quality Council  
LB737

(Signed) Ken Schilz, Chairperson

Nebraska Retirement Systems

Room 1525

Wednesday, January 20, 2016 12:00 p.m.

LB747  
LB790  
LB803

(Signed) Mark Kolterman, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 619.** Senator Chambers offered the following motion:

MO148

Bracket until April 19, 2016.

Senator Chambers withdrew his motion to bracket.

Senator Larson renewed his amendment, AM1654, found on page 1735, First Session, 2015, and considered in this day's Journal, to the committee amendment.

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

Senator Larson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 14:

Bolz	Davis	Garrett	Krist	Schilz
Campbell	Ebke	Hadley	Mello	Watermeier
Coash	Friesen	Hughes	Scheer	

Voting in the negative, 16:

Bloomfield	Hilkemann	Kolterman	Schnoor
Crawford	Johnson	Kuehn	Seiler
Fox	Kintner	Lindstrom	Smith
Gloor	Kolowski	McCollister	Williams

Present and not voting, 9:

Brasch	Cook	Hansen	Riepe	Stinner
Chambers	Groene	Larson	Schumacher	

Absent and not voting, 1:

Harr, B.

Excused and not voting, 9:

Baker	Haar, K.	McCoy	Murante	Sullivan
Craighead	Howard	Morfeld	Pansing Brooks	

The Larson amendment lost with 14 ayes, 16 nays, 9 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 948.** Introduced by Morfeld, 46; Hansen, 26; Mello, 5; Pansing Brooks, 28.

A BILL FOR AN ACT relating to enterprise zones; to amend section 13-2103, Revised Statutes Cumulative Supplement, 2014; to change an application period limitation for the designation of enterprise zones as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 949.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to cigarette tax; to amend section 77-2608, Revised Statutes Cumulative Supplement, 2014; to change the commission allowed to stamping agents; to provide an operative date; and to repeal the original section.



**LEGISLATIVE BILL 950.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4014, Reissue Revised Statutes of Nebraska, and section 77-2604, Revised Statutes Supplement, 2015; to allow a bad debt deduction relating to cigarette and tobacco product taxes; and to repeal the original sections.

**LEGISLATIVE BILL 951.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014, and section 77-2715.07, Revised Statutes Supplement, 2015; to adopt the Affordable Housing Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 952.** Introduced by Watermeier, 1; Davis, 43; Kolterman, 24.

A BILL FOR AN ACT relating to emergency medical services; to amend section 38-1215, Revised Statutes Cumulative Supplement, 2014; to require counties to be responsible for emergency medical services as prescribed; to change membership of the Board of Emergency Medical Services; and to repeal the original section.

**MOTION - Print in Journal**

Senator Larson filed the following motion to LB619:  
MO150  
Reconsider the vote taken on AM1654.

**AMENDMENT(S) - Print in Journal**

Senator Brasch filed the following amendment to LB619:  
AM1780

(Amendments to Standing Committee amendments, AM115)

- 1 1. On page 3, strike beginning with "certain" in line 27 through
- 2 "may" in line 28 and insert "Poker is a game of chance and players are
- 3 not able to develop the skill necessary to"; and strike beginning with
- 4 "While" in line 29 through line 31 and insert "Poker has a random
- 5 component in the cards that are dealt to the players.".
- 6 2. On page 4, strike lines 1 and 2; and in line 4 strike "skill" and
- 7 insert "chance".

**MOTION - Print in Journal**

Senator Krist filed the following motion to LB917:  
MO149  
Withdraw bill.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 953.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to financial institutions; to provide for the protection of qualified adults as prescribed.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Mello - LB919  
Kolterman - LB684  
Schnoor - LR35  
Mello - LB915

**VISITORS**

The Doctor of the Day was Dr. Pat Hotovy from York.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Thursday, January 14, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTH DAY - JANUARY 14, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 14, 2016

**PRAYER**

The prayer was offered by Father Ryan Lewis, St. Thomas More Parish and Gross Catholic High School, Omaha.

**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 Senator Pansing Brooks who was excused; and Senators Campbell, Coash, Hansen, Morfeld, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 285.** Placed on Select File with amendment.  
ER144

1 1. On page 1, strike beginning with "the" in line 1 through line 3  
2 and insert "political subdivisions; to amend section 13-2709, Revised  
3 Statutes Cumulative Supplement, 2014; to change a reporting requirement  
4 under the Civic and Community Center Financing Act; to create a fund; to  
5 provide for distribution of certain amounts in the Civic and Community  
6 Center Financing Fund; and to repeal the original section."

(Signed) Matt Hansen, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 954.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Office of Inspector General of Nebraska Child Welfare Act; to amend sections 43-2,108, 43-4318, 43-4319, 43-4321, 43-4324, and 43-4326, Revised Statutes Supplement, 2015; to change provisions relating to access to records; to change provisions relating to investigations by the Inspector General; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 955.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to state agencies; to amend section 81-118.01, Reissue Revised Statutes of Nebraska; to except the University of Nebraska and the Nebraska State College System from participation in certain state contracts regarding electronic payments as prescribed; and to repeal the original section.

**GENERAL FILE**

**LEGISLATIVE BILL 619.** Committee AM115, found on page 897, First Session, 2015, and considered on page 267, was renewed.

Senator Larson offered his motion, MO150, found on page 273, to reconsider the vote taken on AM1654.

Pending.

**MOTION - Escort Governor**

Senator Hadley moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Cook, Watermeier, Brasch, Gloor, and Sullivan to serve on said committee.

**STATE OF THE STATE ADDRESS**

*"Whether it's cleaning up our highways, patrolling our streets or serving overseas, our people are everyday heroes."*

*"Senators, I look forward to working with you to bring relief to our taxpayers. We must prioritize property tax relief, it's my number one priority this year."*

*"In every agency of state government, we've worked to create a customer-focused culture of accountability and excellence. We are embracing new ideas to make government work and to make the business of life happen for our citizens."*

President Foley, Speaker Hadley, Members of the Legislature, Tribal Chairmen, Distinguished Guests, Friends, Fellow Nebraskans, and of course, our First Lady, my lovely wife Susanne, it's great to be a part of the second session of the 104th Legislature.

Folks, we live in the best place in the world. You have heard me say that before and I'll continue to say it because it remains true. The reason we live in the best place in the world is because of our people.

Nebraskans give to their communities. We share a common set of principles. We treat each other with dignity and respect. And we care about each other.

I'm proud of the fact that Nebraska is one of the top states in the nation for volunteerism. The kids of Cub Scout Pack 190 picked up trash on Highway 7 last year.

When the floods slammed DeWitt, I saw firsthand how the community pulled together—neighbors helping neighbors. I met volunteers, like John Long from Omaha, who were cleaning houses with basements filled to the ceiling with mud and water. Thank you John for joining us here today and for your service.

There is no better example of service than the heroes of our Nebraska National Guard. They help their neighbors here at home and defend our freedom overseas. Last year, I met Lt. Eric Otte and the members of the 192nd Law and Order Detachment as they were being deployed. They were among the more than 150 Nebraska National Guard soldiers who were deployed last year. I'm pleased to say that Lt. Otte and his soldiers all returned home safely last month.

We are so grateful to the Nebraskans who put themselves in harm's way to defend our freedoms. Sixty-one Nebraskans have been killed in action since 2003—12 from our National Guard.

We've also lost a Nebraska hero in the act of performing a humanitarian mission. On May 12<sup>th</sup> last year, Marine Corps Helicopter Pilot and Kearney native Captain Dustin Lukasiwicz saved three people in Nepal on a rescue mission after an earthquake struck. He was flying back to save more people when his helicopter crashed in the mountains. He left behind a wife, a daughter and a son on the way. He was known as Dusty to his friends and we salute his service.

Even if one of our best and brightest leaves Nebraska, their Nebraska spirit defines them. Joe Lemm played High School Football in Beemer, graduated, and joined the Air Force. After the service, he became a New York City cop. When terrorists knocked down the Twin Towers, Lemm worked for weeks, even when off duty, with his fellow officers, digging through the rubble, looking for survivors.

After 9/11, being one of New York's finest wasn't enough service for Joe. He joined the Air National Guard. Last month, on his third combat deployment, this time in Afghanistan, he was killed near Bagram Air Force Base by a suicide bomber. Joe's mom Shirley is here. We salute Joe's service and your sacrifice.

Where do we get such people? Thank God for Dusty and Joe and our Nebraska National Guard and for all the men and women who serve this country at home and abroad.

We lost another hero this spring, Omaha Police Officer Kerrie Orozco who was shot and killed while trying to apprehend a violent fugitive, leaving behind a new baby, a husband and two children.

Law enforcement officers have been receiving a lot of broad-brush criticism lately and it's just not right. They put on their blues every day to protect us. Kerrie Orozco spent her time serving the families of Omaha as a volunteer coach and mentor in addition to being a police officer. The community she patrolled was an extension of her family and she paid the ultimate sacrifice to protect them. Here in the heartland, we appreciate Officer Orozco and all of the heroic police officers protecting us. Officer's Orozco's husband, Hector, is here today. We recognize you for your sacrifice.

On a lighter note, did you see the video of Deputy Sergeant Todd Volk of the Madison County Sheriff's office? He sped past an out-of-control truck, jumped out of his vehicle and leapt onto the moving semi in order to bring it safely to a stop. To most of us, it looked like a scene from an action movie, but that was just real life for Sergeant Volk. And have no fear, Sergeant Volk is here, can you stand up please!

Whether it's cleaning up our highways, patrolling our streets, or serving overseas, our people are everyday heroes.

That's why this is the best place in the world. Nebraska is what America is supposed to be.

When it comes to public service, being a state senator is also a high and noble calling. I am grateful for the sacrifices you and your families make to serve our fellow Nebraskans. As I begin my second year as Governor, delivering my second state-of-the-state address, it feels like a family reunion and I'm not kidding.

Most of you know, I come from a big family and as kids I fought with my brothers and sister. As adults, we still disagree on important topics, but I love them and I love working with them. And I love the work we do here and working with all of you.

Sure, we've had our moments. But we've accomplished great things together.

In the last session, we cut the growth in state spending nearly in half, from 6.5 percent in the last budget to 3.5 percent in our current budget. I want to thank Chairman Mello and the Appropriations Committee for all their fine work.

We also enacted the nurse practitioner bill to increase access to healthcare—particularly in our rural areas.

Together we addressed the cliff effect for childcare with Senator Tanya Cook's bill.

And Senator Kathy Campbell and I reached an agreement to increase Aid to Dependent Children in a responsible way. These are just a few of the many bills on which we found common ground.

Sometimes there was a natural tension. But it's an honor to be a part of our work here in our state capitol. Thank you for your dedication, for the long hours you put in, and for the service you provide this state.

Because of our accomplishments together and the strength and character of our people, I am proud to report today that the State of our State is strong.

Forbes Magazine rates us the third most business-friendly state. Health.com says Nebraska is among the ten healthiest states and Livability.com says Lincoln and Omaha are among the most livable cities in America. Meanwhile Nebraska's government enjoys a Triple-A rating from S&P. We are in a strong position, but we also have our challenges. Those challenges pose opportunities for us to work together to respond and Grow Nebraska.

Agriculture is our largest industry—representing nearly 25 percent of the state economy. But our farm economy is facing challenges.

Right now, commodity prices are flat or down. Corn is around \$3.50 a bushel, a significant drop from the \$8 a bushel price in 2012. Cattle prices are down 17 percent over the last year.

And while farm incomes are subject to fluctuations each year, property taxes go up and up. Last year, I told you about Roger Brandt, who is a farmer in Wayne County. His assessments for three parcels of farmland increased between 36-to-nearly-50 percent in just one year.

We checked in with Roger on this year's property taxes and they went up again, nearly \$2700 and that's after the property tax credit relief we passed last year. While commodity prices stayed flat or declined, his property taxes rose nearly 10 percent.

Folks, those increases put our farmers and ranchers under tremendous pressure and in turn, the largest part of our state's economy.

Last year, we successfully worked together to provide \$408 million in direct dollar-for-dollar property tax relief to Nebraskans through the Property Tax Credit Relief Fund. This year, we must make structural changes to property taxes.

Working with Chairwoman Kate Sullivan, Chairman Mike Gloor, and their committees, we have crafted a proposal for property tax relief. You will see in the bill that we propose to tighten spending and levy limits and we limit the statewide aggregate growth of agricultural property valuations to three percent.

Senators, I look forward to working with you to bring relief to our taxpayers. We must prioritize property tax relief, it's my number one priority this year.

We've talked about growing Nebraska. And indeed, we grew our population faster than any other state around us except Colorado and added 13,000 people.

But our economic growth rate is sluggish. We are 28th in the nation in employment growth. Our rankings for GDP and personal income growth are also in the middle of the pack. There is nothing competitive about being in the middle of the pack.

We need to grow Nebraska's economy, create more and better paying jobs, keep our kids and grandkids here, and attract people from all over the country to come and make Nebraska their home. Our three largest industries are agriculture, manufacturing, and tourism and they all require a strong transportation infrastructure to expand.

We can spur our economic growth by ensuring we have 21<sup>st</sup>-century roads and bridges to grow our industries.

Once again, we've been working with you to address this critical need. Over the last several months, Chairman Smith and Department of Roads Director Kyle Schneweis have traveled the state, working on ideas on how we can accelerate infrastructure investment.

Last week, we announced a proposal for a transportation infrastructure bank to speed up expressway construction, improve county bridges, and assist companies with economic development. Also included are new tools to



increase the efficiency of our construction process. Our businesses transport our goods and services. Our farmers and ranchers deliver the food to feed our world on our roads and bridges. We get to work each day on our highways. We drive our children to school over our county bridges. Let's help local leaders keep and attract businesses. Let's pass the transportation infrastructure bank.

As I said, S&P gives us a Triple-A rating and we have a very strong financial position at the state. However, we can't rest on our laurels. The Forecasting Board revised our revenue forecast downward by \$154 million.

We have to work together to manage taxpayer dollars wisely. The budget I'm proposing manages this shortfall by tightening our belts in the state agencies, returning re-appropriated funds to the state's general fund, and transferring money from the banking and insurance cash funds into the general fund. As a result, no money will be taken from the cash reserve—and none is needed—to fund ongoing operations.

We must also make government work for the people.

We all know in 2014, before I took office, the Omaha World-Herald broke the story of dozens of convicted criminals, many of them violent, being released from prison early because of errors in sentencing calculations at the Department of Corrections.

I know this is a topic everyone here cares about deeply. The Legislature worked hard on this issue since it came to light. I appreciate your dedication to the safety of Nebraskans.

Over the last year, the three branches of government have worked together on issues such as LB605 from the Council of State Governments, dealing with sentencing and corrections reform.

Last year, we brought in Director Scott Frakes to lead the Department of Corrections. Director Frakes is bringing about a culture change to one of accountability and excellence.

To address mistakes in inmate releases, he is instituting a new automated system to perform sentence calculations.

We also know that further investment is needed. In November, Director Frakes unveiled the first phase of his strategic plan—including a \$26 million investment in the Community Corrections Center in Lincoln.

This investment will allow us to expand our capacity for re-entry programming. We will provide job training, work release, and counseling. Our goal is helping offenders avoid becoming repeat customers and ultimately reduce recidivism.

We must make this wise investment.

One of the biggest long-term risks we face to the budget is Medicaid expansion. This body has wisely rejected Medicaid expansion three times in the past three years because it is an unreasonable risk to Nebraska taxpayers. The most recent iteration of expansion would have cost Nebraska taxpayers \$158 million over six years.

Medicaid has already grown from 2.9 percent of Nebraska's budget when it started to where it is today: 19 percent of our budget and growing. This government entitlement crowds out investments in tax relief, education, and roads—things we need to grow our state.

We also know that we cannot trust the federal government to keep the commitments it makes when it comes to spending. A 90 percent federal match is not sustainable in the federal government budget.

When the federal budget gets tight, or priorities change in Washington, that commitment will disappear. History shows, the federal government changes the rules at any time. For example, the federal government promised to pay 40 percent of the cost of the expansion of special education for our schools. Today, the federal contribution is less than 20 percent.

From denying people their choice of doctor, to rising premiums and now this unrealistic promise of federal matching dollars, Obamacare is an example of government that does not work.

Government needs to work for people and government service is a noble calling as well. We have many great people in state government who show up to work every day to help our fellow citizens.

From the cabinet to our frontline teams, we have been able to make great strides over the past year on making government work—and helping with the business of life—for our people. I want to highlight some of the great work of our people starting with the Nebraska Department of Health and Human Services (DHHS). I'm proud of the progress that the team at DHHS is making under the leadership of CEO Courtney Phillips.

We are working to ensure a new level of transparency and accountability for taxpayers. Our people are dedicated to giving vulnerable individuals the best possible experience in receiving assistance and creating a more customer-centric organization.

One example is ACCESSNebraska that serves our fellow Nebraskans who need our help—from nutrition, to child care, to assistance with energy bills.

As I traveled the state, I used to hear a lot of complaints about ACCESSNebraska. The average call wait time in August 2014 was almost 24 minutes. Now, because of process improvements, the average wait time

for the last three months is under five minutes.

Imagine being a low-income Nebraskan with a prepaid phone with 45 minutes on it and then you had to spend over half those minutes waiting on hold. What does that do to your quality of life? Not only have we reduced the average wait time but we also have improved the accuracy rate.

Nebraska's national rank in processing SNAP applications was 48 out of 53 at the beginning of my term and now we are up to 32. Now, nobody is happy about being in the middle of the pack, but we are showing improvement. We are now 21<sup>st</sup> in payment accuracy and 10<sup>th</sup> for denial accuracy. At the end of 2014, the average time to process applications was 40.9 days and now our average is 11.5 days.

Members of the ACCESSNebraska team are here with us today. Please recognize them for all their efforts to improve this important system.

We have seen improvements in other areas as well. In 2015, for the first time ever, our work in the child welfare system exceeded all six federal standards. Three years ago we only met two of those six standards.

Other agencies have been innovating as well to make government more customer-focused. The Department of Labor launched a first-in-the-nation reemployment program to help our state's job seekers connect more quickly with good-paying jobs. Individuals receiving benefits now participate in the program, which includes job coaching and creating a resume that is searchable by potential employers. This helps give our job seekers a leg up.

Alan Holman of Lincoln was helped by our reemployment program to get a job at Sirius Computer Solutions. Alan, his wife Becky, and his boss Kevin Langford are here with us today. Alan and Becky congratulations. And Kevin, thank you for giving Alan some time off to be here today.

Since I took office, our state agencies have made it a priority to identify cost reductions. Chief Information Officer Ed Toner found \$5 million in cost savings for taxpayers.

We are now able to pass along an additional \$3.3 million in roads funding annually to cities and counties.

In every agency of state government, we've worked to create a customer-focused culture of accountability and excellence. We are embracing new ideas to make government work and to make the business of life happen for our citizens.

In the session ahead, I very much look forward to working with each of you to take advantage of the opportunities we have to meet the challenges head on and Grow Nebraska.

Let's work together to:

- Deliver property tax relief;
- Grow Nebraska with a transportation infrastructure bank;
- Manage our budgets by controlling spending; and
- Continue to reform our prison system and invest in community corrections.

This session is also important for another reason, 11 members of the Unicameral are closing this chapter of their public service.

Among those leaving is Speaker Hadley. Mr. Speaker, I value our friendship, your leadership and your advice and counsel not only regarding the work of the Legislature but your invaluable advice for the Chicago Cubs. On behalf of the people of Nebraska, thank you.

And ten more of your colleagues are leaving at the end of the year. Can you please stand up so that we may recognize you?

- Senator Dave Bloomfield
- Senator Kathy Campbell
- Senator Colby Coash
- Senator Tanya Cook
- Senator Mike Gloor
- Senator Ken Haar
- Senator Heath Mello
- Senator Beau McCoy
- Senator Ken Schilz
- Senator Kate Sullivan

Once again, our family here in the state capitol will have its moments this session—no doubt. But I know, when the ice thaws, the snow melts, spring arrives and sports fans—and Speaker Hadley—turn to baseball, we will have accomplished much in this session for the people we represent.

The people of Nebraska are good, hard-working and courageous people. They are the best of America and so we will give them our best. God Bless you, God Bless America, and God Bless the great State of Nebraska.

The committee escorted Governor Pete Ricketts from the Chamber.

**SPEAKER HADLEY PRESIDING**

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 956.** Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, sections 32, 49, 69, 96, 102, 104, 106, 109, 125, 146, 148, 149, 182, 187, 198, 207, 254, and 271; Laws 2015, LB659, section 13; Laws 2015, LB660, sections 24, 29, 31, and 36; and section 90-559, Revised Statutes Supplement, 2015; to define terms; to provide, change, and eliminate provisions relating to appropriations; to provide for transfers; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 957.** Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to funds; to amend sections 60-1513 and 84-1227, Reissue Revised Statutes of Nebraska, section 60-6,211.05, Revised Statutes Cumulative Supplement, 2014, and sections 66-204 and 84-612, Revised Statutes Supplement, 2015; to authorize transfers; to provide for transfers; to authorize uses of funds; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 958.** Introduced by Gloor, 35; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-521, 77-201, 77-3444, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska, sections 77-1315 and 77-5027, Revised Statutes Cumulative Supplement, 2014, and sections 13-519, 13-520, and 77-3442, Revised Statutes Supplement, 2015; to change provisions relating to budgets, the valuation of agricultural land and horticultural land, and levy limitations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 959.** Introduced by Sullivan, 41; at the request of the Governor.

A BILL FOR AN ACT relating to education; to amend sections 79-1022.02, 79-1027, 79-1030, 79-10,110, 79-10,110.01, 79-10,120, 79-10,126, and 85-1517, Reissue Revised Statutes of Nebraska, and sections 13-519, 79-1007.11, 79-1023, and 79-1028.01, Revised Statutes Supplement, 2015; to change and eliminate provisions relating to budgets, levy authority, and school funding; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 960.** Introduced by Smith, 14; at the request of the Governor.

A BILL FOR AN ACT relating to transportation; to amend sections 39-1365 and 73-101, Reissue Revised Statutes of Nebraska, sections 39-1365.02 and 73-307, Revised Statutes Cumulative Supplement, 2014, and sections 39-1348, 81-1701, and 84-612, Revised Statutes Supplement, 2015; to adopt the Transportation Innovation Act; to change legislative findings and a report relating to the state highway system; to provide for transfers from the Cash Reserve Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 961.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-452, Revised Statutes Cumulative Supplement, 2014; to eliminate provisions relating to the hunting of mountain lions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 962.** Introduced by Fox, 7; Baker, 30; Campbell, 25; Howard, 9; Kolterman, 24.

A BILL FOR AN ACT relating to acupuncture; to amend section 38-2058, Reissue Revised Statutes of Nebraska; to change requirements for the practice of acupuncture; and to repeal the original section.

**LEGISLATIVE BILL 963.** Introduced by Fox, 7; Baker, 30; Campbell, 25; Crawford, 45; Howard, 9; Kolterman, 24.

A BILL FOR AN ACT relating to the Nebraska Community Aging Services Act; to amend sections 81-2201, 81-2213, 81-2218, 81-2220, 81-2221, and 81-2235, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to area plans and budgets as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-2228, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 964.** Introduced by Hilkeemann, 4.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,189, Revised Statutes Cumulative Supplement, 2014; to change a requirement for a veteran notation on an operator's license or a state identification card; and to repeal the original section.

**LEGISLATIVE BILL 965.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3501, 29-3502, 29-3503, 29-3518, 29-3527, and 29-3528, Reissue Revised Statutes of Nebraska, and section 29-3523, Revised Statutes Supplement, 2015; to change provisions relating to mistaken arrest and

expungement of records; to provide for expungement of records for persons charged with or found guilty of a crime because of stolen identity or mistaken identity; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 966.** Introduced by Kintner, 2.

A BILL FOR AN ACT relating to refugees; to adopt the Refugee Resettlement Agency Indemnification Act; to provide a cause of action; to provide a civil penalty; and to declare an emergency.

**LEGISLATIVE BILL 967.** Introduced by Kintner, 2; Garrett, 3; Murante, 49.

A BILL FOR AN ACT relating to schools; to amend sections 79-233, 79-237, 79-238, 79-413, 79-473, 79-528, 79-611, 79-1007.18, 79-1008.02, 79-1036, 79-1041, 79-10,120, 79-10,126, 79-2104, 79-2104.01, 79-2104.03, 79-2107, 79-2111, and 79-2404, Reissue Revised Statutes of Nebraska, and sections 70-651.04 and 77-1736.06, Revised Statutes Cumulative Supplement, 2014, and sections 77-3442, 79-215, and 79-2110, Revised Statutes Supplement, 2015; to change provisions relating to the option enrollment program; to change and eliminate certain levy authority and open enrollment provisions relating to learning communities; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-1073, 79-1073.01, 79-10,126.01, and 79-2110.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 968.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to agriculture; to amend section 2-3815, Reissue Revised Statutes of Nebraska; to change provisions relating to an agriculture promotion and development program; and to repeal the original section.

**LEGISLATIVE BILL 969.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to libraries; to amend sections 14-101, 15-230, and 16-251, Reissue Revised Statutes of Nebraska, and section 14-102, Revised Statutes Supplement, 2015; to provide and change duties for the establishment, maintenance, and operation of public libraries or reading rooms by cities or villages as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 970.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to gambling; to amend sections 9-329.02, 9-340, 9-340.02, 9-344, 9-345.03, 9-347, 9-347.01, 9-348, 9-607, 9-646.01, 9-829, and 53-168, Reissue Revised Statutes of Nebraska; to change and eliminate restrictions on rental or purchase and registration of pickle card

equipment, pickle card units, payment requirements, taxes, and limitations on definite profit and the use of gross proceeds for awarding prizes for pickle card lotteries; to provide for authorization of methods of payment for participation in certain gaming activities as prescribed; to change provisions relating to keno; to harmonize provisions; to provide an operative date; and to repeal the original sections.

### GENERAL FILE

**LEGISLATIVE BILL 619.** Senator Larson renewed his motion, MO150, found on page 273 and considered in this day's Journal, to reconsider the vote taken on AM1654.

Senator Larson moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 19:

Baker	Friesen	Harr, B.	Mello	Schumacher
Chambers	Groene	Hughes	Morfeld	Stinner
Coash	Hadley	Krist	Murante	Watermeier
Ebke	Hansen	Larson	Schilz	

Voting in the negative, 22:

Bloomfield	Garrett	Kolowski	McCoy	Sullivan
Brasch	Gloor	Kolterman	Riepe	Williams
Campbell	Hilkemann	Kuehn	Schnoor	
Cook	Johnson	Lindstrom	Seiler	
Crawford	Kintner	McCollister	Smith	

Present and not voting, 5:

Davis	Fox	Haar, K.	Howard	Scheer
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Excused and not voting, 3:

Bolz	Craighead	Pansing Brooks
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The Larson motion to reconsider failed with 19 ayes, 22 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Brasch withdrew her amendment, AM1780, found on page 273.



Committee AM115, found on page 897, First Session, 2015, and considered on page 267 and in this day's Journal, was renewed.

Senator Chambers offered the following amendment to the committee amendment:

FA81

Amend AM115

Strike Section 5.

Senator Chambers withdrew his amendment.

Pending.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 971.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to seized property; to amend section 29-820, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to restoration of seized firearms as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 972.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-604, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to an exclusion from the definition of employment; and to repeal the original section.

**LEGISLATIVE BILL 973.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to electric utilities; to amend section 48-442, Reissue Revised Statutes of Nebraska, and sections 48-437, 60-6,288.01, and 60-6,299, Revised Statutes Cumulative Supplement, 2014; to change penalties for prohibited acts relating to high voltage lines and violation of certain permits; to change notice and permit provisions relating to moving certain buildings on a road or highway; and to repeal the original sections.

**LEGISLATIVE BILL 974.** Introduced by Kolowski, 31; Baker, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2015; to exempt sales of clothing, school supplies, computers, and computer-related accessories from sales and use taxes as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 975.** Introduced by Kolterman, 24; Coash, 27.

A BILL FOR AN ACT relating to children and families; to adopt the Child Welfare Services Preservation Act; and to provide severability.

**LEGISLATIVE BILL 976.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to juries; to amend section 29-2022, Reissue Revised Statutes of Nebraska; to change provisions relating to jury sequestration; and to repeal the original section.

**LEGISLATIVE BILL 977.** Introduced by Smith, 14; Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,144 and 60-6,294, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 2015; to change provisions relating to the operation of implements of husbandry on highways; to harmonize provisions; and to repeal the original sections.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 405.** Introduced by Murante, 49.

WHEREAS, the Gretna High School play production team won the 2015 Class A Play Production Championship with their performance of "Of Floods and Faith"; and

WHEREAS, this is Gretna High School's seventh Class A play production state championship since 2008; and

WHEREAS, the Gretna High School play production team's performance is a wonderful example of successful collaboration between directors, actors, and crew; 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 Gretna High School play production team for winning the 2015 Class A Play Production State Championship.

2. That a copy of this resolution be sent to the Gretna High School play production team and their director, Carole Carraher.

Laid over.

**LEGISLATIVE RESOLUTION 406.** Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to study issues surrounding the blending of various fuels in Nebraska and the impact of right to blend laws

in other states. The study shall examine the following issues, including, but not limited to:

(1) Whether a right to blend law in Nebraska would aid in the expansion of renewable fuels and the use of locally produced ethanol;

(2) What barriers exist for fuel retailers in Nebraska regarding the ability to purchase sub octane fuel from fuel terminals and ethanol blended fuels produced in Nebraska;

(3) How the Renewable Fuel Standard program, authorized under the federal Energy Policy Act of 2005 and expanded under the federal Energy Independence and Security Act of 2007, affects retail fuel prices; and

(4) Whether a right to blend law would affect carbon dioxide emissions and the environment in Nebraska.

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

**NOTICE OF COMMITTEE HEARING(S)**  
Government, Military and Veterans Affairs

Room 1507

Thursday, January 21, 2016 1:30 p.m.

LB741  
LB728  
LB876

Friday, January 22, 2016 1:30 p.m.

LB677  
LB764

(Signed) John Murante, Chairperson

Judiciary

Room 1113

Friday, January 22, 2016 1:30 p.m.

LB744  
LB893  
LB707

(Signed) Les Seiler, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Kuehn, McCollister - LB471  
Cook, Friesen, Harr, B., Schnoor, Seiler - LB166  
Riepe - LB892**VISITORS**

Visitors to the Chamber were Shirley Lemm from Beemer and Lee Heckman from Wisner; members of Leadership Nebraska Class VIII from across the state; and Nebraska Cattlemen's Convention participants from across the state.

**RECESS**

At 11:56 a.m., on a motion by Senator Hilkemann, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Pansing Brooks who was excused; and Senators Bolz, Campbell, Garrett, Kolowski, Mello, Schilz, and Watermeier who were excused until they arrive.

**SPEAKER HADLEY PRESIDING**

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB830	Business and Labor (rereferred)
LB873	Banking, Commerce and Insurance
LB903	Education
LB904	Education
LB905	Health and Human Services
LB906	Education
LB907	Revenue
LB908	Health and Human Services
LB909	Agriculture
LB910	Judiciary
LB911	Appropriations
LB912	Government, Military and Veterans Affairs
LB913	Government, Military and Veterans Affairs
LB914	Natural Resources
LB915	Judiciary
LB916	Judiciary
LB918	Transportation and Telecommunications
LB919	Judiciary
LB920	Judiciary
LB921	Agriculture
LB922	Nebraska Retirement Systems
LB923	Appropriations
LB924	Judiciary
LB925	Revenue
LB926	Revenue
LB927	Transportation and Telecommunications
LB928	Business and Labor
LB929	Transportation and Telecommunications
LB930	Education
LB931	Appropriations
LB932	Judiciary
LB933	Business and Labor
LB934	Judiciary
LB935	Government, Military and Veterans Affairs
LB936	Revenue
LB937	Judiciary
LB938	Transportation and Telecommunications
LB939	Health and Human Services
LB940	Revenue
LB941	Revenue
LB942	Banking, Commerce and Insurance
LB943	Judiciary
LB944	Judiciary
LB945	Banking, Commerce and Insurance

LB946 Transportation and Telecommunications  
 LB947 Judiciary  
 LB948 Urban Affairs  
 LB949 Revenue  
 LB950 Revenue  
 LB951 Revenue  
 LB952 Health and Human Services  
 LB953 Judiciary  
 LB954 Executive Board  
 LR403 Executive Board

Olson, Keith - Nebraska Investment Council - Nebraska Retirement Systems

(Signed) Bob Krist, Chairperson  
 Executive Board

**NOTICE OF COMMITTEE HEARING(S)**  
 Natural Resources

Room 1525

Thursday, January 21, 2016 1:30 p.m.

Dan C. Kreitman - Game and Parks Commission  
 Jan Tenbenschel - Nebraska Ethanol Board  
 Timothy L. Else - Nebraska Ethanol Board  
 LB672

(Signed) Ken Schilz, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 619.** Senator Chambers reoffered his amendment, FA81, found in this day's Journal, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Bloomfield	Ebke	Kintner	Schumacher
Coash	Groene	Krist	Stinner
Crawford	Hughes	Larson	Williams

Voting in the negative, 0.

Present and not voting, 31:

Baker	Fox	Harr, B.	McCollister	Seiler
Brasch	Friesen	Hilkemann	McCoy	Smith
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Davis	Hansen	Lindstrom	Schnoor	

Excused and not voting, 6:

Bolz	Mello	Schilz
Howard	Pansing Brooks	Watermeier

The Chambers amendment lost with 12 ayes, 0 nays, 31 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following motion:

MO152

Unanimous consent to bracket until February 15, 2016.

Senator McCoy objected.

Senator Chambers offered the following motion:

MO151

Reconsider the vote taken on FA81.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 31:

Baker	Crawford	Hadley	Krist	Stinner
Bloomfield	Davis	Hansen	Larson	Sullivan
Campbell	Ebke	Harr, B.	McCollister	Williams
Chambers	Friesen	Hilkemann	Morfeld	
Coash	Gloor	Hughes	Riepe	
Cook	Groene	Johnson	Schilz	
Craighead	Haar, K.	Kolowski	Schumacher	

Voting in the negative, 2:

Kintner	Schnoor
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Present and not voting, 10:

Brasch	Garrett	Kuehn	McCoy	Seiler
Fox	Kolterman	Lindstrom	Scheer	Smith

Excused and not voting, 6:

Bolz	Mello	Pansing Brooks
Howard	Murante	Watermeier

The Chambers motion to reconsider prevailed with 31 ayes, 2 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Chambers amendment, FA81, found in this day's Journal, to the committee amendment, was reconsidered.

Senator Larson offered the following motion:

MO153

Bracket until February 15, 2016.

Senator Larson offered the following motion:

MO154

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Senator Larson requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 16:

Coash	Friesen	Hughes	Morfeld
Craighead	Garrett	Johnson	Schilz
Ebke	Groene	Larson	Schumacher
Fox	Hadley	Mello	Stinner

Voting in the negative, 29:

Baker	Crawford	Hilkemann	Lindstrom	Seiler
Bloomfield	Davis	Kintner	McCollister	Smith
Brasch	Gloor	Kolowski	McCoy	Sullivan
Campbell	Haar, K.	Kolterman	Riepe	Watermeier
Chambers	Hansen	Krist	Scheer	Williams
Cook	Harr, B.	Kuehn	Schnoor	

Excused and not voting, 4:



Bolz            Howard            Murante            Pansing Brooks

The Larson motion to invoke cloture failed with 16 ayes, 29 nays, and 4 excused and not voting.

The Chair declared the call raised.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 978.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-118.02, 81-1108.15, and 81-1108.43, Reissue Revised Statutes of Nebraska; to change provisions relating to the state purchasing card program and facilities construction and administration; to eliminate obsolete provisions relating to a United States Savings Bond withholding program and the selling or leasing of a state building; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1126, 81-1127, 81-1128, 81-1129, and 90-244, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 979.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to drug product selection; to amend section 38-2891, Reissue Revised Statutes of Nebraska, section 71-2445, Revised Statutes Cumulative Supplement, 2014, and sections 38-2801, 38-2837, 38-28,108, 38-28,109, 38-28,110, 38-28,111, 38-28,112, 38-28,113, 38-28,114, 38-28,115, and 38-28,116, Revised Statutes Supplement, 2015; to provide for selection of interchangeable biological products by pharmacists as prescribed; to define and redefine terms; to rename the Nebraska Drug Product Selection Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 980.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-441, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-401.01, and 28-416, Revised Statutes Supplement, 2015; to change penalty provisions for certain violations relating to or committed by persons experiencing or witnessing a drug overdose; to provide protection from civil and criminal liability as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 981.** Introduced by Business and Labor Committee: Harr, B., 8, Chairperson; Bloomfield, 17; Chambers, 11; Crawford, 45.

A BILL FOR AN ACT relating to claims against the state; to appropriate

funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 982.** Introduced by Business and Labor Committee: Harr, B., 8, Chairperson; Bloomfield, 17; Chambers, 11; Crawford, 45; Ebke, 32; Howard, 9.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

**LEGISLATIVE BILL 983.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1102, Revised Statutes Supplement, 2015; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 984.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2221, Reissue Revised Statutes of Nebraska, and section 28-105, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB605, section 6; to change provisions relating to mandatory minimum sentencing and sentencing of habitual criminals; to provide for three-judge panel sentencing hearings as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 985.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to behavioral health services; to amend section 71-801, Revised Statutes Cumulative Supplement, 2014; to provide duties for the Division of Behavioral Health of the Department of Health and Human Services and the regional governing authorities; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 986.** Introduced by Nebraska Retirement Systems Committee: Kolterman, 24, Chairperson; Davis, 43; Groene, 42; Kolowski, 31; Lindstrom, 18; Mello, 5.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend section 84-1503, Revised Statutes Supplement, 2015; to change the duties of the board relating to an annual valuation report and experience study; to provide confidentiality and a penalty; and to repeal the original section.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 407.** Introduced by Craighead, 6.

WHEREAS, Alyssa Howell was crowned Miss Nebraska 2015; and

WHEREAS, as Nebraska's representative at the 2016 Miss America pageant in Atlantic City, New Jersey, Alyssa placed in the top twelve as a semi-finalist; and

WHEREAS, Alyssa has been awarded over \$15,000 in scholarships from these pageant competitions; and

WHEREAS, Alyssa is a student at Creighton University where she studies elementary education and is a member of the Pi Beta Phi international fraternity for women.

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

1. That the Legislature congratulates Alyssa Howell on being crowned Miss Nebraska 2015.
2. That a copy of this resolution be sent to Alyssa Howell.

Laid over.

**LEGISLATIVE RESOLUTION 408.** Introduced by Craighead, 6.

WHEREAS, John "Jack" Koraleski was named the 119th King of Aksarben at the 2015 Aksarben Coronation and Scholarship Ball; and

WHEREAS, the coronation celebrates respect for education, the importance of community, and a desire to improve the collective quality of life in the Omaha area; and

WHEREAS, Jack is the retired executive chairman of Union Pacific Railroad and a 1968 recipient of an Aksarben scholarship.

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

1. That the Legislature congratulates John "Jack" Koraleski on being named the 119th King of Aksarben at the 2015 Aksarben Coronation and Scholarship Ball.
2. That a copy of this resolution be sent to John "Jack" Koraleski.

Laid over.

**LEGISLATIVE RESOLUTION 409.** Introduced by Craighead, 6.

WHEREAS, Molly Kroeger was named the 119th Queen of Aksarben at the 2015 Aksarben Coronation and Scholarship Ball; and

WHEREAS, the coronation celebrates respect for education, the importance of community, and a desire to improve the collective quality of life in the Omaha area; and

WHEREAS, Molly is a daughter of Jackie and Terry Kroeger of Omaha. Her father is president and chief executive officer of BH Media Group, a subsidiary of Berkshire Hathaway, and publisher of the Omaha World-Herald. Her mother is an active community volunteer; and

WHEREAS, Molly will graduate in the spring with a nursing degree from Xavier University.

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

1. That the Legislature congratulates Molly Kroeger on being named the 119th Queen of Aksarben at the 2015 Aksarben Coronation and Scholarship Ball.
2. That a copy of this resolution be sent to Molly Kroeger.

Laid over.

**LEGISLATIVE RESOLUTION 410.** Introduced by Craighead, 6.

WHEREAS, Bruce Lauritzen was named the 2015 Midlander of the Year by the Omaha World-Herald; and

WHEREAS, Bruce received this honor for his role in downtown Omaha's rebirth, contributing to the success of First National of Nebraska, one of the nation's largest family-owned banks, and his leadership as head of a family dedicated to Omaha since the city's founding; and

WHEREAS, Bruce, along with other family members, have supported a long list of civic and charitable groups in the city, state, and region, and have been instrumental in Omaha's growth and improvements in its quality of life.

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

1. That the Legislature congratulates Bruce Lauritzen on being named the 2015 Midlander of the Year by the Omaha World-Herald.
2. That a copy of this resolution be sent to Bruce Lauritzen.

Laid over.

**LEGISLATIVE RESOLUTION 411.** Introduced by Coash, 27; Bolz, 29; Campbell, 25; Haar, K., 21; Hansen, 26; Morfeld, 46.

WHEREAS, Tim Aylward is retiring after 31 seasons as the head football coach for Pius X High School in Lincoln; and

WHEREAS, Coach Aylward's win-loss record at Pius X High School is 204-111 and his career win-loss record is 208-133; and

WHEREAS, Coach Aylward's teams have won the State Football Championship in 1995, 1997, 1998, and 2004; and

WHEREAS, Coach Aylward will continue his service at Pius X High School as the athletic director.

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

1. That the Legislature congratulates Tim Aylward on his retirement from coaching and recognizes his successful career.
2. That a copy of this resolution be sent to Tim Aylward.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

Friday, January 22, 2016 1:30 p.m.

LB833  
LB924

Friday, January 22, 2016 1:30 p.m.

LB707 (cancel)

(Signed) Les Seiler, Chairperson

Executive Board

Room 2102

Friday, January 22, 2016 12:00 p.m.

LB954

(Signed) Bob Krist, Chairperson

Nebraska Retirement Systems

Room 1525

Monday, January 25, 2016 12:00 p.m.

AM1815 to LB447

(Signed) Mark Kolterman, Chairperson

## Health and Human Services

Room 1510

Thursday, January 21, 2016 1:30 p.m.

LB690  
 LB698  
 LB746

Friday, January 22, 2016 1:30 p.m.

LB721  
 LB722  
 LB849

(Signed) Kathy Campbell, Chairperson

**SENATOR KRIST PRESIDING****GENERAL FILE****LEGISLATIVE BILL 113.** Title read. Considered.

Committee AM508, found on page 694, First Session, 2015, was offered.

Senator Chambers offered the following motion:

MO155

Recommit to Judiciary Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his motion to recommit to committee.

Voting in the affirmative, 15:

Bloomfield	Campbell	Garrett	Johnson	Morfeld
Bolz	Cook	Haar, K.	Kolowski	Schumacher
Brasch	Crawford	Hansen	Krist	Seiler

Voting in the negative, 23:

Coash	Gloor	Kolterman	Murante	Stinner
Davis	Groene	Larson	Riepe	Watermeier
Ebke	Hadley	Lindstrom	Scheer	Williams
Fox	Hilkemann	McCollister	Schilz	
Friesen	Kintner	McCoy	Schnoor	

Present and not voting, 2:

Baker            Chambers

Excused and not voting, 9:

Craighead      Howard          Kuehn          Pansing Brooks Sullivan  
Harr, B.        Hughes        Mello          Smith

The Chambers motion to recommit to committee failed with 15 ayes, 23 nays, 2 present and not voting, and 9 excused and not voting.

Pending.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 987.** Introduced by Morfeld, 46; Mello, 5; Williams, 36.

A BILL FOR AN ACT relating to bioscience; to amend section 50-501, Reissue Revised Statutes of Nebraska; to create a committee; to provide for a study and strategic plan; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 988.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Health Care Homes for the Medically Underserved Fund; to amend section 81-3140, Revised Statutes Supplement, 2015; to change provisions relating to the distribution of the fund; and to repeal the original section.

**LEGISLATIVE BILL 989.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-168.02, 60-308, 60-3,104.02, 60-3,126, 60-3,222, 60-4,105, 60-4,118, 60-4,120.01, 60-4,130.04, 60-4,148, 75-385, and 75-386, Reissue Revised Statutes of Nebraska, sections 37-1282, 60-164, 60-385, 60-3,104.01, 60-3,113.05, 60-3,120, 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,123, 60-3,125, 60-3,128, 60-3,198, 60-3,202, 60-4,112, 60-4,120.02, 60-4,131, 60-4,146, 60-4,149, and 60-4,150, Revised Statutes Cumulative Supplement, 2014, and sections 60-144, 60-396, 60-3,104, 60-3,118, 60-3,122, 60-3,124, 60-3,224, 60-462, 60-4,114, and 60-4,124, Revised Statutes Supplement, 2015; to authorize electronic changes to names on certificates of title; to provide for the implementation of a voluntary system for licensed dealers to provide registration and titling services and to collect associated fees and taxes; to redefine apportionable

vehicle; to eliminate obsolete provisions relating to cabin trailers, handicapped or disabled parking permits, and trip permits; to change provisions relating to specialty license plates; to change provisions relating to the Motor Vehicle Tax Fund; to change and eliminate provisions relating to motor vehicle taxes and fees; to change provisions relating to unladen-weight registrations; to authorize certain actions and procedures by the Department of Motor Vehicles for invalid financial transactions; to eliminate the Health Advisory Board; to change provisions relating to appeals of denials of operators' licenses; to authorize the electronic transmission of driver test results; to provide procedures for electronic renewal of commercial drivers' licenses and electronic application for replacement commercial drivers' licenses and CLP-commercial learners' permits; to change provisions relating to the administration of the Division of Motor Carrier Services; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-4,118.01, 60-4,118.02, 60-4,118.03, and 60-4,118.04, Reissue Revised Statutes of Nebraska.

#### **AMENDMENT(S) - Print in Journal**

Senator McCoy filed the following amendment to LB619:  
AM1785

(Amendments to Standing Committee amendments, AM115)

- 1 1. On page 9, strike beginning with "within" in line 8 through
- 2 "application" in line 9; in line 11 strike beginning with "during"
- 3 through "application"; and in line 27 strike "within the last ten years".

Senator McCoy filed the following amendment to LB619:  
AM1794

(Amendments to Standing Committee amendments, AM115)

- 1 1. Strike sections 1 and 7.
- 2 2. On page 7, strike beginning with "licensee" in line 26 through
- 3 "a" in line 27.
- 4 3. On page 8, strike beginning with "licensee" in line 24 through
- 5 the first "or" in line 25.
- 6 4. On page 10, strike beginning with the second "a" in line 15
- 7 through "or" in line 16.
- 8 5. On page 11, line 2, strike "poker endorsements and".
- 9 6. On page 15, line 31, strike "by licensees with poker endorsements
- 10 and".
- 11 7. Renumber the remaining sections and correct internal references
- 12 and the repealer accordingly.

#### **MOTION - Print in Journal**

Senator Chambers filed the following motion to LB113:  
MO156

Reconsider the vote taken to recommit to committee.



**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Morfeld - LB471

The Chair declared the call raised.

**VISITORS**

Visitors to the Chamber were 107 fourth-grade students, teachers, and sponsors from Waverly Intermediate School.

The Doctor of the Day was Dr. Susan Evans from Omaha.

**ADJOURNMENT**

At 4:32 p.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Friday, January 15, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTH DAY - JANUARY 15, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 15, 2016

**PRAYER**

The prayer was offered by Senator Bolz.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Pansing Brooks who was excused; and Senators Cook, Gloor, Hansen, Hilkemann, Murante, Schilz, Schumacher, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventh day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 47.** Placed on Select File with amendment.  
ER145 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 14, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Benske, John  
Amgen

Blakely, Cassandra  
Nebraska Children and Families Foundation  
Bruning Law Group  
Archer Daniels Midland Company  
Cavanaugh Law Firm, P.C., L.L.O.  
Nebraska Enhanced Benefit Revenue  
Hale, Andy  
Nebraska Hospital Association  
Heartland Strategy Group, LLC  
Leafline Labs LLC  
McGuire, Mark D.  
Nebraska Council of School Administrators  
Neilan Strategy Group  
Tenaska  
Rountree, Cory  
College Board

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### NOTICE OF COMMITTEE HEARING(S)

Urban Affairs

Room 1510

Tuesday, January 26, 2016 1:30 p.m.

LB875  
LB948  
LB864  
LB705

(Signed) Sue Crawford, Chairperson

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 990.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to abortion; to amend section 38-2021, Revised Statutes Cumulative Supplement, 2014; to adopt the Fetal Dignity Protection Act; to provide for a violation of the act to be unprofessional conduct; and to repeal the original section.

**LEGISLATIVE BILL 991.** Introduced by McCollister, 20; Bolz, 29; Crawford, 45; Morfeld, 46; Williams, 36.

A BILL FOR AN ACT relating to crime victims; to amend section 29-119, Revised Statutes Cumulative Supplement, 2014; to redefine victim; and to repeal the original section.

**LEGISLATIVE BILL 992.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to cities, counties, and other political subdivisions; to provide a restriction on installment contracts for the purchase of real or personal property.

**LEGISLATIVE BILL 993.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to state government; to amend sections 81-1348 and 84-1001, Reissue Revised Statutes of Nebraska and section 84-311, Revised Statutes Supplement, 2015; to authorize a designee on the board for the Auditor of Public Accounts; to allow the Auditor of Public Accounts to share working papers as prescribed; to require hours of work be recorded on a timesheet and reviewed and approved as prescribed; and to repeal the original sections.

**MOTION - Withdraw LB917**

Senator Krist offered his motion, MO149, found on page 273, to withdraw LB917.

The Krist motion to withdraw the bill prevailed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 113.** Senator Chambers offered his motion, MO156, found on page 304, to reconsider the vote taken to recommit to committee.

**SENATOR SULLIVAN PRESIDING**

**SPEAKER HADLEY PRESIDING**

**SENATOR KRIST PRESIDING**

Pending.

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1525

Friday, January 22, 2016 1:30 p.m.

Jeff Fassett - Department of Natural Resources  
LB714

(Signed) Ken Schilz, Chairperson

Education

Room 1525

Monday, January 25, 2016 1:30 p.m.

LB691  
LB752  
LB906  
LB930

(Signed) Kate Sullivan, Chairperson

Transportation and Telecommunications

Room 1113

Monday, January 25, 2016 1:30 p.m.

LB929  
LB814  
LB785  
LB716

Tuesday, January 26, 2016 1:30 p.m.

LB765  
LB946  
LB918

(Signed) Jim Smith, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB969	General Affairs
LB970	General Affairs
LB972	Business and Labor

(Signed) Bob Krist, Chairperson  
Executive Board

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 994.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,167, Reissue Revised Statutes of Nebraska, and section 60-366, Revised Statutes Supplement, 2015; to change provisions relating to financial responsibility as applied to nonresident owners; and to repeal the original section.

**LEGISLATIVE BILL 995.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 46-294.03, 77-201, 77-1507.01, 77-5023, 79-1016, and 79-1036, Reissue Revised Statutes of Nebraska, and sections 77-1327, 77-1359, 77-1371, and 77-5022, Revised Statutes Cumulative Supplement, 2014; to repeal provisions relating to the special valuation of agricultural land; to provide for agricultural value of agricultural land; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1343, 77-1344, 77-1345, 77-1345.01, 77-1346, and 77-1347.01, Reissue Revised Statutes of Nebraska, and section 77-1347, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 996.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1438.01, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Motor Vehicle Industry Regulation Act; and to repeal the original section.

**LEGISLATIVE BILL 997.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to state government; to amend sections 60-1404, 72-723, 72-2210, 80-401.11, 81-1108.36, and 81-1108.38, Reissue Revised Statutes of Nebraska, and section 3-106, Revised Statutes

Cumulative Supplement, 2014; to change provisions regarding office space; to provide and change duties for the Nebraska Capitol Commission and the Office of the Nebraska Capitol Commission; to harmonize provisions; and to repeal the original sections.

### GENERAL FILE

**LEGISLATIVE BILL 113.** The Chambers motion, MO156, found on page 304 and considered in this day's Journal, to reconsider the vote taken to recommit to committee, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 21:

Baker	Crawford	Hilkemann	McCollister	Sullivan
Bolz	Garrett	Howard	Morfeld	
Campbell	Haar, K.	Johnson	Schumacher	
Chambers	Hansen	Kolowski	Seiler	
Cook	Harr, B.	Krist	Stinner	

Voting in the negative, 25:

Bloomfield	Ebke	Hadley	Larson	Schilz
Brasch	Fox	Hughes	Lindstrom	Schnoor
Coash	Friesen	Kintner	Murante	Smith
Craighead	Gloor	Kolterman	Riepe	Watermeier
Davis	Groene	Kuehn	Scheer	Williams

Present and not voting, 1:

Mello

Excused and not voting, 2:

McCoy          Pansing Brooks

The Chambers motion to reconsider failed with 21 ayes, 25 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO157

Bracket until April 20, 2016.



Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

Voting in the affirmative, 15:

Campbell	Garrett	Harr, B.	Kolowski	Morfeld
Cook	Haar, K.	Howard	Krist	Schumacher
Crawford	Hansen	Johnson	McCollister	Stinner

Voting in the negative, 25:

Bloomfield	Fox	Hilkemann	Larson	Schilz
Brasch	Friesen	Hughes	Lindstrom	Schnoor
Craighead	Gloor	Kintner	Murante	Smith
Davis	Groene	Kolterman	Riepe	Watermeier
Ebke	Hadley	Kuehn	Scheer	Williams

Present and not voting, 4:

Baker	Chambers	Mello	Sullivan
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Excused and not voting, 5:

Bolz	Coash	McCoy	Pansing Brooks Seiler
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The Chambers motion to bracket failed with 15 ayes, 25 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO158

Reconsider the vote taken to bracket.

#### **SPEAKER HADLEY PRESIDING**

Pending.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 998.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to behavioral health; to amend sections 71-919, 71-920, 71-922, 71-926, 71-1203, 71-1204, 71-1206, 71-1210, and 81-3116, Reissue Revised Statutes of Nebraska, and sections 71-801,

71-804, and 71-901, Revised Statutes Cumulative Supplement, 2014; to provide for emergency community crisis centers; to define a term; to state findings; to provide for a regional outreach center; to change provisions relating to emergency protective custody; to provide duties for the Division of Behavioral Health; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 999.** Introduced by Garrett, 3; Craighead, 6.

A BILL FOR AN ACT relating to surplus property; to amend sections 81-161.04 and 81-161.06, Reissue Revised Statutes of Nebraska; to change the disposition of proceeds from the sale of surplus personal property as prescribed; to change provisions relating to the State Surplus Property Revolving Fund; to eliminate a provision relating to the conveyance or lease of real estate by the Department of Economic Development; to repeal the original sections; and to outright repeal section 90-253, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1000.** Introduced by Mello, 5; Cook, 13; Ebke, 32; Harr, B., 8; Krist, 10; Morfeld, 46; Seiler, 33; Williams, 36.

A BILL FOR AN ACT relating to law enforcement; to define terms; to require certain law enforcement agencies to adopt policies on the use of body-worn cameras; to exempt recordings from body-worn cameras from disclosure under the public records statutes; to prohibit the unauthorized release or intentional destruction of such recordings; and to provide a penalty.

**LEGISLATIVE BILL 1001.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change provisions relating to a compensation schedule for injuries resulting in disability; and to repeal the original section.

**LEGISLATIVE BILL 1002.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1204, Reissue Revised Statutes of Nebraska; to change provisions relating to role and mission; and to repeal the original section.

**LEGISLATIVE BILL 1003.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-328, 86-903, 86-904, and 86-905, Reissue Revised Statutes of Nebraska; to change a provision of the Nebraska Telecommunications Universal Service Fund Act; to change the prepaid wireless surcharge determination under the Prepaid Wireless Surcharge Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1004.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to schools; to amend sections 79-1003 and 79-2120, Revised Statutes Supplement, 2015; to change provisions relating to the Community Eligibility Provision; to redefine a term; to provide duties for the State Department of Education; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1005.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Supplement, 2015; to provide for an evidence-based drug formulary as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1006.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Office of the Attorney General for the hiring of forensic accountants as prescribed; and to state intent.

**LEGISLATIVE BILL 1007.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Adult Protective Services Act; to amend section 28-371, Reissue Revised Statutes of Nebraska, sections 28-348, 28-350, 28-358, 28-374, 28-386, and 29-110, Revised Statutes Cumulative Supplement, 2014, and section 28-101, Revised Statutes Supplement, 2015; to change provisions relating to vulnerable adults and senior adults; to define and redefine terms; to eliminate the statute of limitations for knowing and intentional abuse, neglect, or exploitation of a vulnerable adult; to change provisions relating to penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1008.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2222 and 30-2636, Reissue Revised Statutes of Nebraska, section 30-2601, Revised Statutes Cumulative Supplement, 2014, and sections 30-2201 and 30-2619, Revised Statutes Supplement, 2015; to provide qualification requirements, powers, duties, and limitations for guardians ad litem in guardianship, conservatorship, and other protective proceedings; to state legislative findings; to require reports; to allow payment for costs of evaluations; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1009.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to synthetic drugs; to amend sections 28-431, 28-1439.02, 28-1439.03, 87-301, and 87-302, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-401, and 28-401.01, Revised Statutes Supplement, 2015; to prohibit the sale and use of certain synthetic drugs under the Uniform Controlled Substances Act and the Uniform Deceptive Trade Practices Act; to define terms; to provide for the seizure of such drugs; to provide for a deceptive trade practice; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1010.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-261, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to a juvenile court petition; and to repeal the original section.

**LEGISLATIVE BILL 1011.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend section 71-831, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to contracts and agreements relating to the medical assistance program governing at-risk managed care service delivery for behavioral health services; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1012.** Introduced by Mello, 5; Coash, 27; Cook, 13; Crawford, 45; Ebke, 32; Haar, K., 21; Hansen, 26; Howard, 9; Hughes, 44; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to municipalities; to adopt the Property Assessed Clean Energy Act.

**LEGISLATIVE BILL 1013.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to taxation; to amend section 77-4008, Reissue Revised Statutes of Nebraska, and sections 71-7611, 77-1238, and 77-2602, Revised Statutes Supplement, 2015; to state intent; to change provisions relating to taxation of cigarettes and other tobacco products; to provide for distribution of proceeds; to state intent regarding appropriations; and to repeal the original sections.

**NOTICE OF COMMITTEE HEARING(S)**  
Banking, Commerce and Insurance

Room 1507

Monday, January 25, 2016 1:30 p.m.

LB853  
LB678  
LB729  
LB731

(Signed) Jim Scheer, Chairperson

General Affairs

Room 1510

Monday, January 25, 2016 1:30 p.m.

LB822  
LB820  
LB862  
LB970  
LR380CA

(Signed) Tyson Larson, Chairperson

Agriculture

Room 2102

Tuesday, January 26, 2016 1:30 p.m.

Donald Anthony - Beginning Farmer Board  
Bradley Lubben - Beginning Farmer Board  
Todd Reed - Beginning Farmer Board  
Nadine Hagedorn - Beginning Farmer Board  
Ryan Ueberrhein - Beginning Farmer Board  
LB909  
LB921

(Signed) Jerry Johnson, Chairperson

Business and Labor

Room 2102

Monday, January 25, 2016 1:30 p.m.

LB828  
LB841  
LB855  
LB972  
LB933

(Signed) Burke Harr, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 26, 2016 1:30 p.m.

Kyle Schneeweis - Department of Roads

(Signed) Jim Smith, Chairperson

#### **ANNOUNCEMENT(S)**

The Executive Board designates LB954 as its priority bill.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 412.** Introduced by Watermeier, 1.

**PURPOSE:** The purpose of this resolution is to study ways to improve communication access for movie theaters in Nebraska to ensure all persons can fully experience the movie theater experience. The study committee shall consult with the Commission for the Deaf and Hard of Hearing and work with interested stakeholders to identify areas of concern, conduct necessary research, and explore ways to address communication access issues in movie theaters.

According to the Hearing Loss Association of America, approximately 20% of Americans report some degree of hearing loss. Using that statistic, approximately 376,000 people in Nebraska have some form of hearing loss. With over 60% of adults attending movies, it is the number one leisure activity in the United States. When Nebraskans who are deaf or hard of hearing attend a movie, the movie is often not in a format, such as open captioning, which provides communication access. Therefore, many individuals who are deaf or hard of hearing are denied full participation in the movie experience.

The issues examined by this study shall include, but not be limited to:

- (1) What other states and the movie industry are doing to improve communication access in movie theaters;
- (2) Complaints and concerns from the deaf and hard of hearing community about communication access in movie theaters; and
- (3) Opportunities to share and address communication access issues among concerned stakeholders, including the deaf and hard of hearing community and movie theaters operating in Nebraska.

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

1. That the Health and Human Services 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 413.** Introduced by Watermeier, 1.

WHEREAS, the Legislature finds that an audit of the behavioral health care system by the Legislative Performance Audit Committee found the need for additional study of the ways to reduce behavioral and mental health care service gaps; and

WHEREAS, the existing behavioral and mental health care system in Nebraska relies on a community-based approach requiring appropriate oversight and coordination; and

WHEREAS, the Division of Behavioral Health of the Department of Health and Human Services estimates that there are sixty-two thousand adults in Nebraska with a serious mental illness and that drug and alcohol abuse affects one hundred thirty-four thousand adults in the state.

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

1. The Task Force on Behavioral and Mental Health is created. The task force shall consist of seven members, including the chairperson of the Health and Human Services Committee of the Legislature or his or her designee, the chairperson of the Judiciary Committee of the Legislature or his or her designee, the chairperson of the Appropriations Committee of the Legislature or his or her designee, and four additional members of the Legislature appointed by the Executive Board of the Legislative Council. The committee shall elect a chairperson from among the members who shall call the meetings of the task force.

2. The Task Force on Behavioral and Mental Health shall study the following issues:

(a) The adequacy and needs of systems and services provided through the behavioral health regions and the adequacy of such services to meet the requirements and expectations of community-based behavioral health care

services, including, but not limited to, prevention services, first episode psychosis services, supportive services, supportive housing, emergency services, and services for individuals with developmental disabilities;

(b) The adequacy and needs of the Lincoln Regional Center to provide services to individuals requiring a mental health commitment;

(c) The adequacy and needs of the behavioral health regions, the Lincoln Regional Center, local hospitals, and other service providers to provide care to the full continuum of individuals in need of behavioral health care services;

(d) The adequacy and needs of jails, youth rehabilitation and treatment centers, and the Department of Correctional Services in accessing behavioral health services to achieve public safety goals for individuals exiting the justice system and the ability of the current behavioral health care system in meeting those needs;

(e) The progress of the Division of Behavioral Health of the Department of Health and Human Services in developing a strategic plan, an adequate behavioral health workforce, and data collection initiatives; and

(f) The progress of the division in conducting a statewide needs assessment of the behavioral health system, either by the division or an independent consulting firm. In determining the progress of the statewide needs assessment, the task force shall examine the alignment of financing and delivery of physical health, behavioral health, and supportive services for individuals with behavioral health conditions. The examination shall include, but is not limited to:

(i) Data sources describing the health of the population, including trends, health issues, behavioral factors, environmental hazards, and social and economic conditions;

(ii) Infrastructure, including information technology, reporting standards, data access, and data analytics;

(iii) Provider rates, including reimbursement rates, integration and coordination of behavioral health and primary care services, risk-based versus no-risk models, and potential medicaid waiver options;

(iv) Current statewide workforce, provider shortages, and forecast of need based on growing populations;

(v) Delivery systems, including institutional placement and community alternatives; and

(vi) The ratio of qualified facilities to the state population.

3. The Task Force on Behavioral and Mental Health shall electronically issue a report with its findings to the Legislature no later than December 1, 2016.

Laid over.



**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR413 was referred to the Reference Committee.

**AMENDMENT(S) - Print in Journal**

Senator Schnoor filed the following amendment to LB289:

AM1853

1 1. On page 16, strike beginning with "The" in line 16 through "(i)"  
2 in line 17; and strike beginning with "or" in line 17 through line 19.

**MOTION(S) - Print in Journal**

Senator Chambers filed the following motion to LB113:

MO159

Bracket.

Senator Chambers filed the following motion to LB113:

MO160

Indefinitely postpone.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Schnoor, Lindstrom - LB289

Krist, McCollister - LB276

Campbell - LB773 and LB844

Mello - LB945

Hansen - LB471

Campbell, Cook, Crawford, Hansen, Howard, Kuehn - LB18

Bolz, Mello, Morfeld - LB18

Brasch, Groene, Kintner, Scheer, Schnoor, Sullivan - LR378CA

Baker - LB880

**VISITORS**

Visitors to the Chamber were Senator Hadley's brother-in-law and sister-in-laws, Jack, Sandy, and Kathe Bowen, from Little Rock, AR and Ann Arbor, MI.

**ADJOURNMENT**

At 11:45 a.m., on a motion by Senator Howard, the Legislature adjourned until 10:00 a.m., Tuesday, January 19, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**NINTH DAY - JANUARY 19, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 19, 2016

**PRAYER**

The prayer was offered by Reverend Dwayne Hawkins, Antioch Baptist Church, Omaha.

**ROLL CALL**

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

The roll was called and all members were present except Senators Campbell, Garrett, Howard, Kuehn, McCollister, McCoy, Mello, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB955	Government, Military and Veterans Affairs
LB956	Appropriations
LB957	Appropriations
LB958	Revenue
LB959	Education
LB960	Appropriations
LB961	Natural Resources
LB962	Health and Human Services
LB963	Health and Human Services
LB964	Transportation and Telecommunications
LB965	Judiciary
LB966	Judiciary
LB967	Education
LB968	Agriculture

LB971 Judiciary  
LB973 Transportation and Telecommunications  
LB974 Revenue  
LB975 Judiciary  
LB976 Judiciary  
LB977 Transportation and Telecommunications  
LB978 Government, Military and Veterans Affairs  
LB979 Health and Human Services  
LB980 Judiciary  
LB981 Business and Labor  
LB982 Business and Labor  
LB983 Business and Labor  
LB984 Judiciary  
LB985 Health and Human Services  
LB986 Nebraska Retirement Systems  
LB987 Executive Board  
LB988 Appropriations  
LB989 Transportation and Telecommunications

(Signed) Bob Krist, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**  
Banking, Commerce and Insurance

Room 1507

Tuesday, January 26, 2016 1:30 p.m.

LB758  
LB772  
LB819  
LB840

(Signed) Jim Scheer, Chairperson

**ATTORNEY GENERAL'S OPINION**

Opinion 16-001

SUBJECT: Defining "Textbooks" for Purposes of the Textbook  
Loan Program

REQUESTED BY: Senator Bob Krist  
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
Leslie S. Donley, Assistant Attorney General

You have requested an opinion from this office with respect to a legal interpretation of Neb. Rev. Stat. § 79-734(2) (2014). This statute requires public school boards to purchase and loan textbooks, upon individual request, to children who are enrolled in kindergarten to grade twelve of a private school approved for legal operation by the State Board of Education. You state in your opinion request letter that the Nebraska Department of Education ("Department") is interpreting the word "textbook," as that term is used in § 79-734(2) and the accompanying regulation, "in a manner that provides public school students with educational materials that are not allowed for private school students under the textbook loan program." You indicate that you are considering introducing legislation to define "textbook" under § 79-734(2), but would like us to clarify whether legislation is necessary in light of the department's regulatory definition of "textbook" and the 2008 amendments to the definition. You state that if legislation is necessary, "[our] opinion would help to clarify the nature and extent of the ambiguity in the statute." Finally, you state that your opinion request has no financial implications, but rather seeks a clarification as to what "textbooks" are to be provided to private school children once the appropriation has been determined.

### **RELEVANT STATUTORY AND REGULATORY PROVISIONS**

The statute pertinent to your inquiry, Neb. Rev. Stat. § 79-734, provides:

- (1) School boards and boards of education of all classes of school districts shall purchase all textbooks, equipment, and supplies necessary for the schools of such district. The duty to make such purchases may be delegated to employees of the school district.
- (2) School boards and boards of education shall purchase and loan textbooks to all children who are enrolled in kindergarten to grade twelve of a public school and, upon individual request, to children who are enrolled in kindergarten to grade twelve of a private school which is approved for continued legal operation under rules and regulations established by the State Board of Education pursuant to subdivision (5)(c) of section 79-318. The Legislature may appropriate funds to carry out the provisions of this subsection. A school district is not obligated to spend any money for the purchase and loan of textbooks to children enrolled in private schools other than funds specifically appropriated by the Legislature to be distributed by the State Department of Education for the purpose of purchasing and loaning textbooks as provided in this subsection. Textbooks loaned to children enrolled in kindergarten to grade twelve of such private schools shall be textbooks which are designated for use in the public schools of the school district in which the child resides or the school district in which the private school the child attends is located. Such textbooks shall be loaned free to such children subject to such rules and regulations as are or may be

prescribed by such school boards or boards of education. The State Department of Education shall adopt and promulgate rules and regulations to carry out this section. The rules and regulations shall include provisions for the distribution of funds appropriated for textbooks. The rules and regulations shall include a deadline for applications from school districts for distribution of funds. If funds are not appropriated to cover the entire cost of applications, a pro rata reduction shall be made.

For purposes of the textbook loan program, the Department has defined "textbook" to mean

a book or electronic media (DVDs, audio CDs, CD-ROMs, audiotapes, videotapes, etc.) which is designated for use by individual students in classroom instruction as the principal source of study material, in any of grades kindergarten through grade 12 in the public school of each school district. The following are not to be considered textbooks: library books, teacher's editions, workbooks and other similar consumable materials, and any book or material designated for classroom, and not individual use (e.g. "Big Books" and the like). Multiple texts which are the principal source of study material for a given course of study are textbooks.

Title 92, *Nebraska Administrative Code*, Chapter 4—"Regulations for Textbook Loans to Children Enrolled in Private Schools in Nebraska," § 002.03 (effective date January 19, 2008) ("Rule 4").

#### **ADDITIONAL BACKGROUND**

In your opinion request letter, you note that educational materials for students in kindergarten through grade 12 have changed dramatically since the regulatory definition of textbook was promulgated in 2008. You indicate that in this computer age, publishers are moving towards "e-books" and other "electronic materials" that have either replaced or supplemented traditional textbooks. You further state that in some instances traditional hardbound textbooks are being replaced "with a 'subscription' of hard copy 'work texts,' a series of write-in textbooks that are issued annually for six years." You explain that these work texts combine instructional course material with interactive questions and exercises for students. You state that the Department has taken the position that "e-books" are not analogous to "electronic media," as referenced in Rule 4, and that the "work texts" referenced above are analogous to "workbooks or other similar consumable materials," thereby excluding such materials from the textbook loan program. You state that public schools' increased use of these new materials has diminished the number of traditional textbooks available to private school students through the textbook loan program.

## DISCUSSION

Based on Neb. Rev. Stat. § 79-734 and Rule 4, we now address your inquiry. You have posed a series of questions, which we address as follows:

A. How is the word "textbook" defined as it is used in § 79-734(2)?

"Textbook" is not defined in § 79-734, in Chapter 79, or anywhere else in statute. In 1989, the Department adopted Rule 4 pursuant to the authority given to it with the enactment of 1986 Neb. Laws LB 757, § 1. In 2008, the Department amended its definition of "textbook" in Rule 4 to include "electronic media (DVDs, audio CDs, CD-ROMs, audiotapes, videotapes, etc.)"—tangible items that the Department determined could be loaned, returned and maintained in a separate inventory in accordance with program requirements.

In your opinion request letter, you suggest that since the word "textbook" is not defined in § 79-734, one must look to the word's "plain and ordinary meaning" for its definition. In Nebraska, in the absence of anything to the contrary, statutory language is to be given its plain and ordinary meaning; an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous. *Swift and Company v. Nebraska Department of Revenue*, 278 Neb. 763, 773 N.W.2d 381 (2009). Statutory language is to be given its plain and ordinary meaning, and an appellate court's duty in discerning the meaning of a statute is to determine and give effect to the purpose and intent of the Legislature as ascertained from the entire language of the statute considered in its plain, ordinary, and popular sense. *Pettit v. Nebraska Dept. of Correctional Services*, 291 Neb. 513, 522, 867 N.W.2d 553, 560 (2015). In that regard, you indicate that the *Merriam-Webster [Online] Dictionary* defines "textbook" as "a book used in the study of a subject: as (a) one containing a presentation of the principles of a subject; (b) a literary work relevant to the study of a subject."<sup>1</sup> You further note that "[t]he definition of 'book' includes not only 'a set of printed sheets of paper that are held together inside a cover: a long written work,' but also 'a long written work than can be read on a computer.'" See <http://www.merriam-webster.com/dictionary/book>. You then assert that it "seem[s]" that NDE and school boards generally interpret the word 'textbook' as including electronic materials and work texts, as I have been informed that these materials are being provided to individual public schools students across the state."

However, we do not believe it is necessary to construe the word "textbook" when a regulatory definition for textbook already exists. Rather, it seems to us that the question to address is whether the current definition of textbook could be construed to include "electronic materials and work texts." For purposes of construction, a rule or order of an administrative agency is treated like a statute. *Utelcom, Inc. v. Egr*, 264 Neb. 1004, 1009, 653 N.W.2d 846, 851 (2002); *State v. McIntyre*, 290 Neb. 1021, 1031, 863 N.W.2d 471, 480 (2015). In the absence of anything to the contrary,

language in a rule or regulation is to be given its plain and ordinary meaning. *Melanie M. v. Winterer*, 290 Neb. 764, 775, 862 N.W.2d 76, 86 (2015). A regulation is open for construction only when the language used requires interpretation or may reasonably be considered ambiguous. *State v. Woods*, 255 Neb. 755, 764, 587 N.W.2d 122, 128 (1998). In addition, an agency is to be given deference in its interpretation of its own regulations unless plainly erroneous or inconsistent. *Upper Big Blue Natural Resources District v. Nebraska Dept. of Natural Resources*, 276 Neb. 612, 618, 756 N.W.2d 145, 149 (2008).

The plain and ordinary language in section 002.03 provides that "textbooks" shall not only include books but also "electronic media." *Merriam-Webster's [Online] Dictionary* defines "electronic" in part as "operating through the use of many small electrical parts (such as microchips and transistors); produced by the use of electronic equipment; operating by means of a computer: involving a computer or a computer system." "Medium" is defined as "[b plural usually media] (1) a channel or system of communication, information, or entertainment--compare mass medium; (2) a publication or broadcast that carries advertising; (3) a mode of artistic expression or communication; (4) something (as a magnetic disk) on which information may be stored."<sup>2</sup> Section 002.03 further provides that the books or electronic media subject to loan are those used by school districts as their "principal source of study material." In this regard, "principal" means "2. chief; most important or considerable; as, the *principal* topics of debate; [or] the *principal* points of law . . ." WEBSTER'S NEW UNIVERSAL UNABRIDGED DICTIONARY 1430 (2<sup>nd</sup> ed. 1983) (emphasis in original). These definitions, read in conjunction with the language from the statute ("designated for use") and regulation ("principal source of study material"), supports a conclusion that the definition could encompass a full panoply of electronic materials, including work texts. We note further that the inclusion of "etc." at the end of listed items in the parenthetical describing "electronic media," i.e., "DVDs, audio CDs, CD-ROMs, audiotapes, videotapes," suggests that the list is illustrative, but not exhaustive.

To be clear, our conclusion in this regard begins with the fundamental premise that § 79-734(2) establishes a textbook *loan* program. We fully recognize that any items which may fall under the regulatory definition of textbook must be workable within the other provisions of Rule 4, which dictates how items are made available (Rule 4, § 004), returned to the lending school district (Rule 4, § 003.01) and maintained in a separate inventory (Rule 4, § 004.07). And while our interpretation of § 002.03 differs from that of the Department, we do not believe the Department's own interpretation is plainly erroneous or inconsistent. Finally, while we may have concluded that these electronic materials may reasonably fall under the regulatory definition of textbook, we do not have sufficient facts to fully address whether these particular materials could, in fact, be loaned, returned, maintained, etc., in the manner authorized by § 79-734(2) and specified in Rule 4.



- B. Should the word "textbook" in § 79-734(2) be defined differently depending on whether it is used with reference to public school children or private school children?

Please see our response to question A above. We believe that a reasonable construction of section 002.03 would allow school districts to purchase and loan electronic materials and work texts to private school children, provided the program requirements in Rule 4 are met.

- C. If "textbook" is defined the same in terms of public school and private school children, is there another statutory provision that would allow school boards to provide "textbooks" or other educational materials to public school children that are not authorized under § 79-734(2) for private school children?

Please see our responses to questions A and B above. Since we have concluded that electronic materials and work texts could fall under the current regulatory definition of "textbook," we do not believe it is necessary to address the question presented.

We note that your opinion request letter includes several statutory provisions purportedly cited by the Department "to justify providing educational materials to individual public school students that are not offered to private school students under § 79-734(2)." You indicate that, based on your observations, you do not believe these provisions appear to support the Department's position. However, we will point out that several statutes allow school districts to select and purchase items for the benefit of their students. Generally speaking, a school district is a body corporate and has both the express powers granted to it in law and implied powers necessary to enable them to perform their duties. See Neb. Rev. Stat. § 79-405 (2014); *Cowles v. School District No. 6*, 23 Neb. 655, \_\_\_, 37 N.W. 493, 496 (1888). School districts have authority to purchase a large number of things that are reasonably related to their educational mission including, but not limited to, "textbooks." School districts have express authority (1) to select "available materials and equipment to be used" (Neb. Rev. Stat. § 79-101(12)); to contract for the provision of "instructional materials, supplies and equipment" (Neb. Rev. Stat. § 79-515); to "provide the necessary supplies and equipment" (Neb. Rev. Stat. § 79-526(1)); and to purchase "all . . . equipment, and supplies necessary for the schools of [the] district" (Neb. Rev. Stat. § 79-734(1)). School districts' ability to purchase other educational materials is authorized under these statutes and their implied powers.

- D. Based on the answers to questions A-C, is it necessary to amend § 79-734(2) in order to expand the types of educational materials available to private school children to include educational materials that currently are being provided to public school children, or would an amendment of the applicable regulations, Rule 4, be sufficient?

We believe that the plain and ordinary language of the regulatory textbook definition, as it currently exists, could be construed to include electronic materials and work texts. Thus, amending § 79-734(2) is likely unnecessary. We note, however, that several other states have amended their textbook loan program statutes to expressly include electronic or digital materials.<sup>3</sup>

E. If it is not necessary to amend § 79-734(2) to provide private school children with the same educational materials as are provided to public school children, then could Rule 4 as currently written be interpreted to allow private school children access to electronic media and subscription "work texts" that currently are being accessed by and provided to public school children?

Please see our responses to questions A-D.

### CONCLUSION

We believe that Rule 4 could reasonably be construed to encompass electronic materials and work texts under the definition of "textbooks" in section 002.03. Our conclusion herein is premised on the fundamental concept that § 79-734(2) establishes a *loan* program, and that any electronic materials are subject to the operational requirements set out in Rule 4 relating to loaning, returning, and maintaining separate inventory, etc., of items. We further emphasize the fact that several states have amended their respective textbook loan program statutes to expressly clarify their authority to include electronic or digital materials or computer software in their programs. Ultimately, the decision to expressly expand the textbook loan program in this manner is a matter for the Legislature.

<sup>1</sup> See <http://www.merriam-webster.com/dictionary/textbook> (accessed January 4, 2016).

<sup>2</sup> See <http://www.merriam-webster.com/dictionary/textbook> (accessed January 13, 2016).

<sup>3</sup> For example, the State of Iowa defines "textbook" to include "[e]lectronic textbooks, including but not limited to computer software . . . ." Iowa Code Ann. § 301.1 (West 2015). South Dakota defines "textbook" as "any instructional materials that constitute the principal source of teaching and learning for a given course of study including print and digital materials . . . ." S.D. Codified Laws Ann. § 13-34-23 (2015). Illinois Compiled Statutes Annotated § 5/28-15 allows "furnishing free textbooks or electronic textbooks." Minnesota law defines "textbook" as "any book or book substitute, including electronic books as well as other printed materials delivered electronically . . . ." Minnesota Statutes Annotated, § 123B.41 (West).

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Leslie S. Donley  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

49-1487-29

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 382, 383, 384, 385, 386, 387, 388, 391, 392, 393, 395, 396, 400, 401, and 402 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 382, 383, 384, 385, 386, 387, 388, 391, 392, 393, 395, 396, 400, 401, and 402.

### GENERAL FILE

**LEGISLATIVE BILL 113.** Senator Larson offered the following motion:  
MO161  
Unanimous consent to bracket until April 20, 2016.

No objections. So ordered.

**LEGISLATIVE BILL 136.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1014.** Introduced by Stinner, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 3-613, Reissue Revised Statutes of Nebraska, and sections 13-520, 77-3442, and 77-3443, Revised Statutes Supplement, 2015; to change provisions relating to levy limitations and budget limitations for public airports; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1015.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.56, Reissue Revised Statutes of Nebraska; to change a sales tax exemption relating to purchases by museums; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1016.** Introduced by Watermeier, 1; Krist, 10.

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend section 50-1203, Revised Statutes Supplement, 2015; to redefine a term; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1017.** Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-1210.01, Reissue Revised Statutes of Nebraska, and section 81-1201.21, Revised Statutes Supplement, 2015; to transfer funds as prescribed; to redefine a term; to eliminate a residency requirement for student interns under a grant program; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1018.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Arts Council as prescribed; and to state intent.

**LEGISLATIVE BILL 1019.** Introduced by Davis, 43; Haar, K., 21.

A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend section 72-2008, Reissue Revised Statutes of Nebraska, and section 72-2007, Revised Statutes Supplement, 2015; to require legislative confirmation of certain appointments; to change provisions relating to support by the Game and Parks Commission; and to repeal the original sections.

**LEGISLATIVE BILL 1020.** Introduced by Fox, 7; Campbell, 25; Ebke, 32; Gloor, 35; Lindstrom, 18; Scheer, 19; Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Condominium Act; to amend sections 76-854 and 76-861, Reissue Revised Statutes of Nebraska; to provide for amendments to declarations to correct scrivener's errors, omissions, or errors in the declaration; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1021.** Introduced by Crawford, 45; Murante, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2711, Revised Statutes Supplement, 2015; to change provisions relating

to access to sales and use tax information by municipalities; and to repeal the original section.

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, January 26, 2016 1:30 p.m.

Stan H. Carpenter - Nebraska Educational Telecommunications Commission  
LB781  
LB826

(Signed) Kate Sullivan, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 1, 2016 1:30 p.m.

LB900

(Signed) Jim Smith, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 18.** Considered.

Senator Groene renewed his amendment, AM143, found on page 477 and considered on page 510, First Session, 2015.

Senator Chambers renewed his amendment, FA11, found on page 510, First Session, 2015, to the Groene amendment.

Senator Chambers withdrew his amendment.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1022.** Introduced by Legislative Performance Audit Committee: Watermeier, 1, Chairperson; Krist, 10; Kuehn, 38; Larson, 40; Scheer, 19.

A BILL FOR AN ACT relating to the office of Legislative Audit; to amend sections 50-1212, 50-1213, 77-1116, 77-2711, 77-27,119, 77-27,187.02, 77-2912, 77-5208, 77-5725, 77-5806, 77-5905, and 77-6306, Revised Statutes Supplement, 2015; to require a report; to change provisions relating to access to records, sharing of confidential information, and notifying the Tax Commissioner of the intent to conduct an audit; to change dates for application of incentives; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1023.** Introduced by Ebke, 32; Bolz, 29; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,135, Revised Statutes Supplement, 2015; to state intent; to require development of protocols for coordination of mental health and substance abuse treatment; to require a needs assessment on programming; to provide a termination date; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1024.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to conflicts of interest; to amend section 49-14,102, Revised Statutes Cumulative Supplement, 2014; to change a provision relating to the value of a contract with a government body as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1025.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend section 1-136.02, Revised Statutes Cumulative Supplement, 2014; to change experience requirements; and to repeal the original section.

**LEGISLATIVE BILL 1026.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to educational technology; to amend sections 79-1302, 79-1303, and 79-1304, Reissue Revised Statutes of Nebraska; to state and restate findings; to define terms; to create the position of and provide duties for a PK-12 Chief Integration Officer; to provide and change duties for the Educational Technology Center; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1027.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to create and provide funding for the Campus Sexual Assault Prevention Grant Program; to provide for applications, awards, and administration of the program; to provide a duty for the Attorney General; and to state intent relating to appropriations.

**LEGISLATIVE BILL 1028.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Business Innovation Act; to amend sections 81-12,160, 81-12,162, and 81-12,163, Revised Statutes Supplement, 2015; to change provisions relating to funding; to require the Department of Economic Development to contract with certain entities in carrying out the Business Innovation Act; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1029.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to labor; to amend section 81-1201.21, Revised Statutes Supplement, 2015; to adopt the Sector Partnership Program Act; to create a fund; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1030.** Introduced by Bolz, 29; Campbell, 25.

A BILL FOR AN ACT relating to public assistance; to amend section 68-158, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to an expenditure limit; and to repeal the original section.

**LEGISLATIVE BILL 1031.** Introduced by Hansen, 26; Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 74-1306 and 77-1601.02, Reissue Revised Statutes of Nebraska, section 77-3445, Revised Statutes Cumulative Supplement, 2014, and sections 77-3442 and 77-3443, Revised Statutes Supplement, 2015; to change the levy authority of railroad transportation safety districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1032.** Introduced by McCollister, 20; Baker, 30; Bolz, 29; Campbell, 25; Chambers, 11; Cook, 13; Crawford, 45; Haar, K., 21; Hansen, 26; Howard, 9; Kolowski, 31; Mello, 5; Morfeld, 46; Pansing Brooks, 28; Schumacher, 22; Sullivan, 41.

A BILL FOR AN ACT relating to medical care; to adopt the Transitional Health Insurance Program Act; to provide severability; and to declare an emergency.

**LEGISLATIVE BILL 1033.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to persons with disabilities; to provide legislative intent; to create an advisory committee within the Department of Health and Human Services and provide powers and duties to the department; to require reports; and to declare an emergency.

**LEGISLATIVE BILL 1034.** Introduced by Campbell, 25; Bolz, 29; Pansing Brooks, 28.

A BILL FOR AN ACT relating to children; to amend section 43-4203, Revised Statutes Cumulative Supplement, 2014, and section 43-4202, Revised Statutes Supplement, 2015; to change provisions relating to the Nebraska Children's Commission; to change a termination date; to provide duties for the commission and a committee; to eliminate an annual statement; to repeal the original sections; and to outright repeal section 43-534, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 1035.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Secretary of State; to amend sections 52-1308, 52-1318, 52-1601, 52-1602, and 52-1603, Reissue Revised Statutes of Nebraska, and section 52-1312, Revised Statutes Supplement, 2015; to redefine farm product and to change provisions relating to the central filing system and the master lien list; and to repeal the original sections.

**LEGISLATIVE BILL 1036.** Introduced by Campbell, 25; Cook, 13; Davis, 43; Howard, 9; Mello, 5; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-804, 45-902, 45-904, 45-906, 45-907, 45-908, 45-911, 45-915, 45-915.01, 45-917, 45-918, 45-919, 45-921, 45-922, 45-923, 45-925, and 45-1001, Reissue Revised Statutes of Nebraska, and section 45-901, Revised Statutes Cumulative Supplement, 2014; to change provisions of the Credit Services Organization Act, the Delayed Deposit Services Licensing Act, and the Nebraska Installment Loan Act; to define and redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1037.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1359, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to agricultural land and horticultural land; to provide an operative date; and to repeal the original section.



**LEGISLATIVE BILL 1038.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to water appropriations; to amend section 46-290, Reissue Revised Statutes of Nebraska; to change application provisions; and to repeal the original section.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 414.** Introduced by Chambers, 11.

WHEREAS, the Nebraska Legislature comprises forty-nine members elected by the citizens of the State; and

WHEREAS, the members of the Legislature are elected to serve and act with undivided loyalty in the best interests of the people of the State; and

WHEREAS, as elected officials and lawmakers, members of the Legislature are held to a higher standard; and

WHEREAS, members of the Legislature are expected to exemplify integrity, be above suspicion, and avoid even the appearance of impropriety in discharging their duty; and

WHEREAS, lobbyists are paid to influence members of the Legislature to advance the particular interests of their clients by various and sundry official legislative acts; and

WHEREAS, the appearance of impropriety and undue influence may be fostered when members of the Legislature are provided and accept free meals and beverages in the State Capitol building from lobbyists who are paid to influence the members of the Legislature to advance the interests of their clients by various and sundry official legislative acts; and

WHEREAS, in politics, "there is no such thing as a free lunch" and "the hand that feeds controls"

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

1. That no meals and beverages shall ever be provided anywhere in the State Capitol building to members of the Legislature by any lobbyist or group of lobbyists while the Legislature is in session.

Laid over.

**LEGISLATIVE RESOLUTION 415.** Introduced by Riepe, 12; Fox, 7; Hughes, 44; Kolterman, 24; Stinner, 48.

WHEREAS, United States Senator Bill Cassidy, M.D. (LA) introduced Senate Bill 1989 entitled Primary Care Enhancement Act of 2015 on August 5, 2015; and

WHEREAS, health care reform is needed to improve health outcomes and bend the cost curve; and

WHEREAS, direct primary care providers are able to improve health outcomes and reduce costs; and

WHEREAS, federal regulations are preventing fee-for-service medicare beneficiaries and most patients using health savings accounts from using direct primary care; and

WHEREAS, direct primary care offers unfettered access to comprehensive coverage for primary care services in a medical home setting using a flat-fee payment model; and

WHEREAS, direct primary care improves health care while reducing costs for patients, families, businesses, governments, and payers; and

WHEREAS, direct primary care empowers the patient-practitioner relationship; and

WHEREAS, direct primary care can offer medical students and residents an alternative to the fee-for-service profession; and

WHEREAS, the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services currently has no pathway for fee-for-service medicare beneficiaries to take advantage of direct primary care practitioners other than paying for services out-of-pocket; and

WHEREAS, employers are now offering direct primary care benefits to employees but current interpretations by the United States Internal Revenue Service of health savings account laws make it difficult for other employers who use health savings accounts to offer direct primary care as a benefit.

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

1. That the Legislature urges the Nebraska congressional delegation to support and co-sponsor Senate Bill 1989 entitled Primary Care Enhancement Act of 2015.

2. That a copy of this resolution be sent to each member of the Nebraska congressional delegation and to United States Senator Bill Cassidy, M.D. (LA).

Laid over.

#### AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB18A:

AM1850

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

2 sections:

3 Section 1. There is hereby appropriated \$7,875 from the General

4 Fund and \$7,875 from federal funds for FY2016-17 to the Department of

5 Health and Human Services, for Program 33, to aid in carrying out the

6 provisions of Legislative Bill 18, One Hundred Fourth Legislature, Second

7 Session, 2016.

8 No expenditures for permanent and temporary salaries and per diems

9 for state employees shall be made from funds appropriated in this

10 section.

11 Sec. 2. There is hereby appropriated (1) \$21,358 from the General

12 Fund and \$42,020 from federal funds for FY2016-17 and (2) \$21,785 from

13 the General Fund and \$42,860 from federal funds for FY2017-18 to the  
14 Department of Health and Human Services, for Program 344, to aid in  
15 carrying out the provisions of Legislative Bill 18, One Hundred Fourth  
16 Legislature, Second Session, 2016.

17 No expenditures for permanent and temporary salaries and per diems  
18 for state employees shall be made from funds appropriated in this  
19 section.

20 Sec. 3. There is hereby appropriated (1) \$91,549 from the General  
21 Fund and \$98,584 from federal funds for FY2016-17 and (2) \$93,380 from  
22 the General Fund and \$100,556 from federal funds for FY2017-18 to the  
23 Department of Health and Human Services, for Program 348, to aid in  
24 carrying out the provisions of Legislative Bill 18, One Hundred Fourth  
25 Legislature, Second Session, 2016.

26 No expenditures for permanent and temporary salaries and per diems  
27 for state employees shall be made from funds appropriated in this  
1 section.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Davis - LB47, LB136, LB276, and LB755

Cook - LB844

McCollister - LB694

Friesen - LR35

#### **VISITORS**

The Doctor of the Day was Dr. Trisha Sams from Utica.

#### **ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Wednesday, January 20, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**TENTH DAY - JANUARY 20, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**TENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
 Wednesday, January 20, 2016

**PRAYER**

The prayer was offered by Senator Watermeier.

**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 Senator McCoy who was excused; and Senators Hansen, Mello, Morfeld, Schilz, and Schumacher who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the ninth day was approved.

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 676.** Placed on General File.  
**LEGISLATIVE BILL 759.** Placed on General File.  
**LEGISLATIVE BILL 760.** Placed on General File.  
**LEGISLATIVE BILL 761.** Placed on General File.  
**LEGISLATIVE BILL 771.** Placed on General File.

(Signed) Jim Scheer, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB913	Revenue (rereferred)
LB945	Agriculture (rereferred)
LB990	Judiciary
LB991	Judiciary

LB992	Government, Military and Veterans Affairs
LB993	Government, Military and Veterans Affairs
LB994	Transportation and Telecommunications
LB995	Revenue
LB996	Transportation and Telecommunications
LB997	Government, Military and Veterans Affairs
LB998	Health and Human Services
LB999	Government, Military and Veterans Affairs
LB1000	Judiciary
LB1001	Business and Labor
LB1002	Education
LB1003	Transportation and Telecommunications
LB1004	Education
LB1005	Business and Labor
LB1006	Appropriations
LB1007	Judiciary
LB1008	Judiciary
LB1009	Judiciary
LB1010	Judiciary
LB1012	Urban Affairs
LB1013	Revenue
LR413	Executive Board

(Signed) Bob Krist, Chairperson  
Executive Board

#### ANNOUNCEMENT(S)

Senator Brasch designates LB960 as her priority bill.

#### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 416.** Introduced by Coash, 27.

WHEREAS, Milan "Babe" Knezovich passed away on January 9, 2016;  
and

WHEREAS, Babe was born in Hibbing, Minnesota, on April 17, 1934. He served in the United States Navy and graduated from the University of Minnesota Duluth in 1952; and

WHEREAS, Babe met his wife, Doni, in Arizona and they were married in June of 1957. The couple then moved to Omaha where Babe started K & Z Distributing; and

WHEREAS, Babe was involved in many civic organizations including Shriners International, the Benevolent and Protective Order of Elks, the American Legion, the Freemasons, and several churches; and

WHEREAS, Babe was a proud and devoted parent and grandparent. He, along with his wife Doni, instilled family devotion, a love of church, and a strong work ethic.

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

1. That the Legislature extends its deep sympathy to the family of Milan "Babe" Knezovich.
2. That a copy of this resolution be sent to the family of Milan "Babe" Knezovich.

Laid over.

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR404 was adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR404.

### SELECT FILE

**LEGISLATIVE BILL 18.** Senator Groene renewed his amendment, AM143, found on page 477 and considered on page 510, First Session, 2015, and on page 333.

Pending.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1039.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to developmental disabilities; to amend sections 83-381, 83-1201, and 83-1205, Reissue Revised Statutes of Nebraska, and section 71-1108.01, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1040.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to travel agencies and agents; to adopt the Travel Agency Registration Act.

**LEGISLATIVE BILL 1041.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Property and Casualty Insurance Rate and Form Act; to amend section 44-7508, Reissue Revised Statutes of Nebraska; to provide for disapproval of certain rate filings if they use price

optimization; and to repeal the original section.

**LEGISLATIVE BILL 1042.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to tax-increment financing; to amend sections 18-2116 and 79-1016, Reissue Revised Statutes of Nebraska; to change Community Development Law provisions relating to approval of redevelopment plans involving tax-increment financing; to change provisions under the Tax Equity and Educational Opportunities Support Act relating to the taxable value certified by county assessors; and to repeal the original sections.

**LEGISLATIVE BILL 1043.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-401 and 71-403, Revised Statutes Supplement, 2015; to create a program and an advisory council regarding palliative care; to provide powers and duties; to provide assistance regarding palliative care for health care facilities and services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1044.** Introduced by Ebke, 32; Groene, 42.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 48-803, Reissue Revised Statutes of Nebraska; to terminate the commission; and to repeal the original section.

**LEGISLATIVE BILL 1045.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to contractors; to define terms; to provide for treatment of certain contractors as independent contractors; and to provide severability.

**LEGISLATIVE BILL 1046.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103.18, 53-125, and 53-131.01, Reissue Revised Statutes of Nebraska; to change a requirement for eligibility to obtain a license; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1047.** Introduced by Harr, B., 8; Johnson, 23; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.13, Revised Statutes Cumulative Supplement, 2014; to change sales tax exemption provisions relating to certain purchases of energy and fuels; to provide an operative date; and to repeal the original section.



**LEGISLATIVE BILL 1048.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014, and section 77-2715.07, Revised Statutes Supplement, 2015; to adopt the Nebraska Agriculture and Manufacturing Jobs Act; to provide tax credits as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1049.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1003, Revised Statutes Supplement, 2015; to provide for aid to virtual schools; to define and redefine terms; and to repeal the original section.

**LEGISLATIVE BILL 1050.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to partnerships; to amend section 67-401, Reissue Revised Statutes of Nebraska; to authorize the conversion of domestic partnerships and domestic limited liability partnerships into domestic limited liability companies or foreign limited liability companies as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1051.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5715, Revised Statutes Cumulative Supplement, 2014; to redefine qualified business; and to repeal the original section.

**LEGISLATIVE BILL 1052.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to children; to amend sections 79-1007.13 and 79-1119, Reissue Revised Statutes of Nebraska, sections 43-2511 and 43-2515, Revised Statutes Cumulative Supplement, 2014, and section 79-1018.01, Revised Statutes Supplement, 2015; to state intent relating to grants for the Nebraska Whole Child Project; to change provisions relating to medicaid in public schools and local system formula resources; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1053.** Introduced by Harr, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education.

**LEGISLATIVE BILL 1054.** Introduced by Hilkemann, 4; Krist, 10.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-4109, Reissue Revised Statutes of Nebraska, and sections 29-4103 and

29-4106, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the DNA Identification Information Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1055.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to grand juries; to amend sections 29-1404, 29-1406, 29-1407.01, 29-1411, and 29-1420, Reissue Revised Statutes of Nebraska, and section 29-1401, Revised Statutes Cumulative Supplement, 2014; to open grand jury proceedings to the public and change other grand jury procedures as prescribed; to repeal the original sections; and to outright repeal section 29-1415, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1056.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Patient Choice at End of Life Act; to provide penalties; and to provide severability.

**LEGISLATIVE BILL 1057.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1446.01, Reissue Revised Statutes of Nebraska, and sections 49-1459 and 49-14,126, Revised Statutes Cumulative Supplement, 2014; to prohibit candidate committees from making loans of money; to change provisions relating to campaign statements; to change the amount authorized for civil penalties; to authorize an order of restitution; and to repeal the original sections.

**LEGISLATIVE BILL 1058.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1419 and 28-1427, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to enforcement of certain tobacco restriction provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1059.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to municipalities; to amend sections 18-2119 and 18-2701, Reissue Revised Statutes of Nebraska; to require certain disclosures under the Community Development Law and the Local Option Municipal Economic Development Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1060.** Introduced by Fox, 7; Brasch, 16; Campbell, 25; Davis, 43; Groene, 42; Kintner, 2; Kolterman, 24.

A BILL FOR AN ACT relating to pharmacy; to adopt the Pharmacy Benefit Fairness and Transparency Act.

**LEGISLATIVE BILL 1061.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to surgical technologists; to amend section 38-2025, Reissue Revised Statutes of Nebraska; to adopt the Surgical Technologist Registry Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1062.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-801, Reissue Revised Statutes of Nebraska; to change provisions relating to certificates to administer; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1063.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to state aid to schools; to amend sections 79-1005.01, 79-1007.18, 79-1008.02, 79-1009, and 79-1022, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 79-1003, Revised Statutes Supplement, 2015; to provide duties for the Property Tax Administrator; to provide for student support aid and a student support aid reduction to a maximum levy; to redefine a term; to change provisions relating to allocated income tax funds, an averaging adjustment, a minimum levy adjustment, net option funding, and certification of state aid; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1064.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 79-238, 79-2,125, 79-2,126, 79-2,127, 79-2,127.01, and 79-2,134, Reissue Revised Statutes of Nebraska; to provide and change provisions relating to student transportation costs, the option enrollment program, and student fee authorization; to provide for loss of accreditation as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1065.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to schools; to amend sections 79-1003, 79-10,143, 79-2110, and 79-2120, Revised Statutes Supplement, 2015; to change provisions relating to the community eligibility provision; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1066.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 79-234, 79-237, 79-238, 79-576, 79-607, 79-734, 79-760.03, 79-772, 79-773, 79-774, 79-775, 79-1005.01, 79-1031, and 79-1065.01, Reissue Revised Statutes of Nebraska, section 71-1958, Revised Statutes Cumulative

Supplement, 2014, and sections 79-8,137.01, 79-8,137.03, 79-8,137.04, 79-1003, and 79-1028.01, Revised Statutes Supplement, 2015; to change provisions relating to the enrollment option program, the textbook loan program, state assessments, student loan repayment assistance, and the Tax Equity and Educational Opportunities Support Act; to rename an act; to eliminate support grants for consolidation, a fund, and obsolete provisions relating to the American Recovery and Reinvestment Act percentage; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1011, 79-1012, 79-1028.02, and 79-1028.04, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1067.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to learning communities; to amend sections 79-233, 79-234, 79-235, 79-237, 79-238, 79-241, 79-245, 79-4,119, 79-4,121, 79-4,122, 79-4,123, 79-4,124, 79-4,125, 79-4,126, 79-4,128, 79-528, 79-611, 79-1007.13, 79-1007.18, 79-1008.02, 79-1009, 79-1022, 79-1024, 79-1033, 79-1036, 79-1041, 79-1073, 79-1075, 79-1083, 79-1084, 79-1086, 79-10,120, 79-10,126, 79-10,126.01, 79-1140, 79-11,155, 79-1241.03, 79-1245, 79-2104, 79-2104.01, 79-2104.02, 79-2104.03, 79-2111, and 79-2117, Reissue Revised Statutes of Nebraska, sections 13-508, 32-546.01, 32-604, 43-2515, 70-651.04, 77-1704.01, and 77-1736.06, Revised Statutes Cumulative Supplement, 2014, and sections 13-511, 77-3442, 79-215, 79-1001, 79-1003, 79-1007.11, 79-1017.01, 79-1018.01, and 79-2110, Revised Statutes Supplement, 2015; to adopt, change, and eliminate provisions relating to the enrollment option program, open enrollment, tax levies, state aid, learning community coordinating councils, the student achievement coordinator, community achievement plans, advisory committees, and powers and duties; to change provisions relating to educational service units; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1007.22, 79-1073.01, and 79-2107, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1068.** Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-118, Revised Statutes Cumulative Supplement, 2014, and section 75-109.01, Revised Statutes Supplement, 2015; to adopt the Electric Customer Protection Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1069.** Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to state funds; to amend section 72-1260, Reissue Revised Statutes of Nebraska; to declare findings; to define terms; to provide duties and responsibilities relating to investment in energy-related companies or funds; to require a report; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1070.** Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend sections 57-905 and 57-906, Reissue Revised Statutes of Nebraska; to change powers and duties; to require liability insurance for certain permit applicants and restrict permit issuance as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 1071.** Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to energy development; to amend section 81-1607, Reissue Revised Statutes of Nebraska, and sections 81-1601, 81-1602, 81-1603, 81-1605, and 81-1607.01, Revised Statutes Supplement, 2015; to adopt the Solar Energy Economic Development Act; to provide duties and powers for the State Energy Office; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1072.** Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to trade practices; to adopt the Fair Repair Act.

### COMMITTEE REPORT(S)

Urban Affairs

**LEGISLATIVE BILL 704.** Placed on General File.

**LEGISLATIVE BILL 699.** Placed on General File with amendment.

AM1861

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

2 sections:

3 Section 1. Section 19-5205, Revised Statutes Cumulative Supplement,

4 2014, is amended to read:

5 19-5205 (1) If a land bank is created by a single municipality, the

6 board of such land bank shall meet the following requirements:

7 (a) The board shall consist of:

8 (i) Seven voting members appointed by the mayor of the municipality

9 that created the land bank and confirmed by a two-thirds vote of the

10 governing body of such municipality;

11 (ii) The planning director of the municipality that created the land

12 bank or his or her designee, as a nonvoting, ex officio member; ~~and~~

13 (iii) One member of the governing body of the municipality that

14 created the land bank, appointed by such governing body, as a nonvoting,

15 ex officio member; and

16 (iv) ~~iii~~ Such other nonvoting members as are appointed by the mayor

17 of the municipality that created the land bank;

18 (b) The seven voting members of the board shall be residents of the

19 municipality that created the land bank;

20 (c) If the governing body of the municipality creating the land bank

21 has any of its members elected by district or ward, then at least one  
 22 voting member of the board shall be appointed from each such district or  
 23 ward. Such voting members shall represent, to the greatest extent  
 24 possible, the racial and ethnic diversity of the municipality creating  
 25 the land bank;

26 (d) The seven voting members of the board shall have, collectively,  
 27 verifiable skills, expertise, and knowledge in market-rate and affordable  
 1 residential, commercial, industrial, and mixed-use real estate  
 2 development, financing, law, purchasing and sales, asset management,  
 3 economic and community development, and the acquisition of tax sale  
 4 certificates; ~~and~~

5 (e) The seven voting members of the board shall include:

6 (i) At least one member representing a chamber of commerce ~~realtors~~;

7 (ii) At least one member with experience in representing ~~the~~ banking  
 8 ~~industry~~;

9 (iii) At least one member with experience in representing ~~real~~  
 10 ~~estate development developers~~;

11 (iv) At least one member with experience as a realtor ~~representing a~~  
 12 ~~chamber of commerce~~;

13 (v) At least one member with experience in representing ~~a nonprofit~~  
 14 ~~or corporation involved in~~ affordable housing; and

15 (vi) At least one member with experience in large-scale representing  
 16 ~~owners of multiple~~ residential or commercial property rental; and  
 17 ~~properties~~;

18 (f) A single voting member may satisfy more than one of the  
 19 requirements provided in subdivision (1)(e) of this section if he or she  
 20 has the required qualifications. It is not necessary that there be a  
 21 different member to fulfill each such requirement.

22 (2) If a land bank is created by more than one municipality pursuant  
 23 to an agreement under the Interlocal Cooperation Act, the board of such  
 24 land bank shall meet the following requirements:

25 (a) The board shall consist of:

26 (i) An odd number of voting members, totaling at least seven,  
 27 appointed by the mayors of the municipalities that created the land bank,  
 28 as mutually agreed to by such mayors, and confirmed by a two-thirds vote  
 29 of the governing body of each municipality that created the land bank;

30 (ii) The planning director of each municipality that created the  
 31 land bank or his or her designee, as nonvoting, ex officio members; ~~and~~

1 (iii) One member of the governing body of each municipality that  
 2 created the land bank, appointed by the governing body on which such  
 3 member serves, as nonvoting, ex officio members; and

4 (iv) ~~iii~~) Such other nonvoting members as are appointed by the mayors  
 5 of the municipalities that created the land bank, as mutually agreed to  
 6 by such mayors;

7 (b) Each voting member of the board shall be a resident of one of  
 8 the municipalities that created the land bank, with at least one voting  
 9 member appointed from each such municipality;

10 (c) If the governing body of the largest municipality creating the  
 11 land bank has any of its members elected by district or ward, then at

12 least one voting member of the board shall be appointed from each such  
 13 district or ward. Such voting members shall represent, to the greatest  
 14 extent possible, the racial and ethnic diversity of the largest  
 15 municipality creating the land bank;

16 (d) The voting members of the board shall have, collectively,  
 17 verifiable skills, expertise, and knowledge in market-rate and affordable  
 18 residential, commercial, industrial, and mixed-use real estate  
 19 development, financing, law, purchasing and sales, asset management,  
 20 economic and community development, and the acquisition of tax sale  
 21 certificates; ~~and~~

22 (e) The voting members of the board shall include:

23 (i) At least one member representing a chamber of commerce ~~realtors~~;

24 (ii) At least one member with experience in ~~representing the~~ banking  
 25 ~~industry~~;

26 (iii) At least one member with experience in ~~representing~~ real  
 27 estate development ~~developers~~;

28 (iv) At least one member with experience as a realtor ~~representing a~~  
 29 ~~chamber of commerce~~;

30 (v) At least one member with experience in ~~representing a~~ nonprofit  
 31 ~~or corporation involved in~~ affordable housing; and

1 (vi) At least one member with experience in large-scale ~~representing~~  
 2 ~~owners of multiple~~ residential or commercial property rental; and  
 3 ~~properties~~.

4 (f) A single voting member may satisfy more than one of the  
 5 requirements provided in subdivision (2)(e) of this section if he or she  
 6 has the required qualifications. It is not necessary that there be a  
 7 different member to fulfill each such requirement.

8 (3) The members of the board shall select annually from among  
 9 themselves a chairperson, a vice-chairperson, a treasurer, and such other  
 10 officers as the board may determine.

11 (4) A public official or public employee shall be eligible to be a  
 12 member of the board.

13 (5) A vacancy on the board among the appointed board members shall  
 14 be filled in the same manner as the original appointment.

15 (6) Board members shall serve without compensation.

16 (7) The board shall meet in regular session according to a schedule  
 17 adopted by the board and shall also meet in special session as convened  
 18 by the chairperson or upon written notice signed by a majority of the  
 19 voting members. The presence of a majority of the voting members of the  
 20 board shall constitute a quorum.

21 (8) Except as otherwise provided in subsections (9) and (11) of this  
 22 section and in sections 19-5210 and 19-5214, all actions of the board  
 23 shall be approved by the affirmative vote of a majority of the voting  
 24 members present and voting.

25 (9) Any action of the board on the following matters shall be  
 26 approved by a majority of the voting members:

27 (a) Adoption of bylaws and other rules and regulations for conduct  
 28 of the land bank's business;

29 (b) Hiring or firing of any employee or contractor of the land bank.

30 This function may, by majority vote of the voting members, be delegated  
31 by the board to a specified officer or committee of the land bank, under  
1 such terms and conditions, and to the extent, that the board may specify;

2 (c) The incurring of debt;

3 (d) Adoption or amendment of the annual budget; and

4 (e) Sale, lease, encumbrance, or alienation of real property,  
5 improvements, or personal property with a value of more than fifty  
6 thousand dollars.

7 (10) Members of a board shall not be liable personally on the bonds  
8 or other obligations of the land bank, and the rights of creditors shall  
9 be solely against such land bank.

10 (11) The board shall adopt policies and procedures to specify the  
11 conditions that must be met in order for the land bank to give an  
12 automatically accepted bid as authorized in sections 19-5217 and 19-5218.

13 The adoption of such policies and procedures shall require the approval  
14 of two-thirds of the voting members of the board. At a minimum, such  
15 policies and procedures shall ensure that the automatically accepted bid  
16 shall only be given for one of the following reasons:

17 (a) The real property substantially meets more than one of the  
18 following criteria as determined by two-thirds of the voting members of  
19 the board:

20 (i) The property is not occupied by the owner or any lessee or  
21 licensee of the owner;

22 (ii) There are no utilities currently being provided to the  
23 property;

24 (iii) Any buildings on the property have been deemed unfit for human  
25 habitation, occupancy, or use by local housing officials;

26 (iv) Any buildings on the property are exposed to the elements such  
27 that deterioration of the building is occurring;

28 (v) Any buildings on the property are boarded up;

29 (vi) There have been previous efforts to rehabilitate any buildings  
30 on the property;

31 (vii) There is a presence of vermin, uncut vegetation, or debris  
1 accumulation on the property;

2 (viii) There have been past actions by the municipality to maintain  
3 the grounds or any building on the property; or

4 (ix) The property has been out of compliance with orders of local  
5 housing officials;

6 (b) The real property is contiguous to a parcel that meets more than  
7 one of the criteria in subdivision (11)(a) of this section or that is  
8 already owned by the land bank; or

9 (c) Acquisition of the real property by the land bank would serve  
10 the best interests of the community as determined by two-thirds of the  
11 voting members of the board. In determining whether the acquisition would  
12 serve the best interests of the community, the board shall take into  
13 consideration the hierarchical ranking of priorities for the use of real  
14 property conveyed by a land bank established pursuant to subsection (5)  
15 of section 19-5210, if any such hierarchical ranking is established.

16 Sec. 2. Section 19-5210, Revised Statutes Cumulative Supplement,



17 2014, is amended to read:

18 19-5210 (1) A land bank shall hold in its own name all real property  
19 acquired by the land bank irrespective of the identity of the transferor  
20 of such property.

21 (2) A land bank shall maintain and make available for public review  
22 and inspection an inventory of all real property held by the land bank.

23 (3) A land bank shall determine and set forth in policies and  
24 procedures of the board the general terms and conditions for  
25 consideration to be received by the land bank for the transfer of real  
26 property and interests in real property, which consideration may take the  
27 form of monetary payments and secured financial obligations, covenants  
28 and conditions related to the present and future use of the property,  
29 contractual commitments of the transferee, and such other forms of  
30 consideration as determined by the board to be in the best interest of  
31 the land bank.

1 (4) A land bank may convey, exchange, sell, transfer, grant, release  
2 and demise, pledge, and hypothecate any and all interests in, upon, or to  
3 real property of the land bank. A land bank may lease as lessor real  
4 property of the land bank for a period not to exceed twelve months,  
5 except that such twelve-month limitation shall not apply if the real  
6 property of the land bank is subject to a lease with a remaining term of  
7 more than twelve months at the time such real property is acquired by the  
8 land bank.

9 (5) The municipality or municipalities that created the land bank  
10 may establish by resolution or ordinance a hierarchical ranking of  
11 priorities for the use of real property conveyed by a land bank. Such  
12 ranking shall take into consideration the highest and best use that, when  
13 possible, will bring the greatest benefit to the community. The  
14 priorities may include, but are not limited to, (a) use for purely public  
15 spaces and places, (b) use for affordable housing, (c) use for retail,  
16 commercial, and industrial activities, (d) use for urban agricultural  
17 activities including the establishment of community gardens as defined in  
18 section 2-303, and (e) such other uses and in such hierarchical order  
19 as determined by the municipality or municipalities.

20 (6) The municipality or municipalities that created the land bank  
21 may require by resolution or ordinance that any particular form of  
22 disposition of real property, or any disposition of real property located  
23 within specified jurisdictions, be subject to specified voting and  
24 approval requirements of the board. Except and unless restricted or  
25 constrained in this manner, the board may delegate to officers and  
26 employees the authority to enter into and execute agreements, instruments  
27 of conveyance, and all other related documents pertaining to the  
28 conveyance of real property by the land bank.

29 Sec. 3. Section 19-5213, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31 19-5213 (1) The board shall cause minutes and a record to be kept of  
1 all its proceedings. Meetings of the board shall be subject to the Open  
2 Meetings Act.

3 (2) All of a land bank's records and documents shall be considered

4 public records for purposes of sections 84-712 to 84-712.09.  
 5 (3) The board shall provide monthly reports to the municipality or  
 6 municipalities that created the land bank on the board's activities  
 7 pursuant to the Nebraska Municipal Land Bank Act. The board shall also  
 8 provide an annual report to the municipality or municipalities that  
 9 created the land bank, ~~and to the Revenue Committee of the Legislature,~~  
 10 ~~and the Urban Affairs Committee of the Legislature by March 1, December 31~~  
 11 of each year summarizing the board's activities for the prior calendar  
 12 year. The ~~reports report~~ submitted to the legislative committees Revenue  
 13 ~~Committee~~ shall be submitted electronically.  
 14 Sec. 4. Original sections 19-5205, 19-5210, and 19-5213, Revised  
 15 Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Sue Crawford, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 751.** Placed on General File with amendment.  
 AM1852

1 1. On page 17, line 17, strike "(a)" and show as stricken; and  
 2 strike beginning with "and" in line 19 through "determine" in line 22 and  
 3 show as stricken.  
 4 2. On page 18, strike beginning with "The" in line 4 through "(5)"  
 5 in line 12 and show as stricken; and in line 12 strike "and mailing" and  
 6 show as stricken.

(Signed) Jim Scheer, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524

Wednesday, January 27, 2016 1:30 p.m.

LB941  
 LB685  
 LB870  
 LB888

Thursday, January 28, 2016 1:30 p.m.

Steven Keetle - Tax Equalization and Review Commission  
 Robert W. Hotz - Tax Equalization and Review Commission  
 LB683  
 LB727  
 LB762

(Signed) Mike Gloor, Chairperson

Natural Resources

Room 1525

Wednesday, January 27, 2016 1:30 p.m.

LB824

(Signed) Ken Schilz, Chairperson

Judiciary

Room 1113

Wednesday, January 27, 2016 1:30 p.m.

LB943  
LB944  
LB937  
LR389CA

Thursday, January 28, 2016 1:30 p.m.

LB835  
LB932  
LB854  
LB1009  
LB693

(Signed) Les Seiler, Chairperson

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR415 was referred to the Reference Committee.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1073.** Introduced by Kolowski, 31; Bloomfield, 17; Garrett, 3; Krist, 10.

A BILL FOR AN ACT relating to flags; to authorize the display of the Honor and Remember flag as prescribed.

**LEGISLATIVE BILL 1074.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

the State Department of Education.

**LEGISLATIVE BILL 1075.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend sections 69-2304 and 69-2308, Revised Statutes Cumulative Supplement, 2014; to change a provision relating to the disposition of personal property; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1076.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission for purposes of law enforcement at Lake McConaughy State Recreation Area.

**LEGISLATIVE BILL 1077.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,109, Reissue Revised Statutes of Nebraska, and section 60-4,108, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to operator's license revocation; and to repeal the original sections.

**LEGISLATIVE BILL 1078.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska; to change provisions relating to conflict of interest statements; and to repeal the original section.

**LEGISLATIVE BILL 1079.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to law enforcement; to amend sections 28-359 and 81-1401, Reissue Revised Statutes of Nebraska, and section 29-215, Revised Statutes Cumulative Supplement, 2014; to redefine law enforcement agency as prescribed; to change provisions relating to law enforcement officer jurisdiction; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1080.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 81-161.03 and 83-150, Reissue Revised Statutes of Nebraska, and section 81-1185, Revised Statutes Supplement, 2015; to increase the dollar amount authorized for direct purchases for correctional industries; to change provisions relating to recyclable material used by the correctional industries program; and to repeal the original sections.

**LEGISLATIVE BILL 1081.** Introduced by Campbell, 25; Mello, 5.

A BILL FOR AN ACT relating to public assistance; to amend sections 43-512, 68-1201, 68-1713, and 68-1726, Revised Statutes Supplement, 2015; to change provisions relating to eligibility for public assistance; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1082.** Introduced by Schilz, 47; Haar, K., 21; Hadley, 37; Mello, 5; Stinner, 48.

A BILL FOR AN ACT relating to oil and gas; to amend sections 57-901, 57-903, 57-905, 57-911, 57-913, 57-914, 57-915, 57-916, 57-916.01, 57-917, 57-918, 57-919, 57-920, 57-921, 57-922, and 81-1531.01, Reissue Revised Statutes of Nebraska; to change and restate intent; to change powers and duties of the Nebraska Oil and Gas Conservation Commission as prescribed; to provide for a periodic injection well fluid analysis and report by certain operators; to provide bond notification requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1083.** Introduced by Williams, 36; Mello, 5.

A BILL FOR AN ACT relating to economic development; to adopt the Next Generation Business Growth Act; to amend section 13-208, Revised Statutes Cumulative Supplement, 2014; to state intent regarding funding; to change funding for tax credits under the Community Development Assistance Act; and to provide a termination date.

**LEGISLATIVE BILL 1084.** Introduced by Stinner, 48; Mello, 5.

A BILL FOR AN ACT relating to state agency contracts; to amend section 81-1118, Reissue Revised Statutes of Nebraska, and section 73-506, Revised Statutes Cumulative Supplement, 2014; to change duration requirements for contracts for services; to provide a duration requirement for contracts for purchase or lease of personal property; and to repeal the original sections.

**LEGISLATIVE BILL 1085.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2717 and 77-2734.03, Revised Statutes Cumulative Supplement, 2014, and sections 77-2715.07 and 77-27,235, Revised Statutes Supplement, 2015; to change a renewable energy tax credit; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1086.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to schools; to amend section 79-224, Reissue Revised Statutes of Nebraska; to change provisions relating to student self-management of asthma or anaphylaxis as prescribed; and to

repeal the original section.

**LEGISLATIVE BILL 1087.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.13, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2015; to change sales tax provisions relating to the definition of engaged in business in this state; to provide a penalty; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 1088.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2014; to provide a sales and use tax exemption for purchases by nonprofit centers for independent living; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1089.** Introduced by Hansen, 26; Bolz, 29; Cook, 13; Crawford, 45; Haar, K., 21; Harr, B., 8; Howard, 9; Kolowski, 31; Mello, 5; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to labor; to amend section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203, Revised Statutes Supplement, 2015; to change the minimum wage for persons compensated by way of gratuities; to change provisions relating to the posting of information; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1090.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to firearms; to amend sections 69-2421, 69-2422, 69-2424, and 69-2425, Reissue Revised Statutes of Nebraska, and sections 69-2402 and 69-2409.01, Revised Statutes Cumulative Supplement, 2014; to require notification of law enforcement by the Nebraska State Patrol of denials of certificates to purchase, lease, rent, or receive transfer of handguns as prescribed; to require reports; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1091.** Introduced by Hilkemann, 4; Mello, 5.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations for purposes of the Site and Building Development Fund.

**LEGISLATIVE BILL 1092.** Introduced by Mello, 5; Campbell, 25.

A BILL FOR AN ACT relating to state budgeting; to amend sections 2-15,106, 81-132, 81-8,239.03, 81-1113, 81-1113.01, 81-2227, 81-3133.01, 81-3133.02, 81-3133.03, and 85-1416, Reissue Revised Statutes of

Nebraska, and sections 81-3133 and 83-918, Revised Statutes Supplement, 2015; to change budget request reporting requirements; to change powers and duties of the Department of Administrative Services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1093.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5714 and 71-8805, Revised Statutes Cumulative Supplement, 2014; to create programs; to eliminate funds; to provide for and eliminate provisions relating to transfers and investment of funds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1094.** Introduced by Judiciary Committee: Seiler, 33, Chairperson; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Williams, 36; Campbell, 25; Hadley, 37; Mello, 5.

A BILL FOR AN ACT relating to criminal law; to amend sections 27-1101, 28-605, 28-626, 29-2256, 29-2267, 47-401, 47-502, and 83-187, Reissue Revised Statutes of Nebraska, sections 28-115, 28-1354, 29-2258, and 29-2269, Revised Statutes Cumulative Supplement, 2014, sections 28-116, 28-204, 28-394, 28-514, 29-2204.02, 29-2252, 29-2252.01, 29-2260, 29-2262, 29-2263, 29-2266, 29-2268, 29-2308, 60-6,197.03, 71-2482, 83-1,100.02, 83-1,119, 83-1,122, and 83-1,135.02, Revised Statutes Supplement, 2015, and section 28-105, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB605, section 6; to change provisions relating to evidence, sentencing, certain criminal penalties, criminal mischief, assault, theft, forgery, and probation; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1095.** Introduced by Kintner, 2; Scheer, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2753, Reissue Revised Statutes of Nebraska; to require employer identification numbers and use of the federal immigration verification system as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1096.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Condominium Act; to amend section 76-854, Reissue Revised Statutes of Nebraska; to change provisions relating to amendments to declarations regarding unit boundaries; and to repeal the original section.

**LEGISLATIVE BILL 1097.** Introduced by Morfeld, 46; Campbell, 25; Coash, 27; Ebke, 32; Hilkemann, 4; Krist, 10; Mello, 5; Pansing Brooks, 28; Seiler, 33; Williams, 36.

A BILL FOR AN ACT relating to forensic testing; to amend section 81-2010.03, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to payment for sexual assault forensic examinations; to create a fund; to create a program and an administrator; to provide powers and duties for the Attorney General; to provide an operative date; to repeal the original section; and to outright repeal sections 13-607 and 13-608, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1098.** Introduced by Morfeld, 46; Ebke, 32; Krist, 10; Pansing Brooks, 28; Williams, 36.

A BILL FOR AN ACT relating to fees; to amend section 33-107.01, Reissue Revised Statutes of Nebraska; to increase legal services fees as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1099.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-1174, 81-1175, 81-1176, and 81-1180, Reissue Revised Statutes of Nebraska; to change provisions relating to expense reimbursement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1100.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to petroleum marketing; to adopt the Petroleum Education and Marketing Act; and to provide severability.

**LEGISLATIVE BILL 1101.** Introduced by Mello, 5; Haar, K., 21; Kolowski, 31; Schilz, 47.

A BILL FOR AN ACT relating to the Department of Environmental Quality; to amend sections 81-15,158.01 and 81-15,160, Reissue Revised Statutes of Nebraska; to require a study to examine the status of solid waste management programs; to create an advisory committee; to require reports; to provide for costs; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

#### SELECT FILE

**LEGISLATIVE BILL 18.** Senator Groene renewed his amendment, AM143, found on page 477 and considered on page 510, First Session, 2015, on page 333, and in this day's Journal.

**SENATOR COASH PRESIDING**



Senator Groene moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Groene requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Bloomfield	Ebke	Hughes	Lindstrom	Watermeier
Brasch	Garrett	Johnson	Riepe	
Craighead	Hilkemann	Kintner	Schnoor	

Voting in the negative, 24:

Bolz	Crawford	Hansen	Kuehn	Schumacher
Campbell	Davis	Harr, B.	McCollister	Seiler
Chambers	Gloor	Howard	Mello	Sullivan
Coash	Haar, K.	Kolowski	Morfeld	Williams
Cook	Hadley	Krist	Pansing Brooks	

Present and not voting, 7:

Baker	Friesen	Schilz	Stinner
Fox	Groene	Smith	

Excused and not voting, 5:

Kolterman	Larson	McCoy	Murante	Scheer
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The Groene amendment lost with 13 ayes, 24 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Groene offered the following motion:

MO163

Reconsider the vote taken on AM143.

Senator Krist offered the following motion:

MO162

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Krist moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Krist requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 29:

Baker	Crawford	Harr, B.	Larson	Schumacher
Bolz	Davis	Hilkemann	McCollister	Seiler
Campbell	Gloor	Howard	Mello	Smith
Chambers	Haar, K.	Kolowski	Morfeld	Sullivan
Coash	Hadley	Krist	Pansing Brooks	Williams
Cook	Hansen	Kuehn	Schilz	

Voting in the negative, 14:

Bloomfield	Ebke	Groene	Kintner	Schnoor
Brasch	Friesen	Hughes	Lindstrom	Watermeier
Craighead	Garrett	Johnson	Riepe	

Present and not voting, 2:

Fox	Stinner
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Excused and not voting, 4:

Kolterman	McCoy	Murante	Scheer
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The Krist motion to invoke cloture failed with 29 ayes, 14 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1102.** Introduced by Davis, 43; Krist, 10.

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend section 50-1202, Revised Statutes Cumulative Supplement, 2014, and section 50-1203, Revised Statutes Supplement, 2015; to redefine a term in order to authorize performance audits of tax-increment financing projects; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1103.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to medicaid; to amend section 30-2483, Reissue Revised Statutes of Nebraska, section 33-109, Revised Statutes Cumulative Supplement, 2014, and sections 68-901, 68-919, and 77-2018.02, Revised Statutes Supplement, 2015; to change notice provisions relating to decedents' estates and the inheritance tax; to change and provide an exemption from recording fees for registers of deeds and county clerks; to change the Medical Assistance Act; to change provisions

relating to death certificates; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 1104.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to Native Americans; to amend sections 58-201 and 85-1517, Reissue Revised Statutes of Nebraska; to define terms; to provide for certain tax incentives, intent provisions, and revenue-sharing agreements relating to Native Americans; to change the Nebraska Investment Finance Authority Act; to change provisions relating to the distribution of property taxes for certain community colleges; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1105.** Introduced by Larson, 40; Coash, 27.

A BILL FOR AN ACT relating to beverage regulation; to amend sections 53-103.09, 53-103.20, 53-103.41, 53-123.01, 53-124.11, 53-129, 53-168.06, 53-169, 53-171, 53-175, 53-178, 53-187, and 53-1,100, Reissue Revised Statutes of Nebraska, sections 53-123.14, 53-123.17, and 53-124.12, Revised Statutes Cumulative Supplement, 2014, and sections 53-103.44, 53-123.15, 53-124, 53-124.01, and 53-135, Revised Statutes Supplement, 2015; to create and provide powers and duties for the Nebraska Craft Brewery Board; to create the Nebraska Beer Industry Promotional Fund; to impose and provide for fees; to require reports; to redefine terms; to provide for and change licensure provisions for certain manufacturers and retailers; to change disposition of manufacturers' license fees as prescribed; to eliminate provisions regarding licensure in annexed areas; to change prohibitions related to selling and serving alcoholic liquor; to eliminate provisions relating to purchases by retailers as prescribed; to place restrictions on manufacturing and sales at wholesale; to change penalty provisions related to nonbeverage users and manufacturing spirits without a license; to eliminate the prohibition and penalty on the sale of carbonated soft drink or beer cans with removable, disposable tabs or grips as prescribed; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal section 28-1479, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 1106.** Introduced by Garrett, 3; Coash, 27; Ebke, 32; Kintner, 2; Pansing Brooks, 28.

A BILL FOR AN ACT relating to civil procedure; to amend sections 28-1111 and 28-1463.01, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-109, 28-416, and 28-813.01, Revised Statutes Supplement, 2015; to change civil forfeiture provisions as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 1107.** Introduced by Garrett, 3; Bloomfield, 17.

A BILL FOR AN ACT relating to elections; to state intent; to create the Nebraska Election System Initiative; to require a report; to provide a termination date; and to provide an operative date.

**LEGISLATIVE BILL 1108.** Introduced by Garrett, 3; Cook, 13; Ebke, 32; Lindstrom, 18; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to civil forfeiture; to amend section 28-431, Reissue Revised Statutes of Nebraska, and section 25-21,302, Revised Statutes Supplement, 2015; to require reporting to the Auditor of Public Accounts and the Legislature as prescribed; to prescribe powers and duties for the Auditor of Public Accounts; and to repeal the original sections.

**LEGISLATIVE BILL 1109.** Introduced by Murante, 49; Craighead, 6; Garrett, 3; Hadley, 37; Harr, B., 8; Hilkemann, 4; Krist, 10; Morfeld, 46; Schumacher, 22; Smith, 14; Stinner, 48; Williams, 36.

A BILL FOR AN ACT relating to state government; to amend sections 84-712.05 and 85-106.06, Reissue Revised Statutes of Nebraska; to change provisions relating to documents which may be withheld from the public; to require notice and a public forum regarding priority candidates for certain positions at the University of Nebraska; and to repeal the original sections.

**LEGISLATIVE BILL 1110.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to labor; to adopt the Nebraska Workforce Innovation and Opportunity Act.

#### **AMENDMENT(S) - Print in Journal**

Senator Davis filed the following amendment to LB176:  
AM1848

(Amendments to E and R amendments, ER143)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 54-2601, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 54-2601 Sections 54-2601 to 54-2631 and section 4 of this act shall
- 5 be known and may be cited as the Competitive Livestock Markets Act.
- 6 Sec. 4. (1) For purposes of this section:
- 7 (a) Association means an organization, corporate or otherwise, with
- 8 or without capital stock, formed for a common purpose;
- 9 (b) Contract grower means a person or entity to the extent that
- 10 person or entity enters into a contract grower agreement;
- 11 (c) Contract grower agreement means an agreement between a packer
- 12 and a contract grower for purposes of establishing a contract swine
- 13 operation;
- 14 (d) Contract input means a commodity, an organic or synthetic

15 substance, a compound, or a service that is used by a contract grower to  
16 produce swine under a contract grower agreement; and  
17 (e) Prospective contract grower means a person or entity in active  
18 contact with a packer with respect to the establishment of a contract  
19 grower agreement.

20 (2) Contract growers and prospective contract growers have the  
21 following rights:

22 (a) The right to join or to refrain from joining or belonging to an  
23 association of contract growers;

24 (b) The right to lawfully provide statements or information,  
25 including to the United States Secretary of Agriculture or to a law  
26 enforcement agency, regarding alleged improper actions or violations of  
1 law by a packer. This right does not include the right to make statements  
2 or provide information if such statements or information are determined  
3 to be libelous or slanderous; and

4 (c) The right to file, continue, terminate, or enforce a lien under  
5 Nebraska law.

6 (3) Packers shall not engage in the following in connection with  
7 contract growers or prospective contract growers:

8 (a) Impose less favorable terms and conditions in contract grower  
9 agreements on the basis of a contract grower's or prospective contract  
10 grower's membership in a contract grower association or activities in  
11 such association;

12 (b) Take action to coerce, retaliate, or discriminate against any  
13 contract grower or prospective contract grower because that contract  
14 grower or prospective contract grower exercises, or attempts to exercise,  
15 any right provided in subsection (2) of this section, including:

16 (i) Any such coercive, retaliatory, or discriminatory action in  
17 connection with the execution, termination, extension, or renewal of an  
18 agricultural contract between the packer and a contract grower;

19 (ii) Any such coercive, retaliatory, or discriminatory action in  
20 connection with the execution, termination, extension, or renewal of a  
21 contract grower agreement;

22 (iii) Any such coercive, retaliatory, or discriminatory action in  
23 connection with the imposition of discriminatory or preferential terms in  
24 a contract grower agreement or the interpretation of the terms of a  
25 contract grower agreement in a discriminatory or preferential manner;

26 (iv) Any such coercive, retaliatory, or discriminatory action in  
27 connection with the imposition of a penalty, including the unreasonable  
28 denial of a reward;

29 (v) Any such coercive, retaliatory, or discriminatory action in  
30 connection with the altering of the quality, quantity, or delivery times  
31 of contract inputs provided to the contract grower by the packer as  
1 required in the contract grower agreement, except that delivery times may  
2 be changed by mutual agreement due to weather and market conditions; and

3 (vi) Any such coercive, retaliatory, or discriminatory action in  
4 connection with the use of the performance of any other contract grower  
5 as a basis for the termination, cancellation, or renewal of a contract  
6 grower agreement or to negatively affect the contract grower's

7 compensation, except that nothing in this subdivision shall prohibit a  
8 packer from using a program which rewards contract growers with monetary  
9 bonuses based on superior performance; and  
10 (c) Provide false material factual information to contract growers  
11 or prospective contract growers regarding the following:  
12 (i) Other contract growers with whom the contract grower or  
13 prospective contract grower associates;  
14 (ii) An association of contract growers;  
15 (iii) An agricultural organization with which the contract grower or  
16 prospective contract grower is affiliated; or  
17 (iv) The contract grower rights provided in subsection (2) of this  
18 section.  
19 (4) To the extent applicable to the contract grower agreement, a  
20 packer shall provide to the contract grower, upon request, the  
21 statistical information and data used to determine payment to the  
22 contract grower under the contract grower agreement.  
23 (5) To the extent applicable to the contract grower agreement, a  
24 packer shall allow a contract grower or a contract grower's designated  
25 representative, if within the packer's authority, reasonable access to  
26 observe, by actual observation at the time of weighing, the weights and  
27 measures used to determine the contract grower's compensation under a  
28 contract grower agreement.  
29 (6) A packer shall not require a contract grower to make capital  
30 investments associated with an existing contract grower agreement that  
31 are in addition to the investment requirements of the contract grower  
1 agreement unless fair and equitable compensation is paid to the contract  
2 grower by the packer in a manner the contract grower agrees to in  
3 writing, except that the packer can require a contract grower to make  
4 necessary capital improvements at the contract grower's expense to meet  
5 statutory or regulatory standards and requirements as a condition to  
6 continuing the contractual relationship. If the contract grower cannot  
7 reasonably pay for or secure third-party financing for such improvements  
8 and modifications, the packer shall attempt to negotiate mutually  
9 agreeable financing, terms, and conditions for financing by the packer,  
10 enhanced compensation to the contract grower by the packer, or other  
11 contract modifications with the contract grower for such mandated  
12 improvements or modifications. If the contract grower cannot reasonably  
13 pay or secure third-party financing for such improvements or  
14 modifications and no mutual agreement is reached with the packer  
15 regarding financing, compensation, or other contract modifications,  
16 either party may declare a force majeure event under the contract grower  
17 agreement. Nothing in this subsection shall affect a contract grower's  
18 obligation to reasonably maintain its existing facilities or the  
19 facilities as they are improved and modified as referenced in this  
20 subsection.  
21 (7) Contract growers or prospective contract growers may form and  
22 operate an association of agricultural product producers pursuant to the  
23 Capper-Volstead Act, 7 U.S.C. 291 and 292, and such an association may  
24 negotiate with a packer with respect to the terms of contract grower

25 agreements, including, but not limited to, negotiations related to the  
 26 compensation to be paid pursuant to contract grower agreements. To the  
 27 extent that contract growers or prospective contract growers organize  
 28 such an association:  
 29 (a) A packer shall not retaliate or discriminate against such  
 30 contract growers or prospective contract growers because they have  
 31 organized such an association; and  
 1 (b) A packer shall negotiate in good faith with any such  
 2 association.  
 3 (8)(a) A contract grower who suffers damages as a result of a  
 4 packer's violation of this section or a contract grower agreement may  
 5 obtain appropriate legal and equitable relief in a suit against the  
 6 packer.  
 7 (b) A prospective contract grower who suffers damages as a result of  
 8 a packer's violation of this section may obtain appropriate legal and  
 9 equitable relief in a suit against the packer.  
 10 (c) The laws of the State of Nebraska shall be applicable to any  
 11 contract grower agreement between a packer and a contract grower located  
 12 in the State of Nebraska.  
 13 (d) A packer shall not use binding alternative dispute resolution as  
 14 a mechanism to resolve any dispute related to, or arising from, this  
 15 section or a contract grower agreement.  
 16 (e) If the contract grower or prospective contract grower prevails  
 17 in such an action against a packer, the contract grower or prospective  
 18 contract grower shall be entitled to court costs, reasonable attorney's  
 19 fees, and reasonable litigation expenses.  
 20 (f) If injunctive relief is sought in such an action, a contract  
 21 grower or prospective contract grower shall not be required to post a  
 22 bond.  
 23 (g) A packer shall not contract to limit the measure of damages  
 24 available to a contract grower under Nebraska law.  
 25 (h) Except as otherwise provided in this section, a contract grower  
 26 or prospective contract grower shall be entitled to damages as provided  
 27 by Nebraska law and a packer shall be entitled to defenses as provided by  
 28 Nebraska law.  
 29 (9) The Attorney General may enforce this section and any of the  
 30 rights of contract growers and prospective contract growers identified in  
 31 this section against a packer. The Attorney General shall also be  
 1 entitled to injunctive relief, if appropriate, in order to redress  
 2 violations of this section.  
 3 2. On page 2, line 16, after the period insert "Agreements for such  
 4 contract swine operations shall be subject to section 4 of this act.".  
 5 3. Renumber the remaining sections and correct the repealer  
 6 accordingly.

Senator Watermeier filed the following amendment to LB47:  
 AM1871

(Amendments to E & R amendments, ER145)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 60-484, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 60-484 (1) Except as otherwise provided in the Motor Vehicle  
6 Operator's License Act, no resident of the State of Nebraska shall  
7 operate a motor vehicle upon the alleys or highways of this state until  
8 the person has obtained an operator's license for that purpose.

9 (2) Application for an operator's license or a state identification  
10 card shall be made in a manner prescribed by the department. Such  
11 application may be made to department personnel in any county. Department  
12 personnel shall conduct the examination of the applicant and deliver to  
13 each successful applicant an issuance certificate containing the  
14 statements made pursuant to subsection (3) of this section.

15 (3) The applicant shall provide his or her full legal name, date of  
16 birth, mailing address, gender, race or ethnicity, and social security  
17 number, two forms of proof of address of his or her principal residence  
18 unless the applicant is a program participant under the Address  
19 Confidentiality Act, evidence of identity as required by subsection (6)  
20 of this section, and a brief physical description of himself or herself.

21 The applicant (a) may also complete the voter registration portion  
22 pursuant to section 32-308, (b) shall be provided the advisement language  
23 required by subsection (5) of section 60-6,197, (c) shall answer the  
24 following:

25 (i) Have you within the last three months (e.g. due to diabetes,  
26 epilepsy, mental illness, head injury, stroke, heart condition,  
1 neurological disease, etc.):

2 (A) lost voluntary control or consciousness ... yes ... no

3 (B) experienced vertigo or multiple episodes of dizziness or  
4 fainting ... yes ... no

5 (C) experienced disorientation ... yes ... no

6 (D) experienced seizures ... yes ... no

7 (E) experienced impairment of memory, memory loss ... yes ... no

8 Please explain: .....

9 (ii) Do you experience any condition which affects your ability to  
10 operate a motor vehicle? (e.g. due to loss of, or impairment of, foot,  
11 leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ...  
12 no

13 Please explain: .....

14 (iii) Since the issuance of your last driver's license/permit, has  
15 your health or medical condition changed or worsened? ... yes ... no

16 Please explain, including how the above affects your ability to  
17 drive: ....., and (d) may answer the following:

18 (i) Do you wish to register to vote as part of this application  
19 process?

20 (ii) Do you wish to have the word "veteran" displayed on the front  
21 of your operator's license or state identification card to show that you  
22 served in the armed forces of the United States? (To be eligible you must  
23 register with the Nebraska Department of Veterans' Affairs registry.)

24 ~~OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING~~



## 25 QUESTIONS:-

- 26 (iii) Do you wish to include your name in the Donor Registry of  
 27 Nebraska and donate your organs and tissues at the time of your death ~~Do~~  
 28 ~~you wish to be an organ and tissue donor?~~
- 29 (iv) Do you wish to receive any additional specific information  
 30 regarding organ and tissue donation and the Donor Registry of Nebraska?
- 31 (v) Do you wish to donate \$1 to promote the Organ and Tissue Donor  
 1 Awareness and Education Fund?
- 2 (4) Application for an operator's license or state identification  
 3 card shall include a signed oath, affirmation, or declaration of the  
 4 applicant that the information provided on the application for the  
 5 license or card is true and correct.
- 6 (5) The social security number shall not be printed on the  
 7 operator's license or state identification card and shall be used only  
 8 (a) to furnish information to the United States Selective Service System  
 9 under section 60-483, (b) with the permission of the director in  
 10 connection with the verification of the status of an individual's driving  
 11 record in this state or any other state, (c) for purposes of child  
 12 support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to  
 13 furnish information regarding an applicant for or holder of a commercial  
 14 driver's license with a hazardous materials endorsement to the  
 15 Transportation Security Administration of the United States Department of  
 16 Homeland Security or its agent, (e) to furnish information to the  
 17 Department of Revenue under section 77-362.02, or (f) to furnish  
 18 information to the Secretary of State for purposes of the Election Act.
- 19 (6)(a) Each individual applying for an operator's license or a state  
 20 identification card shall furnish proof of date of birth and identity  
 21 with documents containing a photograph or with nonphoto identity  
 22 documents which include his or her full legal name and date of birth.  
 23 Such documents shall be those provided in subsection (1) of section  
 24 60-484.04.
- 25 (b) Any individual under the age of eighteen years applying for an  
 26 operator's license or a state identification card shall provide a  
 27 certified copy of his or her birth certificate or, if such individual is  
 28 unable to provide a certified copy of his or her birth certificate, other  
 29 reliable proof of his or her identity and age, as required in subdivision  
 30 (6)(a) of this section, accompanied by a certification signed by a parent  
 31 or guardian explaining the inability to produce a copy of such birth  
 1 certificate. The applicant also may be required to furnish proof to  
 2 department personnel that the parent or guardian signing the  
 3 certification is in fact the parent or guardian of such applicant.
- 4 (c) An applicant may present other documents as proof of  
 5 identification and age designated by the director. Any documents accepted  
 6 shall be recorded according to a written exceptions process established  
 7 by the director.
- 8 (7) Any individual applying for an operator's license or a state  
 9 identification card who indicated his or her wish to have the word  
 10 "veteran" displayed on the front of such license or card shall comply  
 11 with section 60-4,189.

12 (8) No person shall be a holder of an operator's license and a state  
13 identification card at the same time.

14 Sec. 2. Section 60-494, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 60-494 (1) Each operator's license and state identification card  
17 shall include a special notation on the front of the license or card if  
18 the licensee or cardholder is at least sixteen years of age and indicates  
19 on the application or issuance ~~examiner's~~ certificate under section  
20 60-484, or 60-4,144, or 60-4,181 his or her wish to be an organ and  
21 ~~donor, a tissue donor, or both.~~

22 (2) The status as an organ and ~~donor, a tissue donor, or both~~ shall  
23 continue until amended or revoked by the licensee or cardholder as  
24 provided in subsection (4) of this section or section 71-4829 be renewed  
25 upon renewal of each license or card if the licensee or cardholder, at  
26 the time of renewal, indicates the desire to renew the status and the  
27 notation authorized in subsection (1) of this section has been marked.

28 The status as an organ and ~~donor, a tissue donor, or both~~ is not changed  
29 by the expiration, suspension, cancellation, revocation, or impoundment  
30 of the license or card.

31 (3) Any person whose operator's license or state identification card  
1 indicates his or her status as an organ and ~~donor, a tissue donor, or~~  
2 ~~both~~ may obtain a replacement license or card without a notation of such  
3 status. The fee for such replacement license or card shall be the fee  
4 provided in section 60-4,115.

5 (4) A licensee or cardholder may ~~also~~ change his or her status as a  
6 donor by indicating the desire that his or her name not be included in  
7 the Donor Registry of Nebraska on an application for an operator's  
8 license, a state identification card, or a replacement license or card  
9 under subsection (3) of this section. A licensee or cardholder may also  
10 change or limit the extent of his or her status as a donor by (a)  
11 Internet access to the Donor Registry of Nebraska, (b) telephone request  
12 to the registry, or (c) other methods approved by the federally  
13 designated organ procurement organization for Nebraska.

14 (5) The ~~department~~ Department of Motor Vehicles shall electronically  
15 transfer to the federally designated organ procurement organization for  
16 Nebraska all information which appears on the face of an original or  
17 replacement operator's license or state identification card except the  
18 image and signature of each person whose license or card includes the  
19 notation described in subsection (1) of this section.

20 Sec. 3. Section 60-4,144, Revised Statutes Supplement, 2015, is  
21 amended to read:

22 60-4,144 (1) An applicant for issuance of any original or renewal  
23 commercial driver's license or an applicant for a change of class of  
24 commercial motor vehicle, endorsement, or restriction shall demonstrate  
25 his or her knowledge and skills for operating a commercial motor vehicle  
26 as prescribed in the Motor Vehicle Operator's License Act. An applicant  
27 for a commercial driver's license shall provide the information and  
28 documentation required by this section and section 60-4,144.01. Such  
29 information and documentation shall include any additional information

30 required by 49 C.F.R. parts 383 and 391 and also include:

31 (a) Certification that the commercial motor vehicle in which the  
1 applicant takes any driving skills examination is representative of the  
2 class of commercial motor vehicle that the applicant operates or expects  
3 to operate; and

4 (b) The names of all states where the applicant has been licensed to  
5 operate any type of motor vehicle in the ten years prior to the date of  
6 application.

7 (2)(a) Before being issued a CLP-commercial learner's permit or  
8 commercial driver's license, the applicant shall provide (i) his or her  
9 full legal name, date of birth, mailing address, gender, race or  
10 ethnicity, and social security number, (ii) two forms of proof of address  
11 of his or her principal residence unless the applicant is a program  
12 participant under the Address Confidentiality Act, except that a  
13 nondomiciled applicant for a CLP-commercial learner's permit or  
14 nondomiciled commercial driver's license holder does not have to provide  
15 proof of residence in Nebraska, (iii) evidence of identity as required by  
16 this section, and (iv) a brief physical description of himself or  
17 herself.

18 (b) The applicant's social security number shall not be printed on  
19 the CLP-commercial learner's permit or commercial driver's license and  
20 shall be used only (i) to furnish information to the United States  
21 Selective Service System under section 60-483, (ii) with the permission  
22 of the director in connection with the certification of the status of an  
23 individual's driving record in this state or any other state, (iii) for  
24 purposes of child support enforcement pursuant to section 42-358.08 or  
25 43-512.06, (iv) to furnish information regarding an applicant for or  
26 holder of a commercial driver's license with a hazardous materials  
27 endorsement to the Transportation Security Administration of the United  
28 States Department of Homeland Security or its agent, (v) to furnish  
29 information to the Department of Revenue under section 77-362.02, or (vi)  
30 to furnish information to the Secretary of State for purposes of the  
31 Election Act.

1 (c) No person shall be a holder of a CLP-commercial learner's permit  
2 or commercial driver's license and a state identification card at the  
3 same time.

4 (3) Before being issued a CLP-commercial learner's permit or  
5 commercial driver's license, an applicant, except a nondomiciled  
6 applicant, shall provide proof that this state is his or her state of  
7 residence. Acceptable proof of residence is a document with the person's  
8 name and residential address within this state.

9 (4)(a) Before being issued a CLP-commercial learner's permit or  
10 commercial driver's license, an applicant shall provide proof of  
11 identity.

12 (b) The following are acceptable as proof of identity:

13 (i) A valid, unexpired United States passport;

14 (ii) A certified copy of a birth certificate filed with a state  
15 office of vital statistics or equivalent agency in the individual's state  
16 of birth;

17 (iii) A Consular Report of Birth Abroad issued by the United States  
18 Department of State;

19 (iv) A valid, unexpired permanent resident card issued by the United  
20 States Department of Homeland Security or United States Citizenship and  
21 Immigration Services;

22 (v) An unexpired employment authorization document issued by the  
23 United States Department of Homeland Security;

24 (vi) An unexpired foreign passport with a valid, unexpired United  
25 States visa affixed accompanied by the approved form documenting the  
26 applicant's most recent admittance into the United States;

27 (vii) A Certificate of Naturalization issued by the United States  
28 Department of Homeland Security;

29 (viii) A Certificate of Citizenship issued by the United States  
30 Department of Homeland Security;

31 (ix) A driver's license or identification card issued in compliance  
1 with the standards established by the REAL ID Act of 2005, Public Law  
2 109-13, division B, section 1, 119 Stat. 302; or

3 (x) Such other documents as the director may approve.

4 (c) If an applicant presents one of the documents listed under  
5 subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this  
6 subsection, the verification of the applicant's identity will also  
7 provide satisfactory evidence of lawful status.

8 (d) If the applicant presents one of the identity documents listed  
9 under subdivision (b)(v), (vi), or (ix) of this subsection, the  
10 verification of the identity documents does not provide satisfactory  
11 evidence of lawful status. The applicant must also present a second  
12 document from subdivision (4)(b) of this section, a document from  
13 subsection (5) of this section, or documentation issued by the United  
14 States Department of Homeland Security or other federal agencies  
15 demonstrating lawful status as determined by the United States  
16 Citizenship and Immigration Services.

17 (e) An applicant may present other documents as designated by the  
18 director as proof of identity. Any documents accepted shall be recorded  
19 according to a written exceptions process established by the director.

20 (5)(a) Whenever a person is renewing, replacing, upgrading,  
21 transferring, or applying as a nondomiciled individual to this state for  
22 a CLP-commercial learner's permit or commercial driver's license, the  
23 Department of Motor Vehicles shall verify the citizenship in the United  
24 States of the person or the lawful status in the United States of the  
25 person.

26 (b) The following are acceptable as proof of citizenship or lawful  
27 status:

28 (i) A valid, unexpired United States passport;

29 (ii) A certified copy of a birth certificate filed with a state  
30 office of vital statistics or equivalent agency in the individual's state  
31 of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the  
1 Commonwealth of the Northern Mariana Islands;

2 (iii) A Consular Report of Birth Abroad issued by the United States  
3 Department of State;

4 (iv) A Certificate of Naturalization issued by the United States  
5 Department of Homeland Security;

6 (v) A Certificate of Citizenship issued by the United States  
7 Department of Homeland Security; or

8 (vi) A valid, unexpired Permanent Resident Card issued by the United  
9 States Department of Homeland Security or United States Citizenship and  
10 Immigration Services.

11 (6) An applicant may present other documents as designated by the  
12 director as proof of lawful status. Any documents accepted shall be  
13 recorded according to a written exceptions process established by the  
14 director.

15 (7)(a) An applicant shall obtain a nondomiciled CLP-commercial  
16 driver's license or nondomiciled CLP-commercial learner's permit:

17 (i) If the applicant is domiciled in a foreign jurisdiction and the  
18 Federal Motor Carrier Safety Administrator has not determined that the  
19 commercial motor vehicle operator testing and licensing standards of that  
20 jurisdiction meet the standards contained in subparts G and H of 49  
21 C.F.R. part 383; or

22 (ii) If the applicant is domiciled in a state that is prohibited  
23 from issuing commercial learners' permits and commercial drivers'  
24 licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to  
25 obtain a nondomiciled CLP-commercial learner's permit or nondomiciled  
26 commercial driver's license from Nebraska that complies with the testing  
27 and licensing standards contained in subparts F, G, and H of 49 C.F.R.  
28 part 383.

29 (b) An applicant for a nondomiciled CLP-commercial learner's permit  
30 and nondomiciled commercial driver's license must do the following:

31 (i) Complete the requirements to obtain a CLP-commercial learner's  
1 permit or a commercial driver's license under the Motor Vehicle  
2 Operator's License Act, except that an applicant domiciled in a foreign  
3 jurisdiction must provide an unexpired employment authorization document  
4 issued by the United States Citizenship and Immigration Services or an  
5 unexpired foreign passport accompanied by an approved I-94 form  
6 documenting the applicant's most recent admittance into the United  
7 States. No proof of domicile is required;

8 (ii) After receipt of the nondomiciled CLP-commercial learner's  
9 permit or nondomiciled commercial driver's license and, for as long as  
10 the permit or license is valid, notify the Department of Motor Vehicles  
11 of any adverse action taken by any jurisdiction or governmental agency,  
12 foreign or domestic, against his or her driving privileges. Such adverse  
13 actions include, but are not limited to, license disqualification or  
14 disqualification from operating a commercial motor vehicle for the  
15 convictions described in 49 C.F.R. 383.51. Notifications must be made  
16 within the time periods specified in 49 C.F.R. 383.33; and

17 (iii) Provide a mailing address to the Department of Motor Vehicles.  
18 If the applicant is applying for a foreign nondomiciled CLP-commercial  
19 learner's permit or foreign nondomiciled commercial driver's license, he  
20 or she must provide a Nebraska mailing address and his or her employer's  
21 mailing address to the Department of Motor Vehicles.

22 (c) An applicant for a nondomiciled CLP-commercial learner's permit  
 23 or nondomiciled commercial driver's license is not required to surrender  
 24 his or her foreign license.

25 (8) Any person applying for a CLP-commercial learner's permit or  
 26 commercial driver's license may answer the following:

27 (a) Do you wish to register to vote as part of this application  
 28 process?

29 (b) Do you wish to have the word "veteran" displayed on the front of  
 30 your operator's license to show that you served in the armed forces of  
 31 the United States? (To be eligible you must register with the Nebraska  
 1 Department of Veterans' Affairs registry.)

2 ~~OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING~~  
 3 ~~QUESTIONS:~~

4 (c) Do you wish to include your name in the Donor Registry of  
 5 Nebraska and donate your organs and tissues at the time of your death ~~Do~~  
 6 ~~you wish to be an organ and tissue donor?~~

7 (d) Do you wish to receive any additional specific information  
 8 regarding organ and tissue donation and the Donor Registry of Nebraska?

9 (e) Do you wish to donate \$1 to promote the Organ and Tissue Donor  
 10 Awareness and Education Fund?

11 (9) Any person applying for a CLP-commercial learner's permit or  
 12 commercial driver's license must make one of the certifications in  
 13 section 60-4,144.01 and any certification required under section 60-4,146  
 14 and must provide such certifications to the Department of Motor Vehicles  
 15 in order to be issued a CLP-commercial learner's permit or a commercial  
 16 driver's license.

17 (10) Every person who holds any commercial driver's license must  
 18 provide to the department medical certification as required by section  
 19 60-4,144.01. The department may provide notice and prescribe medical  
 20 certification compliance requirements for all holders of commercial  
 21 drivers' licenses. Holders of commercial drivers' licenses who fail to  
 22 meet the prescribed medical certification compliance requirements may be  
 23 subject to downgrade.

24 Sec. 4. This act becomes operative on July 1, 2017.

25 Sec. 5. Original section 60-494, Reissue Revised Statutes of  
 26 Nebraska, section 60-484, Revised Statutes Cumulative Supplement, 2014,  
 27 and section 60-4,144, Revised Statutes Supplement, 2015, are repealed.

#### **NOTICE OF COMMITTEE HEARING(S)**

Government, Military and Veterans Affairs

Room 1507

Wednesday, January 27, 2016 1:30 p.m.

LB827  
 LB784  
 LB997  
 LB807

Thursday, January 28, 2016 1:30 p.m.

LB787  
LB874  
LB879

(Signed) John Murante, Chairperson

Health and Human Services

Room 1510

Wednesday, January 27, 2016 1:30 p.m.

LB680  
LB813  
LB859  
LB901

Thursday, January 28, 2016 1:00 p.m.

Shelly K. McQuillan - Nebraska Child Abuse Prevention Fund Board  
Douglas J. Weinberg - Department of Health and Human Services  
Briefing on Division of Children and Family Services  
LB708  
LB701

(Signed) Kathy Campbell, Chairperson

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 417.** Introduced by Kolterman, 24.

WHEREAS, Colton James Hood, a member of Troop 180 from Utica, of the Prairie Winds District of the Cornhusker Council, 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, Colton 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, 13 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, Colton installed two park benches in the Staplehurst city park; and

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

WHEREAS, Colton, 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 Colton James Hood on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Colton James Hood.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Pansing Brooks - LB824 and LB1027  
Bloomfield, Craighead, Stinner, Watermeier, Williams - LR378CA

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Riepe, the Legislature adjourned until 9:00 a.m., Thursday, January 21, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**ELEVENTH DAY - JANUARY 21, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 21, 2016

**PRAYER**

The prayer was offered by Pastor Jim Haack, Beautiful Savior Lutheran Church, La Vista.

**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 Senator McCoy who was excused; and Senators Campbell, Coash, Larson, McCollister, Mello, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the tenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1011	Health and Human Services
LB1014	Revenue
LB1015	Revenue
LB1016	Executive Board
LB1017	Appropriations
LB1018	Appropriations
LB1019	Natural Resources
LB1020	Banking, Commerce and Insurance
LB1021	Revenue
LB1022	Executive Board
LB1023	Judiciary
LB1024	Government, Military and Veterans Affairs
LB1025	Banking, Commerce and Insurance
LB1026	Education

LB1027 Judiciary  
 LB1028 Appropriations  
 LB1029 Business and Labor  
 LB1030 Appropriations  
 LB1031 Revenue  
 LB1032 Health and Human Services  
 LB1033 Health and Human Services  
 LB1034 Health and Human Services  
 LB1035 Banking, Commerce and Insurance  
 LB1036 Banking, Commerce and Insurance  
 LB1037 Revenue  
 LB1038 Natural Resources

(Signed) Bob Krist, Chairperson  
 Executive Board

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 136.** Placed on Select File with amendment.

ER146

1 1. Strike original sections 1 and 3 and insert the following new  
 2 sections:

3 Section 1. Section 28-101, Revised Statutes Supplement, 2015, is  
 4 amended to read:

5 28-101 Sections 28-101 to 28-468, 28-470 to 28-1357, 28-1418.01, and  
 6 28-1429.03 and section 2 of this act shall be known and may be cited as  
 7 the Nebraska Criminal Code.

8 Sec. 3. Original section 28-101, Revised Statutes Supplement, 2015,  
 9 is repealed.

10 2. On page 1, line 2, strike "Cumulative Supplement, 2014" and  
 11 insert "Supplement, 2015".

(Signed) Matt Hansen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
 Natural Resources

Room 1525

Thursday, January 28, 2016 1:30 p.m.

LB881  
 LB914

Wednesday, February 3, 2016 1:30 p.m.

LB745

(Signed) Ken Schilz, Chairperson

**COMMITTEE REPORT(S)**

## Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

James W. Hawks - Environmental Quality Council

Aye: 7 Friesen, Hughes, Johnson, Kolowski, McCollister, Schilz, Schnoor.  
Nay: 0. Absent: 1 Lindstrom. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Richard R. Bell - Game and Parks Commission

Aye: 7 Friesen, Hughes, Johnson, Kolowski, McCollister, Schilz, Schnoor.  
Nay: 0. Absent: 1 Lindstrom. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 405, 407, 408, 409, 410, and 411 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 405, 407, 408, 409, 410, and 411.

**SELECT FILE**

**LEGISLATIVE BILL 176.** Considered.

Senator Davis asked unanimous consent to withdraw his amendment, AM1608, found on page 1898, First Session, 2015, and replace it with his substitute amendment, AM1848, found on page 364. No objections. So ordered.

Pending.

**COMMITTEE REPORT(S)**

## Nebraska Retirement Systems

**LEGISLATIVE BILL 790.** Placed on General File.

(Signed) Mark Kolterman, Chairperson

**MOTION - Escort Chief Justice**

Senator Williams moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Seiler, Lindstrom, K. Haar, Howard, and Murante to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, fellow Justices of the Nebraska Supreme Court, and fellow Nebraskans. I would like to thank the members of this legislative body, and Speaker Galen Hadley, for inviting me to address you this morning.

It is an honor for me to report on the accomplishments of the judicial branch this past year, and to discuss the future of the courts. First, I will introduce my fellow Justices.

To my immediate right is Justice John Wright of Scottsbluff; to his right is Justice Bill Cassel of O'Neill.

To my immediate left is Justice Lindsey Miller-Lerman of Omaha; and to her left is Justice Stephanie Stacy of Lincoln.

Justice Bill Connolly of Hastings is unable to be here today.

This is not the same Court you saw last year. Ken Stephan of Lincoln and Mike McCormack of Omaha have both retired. I thank them for their years of service to the Supreme Court and to the State of Nebraska.

I would also like to again welcome to the Court Justice Stacy, who took Ken Stephan's place. And I note that the Governor is in the process of choosing Mike McCormack's successor.

Our State motto is "Equality Before the Law." It echoes the most basic principles upon which our State and our nation were founded. The motto is carved in stone on the entrance of this building and also appears above the bench in our Court, in the Governor's Office, and in the Warner Chamber.

The special mission of Nebraska's courts is to provide citizens with an open, fair, efficient, and independent forum for the resolution of disputes and with what our motto promises: Equality Before the Law.

**Office of Public Guardian**

Equality before the law means many things, including access, fairness, and dignity for vulnerable Nebraskans in need of guardianships or conservatorships. In 2014, Senator Colby Coash sponsored a bill creating the Office of Public Guardian. That bill was passed unanimously by this Legislature and it directs the Public Guardian to do four things.

First, the Office of Public Guardian is to serve as guardian for up to 480 incapacitated Nebraskans in cases where there is no one else available, or appropriate, to serve.

Second, the Public Guardian is directed to identify successor guardians and conservators.

Third, the Public Guardian is directed to provide education, information, and support to the 10,000 individuals who serve as guardians or conservators in Nebraska.

Associate Public Guardians are located in Gering, North Platte, Kearney, Hastings, Norfolk, Papillion, Lincoln, and Omaha. The twelve associate public guardians have met with over 600 local community stakeholders and providers. These meetings are meant to identify resources for all guardians and conservators in the State, newly-appointed guardians and conservators are given the tools needed to maximize the level of independence best suited to their individual wards.

The final directive from this body was to develop a Court Visitor Program. The Public Guardian has educated, and organized a system of volunteer court visitors. These community volunteers provide judges with essential information about potentially incapacitated persons, along with recommendations to judges concerning the need to appoint the Public Guardian.

Since last August, more than twenty individuals from across the State have volunteered to serve the courts and their fellow citizens through the Public Guardian Volunteer Court Visitor program. This alone has saved thousands of dollars in county property taxes. Efforts to recruit additional volunteers to serve as guardians, conservators, and court visitors are ongoing.

I am pleased to announce that in November, following months of planning and training, the Public Guardian began taking appointments to serve incapacitated individuals. These individuals have multiple medical, mental health, and societal challenges which are already stretching thin the resources available to the Public Guardian. Updates to the Public Guardianship Act will be necessary to address the challenges encountered during this first year of implementation.

We look forward to partnering with the Legislature to continue our progress in this important endeavor. A special thanks to County Court Judges Susan Bazis and Todd Hutton and numerous other concerned Nebraskans who have worked on this program.

### **Court Improvement**

Equality before the law also means the fair and prompt handling of child abuse and neglect cases, as well as juvenile justice cases, in Nebraska courts. To further these goals, our Court Improvement Project, commonly referred to as the "Through the Eyes of the Child Initiative," has strongly emphasized education for judges, guardians ad litem, lawyers, Health and Human Services employees, and community volunteers.

In November 2015, over 300 Nebraskans participated in the Court Improvement Project's Regional Conferences held in Hastings, O'Neill, Kimball, and LaVista. The conferences spotlighted human trafficking in Nebraska. Attendees also received updates on recent Federal and State legislative changes and information regarding the status of children in the

child welfare and juvenile justice systems by judicial district. Participants then set team goals for improvement in each of those districts.

Our Fourth Children's Summit, which specifically focuses on children in the courts, will be held September 7-9, 2016, in Kearney. All of our judges handling juvenile matters and other Through the Eyes of the Child Initiative team members will attend. We invite every member of this Legislature to also attend.

In keeping with national best practice efforts, the Through the Eyes of the Child Initiative is sponsoring programs to serve abused and neglected children, as well as juvenile law violators, in their homes whenever possible. This effort was aided last session by the passage of LB500, which allows for broader use of in-home therapy. In-home therapy focuses on addressing an at-risk juvenile's total community environment -- their homes and families, schools and teachers, neighborhoods and friends.

The Through the Eyes of the Child Initiative is pleased to be coordinating a grant funded by the Sherwood and Omaha Community Foundations. This grant generously supports efforts to develop in-home family therapy services.

A special thank you to Senator Sara Howard for her foresight in paving the way for Nebraska to initiate and expand these in-home services. This public/private partnership is being implemented in close collaboration with the Administrative Office of the Courts and Probation and the Department of Health and Human Services.

### **Juvenile Justice**

In regard to juvenile justice, last year I suggested that Nebraska's Juvenile Justice Reform efforts were based on four fundamental principles.

The first principle is that "fewer young people should become wards of the State, be incarcerated, or placed in group homes." With the passage of LB561 in 2014, promoted by Senator Bob Krist and Former-Senator Brad Ashford, children no longer have to become state wards to access services in Nebraska.

During this last transition year there has been a significant increase in the number of children placed on probation and receiving services to reduce recidivism. Additionally, with the support of the Juvenile Detention Alternatives Initiative, which we call JDAI, there has been an 11.5% reduction in juveniles detained in the past 6 months. Further, out-of-home placements have declined 7.6% in that same 6-month period.

The second principle is that "more young people be provided with treatment in their homes and local communities." As noted, there has been an increase in the use of in-home and community-based services over the past 6 months. Out-of-state placements have also decreased, which is a significant step toward keeping youth in Nebraska near their families and support groups.

The third principle is that "parents and guardians should always be involved in their children's rehabilitation." Probation officers are now trained to work with families to set up family support teams.

The final principle is that "local community providers of mental health, substance abuse treatment, and other services should be utilized whenever

possible." There is, especially in Greater Nebraska, a lack of service providers to work with juveniles. When I speak with trial court judges, many say that they would detain fewer children if there were alternative placement opportunities or in-home services available. Our focus in 2016 will be to continue to expand those alternatives.

#### **Adult Probation – LB605**

I turn now to adult probation. In the last legislative session this body passed LB605, which created significant criminal justice reform in Nebraska. The Administrative Office of the Courts and Probation has made major advancements in the implementation of the Justice Reinvestment goals outlined in LB605.

##### ***Court Rules.***

With the help of District Court Judges John Colborn of Lancaster County, and Leo Dobrovolny of Scotts Bluff County, the Supreme Court Probation Services Committee formulated court rules which encompass the statutory requirements of post-release probation supervision. The rules were adopted by this Court after a period of public comment and are now in full force and effect.

##### ***Education.***

The Office of Probation Administration and local chief probation officers have developed new policies, procedures, and forms to comply with LB605. Education for District and County Court Judges and Court and Probation staff, was placed on a fast track, as were changes to the Courts' and Probation's management information systems to accommodate the new laws.

##### ***Reporting Centers.***

LB605 also provided for new day and evening reporting centers. The Administrative Office of Probation worked with local chief probation officers to determine where these new centers should be located. Hastings, North Platte, and Beatrice were selected, with additional centers planned in north Omaha and in north Lincoln. When these centers open their doors within the next few months, there will be 16 reporting centers operational throughout Nebraska. These centers average 6,000 visits from probation clients each month and provide services in every major community across the State.

##### ***SSAS.***

Every Reporting Center has a supervised substance abuse supervision program, or SSAS. This program continues to be Probation's premier supervision program for those individuals at a high risk to reoffend. We are proud that 89% of the clients released from the program in 2015 have been drug-free for at least one year. Likewise, 91% of SSAS participants are gainfully employed.

SSAS will expand to include supervising individuals targeted by LB605 who have already served a period of time in a correctional institution and who require intense supervision upon release. There are currently 35 SSAS officers, including 5 new officers, who will provide both pre- and post-prison supervision.

***Problem-Solving Courts.***

As we expand the SSAS program, we also continue to expand the number -- and the reach -- of our Problem-Solving Courts. Through the good work of District Court Judges Rachel Daugherty of Hamilton County and James Stecker of Seward County, we have now achieved our goal of developing problem-solving courts within each judicial district.

We also want to thank Senators John McCollister and Matt Williams, and District Court Judge James Doyle of Dawson County, for their continued work on the potential expansion of the number of problem-solving courts in Nebraska.

**Self-represented Litigants**

Equality Before the Law also means that those who choose to represent themselves should have meaningful access to Nebraska's courts. Last year I told you about our efforts to provide access to the court system for self-represented litigants. This year, I am pleased to report that the Supreme Court has approved the Strategic Agenda created by our Committee on Self-Represented Litigation, headed by Chief Judge Frankie Moore of the Court of Appeals and District Court Judge Teresa Luther of Hall County.

However, as you know, the number of Nebraskans seeking to represent themselves when appearing before the courts is still on the rise. Today I would also like to thank the Nebraska State Bar Association for its support in providing attorneys in self-help centers across the State. I would also like to recognize those Nebraska lawyers who volunteer to assist unrepresented Nebraskans.

**Technology**

As a public service to all Nebraskans, including those citizens who represent themselves, the Court has developed a new online library for Nebraska appellate court opinions. I thank this Legislature, especially sponsoring Senator Ernie Chambers, as well as Judiciary Chair Senator Les Seiler, for the legislation last session which enabled the Court to expand public access by making published opinions permanently available on the Internet, free of charge.

Further technological advancement in the past year included an increase in eFiling. The volume of electronically-filed documents in the trial courts was up 30% in 2015. As we note in the annual report distributed to you today, every eFiling saves the courts between two and five minutes of staff time, and greatly increases the accuracy of data entry.

Our total eFilings were up by over 223,000 documents last year. All attorneys practicing in county and district courts now receive orders and notices from the courts by email at the rate of several thousand communications each day. Additionally, the Workers' Compensation Court began accepting electronic filings in 2015. Later this year, the Supreme Court and Court of Appeals will follow suit.

**Summer Outreach**

Expanded electronic access cannot, however, replace this Court's traditional relationship with local communities. Each year members of my



staff, Judges of this Court, and I tour trial courts and attend bar association meetings and court-related community meetings across the State.

This past summer I visited courts in south-central and southeast Nebraska. Justice Cassel accompanied me in southeast Nebraska and also visited southwest Nebraska. In addition, we were joined at certain events by Senators Dan Watermeier, Les Seiler, and Laura Ebke. We use these tours to get direct feedback on the workings of our justice system from judges, county commissioners, local lawyers, law enforcement, public defenders and others who work with the court system.

I am pleased to report that the citizens of many Nebraska communities are investing in their local justice systems in substantial ways. Among others, Both Seward and Custer Counties are building new judicial centers; Saline and Hall Counties are both in the middle of rehabilitation projects; and Furnas, Jefferson, and Douglas Counties are renovating or adding security measures. Communities that invest in their courts are communities that grow and prosper.

### **Conclusion**

In conclusion, I am proud of the work the Judicial Branch does to ensure that our State motto has meaning. To repeat, the mission of Nebraska's Judicial Branch is to provide the citizens of this great State with an open, fair, efficient, and independent system for the advancement of justice under the law.

We work to provide access to justice for all Nebraskans and to be certain that in Nebraska there is "equality Before the Law." It is our honor to work with the Legislature to accomplish that goal.

Thank you for the opportunity to speak with you today.

The committee escorted the Chief Justice from the Chamber.

### **SELECT FILE**

**LEGISLATIVE BILL 176.** The Davis amendment, AM1848, found on page 364 and considered in this day's Journal, was renewed.

**SPEAKER HADLEY PRESIDING**

**SENATOR KRIST PRESIDING**

Pending.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 418.** Introduced by Howard, 9; Craighead, 6; Crawford, 45; Hansen, 26; Krist, 10; McCollister, 20; Stinner, 48.

WHEREAS, in 2008, the Department of Health and Human Services (DHHS) began to develop the ACCESSNebraska system.

ACCESSNebraska is a system that is intended to efficiently determine public assistance eligibility and provide service delivery. Since the implementation of this system, the Legislature has twice formed a special investigative committee to explore the problems faced by clients navigating the ACCESSNebraska system. These problems included long call wait times, lost documentation, erroneous public assistance decisions, and a general difficulty for clients to get the assistance they needed in a timely manner; and

WHEREAS, the One Hundred Fourth Legislature, First Session, adopted Legislative Resolution 33, which continued the ACCESSNebraska Special Investigative Committee that was first created by Legislative Resolution 400 adopted in 2014 by the One Hundred Third Legislature, Second Session, to study the ACCESSNebraska system; and

WHEREAS, on December 15, 2015, the committee issued a report and recommendations related to ACCESSNebraska. The committee found that the ACCESSNebraska system has made significant progress since the initial identification of issues relating to customer service and delivery of client benefits but that it continues to face some challenges relating to the problems mentioned above; and

WHEREAS, the committee recommended among other things that it should be continued as an oversight committee to provide oversight and an ongoing dialogue between the Legislature and DHHS to ensure the continued improvement of the ACCESSNebraska system.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the ACCESSNebraska Oversight Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The Executive Board shall select a chairperson and a vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an oversight committee and is hereby authorized to hold hearings, request progress reports from DHHS regarding the ACCESSNebraska system, and issue subpoenas as is deemed necessary by the committee.

2. That the ACCESSNebraska Oversight Committee of the Legislature is hereby authorized to continue to monitor the adequacy of staffing and training of DHHS employees working within the ACCESSNebraska system. The scope of the committee's oversight shall include, but not be limited to, the adequacy of technology used within the ACCESSNebraska system, including telephone systems, computer software, case management, information technology, and the use of and access to data bases to allow for data matching. The committee shall also continue to observe the effectiveness of the processes and structures used by the ACCESSNebraska

system, including system design, management structure, and system goals. The committee shall monitor the ongoing experiences of clients and their family members, including customer service experience, access to benefits, and responses to changing family needs. The committee, if it deems necessary, may issue a report with its findings and recommendations to the Legislature no later than December 15, 2016. The report to the Legislature shall be submitted electronically.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR418 was referred to the Reference Committee.

#### **COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 695.** Placed on General File.

**LEGISLATIVE BILL 702.** Placed on General File.

(Signed) John Murante, Chairperson

#### **AMENDMENT(S) - Print in Journal**

Senator Schilz filed the following amendment to LB176:  
AM1855

(Amendments to AM1755)

1 1. On page 2, after line 24 insert the following new subsection:  
2 "(9) A swine production contract shall not contain any obligations  
3 of confidentiality, or any other provisions, that limit a swine  
4 production contract grower from sharing and reviewing the swine  
5 production contract with anyone, including, but not limited to, his or  
6 her business partners, employees, or agents, his or her financial and  
7 legal advisors, and his or her spouse and family members."; in line 25  
8 strike "(9)" and insert "(10)"; and in line 30 strike "(10)" and insert  
9 "(11)".

Senator Davis filed the following amendment to LB176:  
AM1886

(Amendments to E and R amendments, ER143)

1 1. On page 2, line 12, after "if" insert "(a)"; and in line 16 after  
2 "packer" insert "and (b) the packer purchases at least seventy-five  
3 percent of its swine from persons who are not a part of any contract  
4 swine operation involving such packer".

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Davis, Groene, Kolowski, Lindstrom - LB467

Mello - LB467

Howard - LB749

**VISITORS**

Visitors to the Chamber were Katie Bohlmeier from Cortland; and representatives of the Nebraska Bar Association, Tom Maul, Judge Joe Bataillon, Tim Engler, and Liz Neeley.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Friday, January 22, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWELFTH DAY - JANUARY 22, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 22, 2016

**PRAYER**

The prayer was offered by Reverend Greg Gahan, Craig Alder Grove Parish, Craig.

**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 Senator McCoy who was excused; and Senators Craighead, Kolowski, Mello, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eleventh day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1039	Health and Human Services
LB1040	Government, Military and Veterans Affairs
LB1041	Banking, Commerce and Insurance
LB1042	Urban Affairs
LB1043	Health and Human Services
LB1044	Business and Labor
LB1045	Business and Labor
LB1046	General Affairs
LB1047	Revenue
LB1048	Revenue
LB1049	Education
LB1050	Banking, Commerce and Insurance
LB1051	Revenue
LB1052	Education

LB1053	Appropriations
LB1054	Judiciary
LB1055	Judiciary
LB1056	Judiciary
LB1057	Government, Military and Veterans Affairs
LB1058	Judiciary
LB1059	Urban Affairs
LB1060	Banking, Commerce and Insurance
LB1061	Health and Human Services
LB1062	Education
LB1063	Education
LB1064	Education
LB1065	Education
LB1066	Education
LB1067	Education
LB1068	Transportation and Telecommunications
LB1069	Nebraska Retirement Systems
LB1070	Natural Resources
LB1071	Natural Resources
LB1072	Judiciary
LB1073	Government, Military and Veterans Affairs
LB1074	Appropriations
LB1075	Judiciary
LB1076	Appropriations
LB1077	Transportation and Telecommunications
LB1078	Government, Military and Veterans Affairs
LB1079	Judiciary
LB1080	Government, Military and Veterans Affairs
LB1081	Health and Human Services
LB1082	Natural Resources
LB1083	Executive Board
LB1084	Government, Military and Veterans Affairs
LB1085	Revenue
LB1086	Education
LB1087	Revenue
LB1088	Revenue
LB1089	Business and Labor
LB1090	Judiciary
LB1091	Appropriations
LB1092	Appropriations
LB1093	Appropriations
LB1094	Judiciary
LB1095	Judiciary
LB1096	Banking, Commerce and Insurance
LB1097	Judiciary
LB1098	Judiciary
LB1099	Government, Military and Veterans Affairs
LB1100	Natural Resources
LB1101	Natural Resources

LB1102 Executive Board  
 LB1103 Judiciary  
 LB1104 Revenue  
 LB1105 General Affairs  
 LB1106 Judiciary  
 LB1107 Government, Military and Veterans Affairs  
 LB1108 Judiciary  
 LB1109 Government, Military and Veterans Affairs  
 LB1110 Business and Labor  
 LR415 Health and Human Services

(Signed) Bob Krist, Chairperson  
 Executive Board

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 21, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Bartling, Kelly  
 University of Nebraska  
 Connealy, Matt  
 Center for Rural Affairs  
 Davidson Tribbs, Emma  
 Everytown for Gun Safety Action Fund  
 Gerloff, Jerianne  
 Pfizer, Inc.  
 Huddle, Stephanie  
 Nebraska Domestic Violence Sexual Assault Coalition  
 Husch Blackwell LLP  
 Jasper Stone Partners LLC  
 Jensen Rogert Associates, Inc.  
 Ponca Tribe of Nebraska  
 Kleeb, Jane Fleming  
 Bold Nebraska  
 O'Hara Lindsay & Associates, Inc.  
 Nebraskans for Poverty Research  
 Olberg, Delette  
 Tenaska  
 Pappas, James E.  
 Independent Cattlemen of Nebraska (ICON)  
 Radcliffe, Walter H. of Radcliffe and Associates  
 Amgen

**REPORTS**

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

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

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 775.** Placed on General File.

The Revenue Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Tony Fulton, Tax Commissioner - Department of Revenue

Aye: 8 Brasch, Davis, Gloor, Harr, B., Scheer, Schumacher, Smith, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mike Gloor, Chairperson

Natural Resources

**LEGISLATIVE BILL 737.** Placed on General File.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Dan C. Kreitman - Game and Parks Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Timothy L. Else - Nebraska Ethanol Board

Jan Tenbensen - Nebraska Ethanol Board

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson



**SELECT FILE**

**LEGISLATIVE BILL 176.** The Davis amendment, AM1848, found on page 364 and considered on pages 379 and 385, was renewed.

Senator Davis withdrew his amendment.

Senator Schilz offered his amendment, AM1755, found on page 1902, First Session, 2015.

Senator Schilz offered his amendment, AM1855, found on page 387, to his amendment.

**SPEAKER HADLEY PRESIDING**

Senator Schilz offered the following motion:

MO164

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Schilz moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Schilz requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

Baker	Garrett	Kintner	McCollister	Schumacher
Campbell	Gloor	Kolowski	Mello	Smith
Coash	Hadley	Kolterman	Murante	Stinner
Craighead	Harr, B.	Krist	Pansing Brooks	Watermeier
Ebke	Hilkemann	Kuehn	Riepe	Williams
Fox	Hughes	Larson	Scheer	
Friesen	Johnson	Lindstrom	Schilz	

Voting in the negative, 12:

Bloomfield	Chambers	Davis	Morfeld
Bolz	Cook	Groene	Schnoor
Brasch	Crawford	Haar, K.	Sullivan

Present and not voting, 2:

Hansen	Seiler
--------	--------

Excused and not voting, 2:

Howard	McCoy
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The Schilz motion to invoke cloture prevailed with 33 ayes, 12 nays, 2 present and not voting, and 2 excused and not voting.

The Schilz amendment, AM1855, was adopted with 37 ayes, 5 nays, 5 present and not voting, and 2 excused and not voting.

The Schilz amendment, AM1755, as amended, was adopted with 38 ayes, 5 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 32 ayes, 12 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### **COMMITTEE REPORT(S)**

Agriculture

**LEGISLATIVE BILL 798.** Placed on General File.

(Signed) Jerry Johnson, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 876.** Placed on General File.

(Signed) John Murante, Chairperson

### **NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1524

Monday, February 1, 2016 1:30 p.m.

LB956

LB957

LB1092

Agency 19 - Banking, Department of

Agency 22 - Insurance, Department of

Agency 36 - Racing Commission, Nebraska State

Agency 58 - Board of Engineers and Architects

Agency 63 - Public Accountancy, Nebraska Board of

Agency 76 - Indian Commission, Nebraska

Tuesday, February 2, 2016 1:30 p.m.

Agency 50 - Nebraska State College System  
Agency 51 - University of Nebraska System  
LB713  
LB852  
LB755  
LB858

Room 1003

Wednesday, February 3, 2016 1:30 p.m.

Agency 29 - Natural Resources, Department of  
Agency 54 - Historical Society, Nebraska State  
Agency 91 - Nebraska Tourism Commission  
Agency 33 - Game and Parks Commission  
LB810  
LB1076

(Signed) Heath Mello, Chairperson

Urban Affairs

Room 1510

Tuesday, February 2, 2016 1:30 p.m.

LB860  
LB808  
LB1059  
LB1012

Tuesday, February 9, 2016 1:30 p.m.

LB719  
LB1042  
LR399CA  
LR394CA

Tuesday, February 16, 2016 1:30 p.m.

LB865  
LB857  
LB806

(Signed) Sue Crawford, Chairperson

General Affairs

Room 1510

Monday, February 1, 2016 1:30 p.m.

LB748  
LB1046  
LB1105  
LB834  
LB969

(Signed) Tyson Larson, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 1, 2016 1:30 p.m.

LB927  
LB938  
LB977

Tuesday, February 2, 2016 1:30 p.m.

LB669  
LB668  
LB989

Monday, February 8, 2016 1:30 p.m.

LB872  
LB799  
LB973

Tuesday, February 9, 2016 1:30 p.m.

LB795  
LB1003  
LB994  
LB996

Monday, February 22, 2016 1:30 p.m.

LB783  
LB844  
LB768

Tuesday, February 23, 2016 1:30 p.m.

LB688  
LB964  
LB1077

(Signed) Jim Smith, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Bloomfield filed the following amendment to LB176:  
AM1887

(Amendments to E and R amendments, ER143)

1 1. On page 1, lines 8 and 9; and page 2, lines 11, 12, 13, and 14,  
2 strike all occurrences of "swine" and insert "livestock".

Senator Chambers filed the following amendment to LB47:

FA82

Amend ER145

1. Page 2, line 31 strike "16" and insert "21"; line 30 strike "ANSWER" and  
insert "READ"; in line 31 strike the colon and add, "HOWEVER, IF YOU  
REFUSE TO ANSWER, NOTHING WILL HAPPEN."

2. Page 11, line 20 strike "ANSWER" and insert "READ"; strike the colon  
and add, "HOWEVER, IF YOU REFUSE TO ANSWER, NOTHING  
WILL HAPPEN."

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR418	Executive Board

(Signed) Bob Krist, Chairperson  
Executive Board

**GENERAL FILE**

**LEGISLATIVE BILL 289.** Title read. Considered.

Senator Chambers offered the following motion:

MO165

Recommit to Judiciary Committee.

Pending.

**COMMITTEE REPORT(S)**  
Nebraska Retirement Systems**LEGISLATIVE BILL 803.** Placed on General File.

(Signed) Mark Kolterman, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 419.** Introduced by Larson, 40.

WHEREAS, the Crofton High School girls' cross country team won the 2015 Class D Girls' State Cross Country Championship; and

WHEREAS, the Crofton High School girls' cross country team has won ten consecutive cross country state titles and nineteen championships overall; and

WHEREAS, Haley Arens, a sophomore on the cross country team, placed first overall at the championship meet; 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 Crofton High School girls' cross country team on winning the 2015 Class D Girls' State Cross Country Championship.
2. That a copy of this resolution be sent to the Crofton High School girls' cross country team and their coach.

Laid over.

**LEGISLATIVE RESOLUTION 420.** Introduced by Larson, 40.

WHEREAS, the Hartington-Newcastle High School play production team won the 2015 Class C-2 State Play Production Championship with their performance of "I'm Not Ebenezer Scrooge"; and

WHEREAS, this is Hartington-Newcastle High School's fifth play production state championship in a row; 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 Hartington-Newcastle High School play production team for winning the 2015 Class C-2 State Play Production Championship.
2. That a copy of this resolution be sent to the Hartington-Newcastle High School play production team.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**  
Banking, Commerce and Insurance

Room 1507

Monday, February 1, 2016 1:30 p.m.

Courtney Dentlinger - Department of Economic Development  
LB837  
LB942  
LB1035

Tuesday, February 2, 2016 1:30 p.m.

LB794  
LB817  
LB1036

Monday, February 8, 2016 1:30 p.m.

Patrick Booth - Nebraska Exchange Stakeholder Commission  
Shari Flowers - Nebraska Exchange Stakeholder Commission  
Edward (Ed) Rieker - Nebraska Exchange Stakeholder Commission  
LB770  
LB1020  
LB1096

Tuesday, February 9, 2016 1:30 p.m.

LB706  
LB801  
LB1060

(Signed) Jim Scheer, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Crawford filed the following amendment to LB289:

AM1888

1 1. On page 15, line 14, after "prohibiting" insert "by ordinance";  
2 in line 17 strike "and"; and in line 18 after "(iv)" insert "Any city or  
3 village from regulating or prohibiting by ordinance the carrying of  
4 firearms and ammunition in municipal parks and municipal buildings if the  
5 city or village conspicuously posts notice of such ordinance at each  
6 entrance to such park or building covered by such ordinance. No such  
7 ordinance shall prohibit the carrying of a concealed handgun if the  
8 concealed handgun is carried in compliance with the Concealed Handgun  
9 Permit Act. Any notice of such ordinance shall conspicuously state that  
10 the ordinance does not apply to such carrying of a concealed handgun; and  
11 (v)".

Senator Kolterman filed the following amendment to LB467:  
AM1865 is available in the Bill Room.

**NOTICE OF COMMITTEE HEARING(S)**  
Nebraska Retirement Systems

Room 1525

Friday, February 5, 2016 12:00 p.m.

LB805  
LB922  
LB986

Thursday, February 4, 2016 12:00 p.m.

AM1865 to LB467

(Signed) Mark Kolterman, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Cook, Kolterman, Stinner - LB1030  
Schilz - LB276  
Chambers - LB738  
Gloor - LB1032  
Coash - LB1110

**VISITOR(S)**

The Doctor of the Day was Dr. Carol Lacroix from Omaha.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator K. Haar, the Legislature adjourned until 10:00 a.m., Monday, January 25, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTEENTH DAY - JANUARY 25, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**  
**THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 25, 2016

**PRAYER**

The prayer was offered by Reverend Jeffrey Bloom, Immanuel Lutheran Church, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senator Garrett who was excused; and Senators Bolz, Kintner, McCollister, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twelfth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 176.** Placed on Final Reading.

ST55

The following changes, required to be reported for publication in the Journal, have been made:

1. The Groene amendment, AM1634, has been incorporated into the E and R amendments, as follows: In ER143, on page 1, the matter beginning with "an" in line 9 through "or" in line 10 has been struck and "a" inserted.

2. In the E and R amendments, ER143, on page 4, line 27, "54-2601," has been inserted after "sections".

3. On page 1, line 2, "54-2601," has been inserted after "sections"; in line 4 "to change provisions relating to contract swine operations;" has been inserted after the semicolon; and in line 5 "to harmonize provisions;" has been inserted after the first semicolon.

(Signed) Matt Hansen, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

January 22, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Commission for the Deaf and Hard of Hearing:

Margaret Propp, 7220 N. 15 Street, Lincoln, NE 68521

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Dr. Peter Seiler, 19022 B Street, Omaha, NE 68130

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

January 22, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Public Employees Retirement Board:

J. Russell Derr, 1701 Farnam Street, Omaha, NE 68183

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,

(Signed) Pete Ricketts  
Governor

Enclosures

January 22, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being  
reappointed to the Coordinating Commission for Postsecondary Education:

Colleen Adam, 4900 Osborne Drive East, Hastings, NE 68901  
Ronald Hunter, 4293 470 Lane, Hay Springs, NE 69347

The aforementioned appointees are respectfully submitted for your  
consideration. Copies of the certificates and background information are  
included for your review.

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosures

**MESSAGE FROM THE SECRETARY OF STATE**

May 26, 2015

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Senators:

The purpose of this letter is to inform the honorable members of the  
Legislature that I have made the following appointment requiring  
Legislative confirmation:

Mr. Jeffery T. Peetz, esq., an Independent and a resident of the 1st  
Congressional District, has been appointed to fill a vacancy to the Nebraska  
Accountability and Disclosure Commission, for a six-year term beginning  
July 1, 2015, and ending on June 30, 2021. The appointee must be an  
Independent. Jeff replaces Jan Mumm, CPA, of Lincoln, Nebraska.

The appointment is made by me pursuant to the provisions of Sections 49-14,105, 49-14,110, 49-14,112, and 49-14,114 and is respectfully submitted for your consideration.

Attached is additional background information on the qualifications of the appointment.

Sincerely,  
(Signed) John A. Gale  
Secretary of State

cc: Frank Daley  
cc: Jeffery T. Peetz

js

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 421.** Introduced by Kolowski, 31.

WHEREAS, the Millard West High School Wildcat Marching Band was named Grand Champion at the field show competition at the 2015 National Funding Holiday Bowl in San Diego, California; and

WHEREAS, the Wildcats were first in their class and swept the caption awards, winning Best Music, Best Marching, Best Percussion, Best Color Guard, Best Drum Major, and Best General Effect; and

WHEREAS, these accomplishments would not have been possible without the hard work and dedication of the Wildcats and their band director John Keith; 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 Millard West High School Wildcat Marching Band on their accomplishments and on being named Grand Champion at the 2015 National Funding Holiday Bowl.

2. That a copy of this resolution be sent to the Millard West High School Wildcat Marching Band.

Laid over.

**MOTION(S) - Confirmation Report(s)**

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 379:

Environmental Quality Council  
James W. Hawks

Voting in the affirmative, 34:

Baker	Fox	Hilkemann	Lindstrom	Schumacher
Bloomfield	Friesen	Hughes	McCoy	Seiler
Brasch	Gloor	Johnson	Pansing Brooks	Smith
Chambers	Groene	Kolowski	Riepe	Stinner
Craighead	Haar, K.	Kolterman	Scheer	Sullivan
Crawford	Hadley	Kuehn	Schilz	Watermeier
Ebke	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 10:

Campbell	Cook	Harr, B.	Krist	Morfeld
Coash	Davis	Howard	Mello	Williams

Excused and not voting, 5:

Bolz	Garrett	Kintner	McCollister	Murante
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The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 379:

Game and Parks Commission  
Richard R. Bell

Voting in the affirmative, 36:

Baker	Fox	Hilkemann	Larson	Schnoor
Bloomfield	Friesen	Howard	Lindstrom	Schumacher
Bolz	Gloor	Johnson	McCoy	Seiler
Brasch	Groene	Kolowski	Pansing Brooks	Smith
Chambers	Haar, K.	Kolterman	Riepe	Stinner
Craighead	Hadley	Krist	Scheer	Sullivan
Crawford	Hansen	Kuehn	Schilz	Watermeier
Ebke				

Voting in the negative, 0.

Present and not voting, 10:

Campbell	Cook	Harr, B.	Kintner	Morfeld
Coash	Davis	Hughes	Mello	Williams

Excused and not voting, 3:

Garrett      McCollister      Murante

The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 665.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 666.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 667.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 289.** Senator Chambers renewed his motion, MO165, found on page 397, to recommit to Judiciary Committee.

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

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

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

Voting in the affirmative, 10:

Bolz	Coash	Gloor	Howard	Murante
Campbell	Davis	Harr, B.	Krist	Sullivan

Voting in the negative, 31:

Baker	Fox	Kintner	Riepe	Stinner
Bloomfield	Friesen	Kolterman	Scheer	Watermeier
Brasch	Groene	Kuehn	Schilz	Williams
Chambers	Hadley	Larson	Schnoor	
Cook	Hilkemann	Lindstrom	Schumacher	
Craighead	Hughes	McCollister	Seiler	
Ebke	Johnson	McCoy	Smith	

Present and not voting, 7:

Crawford	Hansen	Mello	Pansing Brooks
Haar, K.	Kolowski	Morfeld	

Excused and not voting, 1:

Garrett

The motion to cease debate failed with 10 ayes, 31 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 505A.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 505, One Hundred Fourth Legislature, Second Session, 2016.

#### **MOTION - Print in Journal**

Senator B. Harr filed the following motion to LB926:

MO166

Withdraw bill.

#### **AMENDMENT(S) - Print in Journal**

Senator Cook filed the following amendment to LB289:

AM1900

1 1. Insert the following new section:

2 Sec. 6. Section 42-924, Revised Statutes Cumulative Supplement,

3 2014, is amended to read:

4 42-924 (1)(a) ~~(1)~~ Any victim of domestic abuse may file a petition

5 and affidavit for a protection order as provided in subsection (2) of

6 this section. Upon the filing of such a petition and affidavit in support  
7 thereof, the court may issue a protection order without bond granting the  
8 following relief:

9 (i a) Enjoining the respondent from imposing any restraint upon the  
10 petitioner or upon the liberty of the petitioner;

11 (ii b) Enjoining the respondent from threatening, assaulting,  
12 molesting, attacking, or otherwise disturbing the peace of the  
13 petitioner;

14 (iii e) Enjoining the respondent from telephoning, contacting, or  
15 otherwise communicating with the petitioner;

16 (iv d) Removing and excluding the respondent from the residence of  
17 the petitioner, regardless of the ownership of the residence;

18 (v e) Ordering the respondent to stay away from any place specified  
19 by the court;

20 (vi f) Awarding the petitioner temporary custody of any minor  
21 children not to exceed ninety days; or

22 ~~(g) Enjoining the respondent from possessing or purchasing a firearm~~  
23 ~~as defined in section 28-1201; or~~

24 (vii h) Ordering such other relief deemed necessary to provide for  
25 the safety and welfare of the petitioner and any designated family or  
26 household member.

27 (b) An order issued pursuant to this subsection that meets the  
1 requirements of 18 U.S.C. 922(g)(8)(A) through (C), as such section  
2 existed on the effective date of this act, shall enjoin the respondent  
3 from possessing or purchasing a firearm, as defined in section 28-1201,  
4 for the length of the order.

5 (2) Petitions for protection orders shall be filed with the clerk of  
6 the district court, and the proceeding may be heard by the county court  
7 or the district court as provided in section 25-2740.

8 (3) A petition filed pursuant to subsection (1) of this section may  
9 not be withdrawn except upon order of the court. An order issued pursuant  
10 to subsection (1) of this section shall specify that it is effective for  
11 a period of one year and, if the order grants temporary custody, the  
12 number of days of custody granted to the petitioner unless otherwise  
13 modified by the court.

14 (4) Any person who knowingly violates a protection order issued  
15 pursuant to subsection (1) of this section or section 42-931 after  
16 service or notice as described in subsection (2) of section 42-926 shall  
17 be guilty of a Class I misdemeanor, except that any person convicted of  
18 violating such order who has a prior conviction for violating a  
19 protection order shall be guilty of a Class IV felony.

20 (5) If there is any conflict between sections 42-924 to 42-926 and  
21 any other provision of law, sections 42-924 to 42-926 shall govern.

22 2. Renumber the remaining section and correct the repealer  
23 accordingly.



Senator Cook filed the following amendment to LB289:

AM1901

1 1. Insert the following new section:

2 Sec. 6. Section 28-1206, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 28-1206 (1)(a) Any person who possesses a firearm, a knife, or brass  
5 or iron knuckles and who has previously been convicted of a felony, who  
6 is a fugitive from justice, or who is the subject of a current and  
7 validly issued domestic violence protection order and is knowingly  
8 violating such order, or (b) any person who possesses a firearm or brass  
9 or iron knuckles and who has been convicted ~~within the past seven years~~  
10 of a misdemeanor crime of domestic violence, commits the offense of  
11 possession of a deadly weapon by a prohibited person.

12 (2) The felony conviction may have been had in any court in the  
13 United States, the several states, territories, or possessions, or the  
14 District of Columbia.

15 (3)(a) Possession of a deadly weapon which is not a firearm by a  
16 prohibited person is a Class III felony.

17 (b) Possession of a deadly weapon which is a firearm by a prohibited  
18 person is a Class ID felony for a first offense and a Class IB felony for  
19 a second or subsequent offense.

20 (4)(a)(i) For purposes of this section, misdemeanor crime of  
21 domestic violence means:

22 (A)(I) A crime that is classified as a misdemeanor under the laws of  
23 the United States or the District of Columbia or the laws of any state,  
24 territory, possession, or tribe;

25 (II) A crime that has, as an element, the use or attempted use of  
26 physical force or the threatened use of a deadly weapon; and

27 (III) A crime that is committed by another against his or her  
1 spouse, his or her former spouse, a person with whom he or she has a  
2 child in common whether or not they have been married or lived together  
3 at any time, or a person with whom he or she is or was involved in a  
4 dating relationship as defined in section 28-323; or

5 (B)(I) Assault in the third degree under section 28-310, stalking  
6 under subsection (1) of section 28-311.04, false imprisonment in the  
7 second degree under section 28-315, or first offense domestic assault in  
8 the third degree under subsection (1) of section 28-323 or any attempt or  
9 conspiracy to commit one of these offenses; and

10 (II) The crime is committed by another against his or her spouse,  
11 his or her former spouse, a person with whom he or she has a child in  
12 common whether or not they have been married or lived together at any  
13 time, or a person with whom he or she is or was involved in a dating  
14 relationship as defined in section 28-323.

15 (ii) A person shall not be considered to have been convicted of a  
16 misdemeanor crime of domestic violence unless:

17 (A) The person was represented by counsel in the case or knowingly  
18 and intelligently waived the right to counsel in the case; and

19 (B) In the case of a prosecution for a misdemeanor crime of domestic  
20 violence for which a person was entitled to a jury trial in the

21 jurisdiction in which the case was tried, either:  
 22 (I) The case was tried to a jury; or  
 23 (II) The person knowingly and intelligently waived the right to have  
 24 the case tried to a jury.  
 25 (b) For purposes of this section, subject of a current and validly  
 26 issued domestic violence protection order pertains to a current court  
 27 order that was validly issued pursuant to section 28-311.09 or 42-924 or  
 28 that meets or exceeds the criteria set forth in section 28-311.10  
 29 regarding protection orders issued by a court in any other state or a  
 30 territory, possession, or tribe.  
 31 2. Renumber the remaining section and correct the repealer  
 1 accordingly.

Senator Mello filed the following amendment to LB560:  
 AM1897

1 1. Strike the original section and insert the following new section:  
 2 Section 1. The Board of Regents of the University of Nebraska  
 3 approved the creation of the Nebraska Innovation Campus in 2009. The  
 4 objective of the Nebraska Innovation Campus is to leverage the research  
 5 and talent of the University of Nebraska to produce economic development  
 6 for the State of Nebraska. The Board of Regents subsequently created the  
 7 Nebraska Innovation Campus Development Corporation whose function is to  
 8 provide strategic direction and oversight over the development of the  
 9 Nebraska Innovation Campus.  
 10 The Legislature finds that innovation is increasingly important in  
 11 the creation of new companies and the success of established ones. The  
 12 Legislature acknowledges that the achievement of the objective of the  
 13 Nebraska Innovation Campus requires a long-term strategy.  
 14 The Legislature determines that quantifiable measurements and  
 15 benchmarks are required to track and evaluate the performance of the  
 16 Nebraska Innovation Campus and its development corporation.  
 17 The following measurements regarding the Nebraska Innovation Campus  
 18 shall be reported to the Legislature by the Nebraska Innovation Campus  
 19 Development Corporation:  
 20 (1) The percentage of investments by the state and university  
 21 compared to private sector investments;  
 22 (2) The number of square feet of construction;  
 23 (3) The number of private companies located on Nebraska Innovation  
 24 Campus;  
 25 (4) The number of private sector jobs located on Nebraska Innovation  
 26 Campus;  
 27 (5) The amount of private sector research funding to the university  
 1 attributable to Nebraska Innovation Campus;  
 2 (6) The number of internships or other employment opportunities  
 3 provided by private sector companies at Nebraska Innovation Campus to  
 4 university students;  
 5 (7) The percentage of facilities leased by private sector companies;  
 6 (8) The number of new businesses started or supported at Nebraska  
 7 Innovation Campus;

- 8 (9) The number of conferences and participants at Nebraska
- 9 Innovation Campus; and
- 10 (10) The diversity of the appointments to the Nebraska Innovation
- 11 Campus Development Corporation Board of Directors.
- 12 The report shall be submitted electronically to the Clerk of the
- 13 Legislature by December 1 of each year.

**NOTICE OF COMMITTEE HEARING(S)**  
Banking, Commerce and Insurance

Room 1507

Tuesday, February 16, 2016 1:30 p.m.

LB740  
LB796  
LB856  
LB1041

Monday, February 22, 2016 1:30 p.m.

LB873  
LB1025  
LB1050

(Signed) Jim Scheer, Chairperson

Education

Room 1525

Monday, February 1, 2016 1:30 p.m.

LB1026  
LB1064  
LB1066

Tuesday, February 2, 2016 1:30 p.m.

LB1086  
LB1052  
LB1002

(Signed) Kate Sullivan, Chairperson

## Appropriations

Room 1524

Tuesday, February 2, 2016 1:30 p.m.

AM1897 to LB560

(Signed) Heath Mello, Chairperson

Executive Board

Room 2102

Monday, February 1, 2016 12:00 p.m.

LB686

LB1016

(Signed) Bob Krist, Chairperson

Business and Labor

Room 2102

Monday, February 1, 2016 1:30 p.m.

LB928

LB1089

LB896

LB850

LB830

(Signed) Burke Harr, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 422.** Introduced by Campbell, 25.

WHEREAS, on February 1, 1966, the city of Lincoln purchased from the Consumers Public Power District the properties in and around Lincoln which officially established the Lincoln Electric System (LES); and

WHEREAS, the purchase agreement initially provided that the electric system would be managed by the Consumers Public Power District with oversight by the City Power Advisory Board; and

WHEREAS, in November 1970, Lincoln voters overwhelmingly approved a ballot measure to create a semiautonomous administrative board to provide management of LES; and

WHEREAS, the LES administrative board hired Walter A. Canney effective August 16, 1971, to serve as the first administrator of LES; and

WHEREAS, for the past 50 years, LES customers have benefited from the key principles of local and public utility ownership which include local control, low rates, reliable service, and customer engagement; and

WHEREAS, LES has seen significant system growth over the past 50 years, including a growth in gross revenues from \$11 million in 1966 to approximately \$315 million in 2015; and

WHEREAS, for the past 50 years, LES has provided Lincoln homes and businesses with reliable, safe, and efficient electric service at retail rates which are consistently among the lowest in the country; and

WHEREAS, for the past 50 years, Lincoln has been well served by the many local people serving local people, including the 80 Lincoln residents who have served on the LES administrative board and the many men and women who have been employed by LES; and

WHEREAS, for 50 years, LES has been, and will continue to be, a valuable community asset and a proven leader in the areas of integrity, reliability, safety, customer service, environmental responsibility, energy efficiency, and fiscal responsibility.

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

1. That the Legislature congratulates the city of Lincoln, the Lincoln Electric System, and all of the present and past LES employees and board members on its 50th anniversary of operation in Lincoln.

2. That a copy of this resolution be sent to Mayor Chris Beutler and LES Administrator and Chief Executive Officer Kevin Wailes.

Laid over.

**COMMITTEE REPORT(S)**

Nebraska Retirement Systems

**LEGISLATIVE BILL 747.** Placed on General File.

(Signed) Mark Kolterman, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Coash - LB276

Mello - LB716

**VISITOR(S)**

Visitors to the Chamber were members of Nebraskans Against Gun Violence from across the state; Cale Giese of the Nebraska LEAD Program from Wayne; Senator Groene's daughter, Rebecca Koellner, son-in-law, Greg Koellner, granddaughter, Correy, and grandson, Hudson, from Imperial; members from ABATE of Nebraska; Mecca Slaughter from Omaha; and members of the Nebraska Firearms Owners Association.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Tuesday, January 26, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**FOURTEENTH DAY - JANUARY 26, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 26, 2016

**PRAYER**

The prayer was offered by Pastor Darin Bentzinger, Panama Presbyterian Church, Panama.

**ROLL CALL**

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

The roll was called and all members were present except Senator Coash who was excused; and Senators Bolz, Campbell, Craighead, Davis, Hansen, Mello, Morfeld, Pansing Brooks, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirteenth day was approved.

**COMMITTEE REPORT(S)**

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jeff Fassett, Director - Department of Natural Resources

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1525

Wednesday, February 3, 2016 1:30 p.m.

LB902

Thursday, February 4, 2016 1:30 p.m.

LB736

LB863

Friday, February 5, 2016 1:30 p.m.

LB887

LB897

(Signed) Ken Schilz, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 665.** Placed on Select File.**LEGISLATIVE BILL 666.** Placed on Select File.**LEGISLATIVE BILL 667.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**MOTION - Withdraw LB926**

Senator B. Harr offered his motion, MO166, found on page 407, to withdraw LB926.

The B. Harr motion to withdraw the bill prevailed with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.



**MOTION(S) - Confirmation Report(s)**

Senator Gloor moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 392:

Department of Revenue  
Tony Fulton, Tax Commissioner

Voting in the affirmative, 37:

Baker	Fox	Howard	Murante	Smith
Bloomfield	Friesen	Hughes	Pansing Brooks	Stinner
Brasch	Garrett	Johnson	Riepe	Sullivan
Chambers	Gloor	Kintner	Scheer	Watermeier
Cook	Groene	Kolowski	Schilz	Williams
Crawford	Haar, K.	Kuehn	Schnoor	
Davis	Hadley	Lindstrom	Schumacher	
Ebke	Harr, B.	Morfeld	Seiler	

Voting in the negative, 0.

Present and not voting, 6:

Hilkemann	Krist	McCollister
Kolterman	Larson	McCoy

Excused and not voting, 6:

Bolz	Coash	Hansen
Campbell	Craighead	Mello

The appointment was confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 392:

Game and Parks Commission  
Dan C. Kreitman

Voting in the affirmative, 33:

Baker	Ebke	Hadley	Lindstrom	Schumacher
Bloomfield	Fox	Hansen	Morfeld	Seiler
Brasch	Friesen	Hilkemann	Pansing Brooks	Stinner
Chambers	Garrett	Hughes	Riepe	Sullivan
Cook	Gloor	Johnson	Scheer	Williams
Crawford	Groene	Kintner	Schilz	
Davis	Haar, K.	Kolowski	Schnoor	

Voting in the negative, 0.

Present and not voting, 11:

Harr, B.	Krist	McCollister	Smith
Howard	Kuehn	McCoy	Watermeier
Kolterman	Larson	Murante	

Excused and not voting, 5:

Bolz	Campbell	Coash	Craighead	Mello
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The appointment was confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 392:

Nebraska Ethanol Board  
 Timothy L. Else  
 Jan Tenbenschel

Voting in the affirmative, 36:

Baker	Crawford	Hansen	McCollister	Stinner
Bloomfield	Fox	Hilkemann	Pansing Brooks	Sullivan
Bolz	Friesen	Howard	Scheer	Watermeier
Brasch	Garrett	Hughes	Schilz	Williams
Campbell	Gloor	Johnson	Schnoor	
Chambers	Groene	Kintner	Schumacher	
Cook	Haar, K.	Kolowski	Seiler	
Craighead	Hadley	Kolterman	Smith	

Voting in the negative, 0.

Present and not voting, 12:

Davis	Krist	Lindstrom	Morfeld
Ebke	Kuehn	McCoy	Murante
Harr, B.	Larson	Mello	Riepe

Excused and not voting, 1:

Coash

The appointments were confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 289.** Senator Chambers renewed his motion, MO165, found on page 397 and considered on page 406, to recommit to Judiciary Committee.

**PRESIDENT FOLEY PRESIDING**

Senator Groene moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 3 nays, 15 present and not voting, and 1 excused and not voting.

Senator Kintner moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Kintner requested a roll call vote on the Chambers motion to recommit to committee.

Voting in the affirmative, 10:

Campbell	Haar, K.	Howard	Pansing Brooks	Seiler
Cook	Hansen	Krist	Schumacher	Sullivan

Voting in the negative, 31:

Bloomfield	Friesen	Johnson	McCoy	Stinner
Brasch	Garrett	Kintner	Murante	Watermeier
Craighead	Gloor	Kolterman	Riepe	Williams
Crawford	Groene	Kuehn	Scheer	
Davis	Hadley	Larson	Schilz	
Ebke	Hilkemann	Lindstrom	Schnoor	
Fox	Hughes	McCollister	Smith	

Present and not voting, 7:

Baker	Chambers	Kolowski	Morfeld
Bolz	Harr, B.	Mello	

Excused and not voting, 1:

Coash

The Chambers motion to recommit to committee failed with 10 ayes, 31 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Adam, Colleen - Coordinating Commission for Postsecondary Education - Education  
Derr, J. Russell - Public Employees Retirement Board - Nebraska Retirement Systems  
Hunter, Ronald - Coordinating Commission for Postsecondary Education - Education  
Petz, Jeffery T. - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs  
Propp, Margaret - Commission for the Deaf and Hard of Hearing - Health and Human Services  
Seiler, Peter - Commission for the Deaf and Hard of Hearing - Health and Human Services

(Signed) Bob Krist, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARING(S)**  
Revenue

Room 1524

Wednesday, February 3, 2016 1:30 p.m.

LB889  
LB886  
LB907  
LB951

Thursday, February 4, 2016 1:30 p.m.

LB958  
LB717  
LB940

(Signed) Mike Gloor, Chairperson

Appropriations

Room 1003

Thursday, February 4, 2016 1:30 p.m.

Agency 16 - Revenue, Department of  
Agency 65 - Administrative Services, Department of  
Agency 71 - Nebraska Energy Office  
Agency 85 - Public Employees Retirement Board, Nebraska  
Agency 93 - Tax Equalization and Review Commission  
LB809

Friday, February 5, 2016 1:30 p.m.

Agency 11 - Attorney General  
LB1006  
LB1017  
LB1028  
LB1091

Room 1524

Monday, February 8, 2016 1:30 p.m.

Agency 25 - Health and Human Services  
LB911  
LB923  
LB931  
LB988  
LB1030  
LB1093

Tuesday, February 9, 2016 1:30 p.m.

Agency 13 - Education, Department of  
LB800  
LB838  
LB1053  
LB1074

Room 1003

Wednesday, February 10, 2016 1:30 p.m.

Agency 78 - Nebraska Commission on Law Enforcement and Criminal  
Justice  
Agency 46 - Correctional Services, Department of  
LB733

Thursday, February 11, 2016 1:30 p.m.

Agency 9 - Secretary of State  
Agency 10 - Auditor of Public Accounts  
Agency 14 - Public Service Commission  
Agency 24 - Motor Vehicles, Department of  
LB715  
LB789  
LB1018

Room 1524

Tuesday, February 16, 2016 1:30 p.m.

Agency 27 - Roads, Department of  
LB960

(Signed) Heath Mello, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 289.** Senator Chambers offered the following motion:

MO167

Reconsider the vote taken to recommit to committee.

Pending.

#### COMMITTEE REPORT(S)

Banking, Commerce and Insurance

**LEGISLATIVE BILL 731.** Placed on General File.

**LEGISLATIVE BILL 853.** Placed on General File.

**LEGISLATIVE BILL 778.** Placed on General File with amendment.

AM1874

1 1. On page 7, strike lines 1 and 2 and insert the following new

2 subdivision:

3 "(b) Control in the case of any other entity means (i) the power,

4 directly or indirectly, to direct the management of policies of the

5 entity, (ii) the contribution of twenty-five percent or more of the

6 capital of the entity; or (iii) the right to receive, upon dissolution,

7 twenty-five percent or more of the capital of the entity."

(Signed) Jim Scheer, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Transportation and Telecommunications

Room 1113

Tuesday, February 9, 2016 1:30 p.m.

LB996 (cancel)

Monday, February 8, 2016 1:30 p.m.

LB996

Tuesday, February 23, 2016 1:30 p.m.

LB1068

(Signed) Jim Smith, Chairperson

Health and Human Services

Room 1510

Wednesday, February 3, 2016 1:30 p.m.

LB818

LB684

LB866

Thursday, February 4, 2016 1:00 p.m.

Annual Committee Briefing by DHHS Division of Developmental  
Disabilities

Courtney L. Miller - Department of Health and Human Services

LB895

LB1039

LB1033

Friday, February 5, 2016 1:30 p.m.

LB979

LB962

LB963

(Signed) Kathy Campbell, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 423.** Introduced by Kolterman, 24; Chambers, 11.

WHEREAS, Elaine and Boyd ("Bud") Stuhr celebrated their 60th wedding anniversary on January 20, 2016; and

WHEREAS, Elaine and Bud were married January 20, 1956, at Zion Lutheran Church in Thayer; and

WHEREAS, Elaine and Bud became parents to two daughters, Cynthia and Teresa, and one son, Boyd Jr. Elaine and Bud also have six grandchildren and two great-grandchildren; and

WHEREAS, Elaine served as a state senator in the Nebraska Legislature from 1995 to 2007 and has dedicated her life to public service.

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

1. That the Legislature congratulates Elaine and Bud Stuhr on their 60th wedding anniversary and thanks Elaine for her service to this state.
2. That a copy of this resolution be sent to Elaine and Bud Stuhr.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Morfeld filed the following amendment to LB289:  
AM1915

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

2 section:

3 Section 1. (1) Notwithstanding any other provision of any law or any

4 rule or regulation of this state or any political subdivision thereof,

5 any person who is not otherwise prohibited from transporting, shipping,

6 or receiving a firearm shall be entitled to transport a firearm for any

7 lawful purpose from any place where he or she may lawfully possess and

8 carry such firearm to any other place where he or she may lawfully

9 possess and carry such firearm, subject to the requirements in subsection

10 (2) of this section.

11 (2) This section shall apply if, during such transportation, the

12 firearm is unloaded, and neither the firearm nor any ammunition being

13 transported is readily accessible or is directly accessible from the

14 passenger compartment of such transporting vehicle. In the case of a

15 vehicle without a compartment separate from the driver's compartment, the

16 firearm or ammunition shall be contained in a locked container other than

17 the glove compartment or console.

Senator Mello filed the following amendment to LB289:

AM1910

1 1. Strike original sections 1 and 2.

2 2. On page 17, after line 3, insert the following new subsection:



3 "(5) This section shall not apply to any city of the metropolitan  
 4 class or city of the primary class."  
 5 3. Renumber the remaining sections and correct the repealer  
 6 accordingly.

Senator Mello filed the following amendment to LB289:  
 AM1918

1 1. Strike original sections 1 and 2.  
 2 2. On page 17, after line 3, insert the following new subsection:  
 3 "(5) This section shall not apply to any city of the metropolitan  
 4 class or city of the primary class."  
 5 3. Renumber the remaining sections and correct the repealer  
 6 accordingly.

Senator Johnson filed the following amendment to LB136:  
 AM1768

1 1. Insert the following new section:  
 2 Sec. 4. Since an emergency exists, this act takes effect when passed  
 3 and approved according to law.

Senator Smith filed the following amendment to LB977:  
 AM1895

1 1. On page 2, line 9, after "(2)" insert "An implement of husbandry  
 2 being operated on any highway of this state shall not cross any bridge or  
 3 culvert in which the vehicle axle, axle groupings, or gross weight  
 4 exceeds the limits established in subsections (2), (3), and (4) of  
 5 section 60-6.294, or weight limits established by bridge postings.  
 6 (3)".

**NOTICE OF COMMITTEE HEARING(S)**  
 Health and Human Services

Room 1510

Wednesday, February 3, 2016 1:30 p.m.

LB802

(Signed) Kathy Campbell, Chairperson

**VISITOR(S)**

Visitor to the Chamber was Ryan Bergh from Omaha.

The Doctor of the Day was Dr. David Hoelting from Pender.

**MOTION - Recess**

Senator Chambers moved to recess until 12:30 p.m.

The motion failed.

**MOTION - Adjournment**

Senator Seiler moved to adjourn until 9:00 a.m., Wednesday, January 27, 2016.

Senator Chambers moved for a call of the house. The motion failed with 15 ayes, 18 nays, 11 present and not voting, and 5 excused and not voting.

Senator Chambers requested a roll call vote on the motion to adjourn.

The Seiler motion to adjourn prevailed with 17 ayes, 8 nays, 19 present and not voting, and 5 excused and not voting, and at 12:04 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, January 27, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTEENTH DAY - JANUARY 27, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 27, 2016

**PRAYER**

The prayer was offered by Reverend Scott Porath, Immanuel Lutheran Church, Eagle.

**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 Senator Coash who was excused; and Senators Bolz, Craighead, Gloor, McCollister, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourteenth day was approved.

**COMMITTEE REPORT(S)**

Urban Affairs

**LEGISLATIVE BILL 864.** Placed on General File.

**LEGISLATIVE BILL 700.** Placed on General File with amendment.  
AM1889

1 1. On page 2, line 16, after the comma insert "except for an  
2 amendment that serves only to correct a misspelling or other  
3 typographical error.".

**LEGISLATIVE BILL 703.** Placed on General File with amendment.  
AM1877

1 1. On page 2, line 27, after the period insert "If the owner or  
2 occupant of the lot or piece of ground does not request a hearing with  
3 the city within five days after receipt of such notice or fails to comply  
4 with the order to abate and remove the nuisance, the city may have such  
5 work done.".  
6 2. On page 4, line 4, after the period insert "If the owner or

7 occupant of the lot or piece of ground does not request a hearing with  
 8 the city or village within five days after receipt of such notice or  
 9 fails to comply with the order to abate and remove the nuisance, the city  
 10 or village may have such work done."

**LEGISLATIVE BILL 705.** Placed on General File with amendment.  
 AM1884

- 1 1. On page 12, line 3, strike "remonstrance" and show as stricken.
- 2 2. On page 18, line 22, after "ordinance" insert "or as provided
- 3 under section 16-252".
- 4 3. On page 54, line 13, strike "paving and" and show as stricken.

(Signed) Sue Crawford, Chairperson

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1095	Revenue (rereferred)

(Signed) Bob Krist, Chairperson  
 Executive Board

#### **GENERAL FILE**

**LEGISLATIVE BILL 289.** Senator Chambers renewed his motion, MO167, found on page 422, to reconsider the vote taken to recommit to committee.

#### **SPEAKER HADLEY PRESIDING**

Senator Ebke offered the following motion:

MO169

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Ebke moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Ebke requested a roll call vote on the motion to invoke cloture.

Senator Chambers requested the roll call vote be taken in regular order.

Voting in the affirmative, 32:

Bloomfield	Fox	Johnson	McCoy	Smith
Bolz	Friesen	Kintner	Murante	Stinner
Brasch	Garrett	Kolterman	Riepe	Watermeier
Craighead	Gloor	Kuehn	Scheer	Williams
Crawford	Groene	Larson	Schilz	
Davis	Hilkemann	Lindstrom	Schnoor	
Ebke	Hughes	McCollister	Seiler	

Voting in the negative, 10:

Campbell	Cook	Hadley	Harr, B.	Krist
Chambers	Haar, K.	Hansen	Howard	Sullivan

Present and not voting, 6:

Baker	Mello	Pansing Brooks
Kolowski	Morfeld	Schumacher

Excused and not voting, 1:

Coash

The Ebke motion to invoke cloture failed with 32 ayes, 10 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

#### **COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 729.** Placed on General File.  
**LEGISLATIVE BILL 758.** Placed on General File.  
**LEGISLATIVE BILL 772.** Placed on General File.  
**LEGISLATIVE BILL 819.** Placed on General File.  
**LEGISLATIVE BILL 840.** Placed on General File.

(Signed) Jim Scheer, Chairperson

#### **NOTICE OF COMMITTEE HEARING(S)**

Nebraska Retirement Systems

Room 1525

Tuesday, February 9, 2016 12:00 p.m.

LB1069

(Signed) Mark Kolterman, Chairperson

Judiciary

Room 1113

Wednesday, February 3, 2016 1:30 p.m.

LB953  
LB780  
LB1103  
LB934  
LB1008

(Signed) Les Seiler, Chairperson

Revenue

Room 1524

Wednesday, February 3, 2016 1:30 p.m.

LB951 (cancel)

Wednesday, February 3, 2016 1:30 p.m.

LB1015

(Signed) Mike Gloor, Chairperson

Executive Board

Room 2102

Wednesday, February 3, 2016 12:00 p.m.

LB987  
LB1083

Friday, February 5, 2016 12:00 p.m.

LB1022  
LB1102

Monday, February 8, 2016 12:00 p.m.

LR403  
LR413  
LR418

(Signed) Bob Krist, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 3, 2016 1:30 p.m.

LB753  
LB718  
LB766

Thursday, February 4, 2016 1:30 p.m.

LB687  
LR379CA  
LB742

Friday, February 5, 2016 1:30 p.m.

LB993  
LB935  
LB823

(Signed) John Murante, Chairperson

Judiciary

Room 1113

Friday, February 19, 2016 1:30 p.m.

LB832  
LB890  
LB916  
LB966

(Signed) Les Seiler, Chairperson

**COMMITTEE REPORT(S)**

## Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Kyle Schneweis, Director - Department of Roads

Aye: 8 Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Fox filed the following amendment to LB289:

AM1933

1 1. On page 15, line 17, after the semicolon insert the following new  
2 subdivision:  
3 "(iv) Any city of the metropolitan or primary class from regulating  
4 or prohibiting the possession of concealable firearms by a person who is  
5 at least eighteen years of age and younger than twenty-one years of  
6 age."; and in line 18 strike "(iv)" and insert "(v)".

Senator Johnson filed the following amendment to LB798:

AM1907

1 1. On page 2, line 20, after "sections" insert "2-102.12,  
2 2-102.20(B)."; and after the third comma insert "2-501.11.".

Senator Kuehn filed the following amendment to LB471:

AM1909

(Amendments to Standing Committee amendments, AM1809)

1 1. Strike original amendment 1 and insert the following new  
2 amendment:  
3 1. Strike the original sections and insert the following new  
4 sections:  
5 Section 1. Section 71-2454, Revised Statutes Cumulative Supplement,  
6 2014, is amended to read:  
7 71-2454 (1) An ~~It is the intent of the Legislature that an~~ entity  
8 described in section 71-2455 shall establish a system of prescription  
9 drug monitoring for the purposes of (a) preventing the misuse of  
10 controlled substances that are prescribed ~~in an efficient and cost-~~  
11 ~~effective manner~~ and (b) allowing prescribers and dispensers ~~doctors~~  
12 ~~and pharmacists~~ to monitor the care and treatment of patients for whom  
13 such a prescription drug is prescribed to ensure that such prescription  
14 drugs are used for medically appropriate purposes and that the State of  
15 Nebraska remains on the cutting edge of medical information technology.



16 (2) Such system of prescription drug monitoring shall be implemented  
17 beginning January 1, 2017, and shall include, but not be limited to,  
18 provisions that:  
19 (a) Prohibit any patient from opting out of the prescription drug  
20 monitoring system;  
21 (b) Require all prescriptions dispensed in this state or to an  
22 address in this state to be entered into the system by the dispenser or  
23 his or her designee daily after such prescription is dispensed, including  
24 those for patients paying cash for such prescription drug or otherwise  
25 not relying on a third-party payor for payment for the prescription drug;  
26 (c) Allow all prescribers or dispensers of prescription drugs to  
1 access the system at no cost to such prescriber or dispenser; and  
2 (d) Ensure that such system includes information relating to all  
3 payors, including, but not limited to, the medical assistance program  
4 established pursuant to the Medical Assistance Act.  
5 Dispensers may begin on the effective date of this act to report  
6 dispensing of prescriptions to the entity described in section 71-2455  
7 which is responsible for establishing the system of prescription drug  
8 monitoring.  
9 (3) Prescription information that shall be submitted electronically  
10 to the prescription drug monitoring system shall include:  
11 (a) The patient's name, address, and date of birth;  
12 (b) The name and address of the pharmacy dispensing the  
13 prescription;  
14 (c) The date the prescription is written;  
15 (d) The date the prescription is filled;  
16 (e) The name of the drug prescribed;  
17 (f) The strength of the drug prescribed;  
18 (g) The quantity of the drug prescribed and the number of days'  
19 supply; and  
20 (h) The prescriber's name, address, and National Provider Identifier  
21 number.  
22 (4) Beginning January 1, 2018, a veterinarian licensed under the  
23 Veterinary Medicine and Surgery Practice Act shall be required to report  
24 a dispensed prescription of controlled substances listed on Schedule II,  
25 Schedule III, or Schedule IV pursuant to section 28-405.  
26 (5) For purposes of this section:  
27 (a) Designee means any licensed or registered health care  
28 professional designated by a dispenser to act as an agent of the  
29 dispenser for purposes of submitting or accessing data in the  
30 prescription drug monitoring system and who is directly supervised by  
31 such dispenser;  
1 (b) Dispenser means a person authorized in the jurisdiction in which  
2 he or she is practicing to deliver a prescription to the ultimate user by  
3 or pursuant to the lawful order of a prescriber but does not include (i)  
4 a licensed hospital pharmacy that distributes such prescription for the  
5 purposes of inpatient hospital care or emergency department care for the  
6 immediate use of a prescription, (ii) an authorized person who  
7 administers a prescription upon the lawful order of a prescriber, or

8 (iii) a wholesale distributor of a prescription drug monitored by the  
9 prescription drug monitoring system, and (iv) through December 31, 2017,  
10 a veterinarian licensed under the Veterinary Medicine and Surgery  
11 Practice Act when dispensing prescriptions for animals in the usual  
12 course of providing professional services; and  
13 (c) Prescriber means a health care professional authorized to  
14 prescribe in the profession which he or she practices.  
15 Sec. 2. (1) The Veterinary Prescription Monitoring Program Task  
16 Force is created. The task force shall conduct a study to develop  
17 recommendations of which controlled substances shall be reported by a  
18 veterinarian to the prescription monitoring program created under section  
19 71-2454 when dispensing drugs from a veterinarian's office or an animal  
20 shelter. The study shall include appropriate methods and procedures of  
21 reporting by the veterinarians with the necessary database field  
22 information. The task force shall utilize nationally available resources  
23 afforded by the American Association of Veterinary State Boards and the  
24 Department of State Legislative and Regulatory Affairs of the American  
25 Veterinary Medical Association in development of the recommendations.  
26 (2) The task force shall consist of at least ten members appointed  
27 by the chairperson of the Health and Human Services Committee of the  
28 Legislature as follows: One member of the Health and Human Services  
29 Committee; two at-large members of the Legislature; three members  
30 selected from a list of six veterinarians provided by the Board of  
31 Veterinary Medicine and Surgery, one of whom is employed by or provides  
1 services at an animal shelter; one pharmacist nominated by the Nebraska  
2 Pharmacists Association or its successor organization; and two members  
3 nominated by the Nebraska Veterinary Medical Association or its successor  
4 organization. The task force shall also include a representative of the  
5 prescription drug monitoring program who shall be a nonvoting member and  
6 serve in an advisory capacity only.  
7 (3) The members of the task force shall be appointed within one  
8 hundred twenty days after the effective date of this act. The initial  
9 meeting of the task force shall be convened within one hundred eighty  
10 days after the effective date of this act. The task force shall elect a  
11 chairperson and may elect any additional officers from among its members.  
12 All task force members shall serve without compensation.  
13 (4) The task force shall report its findings and recommendations to  
14 the Health and Human Services Committee of the Legislature on or before  
15 December 1, 2016.  
16 (5) For purposes of this section, animal shelter has the definition  
17 found in section 54-626.  
18 Sec. 3. Original section 71-2454, Revised Statutes Cumulative  
19 Supplement, 2014, is repealed.  
20 Sec. 4. Since an emergency exists, this act takes effect when passed  
21 and approved according to law.

Senator Cook filed the following amendment to LB289:  
AM1936

1 1. Insert the following new section:

2 Sec. 6. Section 42-924, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 42-924 ~~(1)(a)~~ ~~(4)~~ Any victim of domestic abuse may file a petition  
5 and affidavit for a protection order as provided in subsection (2) of  
6 this section. Upon the filing of such a petition and affidavit in support  
7 thereof, the court may issue a protection order without bond granting the  
8 following relief:

9 ~~(i a)~~ Enjoining the respondent from imposing any restraint upon the  
10 petitioner or upon the liberty of the petitioner;

11 ~~(ii b)~~ Enjoining the respondent from threatening, assaulting,  
12 molesting, attacking, or otherwise disturbing the peace of the  
13 petitioner;

14 ~~(iii e)~~ Enjoining the respondent from telephoning, contacting, or  
15 otherwise communicating with the petitioner;

16 ~~(iv d)~~ Removing and excluding the respondent from the residence of  
17 the petitioner, regardless of the ownership of the residence;

18 ~~(v e)~~ Ordering the respondent to stay away from any place specified  
19 by the court;

20 ~~(vi f)~~ Awarding the petitioner temporary custody of any minor  
21 children not to exceed ninety days; or

22 ~~(g) Enjoining the respondent from possessing or purchasing a firearm~~  
23 ~~as defined in section 28-1201; or~~

24 ~~(vii h)~~ Ordering such other relief deemed necessary to provide for  
25 the safety and welfare of the petitioner and any designated family or  
26 household member.

27 (b) An order issued pursuant to this subsection that meets the  
1 requirements of 18 U.S.C. 922(g)(8)(A) through (C), as such section  
2 exists on the effective date of this act, shall enjoin the respondent  
3 from possessing or purchasing a firearm, as defined in section 28-1201,  
4 for the length of the order.

5 (2) Petitions for protection orders shall be filed with the clerk of  
6 the district court, and the proceeding may be heard by the county court  
7 or the district court as provided in section 25-2740.

8 (3) A petition filed pursuant to subsection (1) of this section may  
9 not be withdrawn except upon order of the court. An order issued pursuant  
10 to subsection (1) of this section shall specify that it is effective for  
11 a period of one year and, if the order grants temporary custody, the  
12 number of days of custody granted to the petitioner unless otherwise  
13 modified by the court.

14 (4) Any person who knowingly violates a protection order issued  
15 pursuant to subsection (1) of this section or section 42-931 after  
16 service or notice as described in subsection (2) of section 42-926 shall  
17 be guilty of a Class I misdemeanor, except that any person convicted of  
18 violating such order who has a prior conviction for violating a  
19 protection order shall be guilty of a Class IV felony.

20 (5) If there is any conflict between sections 42-924 to 42-926 and  
21 any other provision of law, sections 42-924 to 42-926 shall govern.

22 2. Renumber the remaining section and correct the repealer  
23 accordingly.

Senator Cook filed the following amendment to LB289:

AM1937

1 1. Insert the following new section:

2 Sec. 6. Section 28-1206, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 28-1206 (1)(a) Any person who possesses a firearm, a knife, or brass  
5 or iron knuckles and who has previously been convicted of a felony, who  
6 is a fugitive from justice, or who is the subject of a current and  
7 validly issued domestic violence protection order and is knowingly  
8 violating such order, or (b) any person who possesses a firearm or brass  
9 or iron knuckles and who has been convicted ~~within the past seven years~~  
10 of a misdemeanor crime of domestic violence, commits the offense of  
11 possession of a deadly weapon by a prohibited person.

12 (2) The felony conviction may have been had in any court in the  
13 United States, the several states, territories, or possessions, or the  
14 District of Columbia.

15 (3)(a) Possession of a deadly weapon which is not a firearm by a  
16 prohibited person is a Class III felony.

17 (b) Possession of a deadly weapon which is a firearm by a prohibited  
18 person is a Class ID felony for a first offense and a Class IB felony for  
19 a second or subsequent offense.

20 (4)(a)(i) For purposes of this section, misdemeanor crime of  
21 domestic violence means:

22 (A)(I) A crime that is classified as a misdemeanor under the laws of  
23 the United States or the District of Columbia or the laws of any state,  
24 territory, possession, or tribe;

25 (II) A crime that has, as an element, the use or attempted use of  
26 physical force or the threatened use of a deadly weapon; and

27 (III) A crime that is committed by another against his or her  
1 spouse, his or her former spouse, a person with whom he or she has a  
2 child in common whether or not they have been married or lived together  
3 at any time, or a person with whom he or she is or was involved in a  
4 dating relationship as defined in section 28-323; or

5 (B)(I) Assault in the third degree under section 28-310, stalking  
6 under subsection (1) of section 28-311.04, false imprisonment in the  
7 second degree under section 28-315, or first offense domestic assault in  
8 the third degree under subsection (1) of section 28-323 or any attempt or  
9 conspiracy to commit one of these offenses; and

10 (II) The crime is committed by another against his or her spouse,  
11 his or her former spouse, a person with whom he or she has a child in  
12 common whether or not they have been married or lived together at any  
13 time, or a person with whom he or she is or was involved in a dating  
14 relationship as defined in section 28-323.

15 (ii) A person shall not be considered to have been convicted of a  
16 misdemeanor crime of domestic violence unless:

17 (A) The person was represented by counsel in the case or knowingly  
18 and intelligently waived the right to counsel in the case; and

19 (B) In the case of a prosecution for a misdemeanor crime of domestic  
20 violence for which a person was entitled to a jury trial in the

21 jurisdiction in which the case was tried, either:  
22 (I) The case was tried to a jury; or  
23 (II) The person knowingly and intelligently waived the right to have  
24 the case tried to a jury.  
25 (b) For purposes of this section, subject of a current and validly  
26 issued domestic violence protection order pertains to a current court  
27 order that was validly issued pursuant to section 28-311.09 or 42-924 or  
28 that meets or exceeds the criteria set forth in section 28-311.10  
29 regarding protection orders issued by a court in any other state or a  
30 territory, possession, or tribe.  
31 2. Renumber the remaining section and correct the repealer  
1 accordingly.

### SELECT FILE

**LEGISLATIVE BILL 285.** ER144, found on page 275, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 47.** ER145, found on page 307, was adopted.

Senator Watermeier offered his amendment, AM1871, found on page 367.

The Watermeier amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Chambers withdrew his amendment, FA82, found on page 397.

Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 471.** Title read. Considered.

Committee AM1809, found on page 225, was offered.

Senator Kuehn withdrew his amendment, AM1823, found on page 227.

Senator Kuehn offered his amendment, AM1909, found in this day's Journal, to the committee amendments.

Senator Kuehn moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Kuehn amendment was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, and 2 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 190.** ER11, found on page 402, First Session, 2015, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 270.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 131.** Title read. Considered.

Committee AM405, found on page 537, First Session, 2015, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

#### **NOTICE OF COMMITTEE HEARING(S)**

Business and Labor

Room 2102

Monday, February 8, 2016 1:30 p.m.

LB836  
LB743  
LB1001  
LB1005  
LB983

(Signed) Burke Harr, Chairperson

Judiciary

Room 1113

Thursday, February 4, 2016 1:30 p.m.

LB710  
LB861  
LB910  
LB679  
LB1023

Friday, February 5, 2016 1:30 p.m.

LB991  
LB915  
LB919  
LB1027  
LB1007

(Signed) Les Seiler, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Larson filed the following amendment to LB618:  
AM1778

(Amendments to Standing Committee amendments, AM792)

- 1 1. On page 1, line 3; page 2, line 21; page 4, line 4; and page 6, line 16, strike "2015" and insert "2016".
- 3 2. On page 1, line 4; page 2, line 22; page 4, line 5; and page 6, line 17, strike "2020" and insert "2021".

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Davis - LB689  
Gloor, Lindstrom - LB276  
Fox - LB1030 and LB190

**VISITOR(S)**

The Doctor of the Day was Dr. Doug Bauer from Lincoln.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Thursday, January 28, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTEENTH DAY - JANUARY 28, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 28, 2016

**PRAYER**

The prayer was offered by Reverend Jerry Yount, Barada United Methodist Church, Barada.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Cook and Scheer who were excused; and Senators Bloomfield, Craighead, Davis, Hughes, Lindstrom, McCollister, Morfeld, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifteenth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 285.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 27, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Anderson, Benjamin  
First Five Nebraska (Withdrawn 01/26/2016)

Baird Holm LLP  
Turner Park North, LLC  
Bromm, Curt/Bromm & Associates  
Coleen J. Nielsen  
Peetz & Company  
Bromm, Jason  
Bromm, Curt/Bromm & Associates  
Jess, Carol  
Jess, Carol  
Kissel/E&S Associates, LLC  
Nebraska Regional Officials Council  
Kohout, Victoria  
Research Nebraska!  
Kratzer, Christopher  
ACT, Inc.  
Peetz & Company  
Durham Museum  
Peterson, Alan E.  
Media of Nebraska, Inc.  
Wilson, Chris  
ACT, Inc.

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 424.** Introduced by Kolowski, 31.

WHEREAS, Sean Lynch II, a student at Omaha Skutt Catholic High School has been selected as one of Nebraska's two delegates to the United States Senate Youth Program; and

WHEREAS, the program was established in 1962 and brings outstanding high school students who are interested in pursuing careers in public service to Washington, D.C., for an intensive week-long educational event; and

WHEREAS, in this highly competitive program, two student delegates are selected from each state, the District of Columbia, and the Department of Defense Education Activity; and

WHEREAS, Sean joins a distinguished group which has demonstrated outstanding leadership abilities, a commitment to volunteer work, and academic excellence; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievement 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 Sean Lynch II for being chosen as a Nebraska delegate to the United States Senate Youth Program, and extends its best wishes for his continued academic success and civic involvement.
2. That a copy of this resolution be sent to Sean Lynch II.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**  
Judiciary

Room 1113

Thursday, February 4, 2016 1:30 p.m.

LB1094

(Signed) Les Seiler, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 416 and 417 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR416 and LR417.

**MOTION(S) - Confirmation Report(s)**

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 415:

Department of Natural Resources  
Jeff Fassett, Director

Voting in the affirmative, 28:

Baker	Fox	Harr, B.	Pansing Brooks	Smith
Bolz	Friesen	Hilkemann	Riepe	Stinner
Brasch	Garrett	Kolterman	Schilz	Sullivan
Chambers	Gloor	Krist	Schnoor	Williams
Crawford	Groene	Kuehn	Schumacher	
Ebke	Hadley	Mello	Seiler	

Voting in the negative, 0.

Present and not voting, 11:

Campbell	Hansen	Kintner	McCoy
Coash	Howard	Kolowski	Watermeier
Haar, K.	Johnson	Larson	

Excused and not voting, 10:

Bloomfield	Craighead	Hughes	McCollister	Murante
Cook	Davis	Lindstrom	Morfeld	Scheer

The appointment was confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 505.** Title read. Considered.

Committee AM391, found on page 568, First Session, 2015, lost with 0 ayes, 25 nays, 19 present and not voting, and 5 excused and not voting.

Senator Krist offered the following amendment:

AM1931

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

2 sections:

3 Section 1. Section 29-3523, Revised Statutes Supplement, 2015, is

4 amended to read:

5 29-3523 (1) After the expiration of the periods described in

6 subsection (3) of this section, a criminal justice agency shall respond

7 to a public inquiry in the same manner as if there were no criminal

8 history record information and criminal history record information shall

9 not be disseminated to any person other than a criminal justice agency,

10 except as provided in subsection (2) of this section or ~~That part of~~

11 ~~riminal history record information consisting of a notation of an~~

12 ~~arrest, described in subsection (3) of this section, shall not be~~

13 ~~disseminated to persons other than criminal justice agencies after the~~

14 ~~expiration of the periods described in subsection (3) of this section~~

15 ~~except as provided in subsection (2) of this section and except when the~~  
16 subject of the record:

17 (a) Is currently the subject of prosecution or correctional control

18 as the result of a separate arrest;

19 (b) Is currently an announced candidate for or holder of public

20 office;

21 (c) Has made a notarized request for the release of such record to a  
22 specific person; or

23 (d) Is kept unidentified, and the record is used for purposes of

24 surveying or summarizing individual or collective law enforcement agency

25 activity or practices, or the dissemination is requested consisting only

26 of release of criminal history record information showing (i) dates of

27 arrests, (ii) reasons for arrests, and (iii) the nature of the

1 dispositions including, but not limited to, reasons for not prosecuting

2 the case or cases.

3 (2) That part of criminal history record information ~~consisting of a~~  
 4 ~~notation of an arrest~~, described in subsection (4) ~~3~~ of this section, may  
 5 be disseminated to individuals and agencies for the express purpose of  
 6 research, evaluative, or statistical activities pursuant to an agreement  
 7 with a criminal justice agency that specifically authorizes access to the  
 8 information, limits the use of the information to research, evaluative,  
 9 or statistical activities, and ensures the confidentiality and security  
 10 of the information.

11 (3) Except as provided in subsections (1) and (2) of this section,  
 12 in the case of an arrest, citation in lieu of arrest, or referral for  
 13 prosecution without citation, all criminal history record information  
 14 relating to the case ~~the notation of arrest~~ shall be removed from the  
 15 public record as follows:

16 (a) ~~When In the case of an arrest for which~~ no charges are filed as  
 17 a result of the determination of the prosecuting attorney, the criminal  
 18 history record information ~~arrest~~ shall not be part of the public record  
 19 after one year from the date of arrest, citation in lieu of arrest, or  
 20 referral for prosecution without citation;

21 (b) ~~When In the case of an arrest for which~~ charges are not filed as  
 22 a result of a completed diversion, the criminal history record  
 23 information ~~arrest~~ shall not be part of the public record after two years  
 24 from the date of arrest, citation in lieu of arrest, or referral for  
 25 prosecution without citation; and

26 (c) ~~When In the case of an arrest for which~~ charges are filed, but  
 27 the case is dismissed by the court (i) on motion of the prosecuting  
 28 attorney, (ii) ~~or~~ as a result of a hearing not the subject of a pending  
 29 appeal, (iii) after acquittal, or (iv) after completion of a program  
 30 prescribed by a drug court or any other problem solving court approved by  
 31 the Supreme Court, the criminal history record information ~~the arrest~~  
 1 shall not be part of the public record immediately upon notification of a  
 2 criminal justice agency after acquittal pursuant to subdivision (3)(c)  
 3 (iii) of this section or after the entry of an order dismissing the case  
 4 after three years from the date of arrest.

5 (4) Upon acquittal or entry of an order dismissing a case described  
 6 in subdivision (3)(c) of this section, the court shall:

7 (a) Order that all records, including any information or other data  
 8 concerning any proceedings relating to the case, including the arrest,  
 9 taking into custody, petition, complaint, indictment, information, trial,  
 10 hearing, adjudication, correctional supervision, dismissal, or other  
 11 disposition or sentence, are not part of the public record and shall not  
 12 be disseminated to persons other than criminal justice agencies, except  
 13 as provided in subsection (1) or (2) of this section;

14 (b) Send notice of the order (i) to the Nebraska Commission on Law  
 15 Enforcement and Criminal Justice, (ii) to the Nebraska State Patrol, and  
 16 (iii) to law enforcement agencies, county attorneys, and city attorneys  
 17 referenced in the court record;

18 (c) Order all parties notified under subdivision (4)(b) of this  
 19 section to seal all records pertaining to the case; and

20 (d) If the case was transferred from one court to another, send  
 21 notice of the order to seal the record to the transferring court.  
 22 (5) In any application for employment, bonding, license, education,  
 23 or other right or privilege, any appearance as a witness, or any other  
 24 public inquiry, a person cannot be questioned with respect to any offense  
 25 for which the record is sealed. If an inquiry is made in violation of  
 26 this subsection, the person may respond as if the offense never occurred.  
 27 (6 4) Any person arrested due to the error of a law enforcement  
 28 agency may file a petition with the district court for an order to  
 29 expunge the criminal history record information related to such error.  
 30 The petition shall be filed in the district court of the county in which  
 31 the petitioner was arrested. The county attorney shall be named as the  
 1 respondent and shall be served with a copy of the petition. The court may  
 2 grant the petition and issue an order to expunge such information if the  
 3 petitioner shows by clear and convincing evidence that the arrest was due  
 4 to error by the arresting law enforcement agency.  
 5 Sec. 2. Original section 29-3523, Revised Statutes Supplement,  
 6 2015, is repealed.

The Krist amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 505A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 275.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 474.** Title read. Considered.

Committee AM347, found on page 596, First Session, 2015, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 474A.** Title read. Considered.

Senator Chambers offered the following amendment:  
 AM1934

1 1. On page 2, line 2, strike "FY2015-16" and insert "FY2016-17"; in  
 2 line 4 strike "First" and insert "Second"; and in line 5 strike "2015"

3 and insert "2016".

The Chambers amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 425.** Introduced by Pansing Brooks, 28.

WHEREAS, Lincoln High School received a 2015 NebraskARTS Award presented by Nebraskans for the Arts; and

WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and

WHEREAS, the award event was held in the State Capitol rotunda on October 21, 2015, and included displays of student artwork and performances from the honored schools; and

WHEREAS, Lincoln High School's International Baccalaureate program features music, theatre, and visual arts in an integrated curriculum which encourages students to develop meaningful experiences in creating, refining, and presenting their work in the classroom and the community; 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 Lincoln High School for receiving a 2015 NebraskARTS Award.

2. That a copy of this resolution be sent to Lincoln High School.

Laid over.

### **COMMITTEE REPORT(S)**

#### Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Ryan Ueberrhein - Beginning Farmer Board

Aye: 6 Harr, B., Johnson, Kolterman, Larson, Riepe, Schilz. Nay: 2 Bloomfield, Chambers. Absent: 0. Present and not voting: 0.

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Donald Anthony - Beginning Farmer Board  
Bradley Lubben - Beginning Farmer Board  
Todd Reed - Beginning Farmer Board

Aye: 8 Bloomfield, Chambers, Harr, B., Johnson, Kolterman, Larson, Riepe, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Nadine Hagedorn - Beginning Farmer Board

Aye: 8 Bloomfield, Chambers, Harr, B., Johnson, Kolterman, Larson, Riepe, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jerry Johnson, Chairperson

**COMMITTEE REPORT(S)**  
Agriculture

**LEGISLATIVE BILL 909.** Placed on General File.

**LEGISLATIVE BILL 921.** Placed on General File.

(Signed) Jerry Johnson, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Revenue

Room 1524

Friday, February 5, 2016 1:30 p.m.

LB774

LB671

(Signed) Mike Gloor, Chairperson

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 26CA.** Read. Considered.

Senator Bloomfield offered the following motion:

MO170

Bracket until April 20, 2016.



**SENATOR KRIST PRESIDING**

The Bloomfield motion to bracket failed with 5 ayes, 28 nays, 13 present and not voting, and 3 excused and not voting.

Senator Schumacher offered the following amendment:

FA83

Insert after the word "electors" in line 16 of page 2: "as five questions  
 (a) relating to eligible age for members of the Legislature;  
 (b) relating to eligible age for the office of Governor or Lieutenant Governor;  
 (c) relating to eligible age for the office of Chief Justice or Judge of the Supreme Court;  
 (d) relating to eligible age for all other public offices; and  
 (e) relating to the amended language regarding residency requirements for appointed members of the Legislature."

Senator Larson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Schumacher moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Schumacher requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Baker	Coash	Kolowski	Schnoor	Williams
Bloomfield	Friesen	Krist	Schumacher	
Campbell	Harr, B.	McCollister	Seiler	
Chambers	Hilkemann	Pansing Brooks	Sullivan	

Voting in the negative, 21:

Bolz	Garrett	Kintner	Morfeld	Watermeier
Brasch	Groene	Kuehn	Murante	
Craighead	Haar, K.	Larson	Riepe	
Ebke	Hughes	Lindstrom	Schilz	
Fox	Johnson	McCoy	Stinner	

Present and not voting, 7:

Crawford	Hansen	Kolterman	Smith
Gloor	Howard	Mello	

Excused and not voting, 4:

Cook            Davis            Hadley            Scheer

The Schumacher amendment lost with 17 ayes, 21 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 471.** Placed on Select File with amendment.  
ER148

1 1. In the Kuehn amendment, AM1909, on page 3, line 7, strike "or";  
2 in line 9 strike "and" and insert "or"; and in line 18 after  
3 "prescription" insert "drug".  
4 2. On page 1, strike lines 2 through 5 and insert "section 71-2454,  
5 Revised Statutes Cumulative Supplement, 2014; to change provisions  
6 relating to prescription drug monitoring; to create a task force; to  
7 provide powers and duties; to harmonize provisions; to repeal the  
8 original section; and to declare an emergency."

**LEGISLATIVE BILL 270.** Placed on Select File with amendment.  
ER149

1 1. On page 4, line 14, strike "2015" and insert "2016".

**LEGISLATIVE BILL 131.** Placed on Select File with amendment.  
ER150

1 1. In the Standing Committee amendments, AM405:  
2 a. On page 1, line 7, strike "sections" and insert "section"; and  
3 b. On page 1, lines 19 and 25; and page 2, line 22, strike "city or  
4 village's" and after "proposal" insert "of the city or village".  
5 2. On page 1, strike beginning with "annexation" in line 1 through  
6 line 6 and insert "political subdivisions; to provide restrictions on and  
7 requirements for sanitary and improvement districts subject to municipal  
8 annexation."

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**  
Judiciary

**LEGISLATIVE BILL 327.** Placed on General File with amendment.  
AM1777

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 25-1010, Revised Statutes Supplement, 2015, is  
4 amended to read:

5 25-1010 (1) When an affidavit is filed in a civil action and  
6 contains ~~containing~~ the necessary allegations of an affidavit of  
7 attachment and, in addition, contains allegations that the affiant has  
8 good reason to and does believe that the named ~~any~~ person, partnership,  
9 limited liability company, or corporation (a) to be named has property or  
10 credits of and is indebted to the defendant, describing such property, in  
11 his or her possession or control that cannot be levied upon by  
12 attachment, with a description of such property or credits, and (b) is  
13 indebted to the defendant, a judge of any district court or county court  
14 may direct the clerk to issue a summons and order requiring such person,  
15 partnership, limited liability company, or corporation as garnishee to  
16 answer written interrogatories, to be furnished by the plaintiff and  
17 attached to such summons and order as ~~respecting the matters~~ set forth  
18 in this section and section 25-1026. All answers must be given in writing  
19 but do not need to be verified or given under oath. All answers so given  
20 will be deemed to be true and subject to all of the penalties of perjury  
21 in the event of willful falsification. A garnishee that is a financial  
22 institution shall be paid a fifteen-dollar fee by the plaintiff or his or  
23 her agent or attorney at the time of service of a garnishment summons  
24 which fee shall be taxed as part of the costs of the action. Failure to  
25 pay the fee renders the garnishment void and the garnishee need not  
26 answer the interrogatories or take any other action. A separate fee shall  
27 be paid under this section for each defendant if the garnishment summons  
1 is issued for more than one defendant. If a financial institution is  
2 authorized to charge a garnishment processing fee to its customer, the  
3 fee received by the financial institution under this section shall be  
4 deducted from the amount of any garnishment processing fee that the  
5 financial institution collects from its customer.

6 (2) Except as otherwise provided in this section, the ~~The~~ summons  
7 and order referred to in subsection (1) of this section shall be  
8 returnable within five days after ~~from~~ the date of the issuance thereof  
9 and shall require the garnishee to answer within ten days after ~~from~~ the  
10 date of service upon him or her. The order shall inform the garnishee (a)  
11 of the penalties that may be imposed in the event of willful  
12 falsification, (b) that the garnishee ~~he or she~~ is obligated to hold the  
13 property ~~of every description~~ and the credits of the defendant in the  
14 garnishee's ~~his or her~~ possession or ~~under his or her~~ control at the time  
15 of the service of the order and the interrogatories until further  
16 direction from the court, (c) of the garnishee's ~~his or her~~ ability to  
17 obtain discharge from liability to the defendant under section 25-1027,  
18 and (d) of the ability of the court to enter judgment against the  
19 garnishee ~~him or her~~ upon failure to answer the interrogatories as  
20 provided in section 25-1028. If the answers to the interrogatories  
21 identify property or credits of the defendant in the possession of the  
22 garnishee, the clerk shall mail to the last-known address of the  
23 defendant copies of the garnishment summons and answers to  
24 interrogatories within five days after the return of the answers to the  
25 interrogatories.

26 (3) Prior to final judgment in an action, no order of garnishment

27 shall issue for wages due from an employer to an employee.  
28 (4)(a) In any case involving service of a garnishment summons on a  
29 financial institution where deposits are received within this state, the  
30 financial institution shall (i) if its main chartered office is located  
31 in this state, designate its main chartered office for the service of  
1 summons or (ii) if its main chartered office is located in another state,  
2 designate any one of its offices or branches or its agent for service of  
3 process in this state for service of summons. The designation of a main  
4 chartered office or an office or branch or the agent for service of  
5 process under this subdivision shall be made by filing a notice of  
6 designation with the Department of Banking and Finance, shall contain the  
7 physical address of the main chartered office or the office or branch or  
8 the agent for service of process designated, and shall be effective upon  
9 placement on the department web site. The department shall post the list  
10 of such designated main chartered offices and offices or branches or  
11 agents for service of process on its web site for access by the public. A  
12 financial institution may modify or revoke a designation made under this  
13 subdivision by filing the modification or revocation with the department.  
14 The modification or revocation shall be effective when the department's  
15 web site has been updated to reflect the modification or revocation,  
16 except that the judgment creditor may rely upon the designation that was  
17 modified or revoked during the thirty-day period following the effective  
18 date of the modification or revocation if the summons is timely served  
19 upon the financial institution. The department shall update its web site  
20 to reflect a filing by a financial institution pursuant to this  
21 subdivision or a modification or revocation filed by a financial  
22 institution pursuant to this subdivision within ten business days  
23 following the filing by the financial institution. The department web  
24 site shall reflect the date its online records for each financial  
25 institution have most recently been updated.

26 (b) If a financial institution where deposits are received has  
27 designated its main chartered office or one of its offices or branches or  
28 its agent for service of process for the service of summons, service made  
29 on the main chartered office or the office or branch or the agent for  
30 service of process so designated shall be valid and effective as to any  
31 property or credits of the defendant in the possession or control of the  
1 main chartered office of the financial institution in this state and any  
2 of the financial institution offices or branches located within this  
3 state. If service of summons is not made on the main chartered office or  
4 the office or branch or the agent for service of process designated by  
5 the financial institution, but instead is made at another office or  
6 branch of the financial institution located in Nebraska, the financial  
7 institution, in its discretion, and without violating any obligation to  
8 its customer, may elect to treat the service of summons as valid and  
9 effective as to any property or credits of the defendant in the  
10 possession or control of the main chartered office of the financial  
11 institution in this state and any of the financial institution offices or  
12 branches located within this state. In the absence of such an election,  
13 the financial institution shall file a statement with the interrogatories

14 that the summons was not served at the financial institution's designated  
 15 location for receiving service of summons and, therefore, was not  
 16 processed, and shall provide the address at which the financial  
 17 institution is to receive service of summons.

18 (c) For purposes of this subsection, financial institution means a  
 19 bank, savings bank, building and loan association, savings and loan  
 20 association, or credit union whether chartered by the United States, the  
 21 Department of Banking and Finance, or a foreign state agency.

22 (d) The notice of designation, modification, or revocation shall be  
 23 made by a financial institution on forms prescribed by the department.

24 (e) The Department of Banking and Finance, any employee of the  
 25 department, or any person acting on behalf of the department shall be  
 26 immune from civil and criminal liability for any acts or omissions which  
 27 occur as a result of the requirements of this subsection.

28 Sec. 2. Section 25-1028, Reissue Revised Statutes of Nebraska, is  
 29 amended to read:

30 25-1028 If the garnishee fails to answer, as required by section  
 31 25-1026, the garnishee ~~he~~ shall be presumed to be indebted to the  
 1 defendant in the full amount of the claim of plaintiff. Upon notice to  
 2 the garnishee given within such time and in such manner as the court  
 3 shall direct, judgment may be entered for such amount as the court may  
 4 find due from the garnishee.

5 Sec. 3. Section 25-1030.02, Reissue Revised Statutes of Nebraska, is  
 6 amended to read:

7 25-1030.02 (1) The trial of the determination of the liability of  
 8 the garnishee shall be conducted the same as in a civil action. If it  
 9 ~~appears shall appear~~ upon the trial of the liability of the garnishee  
 10 that the garnishee was (a ~~+~~) indebted to the defendant, or (b ~~2~~) had any  
 11 property or credits of the defendant, in the garnishee's ~~his~~ possession  
 12 or ~~under his~~ control at the time of being served with the notice of  
 13 garnishment, the garnishee ~~he~~ shall be liable to the plaintiff, ~~if in~~  
 14 ~~case~~ judgment is finally recovered by plaintiff against the defendant, to  
 15 the full amount thereof, or to the amount of such indebtedness or  
 16 property held by the garnishee.

17 (2) The plaintiff in such event may have a judgment against the  
 18 garnishee (a ~~+~~) for the amount of money due from the garnishee to the  
 19 defendant in the original action, ~~or~~ (b ~~2~~) for the delivery to the  
 20 sheriff or to the clerk of the court of any property in the garnishee's  
 21 hands belonging to the defendant in the original action within a time to  
 22 be fixed by the court, or (c) for the value of the property ~~same~~ as fixed  
 23 in the judgment if not delivered within the time fixed.

24 Sec. 4. Section 25-1056, Revised Statutes Supplement, 2015, is  
 25 amended to read:

26 25-1056 (1) In all cases when a judgment has been entered by any  
 27 court of record and the judgment creditor or his or her agent or attorney  
 28 has filed an affidavit setting forth the amount due on the judgment,  
 29 interest, and costs in the office of the clerk of the court where the  
 30 judgment has been entered and that the judgment creditor or his or her  
 31 agent or attorney ~~he or she~~ has good reason to and does believe that the

1 ~~named any~~ person, partnership, limited liability company, or corporation;  
2 ~~naming him, her, or it,~~ has property of ~~or and~~ is indebted to the  
3 judgment debtor, the clerk shall issue a summons which shall set forth  
4 the amount due on the judgment, interest, and costs as shown in the  
5 affidavit and require such person, partnership, limited liability  
6 company, or corporation, as garnishee, to answer written interrogatories  
7 to be furnished by the plaintiff and to be attached to such summons as  
8 respecting the matters set forth in sections 25-1010 and section 25-1026.  
9 A garnishee that is a financial institution shall be paid a fifteen-  
10 dollar fee by the plaintiff or his or her agent or attorney at the time  
11 of service of a garnishment summons, which fee shall be taxed as part of  
12 the costs of the action. Failure to pay the fee renders the garnishment  
13 void, and the garnishee need not answer the interrogatories or take any  
14 other action. A separate fee shall be paid under this section for each  
15 defendant if the garnishment summons is issued for more than one  
16 defendant. If a financial institution is authorized to charge a  
17 garnishment processing fee to its customer, the fee received by the  
18 financial institution under this section shall be deducted from the  
19 amount of any garnishment processing fee that the financial institution  
20 collects from its customer. Except as otherwise provided in this section,  
21 the ~~The~~ summons shall be returnable within ten days ~~after from~~ the date  
22 of its issuance and shall require the garnishee to answer within ten days  
23 ~~after from~~ the date of service upon such garnishee him or her. Except  
24 when wages are involved, the garnishee shall hold the property ~~of every~~  
25 ~~description~~ and the credits of the defendant in the garnishee's his or  
26 ~~her~~ possession or ~~under his or her~~ control at the time of the service of  
27 the summons and interrogatories until ~~the~~ further order of the court. If  
28 the only property in the possession or ~~under the~~ control of the garnishee  
29 at the time of the service of the summons and interrogatories is credits  
30 of the defendant and the amount of such credits is not in dispute by the  
31 garnishee, then such garnishee shall only hold the credits of the  
1 defendant in the garnishee's his or her possession or ~~under his or her~~  
2 control at the time of the service of the summons and interrogatories to  
3 the extent of the amount of the judgment, interest, and costs set forth  
4 in the summons until further order of the court. When wages are involved,  
5 the garnishee shall pay to the employee all disposable earnings exempted  
6 from garnishment by statute, and any disposable earnings remaining after  
7 such payment shall be retained by the garnishee until further order of  
8 the court. Thereafter, the service of the summons and interrogatories and  
9 all further proceedings shall be in all respects the same as is provided  
10 for in sections 25-1010, 25-1011, and 25-1026 to 25-1031.01 unless  
11 inconsistent with this section.  
12 (2) If it appears from the answer of the garnishee that the judgment  
13 debtor was an employee of the garnishee, that the garnishee otherwise  
14 owed earnings to the judgment debtor when the garnishment order was  
15 served, or that earnings would be owed within sixty days thereafter and  
16 there is not a successful written objection to the order or the answer of  
17 the garnishee filed, on application by the judgment creditor, the court  
18 shall order that the nonexempt earnings, if any, withheld by the

19 garnishee after service of the order be transferred to the court for  
20 delivery to the judgment creditor who is entitled to such earnings.  
21 Except for garnishments in support of a person, the payments may be made  
22 payable to the judgment creditor or assignee and shall be forwarded to  
23 the issuing court to record the judgment payment prior to the court  
24 delivering the payment to the judgment creditor or assignee. The court  
25 shall, upon application of the judgment creditor, further order that the  
26 garnishment is a continuing lien against the nonexempt earnings of the  
27 judgment debtor. An order of continuing lien on nonexempt earnings  
28 entered pursuant to this section shall require the garnishee to continue  
29 to withhold the nonexempt earnings of the judgment debtor for as long as  
30 the continuing lien remains in effect.

31 Beginning with the pay period during which the writ was served and  
1 while the continuing lien remains in effect, the garnishee shall deliver  
2 the nonexempt earnings to the court from which the garnishment was issued  
3 for each pay period or on a monthly basis if the garnishee so desires and  
4 shall deliver to the judgment debtor his or her exempt earnings for each  
5 pay period.

6 (3) A continuing lien ordered pursuant to this section shall be  
7 invalid and shall have no force and effect upon the occurrence of any of  
8 the following:

9 (a) The underlying judgment is satisfied in full or vacated or  
10 expires;

11 (b) The judgment debtor leaves the garnishee's employ for more than  
12 sixty days;

13 (c) The judgment creditor releases the garnishment;

14 (d) The proceedings are stayed by a court of competent jurisdiction,  
15 including the United States Bankruptcy Court;

16 (e) The judgment debtor has not earned any nonexempt earnings for at  
17 least sixty days;

18 (f) The court orders that the garnishment be quashed; or

19 (g) Ninety days have expired since service of the writ. The judgment  
20 creditor may extend the lien for a second ninety-day period by filing  
21 with the court a notice of extension during the fifteen days immediately  
22 prior to the expiration of the initial lien, and the continuing lien in  
23 favor of the initial judgment creditor shall continue for a second  
24 ninety-day period.

25 (4)(a) To determine priority, garnishments and liens shall rank  
26 according to time of service.

27 (b) Garnishments, liens, and wage assignments which are not for the  
28 support of a person shall be inferior to wage assignments for the support  
29 of a person. Garnishments which are not for the support of a person and  
30 liens shall be inferior to garnishments for the support of a person.

31 (5) Only one order of continuing lien against earnings due the  
1 judgment debtor shall be in effect at one time. If an employee's wages  
2 are already being garnished pursuant to a continuing lien at the time of  
3 service of a garnishment upon an employer, the answer to garnishment  
4 interrogatories shall include such information along with the date of  
5 termination of such continuing lien and the title of the case from which

6 such garnishment is issued. Except as provided in subsection (4) of this  
7 section, a continuing lien obtained pursuant to this section shall have  
8 priority over any subsequent garnishment or wage assignment.

9 (6)(a) In any case involving service of a garnishment summons on a  
10 financial institution where deposits are received within this state, the  
11 financial institution shall (i) if its main chartered office is located  
12 in this state, designate its main chartered office for the service of  
13 summons or (ii) if its main chartered office is located in another state,  
14 designate any one of its offices or branches or its agent for service of  
15 process in this state for service of summons. The designation of a main  
16 chartered office or an office or branch or the agent for service of  
17 process under this subdivision shall be made by filing a notice of  
18 designation with the Department of Banking and Finance, shall contain the  
19 physical address of the main chartered office or the office or branch or  
20 the agent for service of process designated, and shall be effective upon  
21 placement on the department web site. The department shall post the list  
22 of such designated main chartered offices and offices or branches or  
23 agents for service of process on its web site for access by the public. A  
24 financial institution may modify or revoke a designation made under this  
25 subdivision by filing the modification or revocation with the department.  
26 The modification or revocation shall be effective when the department's  
27 web site has been updated to reflect the modification or revocation,  
28 except that the judgment creditor may rely upon the designation that was  
29 modified or revoked during the thirty-day period following the effective  
30 date of the modification or revocation if the summons is timely served  
31 upon the financial institution. The department shall update its web site  
1 to reflect a filing by a financial institution pursuant to this  
2 subdivision or a modification or revocation filed by a financial  
3 institution pursuant to this subdivision within ten business days  
4 following the filing by the financial institution. The department web  
5 site shall reflect the date its online records for each financial  
6 institution have most recently been updated.

7 (b) If a financial institution where deposits are received has  
8 designated its main chartered office or one of its offices or branches or  
9 its agent for service of process for the service of summons, service made  
10 on the main chartered office or the office or branch or the agent for  
11 service of process so designated shall be valid and effective as to any  
12 property or credits of the defendant in the possession or control of the  
13 main chartered office of the financial institution in this state and any  
14 of the financial institution offices or branches located within this  
15 state. If service of summons is not made on the main chartered office or  
16 the office or branch or the agent for service of process designated by  
17 the financial institution, but instead is made at another office or  
18 branch of the financial institution located in Nebraska, the financial  
19 institution, in its discretion, and without violating any obligation to  
20 its customer, may elect to treat the service of summons as valid and  
21 effective as to any property or credits of the defendant in the  
22 possession or control of the main chartered office of the financial  
23 institution in this state and any of the financial institution offices or



24 branches located within this state. In the absence of such an election,  
25 the financial institution shall file a statement with the interrogatories  
26 that the summons was not served at the financial institution's designated  
27 location for receiving service of summons and, therefore, was not  
28 processed, and shall provide the address at which the financial  
29 institution is to receive service of summons.

30 (c) For purposes of this subsection, financial institution means a  
31 bank, savings bank, building and loan association, savings and loan  
1 association, or credit union whether chartered by the United States, the  
2 Department of Banking and Finance, or a foreign state agency.

3 (d) The notice of designation, modification, or revocation shall be  
4 made by a financial institution on forms prescribed by the department.

5 (e) The Department of Banking and Finance, any employee of the  
6 department, or any person acting on behalf of the department shall be  
7 immune from civil and criminal liability for any acts or omissions which  
8 occur as a result of the requirements of this subsection.

9 Sec. 5. This act becomes operative on January 1, 2017.

10 Sec. 6. Original sections 25-1028 and 25-1030.02, Reissue Revised  
11 Statutes of Nebraska, and sections 25-1010 and 25-1056, Revised Statutes  
12 Supplement, 2015, are repealed.

**LEGISLATIVE BILL 846.** Placed on General File with amendment.  
AM1908

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

2 Section 1. (1) On or before January 1, 2017, the Nebraska State  
3 Patrol, each county sheriff, each city or village police department, and  
4 any other law enforcement agency of this state or of a political  
5 subdivision of this state shall adopt a written eyewitness  
6 misidentification prevention policy and provide a copy of such policy to  
7 the Nebraska Commission on Law Enforcement and Criminal Justice.

8 (2) The policy required by this section shall, at a minimum, include  
9 the following:

10 (a) Blind or blinded administration of the lineup, in which the  
11 officer conducting the lineup is unaware of the suspect's identity or, if  
12 that is not practical, the officer uses a blinded procedure that prevents  
13 him or her from seeing which photograph is being viewed by the witness at  
14 a given time;

15 (b) Instructions to the eyewitness, including that the perpetrator  
16 may or may not be among the persons in the identification procedure;

17 (c) Use of nonsuspect fillers that do not make the suspect  
18 noticeably stand out and that generally match the witness's description  
19 of the perpetrator; and

20 (d) A requirement that, if the witness makes an identification, the  
21 officer shall elicit and document the witness's level of certainty, in  
22 the witness's own words, immediately after the identification is made.

23 (3) The Nebraska Commission on Law Enforcement and Criminal Justice  
24 shall develop and distribute a suggested model written eyewitness  
25 misidentification prevention policy that includes the policies described  
26 in subsection (2) of this section. If a law enforcement agency fails to

27 adopt its own policy as required under subsection (1) of this section,  
 1 the commission shall require such law enforcement agency to adopt the  
 2 model policy.

(Signed) Les Seiler, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 735.** Placed on General File.

**LEGISLATIVE BILL 785.** Placed on General File.

**LEGISLATIVE BILL 811.** Placed on General File.

**LEGISLATIVE BILL 814.** Placed on General File.

**LEGISLATIVE BILL 929.** Placed on General File.

**LEGISLATIVE BILL 880.** Placed on General File with amendment.

AM1872

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

2 sections:

3 Section 1. Section 60-3,122.03, Revised Statutes Cumulative

4 Supplement, 2014, is amended to read:

5 60-3,122.03 (1) The department shall design license plates to be  
 6 known as Military Honor Plates. The department shall create designs  
 7 honoring persons who have served or are serving in the United States  
 8 Army, United States Army Reserve, United States Navy, United States Navy  
 9 Reserve, United States Marine Corps, United States Marine Corps Reserve,  
 10 United States Coast Guard, United States Coast Guard Reserve, United  
 11 States Air Force, United States Air Force Reserve, or National Guard.

12 There shall be eleven ~~six~~ designs, one for each of such armed forces  
 13 reflecting its official emblem, official seal, or other official image.

14 The issuance of plates for each of such armed forces shall be conditioned  
 15 on the approval of the armed forces owning the copyright to the official  
 16 emblem, official seal, or other official image. A person may qualify for  
 17 a Military Honor Plate by registering with the Department of Veterans'  
 18 Affairs pursuant to section 80-414. The Department of Motor Vehicles  
 19 shall verify the applicant's eligibility for a plate created pursuant to  
 20 this section by consulting the registry established by the Department of  
 21 Veterans' Affairs.

22 (2) The design shall be selected on the basis of limiting the  
 23 manufacturing cost of each plate to an amount less than or equal to the  
 24 amount charged for license plates pursuant to section 60-3,102. The  
 25 Department of Motor Vehicles shall make applications available for each  
 26 type of plate when it is designed. The department may adopt and  
 27 promulgate rules and regulations to carry out this section and section  
 1 60-3,122.04.

2 (3) One type of Military Honor Plates shall be alphanumeric plates.

3 The department shall:

4 (a) Assign a designation up to five characters; and

5 (b) Not use a county designation.

6 (4) One type of Military Honor Plates shall be personalized message

7 plates. Such plates shall be issued subject to the same conditions  
8 specified for personalized message license plates in section 60-3,118,  
9 except that a maximum of five characters may be used.  
10 Sec. 2. Section 60-3,122.04, Revised Statutes Cumulative Supplement,  
11 2014, is amended to read:  
12 60-3,122.04 (1) ~~An~~ ~~Beginning January 2, 2016,~~ an eligible person may  
13 apply to the department for Military Honor Plates in lieu of regular  
14 license plates on an application prescribed and provided by the  
15 department for any motor vehicle, trailer, semitrailer, or cabin trailer,  
16 except for a motor vehicle or trailer registered under section 60-3,198.  
17 An applicant receiving a Military Honor Plate for a farm truck with a  
18 gross weight of over sixteen tons shall affix the appropriate tonnage  
19 decal to the plate. The department shall make forms available for such  
20 applications through the county treasurers. The license plates shall be  
21 issued upon payment of the license fee described in subsection (2) of  
22 this section and verification by the department of an applicant's  
23 eligibility using the registry established by the Department of Veterans'  
24 Affairs pursuant to section 80-414. To be eligible an applicant shall be  
25 (a) active duty or reserve duty armed forces personnel serving in any of  
26 the armed forces listed in subsection (1) of section 60-3,122.03, ~~or~~ (b)  
27 a veteran of any of such armed forces who was discharged or otherwise  
28 separated with a characterization of honorable or general (under  
29 honorable conditions), ~~(c) a current or former commissioned officer of~~  
30 the United States Public Health Service or National Oceanic and  
31 Atmospheric Administration who has been detailed directly to any branch  
1 of such armed forces for service on active or reserve duty and who was  
2 discharged or otherwise separated with a characterization of honorable or  
3 general (under honorable conditions) as proven with valid orders from the  
4 United States Department of Defense, a statement of service provided by  
5 the United States Public Health Service, or a report of transfer or  
6 discharge provided by the National Oceanic and Atmospheric  
7 Administration, or (d) a trust that owns the motor vehicle, trailer,  
8 semitrailer, or cabin trailer if a designated beneficiary of the trust  
9 qualifies under subdivision (1)(a), (b), or (c) of this section. Any  
10 person using Military Honor Plates shall surrender the plates to the  
11 county treasurer if such person is no longer eligible for the plates.  
12 Regular plates shall be issued to any such person upon surrender of the  
13 Military Honor Plates for a three-dollar transfer fee and forfeiture of  
14 any of the remaining annual fee. The three-dollar transfer fee shall be  
15 remitted to the State Treasurer for credit to the Department of Motor  
16 Vehicles Cash Fund.  
17 (2)(a) In addition to all other fees required for registration under  
18 the Motor Vehicle Registration Act, each application for initial issuance  
19 or renewal of alphanumeric Military Honor Plates shall be accompanied by  
20 a fee of five dollars. County treasurers collecting fees pursuant to this  
21 subdivision shall remit them to the State Treasurer. The State Treasurer  
22 shall credit five dollars of the fee to the Nebraska Veteran Cemetery  
23 System Operation Fund.  
24 (b) In addition to all other fees required for registration under

25 the Motor Vehicle Registration Act, each application for initial issuance  
26 or renewal of personalized message Military Honor Plates shall be  
27 accompanied by a fee of forty dollars. County treasurers collecting fees  
28 pursuant to this subdivision shall remit them to the State Treasurer. The  
29 State Treasurer shall credit twenty-five percent of the fee for initial  
30 issuance and renewal of such plates to the Department of Motor Vehicles  
31 Cash Fund and seventy-five percent of the fee to the Nebraska Veteran  
1 Cemetery System Operation Fund.

2 (3) When the Department of Motor Vehicles receives an application  
3 for Military Honor Plates, the department shall deliver the plates to the  
4 county treasurer of the county in which the motor vehicle or cabin  
5 trailer is registered. The county treasurer shall issue Military Honor  
6 Plates in lieu of regular license plates when the applicant complies with  
7 the other provisions of the Motor Vehicle Registration Act for  
8 registration of the motor vehicle or cabin trailer. If Military Honor  
9 Plates are lost, stolen, or mutilated, the licensee shall be issued  
10 replacement license plates upon request pursuant to section 60-3,157.

11 (4) The owner of a motor vehicle or cabin trailer bearing Military  
12 Honor Plates may apply to the county treasurer to have such plates  
13 transferred to a motor vehicle other than the vehicle for which such  
14 plates were originally purchased if such vehicle is owned by the owner of  
15 the plates. The owner may have the unused portion of the fee for the  
16 plates credited to the other vehicle which will bear the plates at the  
17 rate of eight and one-third percent per month for each full month left in  
18 the registration period. Application for such transfer shall be  
19 accompanied by a fee of three dollars. Fees collected pursuant to this  
20 subsection shall be remitted to the State Treasurer for credit to the  
21 Department of Motor Vehicles Cash Fund.

22 (5) If the cost of manufacturing Military Honor Plates at any time  
23 exceeds the amount charged for license plates pursuant to section  
24 60-3,102, any money to be credited to the Nebraska Veteran Cemetery  
25 System Operation Fund shall instead be credited first to the Highway  
26 Trust Fund in an amount equal to the difference between the manufacturing  
27 costs of Military Honor Plates and the amount charged pursuant to section  
28 60-3,102 with respect to such plates and the remainder shall be credited  
29 to the Nebraska Veteran Cemetery System Operation Fund.

30 (6) If the director discovers evidence of fraud in an application  
31 for Military Honor Plates or that the holder is no longer eligible to  
1 have Military Honor Plates, the director may summarily cancel the plates  
2 and registration and send notice of the cancellation to the holder of the  
3 license plates.

4 Sec. 3. Section 60-4,189, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

6 60-4,189 (1) An operator's license or a state identification card  
7 shall include a notation of the word "veteran" on the front of the  
8 license or card as directed by the department if the individual applying  
9 for such license or card is eligible for the license or card and (a) has  
10 served on active duty in the armed forces of the United States, ~~other~~  
11 ~~than active duty for training~~, and was discharged or otherwise separated

12 with a characterization of honorable or general (under honorable  
13 conditions) from such service or has served in the United States Public  
14 Health Service or the National Oceanic and Atmospheric Administration,  
15 was detailed to any branch of the armed forces of the United States for  
16 service on active or reserve duty, and was discharged or otherwise  
17 separated with a characterization of honorable or general (under  
18 honorable conditions) as proven with valid orders from the United States  
19 Department of Defense, a statement of service provided by the United  
20 States Public Health Service, or a report of transfer or discharge  
21 provided by the National Oceanic and Atmospheric Administration, (b)  
22 registers with the Department of Veterans' Affairs pursuant to section  
23 80-414 as verification of such service, and (c) indicates on the  
24 application under section 60-484 his or her wish to include such notation  
25 on his or her license or card.

26 (2) The Department of Motor Vehicles shall consult the registry  
27 established pursuant to section 80-414 before placing the notation of the  
28 word "veteran" on the operator's license or state identification card  
29 issued to the applicant. Such notation shall not be authorized unless the  
30 registry verifies the applicant's eligibility. If the Director of Motor  
31 Vehicles discovers evidence of fraud in an application under this  
1 section, the director may summarily cancel the license or state  
2 identification card and send notice of the cancellation to the licensee  
3 or cardholder. If the Department of Motor Vehicles has information that  
4 an individual is no longer eligible for the notation, the department may  
5 summarily cancel the license and send notice of the cancellation to the  
6 licensee or cardholder. The notation shall not be restored until the  
7 Department of Motor Vehicles subsequently verifies the applicant's  
8 eligibility by consulting the registry of the Department of Veterans'  
9 Affairs.

10 (3) The notation authorized in subsection (1) of this section shall  
11 continue to be included on the license or card upon renewal of such  
12 license or card if the licensee or cardholder, at the time of renewal,  
13 indicates the desire to include the notation.

14 (4) An individual may obtain a replacement operator's license or  
15 state identification card to add or remove the notation authorized in  
16 subsection (1) of this section by applying to the Department of Motor  
17 Vehicles for such replacement license or card and, if adding the  
18 notation, by meeting the requirements of subsection (1) of this section.  
19 The fee for such replacement license or card shall be the fee provided in  
20 section 60-4,115.

21 Sec. 4. Section 80-414, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 80-414 (1) The Department of Veterans' Affairs shall create and  
24 maintain a registry of residents of Nebraska who meet the requirements of  
25 subsection (1) subdivision (1)(a) or (b) of section 60-3,122.04 or  
26 subsection (1) of section 60-4,189. The Department of Veterans' Affairs  
27 may adopt and promulgate rules and regulations governing the  
28 establishment and maintenance of the registry. The registry may be used  
29 to assist the department in carrying out the duties of the department and

30 shall provide for the collection of sufficient information to identify an  
 31 individual who qualifies for Military Honor Plates or a notation of  
 1 "veteran" on his or her operator's license or state identification card  
 2 issued by the Department of Motor Vehicles. The registry may include  
 3 information such as identifying information on an individual, an  
 4 individual's records on active duty or reserve duty in the armed forces  
 5 of the United States, or an individual's status of active duty, reserve  
 6 duty, retired, discharged, or other.

7 (2) Any resident of Nebraska who meets the requirements of  
 8 ~~subsection (1) subdivision (1)(a) or (b)~~ of section 60-3,122.04 or  
 9 subsection (1) of section 60-4,189 shall register with the Department of  
 10 Veterans' Affairs using the registry created by this section before being  
 11 eligible for Military Honor Plates or a notation of "veteran" on his or  
 12 her operator's license or state identification card issued by the  
 13 Department of Motor Vehicles. No person shall be deemed eligible until  
 14 his or her status has been verified on the registry.

15 (3) The Department of Motor Vehicles may adopt and promulgate rules  
 16 and regulations governing use of the registry of the Department of  
 17 Veterans' Affairs for determination of eligibility for the issuance of  
 18 Military Honor Plates or the notation of "veteran" on operators' licenses  
 19 and state identification cards.

20 Sec. 5. This act becomes operative on January 1, 2017.

21 Sec. 6. Original section 80-414, Reissue Revised Statutes of  
 22 Nebraska, and sections 60-3,122.03, 60-3,122.04, and 60-4,189, Revised  
 23 Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Jim Smith, Chairperson

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 47.** Placed on Final Reading.

**LEGISLATIVE BILL 190.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 426.** Introduced by Mello, 5; Baker, 30;  
 Bolz, 29; Crawford, 45; Hadley, 37; Kolowski, 31; Kuehn, 38;  
 McCollister, 20; Morfeld, 46; Smith, 14; Stinner, 48; Sullivan, 41;  
 Williams, 36.

WHEREAS, career and technical education provides students with the  
 strong knowledge base and diverse skill set necessary to keep up with the  
 increasing demands of local, national, and global markets; and

WHEREAS, career and technical education helps grow our economy and  
 reduce unemployment by preparing students for careers in a variety of  
 sectors that need highly skilled workers; and

WHEREAS, career and technical education programs provide pathways to employment and higher education that fit the needs of students. Such programs have many proven benefits for students, such as lowering dropout rates and improving students' prospects for career advancement.

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

1. That the Legislature designates February 2016 as Career and Technical Education Month in the State of Nebraska.
2. That Nebraskans are encouraged to realize the importance of career and technical education and support those who pursue such education.
3. That Nebraskans are also encouraged to recognize the benefits that career and technical education has for the economy and for employers and employees in our communities, and the potential such education has to make Nebraska a better place to live and work.

Laid over.

### **COMMITTEE REPORT(S)**

#### Judiciary

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Virgil J. Patlan Sr. - Board of Parole

Aye: 7 Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams. Nay: 0. Absent: 1 Chambers. Present and not voting: 0.

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

JoAnna Briggs - Crime Victim's Reparations Committee  
Brian Wachman - Crime Victim's Reparations Committee

Aye: 7 Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams. Nay: 0. Absent: 1 Chambers. Present and not voting: 0.

(Signed) Les Seiler, Chairperson

### **ANNOUNCEMENT(S)**

The State-Tribal Relations Committee designates LB1104 as its priority bill.

**NOTICE OF COMMITTEE HEARING(S)**  
Government, Military and Veterans Affairs

Room 1507

Thursday, February 4, 2016 1:30 p.m.

LB867

(Signed) John Murante, Chairperson

Nebraska Retirement Systems

Room 1525

Monday, February 22, 2016 9:00 a.m.

Omaha Public Schools Employee Retirement System Actuarial Report  
J. Russell Derr - Public Employees Retirement Board

(Signed) Mark Kolterman, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Johnson, Watermeier - LB276  
Johnson - LB886 and LB952  
Fox - LB1009  
Larson - LR35  
Williams - LB907  
Watermeier - LB897 and LB915  
Baker - LR422  
Cook - LB947  
Hansen, Morfeld - LR26CA

**VISITOR(S)**

Visitors to the Chamber were members of the Nebraska Youth Summit on Climate and the Hip Hop Caucus from across the state.

The Doctor of the Day was Dr. Patrick Courtney from Lincoln.

**ADJOURNMENT**

At 12:03 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 10:00 a.m., Monday, February 1, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTEENTH DAY - FEBRUARY 1, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 1, 2016

**PRAYER**

The prayer was offered by Senator Riepe.

**ROLL CALL**

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

The roll was called and all members were present except Senators Craighead, Kintner, and McCoy who were excused; and Senators Campbell, Davis, Gloor, Hilkemann, McCollister, Morfeld, Schilz, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 505.** Placed on Select File with amendment.  
ER153

1 1. On page 1, line 2, strike "Reissue Revised Statutes of Nebraska"  
2 and insert "Revised Statutes Supplement, 2015".

**LEGISLATIVE BILL 505A.** Placed on Select File.

**LEGISLATIVE BILL 275.** Placed on Select File with amendment.  
ER151

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 60-6,197.06, Revised Statutes Supplement, 2015,  
4 is amended to read:  
5 60-6,197.06 (1) Unless otherwise provided by law pursuant to an  
6 ignition interlock permit, any person operating a motor vehicle on the  
7 highways or streets of this state while his or her operator's license has

8 been revoked pursuant to section 28-306, section 60-698, subdivision (4),  
 9 (5), (6), (7), (8), (9), or (10) of section 60-6,197.03, or section  
 10 60-6,198, or pursuant to subdivision (2)(c) or (2)(d) of section 60-6,196  
 11 or subdivision (4)(c) or (4)(d) of section 60-6,197 as such subdivisions  
 12 existed prior to July 16, 2004, shall be guilty of a Class IV felony, and  
 13 the court shall, as part of the judgment of conviction, revoke the  
 14 operator's license of such person for a period of fifteen years from the  
 15 date ordered by the court and shall issue an order pursuant to section  
 16 60-6,197.01. Such revocation and order shall be administered upon  
 17 sentencing, upon final judgment of any appeal or review, or upon the date  
 18 that any probation is revoked.

19 (2) If such person has had a conviction under this section or under  
 20 subsection (6) of section 60-6,196 or subsection (7) of section 60-6,197,  
 21 as such subsections existed prior to July 16, 2004, and operates a motor  
 22 vehicle on the highways or streets of this state while his or her  
 23 operator's license has been revoked pursuant to such conviction prior to  
 24 the date of the current conviction under this section, such person shall  
 25 be guilty of a Class IIA felony, and the court shall, as part of the  
 26 judgment of conviction, revoke the operator's license of such person for  
 27 an additional a period of fifteen years from the date ordered by the  
 1 court and shall issue an order pursuant to section 60-6,197.01. Such  
 2 revocation and order shall be administered upon sentencing, upon final  
 3 judgment of any appeal or review, or upon the date that any probation is  
 4 revoked.

5 Sec. 2. Original section 60-6,197.06, Revised Statutes Supplement,  
 6 2015, is repealed.

7 2. On page 1, line 2, strike "Reissue Revised Statutes of Nebraska"  
 8 and insert "Revised Statutes Supplement, 2015".

**LEGISLATIVE BILL 474.** Placed on Select File with amendment.  
 ER152 is available in the Bill Room.

**LEGISLATIVE BILL 474A.** Placed on Select File with amendment.  
 ER154

1 1. On page 1, line 3, strike "First Session, 2015" and insert  
 2 "Second Session, 2016".

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**  
 Revenue

**LEGISLATIVE BILL 941.** Placed on General File.

**LEGISLATIVE BILL 776.** Placed on General File with amendment.  
 AM1932 is available in the Bill Room.

**LEGISLATIVE BILL 727.** Indefinitely postponed.

The Revenue Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Robert W. Hotz - Tax Equalization and Review Commission

Aye: 6 Brasch, Gloor, Harr, B., Schumacher, Smith, Sullivan. Nay: 0.  
Absent: 1 Scheer. Present and not voting: 1 Davis.

The Revenue Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Steven Keetle - Tax Equalization and Review Commission

Aye: 7 Brasch, Davis, Gloor, Harr, B., Schumacher, Smith, Sullivan. Nay: 0.  
Absent: 1 Scheer. Present and not voting: 0.

(Signed) Mike Gloor, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 759.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 760.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 761.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 771.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 699.** Title read. Considered.

Committee AM1861, found on page 349, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 751.** Title read. Considered.

Committee AM1852, found on page 354, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 695.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 702.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

#### **SENATOR SCHEER PRESIDING**

**LEGISLATIVE BILL 775.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 737.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 427.** Introduced by Cook, 13.

WHEREAS, Dr. Glenda Baskin Glover serves as the First International Vice President of Alpha Kappa Alpha Sorority, Incorporated; and

WHEREAS, Dr. Glover was initiated into Alpha Kappa Alpha in the Alpha Psi Chapter at Tennessee State University; and

WHEREAS, Dr. Glover has been active in Alpha Kappa Alpha at many levels and served in several key leadership positions; and

WHEREAS, Dr. Glover has spent her professional career as a nationally recognized educator, administrator, and advocate for excellence in education; and

WHEREAS, Dr. Glover is currently president of Tennessee State University in Nashville, Tennessee; and

WHEREAS, Alpha Kappa Alpha is celebrating its 108th anniversary in 2016; and

WHEREAS, the primary mission of Alpha Kappa Alpha is to enable its members to effectively advocate for social change that results in equality and equity for all citizens of the world; and

WHEREAS, Alpha Kappa Alpha has been serving Nebraska communities since the Gamma Beta Chapter was chartered in 1940 at the University of Nebraska Omaha.

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

1. That the Legislature congratulates Dr. Glenda Baskin Glover for her outstanding service with Alpha Kappa Alpha Sorority, Incorporated.
2. That a copy of this resolution be sent to Dr. Glenda Baskin Glover.

Laid over.

**LEGISLATIVE RESOLUTION 428.** Introduced by Davis, 43.

WHEREAS, Hyannis Area Schools received a 2015 NebraskARTS Award presented by Nebraskans for the Arts; and

WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and

WHEREAS, the award event was held in the State Capitol rotunda on October 21, 2015, and included displays of student artwork and performances from the honored schools; and

WHEREAS, Hyannis Area Schools has committed to making art, music, speech, and drama integral parts of its students' education and has been described as a sparkling gem nestled within the beautiful Nebraska Sandhills; 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 Hyannis Area Schools for receiving a 2015 NebraskARTS Award.
2. That a copy of this resolution be sent to Hyannis Area Schools.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Howard filed the following amendment to LB471:  
AM1952

(Amendments to AM1909)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 84-712.05, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 84-712.05 The following records, unless publicly disclosed in an
- 5 open court, open administrative proceeding, or open meeting or disclosed
- 6 by a public entity pursuant to its duties, may be withheld from the
- 7 public by the lawful custodian of the records:

8 (1) Personal information in records regarding a student, prospective  
9 student, or former student of any educational institution or exempt  
10 school that has effectuated an election not to meet state approval or  
11 accreditation requirements pursuant to section 79-1601 when such records  
12 are maintained by and in the possession of a public entity, other than  
13 routine directory information specified and made public consistent with  
14 20 U.S.C. 1232g, as such section existed on February 1, 2013, and  
15 regulations adopted thereunder;

16 (2) Medical records, other than records of births and deaths and  
17 except as provided in subdivision (5) of this section, in any form  
18 concerning any person; records of elections filed under section 44-2821;  
19 and patient safety work product under the Patient Safety Improvement Act;

20 (3) Trade secrets, academic and scientific research work which is in  
21 progress and unpublished, and other proprietary or commercial information  
22 which if released would give advantage to business competitors and serve  
23 no public purpose;

24 (4) Records which represent the work product of an attorney and the  
25 public body involved which are related to preparation for litigation,  
26 labor negotiations, or claims made by or against the public body or which  
27 are confidential communications as defined in section 27-503;

28 (5) Records developed or received by law enforcement agencies and  
29 other public bodies charged with duties of investigation or examination  
30 of persons, institutions, or businesses, when the records constitute a  
31 part of the examination, investigation, intelligence information, citizen  
32 complaints or inquiries, informant identification, or strategic or  
33 tactical information used in law enforcement training, except that this  
34 subdivision shall not apply to records so developed or received relating  
35 to the presence of and amount or concentration of alcohol or drugs in any  
36 body fluid of any person;

37 (6) Appraisals or appraisal information and negotiation records  
38 concerning the purchase or sale, by a public body, of any interest in  
39 real or personal property, prior to completion of the purchase or sale;

40 (7) Personal information in records regarding personnel of public  
41 bodies other than salaries and routine directory information;

42 (8) Information solely pertaining to protection of the security of  
43 public property and persons on or within public property, such as  
44 specific, unique vulnerability assessments or specific, unique response  
45 plans, either of which is intended to prevent or mitigate criminal acts  
46 the public disclosure of which would create a substantial likelihood of  
47 endangering public safety or property; computer or communications network  
48 schema, passwords, and user identification names; guard schedules; lock  
49 combinations; or public utility infrastructure specifications or design  
50 drawings the public disclosure of which would create a substantial  
51 likelihood of endangering public safety or property, unless otherwise  
52 provided by state or federal law;

53 (9) The security standards, procedures, policies, plans,  
54 specifications, diagrams, access lists, and other security-related  
55 records of the Lottery Division of the Department of Revenue and those  
56 persons or entities with which the division has entered into contractual

31 relationships. Nothing in this subdivision shall allow the division to  
1 withhold from the public any information relating to amounts paid persons  
2 or entities with which the division has entered into contractual  
3 relationships, amounts of prizes paid, the name of the prize winner, and  
4 the city, village, or county where the prize winner resides;

5 (10) With respect to public utilities and except as provided in  
6 sections 43-512.06 and 70-101, personally identified private citizen  
7 account payment and customer use information, credit information on  
8 others supplied in confidence, and customer lists;

9 (11) Records or portions of records kept by a publicly funded  
10 library which, when examined with or without other records, reveal the  
11 identity of any library patron using the library's materials or services;

12 (12) Correspondence, memoranda, and records of telephone calls  
13 related to the performance of duties by a member of the Legislature in  
14 whatever form. The lawful custodian of the correspondence, memoranda, and  
15 records of telephone calls, upon approval of the Executive Board of the  
16 Legislative Council, shall release the correspondence, memoranda, and  
17 records of telephone calls which are not designated as sensitive or  
18 confidential in nature to any person performing an audit of the  
19 Legislature. A member's correspondence, memoranda, and records of  
20 confidential telephone calls related to the performance of his or her  
21 legislative duties shall only be released to any other person with the  
22 explicit approval of the member;

23 (13) Records or portions of records kept by public bodies which  
24 would reveal the location, character, or ownership of any known  
25 archaeological, historical, or paleontological site in Nebraska when  
26 necessary to protect the site from a reasonably held fear of theft,  
27 vandalism, or trespass. This section shall not apply to the release of  
28 information for the purpose of scholarly research, examination by other  
29 public bodies for the protection of the resource or by recognized tribes,  
30 the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or  
31 the federal Native American Graves Protection and Repatriation Act;

1 (14) Records or portions of records kept by public bodies which  
2 maintain collections of archaeological, historical, or paleontological  
3 significance which reveal the names and addresses of donors of such  
4 articles of archaeological, historical, or paleontological significance  
5 unless the donor approves disclosure, except as the records or portions  
6 thereof may be needed to carry out the purposes of the Unmarked Human  
7 Burial Sites and Skeletal Remains Protection Act or the federal Native  
8 American Graves Protection and Repatriation Act;

9 (15) Job application materials submitted by applicants, other than  
10 finalists, who have applied for employment by any public body as defined  
11 in section 84-1409. For purposes of this subdivision, (a) job application  
12 materials means employment applications, resumes, reference letters, and  
13 school transcripts and (b) finalist means any applicant (i) who reaches  
14 the final pool of applicants, numbering four or more, from which the  
15 successful applicant is to be selected, (ii) who is an original applicant  
16 when the final pool of applicants numbers less than four, or (iii) who is  
17 an original applicant and there are four or fewer original applicants;

18 (16) Records obtained by the Public Employees Retirement Board  
 19 pursuant to section 84-1512;  
 20 (17) Social security numbers; credit card, charge card, or debit  
 21 card numbers and expiration dates; and financial account numbers supplied  
 22 to state and local governments by citizens; ~~and~~  
 23 (18) Information exchanged between a jurisdictional utility and city  
 24 pursuant to section 66-1867; ~~and~~ -  
 25 (19) All prescription drug information submitted pursuant to section  
 26 71-2454, all data contained in the prescription drug monitoring system,  
 27 and any report obtained from data contained in the prescription drug  
 28 monitoring system.  
 29 2. On page 1, line 17, strike "beginning January 1, 2017, and" and  
 30 insert "as follows: Except as provided in subsection (4) of this section,  
 31 beginning January 1, 2017, all dispensed prescriptions of controlled  
 1 substances shall be reported; and beginning January 1, 2018, all  
 2 prescription information shall be reported to the prescription drug  
 3 monitoring system. The prescription drug monitoring system".  
 4 3. On page 2, line 10, strike "shall include" and insert "shall be  
 5 determined by the entity described in section 71-2455 and shall include,  
 6 but not be limited to:"; in line 14 strike "written" and insert "issued";  
 7 in line 16 strike "prescribed" and insert "dispensed or the National Drug  
 8 Code number as published by the federal Food and Drug Administration of  
 9 the drug dispensed"; in line 20 strike ", address,"; in line 21 after  
 10 "number" insert "or Drug Enforcement Administration number when reporting  
 11 a controlled substance"; and in line 26 after "(5)" insert "All  
 12 prescription drug information submitted pursuant to this section, all  
 13 data contained in the prescription drug monitoring system, and any report  
 14 obtained from data contained in the prescription drug monitoring system  
 15 are not public records and may be withheld pursuant to section 84-712.05.  
 16 (6)".  
 17 4. On page 3, strike beginning with line 4 through "prescription" in  
 18 line 7 and insert "the delivery of such prescription drug for immediate  
 19 use for purposes of inpatient hospital care or emergency department care,  
 20 (ii) the administration of a prescription drug by an authorized person".  
 21 5. Amend the repealer and renumber the remaining sections  
 22 accordingly.

#### NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, February 9, 2016 1:30 p.m.

Christopher P. Kircher - Nebraska State Fair Board  
 Lowell Minert - Nebraska State Fair Board  
 LB945



Tuesday, February 16, 2016 1:30 p.m.

LB968

Room 1510

Tuesday, February 23, 2016 1:30 p.m.

LR378CA

(Signed) Jerry Johnson, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Larson filed the following amendment to LB970:

AM1925

1 1. Strike original section 14 and renumber the remaining section  
2 accordingly.

Senator Larson filed the following amendment to LB970:

AM1926

1 1. Strike original section 14 and renumber the remaining section  
2 accordingly.

Senator Larson filed the following amendment to LB1105:

AM1927

1 1. Strike original section 30.

Senator Larson filed the following amendment to LB1105:

AM1928

1 1. Strike original section 30.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 784.** Placed on General File.

**LEGISLATIVE BILL 807.** Placed on General File.

**LEGISLATIVE BILL 827.** Placed on General File with amendment.

AM1912

1 1. On page 2, lines 10 and 11, strike "sums of money" and insert "ad  
2 valorem taxes and special assessments".

(Signed) John Murante, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 876.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 853.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**MOTION - Suspend Rules**

Senator Hadley offered the following motion:

To suspend the rules, Rule 3, Sec. 14, to permit cancellation of hearings on the following bills and agency hearings: LBs 713, 852, 755, 858, 794, 817, 1036, 1086, 1052, 1002, 669, 668, 989, 860, 808, 1059, 1012, and AM1897 to LB560, as well as agency hearings on Agencies 50 and 51 as scheduled for Tuesday, February 2, 2016.

The Hadley motion to suspend the rules prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 26CA.** Considered.

**SENATOR WATERMEIER PRESIDING**

Senator Larson moved for a call of the house. The motion prevailed with 36 ayes, 1 nay, and 12 not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 11 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1524

Tuesday, February 2, 2016 1:30 p.m.

Agency 50 - Nebraska State College System (cancel)

Agency 51 - University of Nebraska System (cancel)

Hearing on AM1897 to LB560 (cancel)

LB713 (cancel)

LB852 (cancel)  
LB755 (cancel)  
LB858 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

Agency 50 - Nebraska State College System  
Agency 51 - University of Nebraska System  
Hearing on AM1897 to LB560  
LB713  
LB852  
LB755  
LB858

(Signed) Heath Mello, Chairperson

Banking, Commerce and Insurance

Room 1507

Tuesday, February 2, 2016 1:30 p.m.

LB794 (cancel)  
LB817 (cancel)  
LB1036 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB794  
LB817  
LB1036

(Signed) Jim Scheer, Chairperson

Education

Room 1525

Tuesday, February 2, 2016 1:30 p.m.

LB1086 (cancel)  
LB1052 (cancel)  
LB1002 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB1086  
LB1052  
LB1002

Tuesday, February 9, 2016 1:30 p.m.

LB959  
LB882  
LB883  
LB1063

(Signed) Kate Sullivan, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, February 2, 2016 1:30 p.m.

LB989 (cancel)  
LB669 (cancel)  
LB668 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB989  
LB669  
LB668

(Signed) Jim Smith, Chairperson

Urban Affairs

Room 1510

Tuesday, February 2, 2016 1:30 p.m.

LB860 (cancel)  
LB808 (cancel)  
LB1059 (cancel)  
LB1012 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB860  
LB808  
LB1059  
LB1012

(Signed) Sue Crawford, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Krist filed the following amendment to LB505:  
AM1959

(Amendments to AM1931)

- 1 1. Insert the following new section:
- 2 Sec. 2. This act becomes operative on January 1, 2017.
- 3 2. Renumber the remaining section accordingly.

**NOTICE OF COMMITTEE HEARING(S)**  
Business and Labor

Room 2102

Monday, February 8, 2016 1:30 p.m.

LB821

Monday, February 22, 2016 1:30 p.m.

LB1110  
LB1029  
LB1044  
LB1045

Monday, February 29, 2016 1:30 p.m.

LB828 (rehearing)  
LB981  
LB982

(Signed) Burke Harr, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 22, 2016 1:30 p.m.

LB768 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB768

(Signed) Jim Smith, Chairperson

Education

Room 1525

Monday, February 8, 2016 1:30 p.m.

LB1049  
LB1004  
LB1065

(Signed) Kate Sullivan, Chairperson

Natural Resources

Room 1525

Wednesday, February 10, 2016 1:30 p.m.

Hilary K. Maricle - Environmental Quality Council  
LB1038

Thursday, February 11, 2016 1:30 p.m.

John Arley Rundel - Nebraska Oil and Gas Conservation Commission  
LB1071  
LB1101

Wednesday, February 17, 2016 1:30 p.m.

LB1070  
LB1082  
LB1100

Thursday, February 18, 2016 1:30 p.m.

LB711  
LB712

Wednesday, February 24, 2016 1:30 p.m.

LB1019

Thursday, February 25, 2016 1:30 p.m.

LB961

(Signed) Ken Schilz, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Friesen filed the following amendment to LB311:  
AM1967 is available in the Bill Room.

**SPEAKER HADLEY PRESIDING****RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 419, 420, 421, and 422 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 419, 420, 421, and 422.

**VISITOR(S)**

Visitors to the Chamber were Yavor Haytov, Deputy Speaker of Bulgaria's Parliament, Angel Velitchkov of Nebraska Department of Agriculture, Counsel for International Trade, Albena Haytova, and Miroslav Raytov from Bulgaria; Chris and Megan Lynch from Omaha; and 75 members of the Nebraska Physical Therapy Association including students from UNMC and Creighton, from Omaha.

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

**ADJOURNMENT**

At 11:45 a.m., on a motion by Senator Ebke, the Legislature adjourned until 10:00 a.m., Tuesday, February 2, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature





**EIGHTEENTH DAY - FEBRUARY 2, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 2, 2016

**PRAYER**

The prayer was offered by Senator Bolz.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Baker, Chambers, Cook, Craighead, Crawford, Davis, Ebke, Fox, Garrett, K. Haar, B. Harr, Hilkemann, Howard, Johnson, Kolowski, Krist, Larson, Lindstrom, McCollister, McCoy, Pansing Brooks, Riepe, Schumacher, and Smith who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventeenth day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

Wednesday, February 10, 2016 1:30 p.m.

LB984  
LB1106  
LB1108  
LB980  
LB843  
LB1079

Thursday, February 11, 2016 1:30 p.m.

LB892  
LB757  
LB829  
LB1075  
LB947

(Signed) Les Seiler, Chairperson

Revenue

Room 1524

Wednesday, February 10, 2016 1:30 p.m.

LB951  
LB1048  
LB812

Thursday, February 11, 2016 1:30 p.m.

LB1013  
LB949  
LB950

(Signed) Mike Gloor, Chairperson

#### **ANNOUNCEMENT(S)**

Senator Kolterman announced the Nebraska Retirement Systems Committee will meet in Room 2102 on February 9, 2016, instead of Room 1525.

Senator Mello announced the Appropriations Committee will meet in Room 1524 on February 9, 2016, at 2:00 p.m. instead of 1:30 p.m.

#### **ADJOURNMENT**

At 10:38 a.m., on a motion by Senator Campbell, the Legislature adjourned until 10:00 a.m., Wednesday, February 3, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**NINETEENTH DAY - FEBRUARY 3, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 3, 2016

**PRAYER**

The prayer was offered by Senator Scheer.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Craighead, McCoy, and Pansing Brooks who were excused; and Senators Coash, Davis, K. Haar, Mello, Morfeld, Schilz, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 477, line 20, after "LB828" insert "(rehearing)".  
The Journal for the seventeenth day was approved as corrected.

The Journal for the eighteenth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 759.** Placed on Select File.

**LEGISLATIVE BILL 760.** Placed on Select File.

**LEGISLATIVE BILL 761.** Placed on Select File.

**LEGISLATIVE BILL 771.** Placed on Select File.

**LEGISLATIVE BILL 699.** Placed on Select File.

**LEGISLATIVE BILL 751.** Placed on Select File with amendment.  
ER155

1 1. On page 1, line 5, after the semicolon insert "to change certain  
2 notice provisions;".

**LEGISLATIVE BILL 695.** Placed on Select File.

**LEGISLATIVE BILL 702.** Placed on Select File.

**LEGISLATIVE BILL 775.** Placed on Select File.

**LEGISLATIVE BILL 737.** Placed on Select File with amendment.  
ER157

1 1. On page 1, strike beginning with "environmental" in line 1  
2 through line 9 and insert "the Wastewater Treatment Facilities  
3 Construction Assistance Act; to amend sections 81-15,149, 81-15,150,  
4 81-15,151, 81-15,154, 81-15,155, and 81-15,156, Reissue Revised Statutes  
5 of Nebraska; to redefine a term; to change powers of the Director of  
6 Environmental Quality; to change provisions relating to the Wastewater  
7 Treatment Facilities Construction Loan Fund, categories of loan  
8 eligibility, eligible items, loan conditions, and loan terms; and to  
9 repeal the original sections."

**LEGISLATIVE BILL 876.** Placed on Select File.

**LEGISLATIVE BILL 853.** Placed on Select File.

**LEGISLATIVE RESOLUTION 26CA.** Placed on Select File with amendment.

ER156

1 1. On page 1, line 1, strike "FIRST" and insert "SECOND".

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 837.** Placed on General File.

**LEGISLATIVE BILL 942.** Placed on General File.

**LEGISLATIVE BILL 1035.** Placed on General File with amendment.

AM1964

1 1. On page 4, line 6, after the period insert "For each farm product  
2 list, the fee shall be an amount determined by the Secretary of State not  
3 to exceed two hundred dollars per year."; strike beginning with "on" in  
4 line 16 through "basis" in line 17, show the old matter as stricken, and  
5 insert "not more often than once every month and not less often than once  
6 every three months as determined by the Secretary of State"; and in line  
7 21 strike "therefor", show as stricken, and insert "for such lists, not  
8 to exceed the charges provided for in subdivision (4) of this section".  
9 2. On page 6, strike beginning with "on" in line 23 through "basis"  
10 in line 24, show the old matter as stricken, and insert "not more often  
11 than once every month and not less often than once every three months on  
12 the date".  
13 3. On page 7, line 12, after the period insert "For each master lien  
14 list, the fee shall be an amount determined by the Secretary of State not  
15 to exceed two hundred dollars per year."; and in line 16 strike  
16 "therefor", show as stricken, and insert "for such lists, not to exceed  
17 the charges provided for in this subsection".

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Courtney Dentlinger, Director - Department of Economic Development

Aye: 7 Campbell, Fox, Gloor, Lindstrom, Scheer, Schumacher, Williams.  
Nay: 0. Absent: 1 Craighead. Present and not voting: 0.

(Signed) Jim Scheer, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

February 2, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Chief Information Officer:

Edward A. Toner, 3814 S. 192 Street, Omaha, NE 68130

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR423 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR423.

**GENERAL FILE**

**LEGISLATIVE BILL 295.** Title read. Considered.

Committee AM323, found on page 538, First Session, 2015, was offered.

Senator Crawford offered her amendment, AM556, found on page 1465, First Session, 2015, to the committee amendment.

The Crawford amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 221.** Title read. Considered.

Committee AM467, found on page 611, First Session, 2015, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 53.** Title read. Considered.

Senator Scheer offered his amendment, AM762, found on page 814, First Session, 2015.

**SENATOR KRIST PRESIDING**

The Scheer amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 311.** Title read. Considered.

Committee AM386, found on page 692, First Session, 2015, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Friesen offered his amendment, AM1967, found on page 479.

The Friesen amendment was adopted with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 9 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 400.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 400A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 378.** Title read. Considered.

Corrected committee AM637, found on page 729, First Session, 2015, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

**NOTICE OF COMMITTEE HEARING(S)**  
Government, Military and Veterans Affairs

Room 1507

Wednesday, February 10, 2016 1:30 p.m.

LB912  
LB1109

Thursday, February 11, 2016 1:30 p.m.

LB754  
LB1073  
LB878  
LB877

(Signed) John Murante, Chairperson

Health and Human Services

Room 1510

Wednesday, February 10, 2016 1:30 p.m.

LB696  
LB1032

Thursday, February 11, 2016 1:00 p.m.

DHHS Division of Behavioral Health Annual Committee Briefing  
 Sheri Dawson - Department of Health and Human Services  
 LB985  
 LB804  
 LB891

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORT(S)**  
 Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Stan H. Carpenter - Nebraska Educational Telecommunications Commission

Aye: 7 Baker, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor, Sullivan. Nay: 1 Krist. Absent: 0. Present and not voting: 0.

**LEGISLATIVE BILL 734.** Placed on General File.

**LEGISLATIVE BILL 692.** Placed on General File with amendment.  
 AM1883

1 1. On page 4, strike lines 20 through 24; in line 25 strike "(iii)" and insert "(ii)"; in line 27 strike "(iv)" and insert "(iii)"; in line 28 strike "(v)" and insert "(iv)"; and in line 30 strike "(vi)" and insert "(v)".  
 2. On page 5, line 2, strike "(vii)" and insert "(vi)"; and in line 6 strike "(viii)" and insert "(vii)".

**LEGISLATIVE BILL 726.** Placed on General File with amendment.  
 AM1882

1 1. On page 2, line 4, strike "An" and insert "Beginning with school year 2017-18, an".

(Signed) Kate Sullivan, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Krist filed the following amendment to LB28:  
 AM1986

(Amendments to Standing Committee amendments, AM708)

1 1. On page 4, line 15, strike "2015" and insert "2016" and strike "2016" and insert "2017"; and in line 18 strike "2016" and insert "2017".



Senator Krist filed the following amendment to LB28:  
AM1788

(Amendments to Standing Committee amendments, AM708)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Sections 1 to 5 of this act shall be known and may be
- 4 cited as the Radon Resistant New Construction Act.
- 5 Sec. 2. The Legislature finds that:
- 6 (1) Radon is a radioactive element that is part of the radioactive
- 7 decay chain of naturally occurring uranium in soil;
- 8 (2) Radon is the leading cause of lung cancer among nonsmokers and
- 9 the number one risk in homes according to the Harvard School of Public
- 10 Health, Harvard Center for Risk Analysis;
- 11 (3) The World Health Organization Handbook on Indoor Radon includes
- 12 key messages which state:
- 13 (a) "There is no known threshold concentration below which radon
- 14 exposure presents no risk."; and
- 15 (b) "The majority of radon-induced lung cancers are caused by low
- 16 and moderate radon concentrations rather than by high radon
- 17 concentrations, because in general less people are exposed to high indoor
- 18 radon concentrations.";
- 19 (4) The Surgeon General of the United States urged Americans to test
- 20 their homes to find out how much radon they might be breathing;
- 21 (5) The United States Environmental Protection Agency estimates that
- 22 more than twenty thousand Americans die of radon-related lung cancer each
- 23 year; and
- 24 (6) The United States Environmental Protection Agency has identified
- 25 radon levels in Nebraska as the third highest in the United States
- 26 because of the high concentration of uranium in the soil.
- 1 Sec. 3. For purposes of the Radon Resistant New Construction Act:
- 2 (1) Active radon mitigation system means a family of radon
- 3 mitigation systems involving mechanically driven soil depressurization,
- 4 including subslab depressurization, drain tile depressurization, block
- 5 wall depressurization, and submembrane depressurization. Active radon
- 6 mitigation system is also known as active soil depressurization;
- 7 (2) Building code means an ordinance, resolution, or law that
- 8 establishes standards applicable to new construction;
- 9 (3) Building contractor means any individual, corporation,
- 10 partnership, limited liability company, or other business entity that
- 11 engages in new construction;
- 12 (4) Department means the Department of Health and Human Services;
- 13 (5) New construction means any original construction of a single-
- 14 family home or a multifamily dwelling, including apartments, group homes,
- 15 condominiums, and townhouses, or any original construction of a building
- 16 used for commercial, industrial, educational, or medical purposes. New
- 17 construction does not include additions to existing structures or
- 18 remodeling of existing structures;
- 19 (6) Passive new construction pipe means a pipe installed in new

20 construction that relies solely on the convective flow of air upward for  
21 soil gas depressurization and may consist of multiple pipes routed  
22 through conditioned space from below the foundation to above the roof;  
23 and

24 (7) Radon mitigation specialist means an individual who is licensed  
25 by the department as a radon mitigation specialist in accordance with the  
26 Radiation Control Act.

27 Sec. 4. (1) The Radon Resistant New Construction Task Force is  
28 created. The task force shall consist of the chief medical officer of the  
29 Division of Public Health of the Department of Health and Human Services  
30 as designated in section 81-3115 or his or her designee, who shall serve  
31 as the chairperson of the task force, and the following additional  
1 members to be appointed by the Governor:

2 (a) Three representatives of home builders' associations in  
3 Nebraska, each from a different congressional district;

4 (b) A representative of a home inspectors' association in Nebraska;

5 (c) Two representatives of commercial construction associations, one  
6 of whom must have experience related to large-scale projects and one of  
7 whom must have experience related to medium-scale to small-scale  
8 projects;

9 (d) A representative of a Nebraska realtors' organization;

10 (e) A representative of a respiratory disease organization;

11 (f) A representative of a cancer research and prevention  
12 organization;

13 (g) A representative of the League of Nebraska Municipalities;

14 (h) Three community public health representatives, each from a  
15 different congressional district;

16 (i) A professional engineer as defined in section 81-3422;

17 (j) An architect as defined in section 81-3404; and

18 (k) A representative with expertise in residential or commercial  
19 building codes.

20 (2) The task force shall meet at the call of the chairperson. The  
21 appointed members of the task force shall serve without compensation but  
22 shall be reimbursed for their actual and necessary expenses as provided  
23 in sections 81-1174 to 81-1177. The department shall provide staff and  
24 support for the operation of the task force.

25 (3) The task force shall develop minimum standards for radon  
26 resistant new construction and shall recommend such minimum standards to  
27 the Governor, to the Health and Human Services Committee of the  
28 Legislature, and to the Urban Affairs Committee of the Legislature. In  
29 developing such minimum standards, the task force shall:

30 (a) Design the minimum standards so that they may be enforced by a  
31 county, city, or village as part of its local building code;

1 (b) Consider Appendix F of the International Residential Code for  
2 One- and Two-Family Dwellings, 2012 edition, published by the  
3 International Code Council; and

4 (c) Consider including the following provisions in such minimum  
5 standards:

6 (i) A requirement that the installation of an active radon

7 mitigation system only be performed by a building contractor or his or  
8 her subcontractors or by a radon mitigation specialist;  
9 (ii) A requirement that the installation of radon resistant new  
10 construction only be performed by a building contractor or his or her  
11 subcontractors or by a radon mitigation specialist; and  
12 (iii) A requirement that only a building contractor or his or her  
13 subcontractors or a radon mitigation specialist be allowed to install a  
14 radon vent fan or upgrade a passive new construction pipe to an active  
15 radon mitigation system.  
16 (4) The task force shall provide its recommendations by April 15,  
17 2017. The task force and this section terminate on May 1, 2017.  
18 Sec. 5. It is the intent of the Legislature that the recommendations  
19 provided by the Radon Resistant New Construction Task Force under section  
20 4 of this act be used by the Legislature during the 2018 legislative  
21 session to establish, in statute, minimum standards for radon resistant  
22 new construction.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 429.** Introduced by Cook, 13.

WHEREAS, Cynthia Butler-McIntyre was the 24th National President of Delta Sigma Theta Sorority, Incorporated; and

WHEREAS, Cynthia was initiated into Delta Sigma Theta through the Beta Gamma Chapter of Dillard University in 1973; and

WHEREAS, Cynthia has served the sorority on local, state, regional, and national levels; and

WHEREAS, Cynthia has spent her professional career as a nationally recognized educator, mentor, and advocate for excellence in education; and

WHEREAS, Cynthia was presented with the prestigious National Alliance of Black School Educators Lifetime Achievement Award in Education; and

WHEREAS, Delta Sigma Theta is celebrating its 103rd anniversary in 2016; and

WHEREAS, the primary mission of Delta Sigma Theta is to provide assistance and support through established programs in local communities and throughout the world and to confront the challenges facing African Americans; and

WHEREAS, Delta Sigma Theta has been serving Nebraska communities since the Omicron Chapter of the University of Nebraska-Lincoln was chartered in 1922.

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

1. That the Legislature congratulates Cynthia Butler-McIntyre for her outstanding service with Delta Sigma Theta Sorority, Incorporated.
2. That a copy of this resolution be sent to Cynthia Butler-McIntyre.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Friesen, Hughes - LR378CA  
Fox - LB708 and LB801

**VISITOR(S)**

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Garrett, the Legislature adjourned until 9:00 a.m., Thursday, February 4, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTIETH DAY - FEBRUARY 4, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 4, 2016

**PRAYER**

The prayer was offered by Senator Ebke.

**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 Craighead, McCoy, and Seiler who were excused; and Senators Campbell, Friesen, Garrett, Larson, McCollister, Mello, Morfeld, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the nineteenth day was approved.

**MOTION(S) - Confirmation Report(s)**

Senator Smith moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 432:

Department of Roads  
Kyle Schneweis, Director

Voting in the affirmative, 27:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	Pansing Brooks	Smith
Bolz	Fox	Kolowski	Riepe	Sullivan
Brasch	Gloor	Kolterman	Scheer	
Coash	Groene	Krist	Schilz	
Crawford	Haar, K.	Kuehn	Schnoor	

Voting in the negative, 0.

Present and not voting, 11:

Chambers	Hansen	Johnson	Watermeier
Cook	Harr, B.	Kintner	Williams
Hadley	Hughes	Stinner	

Excused and not voting, 11:

Campbell	Garrett	McCoy	Murante
Craighead	Larson	Mello	Seiler
Friesen	McCollister	Morfeld	

The appointment was confirmed with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 448:

Beginning Farmer Board

Donald Anthony  
Bradley Lubben  
Todd Reed

Voting in the affirmative, 30:

Baker	Davis	Hilkemann	Lindstrom	Schnoor
Bloomfield	Ebke	Howard	Murante	Schumacher
Bolz	Fox	Johnson	Pansing Brooks	Smith
Brasch	Groene	Kolowski	Riepe	Stinner
Chambers	Haar, K.	Kolterman	Scheer	Sullivan
Coash	Hadley	Kuehn	Schilz	Watermeier

Voting in the negative, 0.

Present and not voting, 9:

Cook	Gloor	Harr, B.	Kintner	Williams
Crawford	Hansen	Hughes	Krist	

Excused and not voting, 10:

Campbell	Friesen	Larson	McCoy	Morfeld
Craighead	Garrett	McCollister	Mello	Seiler

The appointments were confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 448:

Beginning Farmer Board  
Nadine Hagedorn

Voting in the affirmative, 29:

Bloomfield	Ebke	Howard	Lindstrom	Schnoor
Bolz	Fox	Johnson	Mello	Schumacher
Brasch	Gloor	Kolowski	Murante	Smith
Chambers	Groene	Kolterman	Riepe	Stinner
Coash	Haar, K.	Krist	Scheer	Sullivan
Davis	Hilkemann	Kuehn	Schilz	

Voting in the negative, 0.

Present and not voting, 11:

Baker	Hadley	Hughes	Watermeier
Cook	Hansen	Kintner	Williams
Crawford	Harr, B.	Pansing Brooks	

Excused and not voting, 9:

Campbell	Friesen	Larson	McCoy	Seiler
Craighead	Garrett	McCollister	Morfeld	

The appointment was confirmed with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 447:

Beginning Farmer Board  
Ryan Ueberrhein

Voting in the affirmative, 30:

Baker	Ebke	Howard	Lindstrom	Schnoor
Bolz	Fox	Hughes	McCollister	Schumacher
Brasch	Groene	Johnson	Mello	Smith
Campbell	Haar, K.	Kolowski	Murante	Stinner
Coash	Hadley	Kolterman	Pansing Brooks	Sullivan
Davis	Hilkemann	Kuehn	Riepe	Watermeier

Voting in the negative, 0.

Present and not voting, 12:

Bloomfield	Crawford	Harr, B.	Scheer
Chambers	Gloor	Kintner	Schilz
Cook	Hansen	Krist	Williams

Excused and not voting, 7:

Craighead	Garrett	McCoy	Seiler
Friesen	Larson	Morfeld	

The appointment was confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Coash moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 463:

Board of Parole  
Virgil J. Patlan Sr.

Voting in the affirmative, 40:

Baker	Crawford	Hansen	Lindstrom	Schilz
Bloomfield	Davis	Hilkemann	McCollister	Schnoor
Bolz	Ebke	Howard	Mello	Schumacher
Brasch	Fox	Johnson	Morfeld	Smith
Campbell	Gloor	Kolowski	Murante	Stinner
Chambers	Groene	Kolterman	Pansing Brooks	Sullivan
Coash	Haar, K.	Krist	Riepe	Watermeier
Cook	Hadley	Kuehn	Scheer	Williams

Voting in the negative, 0.

Present and not voting, 3:

Harr, B.	Hughes	Kintner
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Excused and not voting, 6:

Craighead	Garrett	McCoy
Friesen	Larson	Seiler

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Coash moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 463:

Crime Victim's Reparations Committee  
JoAnna Briggs  
Brian Wachman

Voting in the affirmative, 34:



Baker	Crawford	Hilkemann	McCollister	Schnoor
Bloomfield	Davis	Howard	Mello	Schumacher
Brasch	Gloor	Johnson	Murante	Smith
Campbell	Groene	Kolowski	Pansing Brooks	Stinner
Chambers	Haar, K.	Kolterman	Riepe	Sullivan
Coash	Hadley	Krist	Scheer	Williams
Cook	Hansen	Lindstrom	Schilz	

Voting in the negative, 0.

Present and not voting, 9:

Bolz	Fox	Hughes	Kuehn	Watermeier
Ebke	Harr, B.	Kintner	Morfeld	

Excused and not voting, 6:

Craighead	Garrett	McCoy
Friesen	Larson	Seiler

The appointments were confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator Gloor moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 467:

Tax Equalization and Review Commission  
Robert W. Hotz

Voting in the affirmative, 36:

Baker	Crawford	Hilkemann	Mello	Smith
Bloomfield	Davis	Howard	Murante	Stinner
Bolz	Fox	Johnson	Pansing Brooks	Sullivan
Brasch	Gloor	Kolowski	Riepe	Williams
Campbell	Groene	Kolterman	Scheer	
Chambers	Haar, K.	Krist	Schilz	
Coash	Hadley	Lindstrom	Schnoor	
Cook	Hansen	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 8:

Ebke	Harr, B.	Kintner	Morfeld
Friesen	Hughes	Kuehn	Watermeier

Excused and not voting, 5:

Craighead      Garrett      Larson      McCoy      Seiler

The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Gloor moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 467:

Tax Equalization and Review Commission  
Steven Keetle

Voting in the affirmative, 33:

Baker	Crawford	Hilkemann	McCollister	Schumacher
Bloomfield	Friesen	Howard	Murante	Smith
Bolz	Garrett	Johnson	Pansing Brooks	Stinner
Brasch	Gloor	Kolowski	Riepe	Sullivan
Campbell	Groene	Kolterman	Scheer	Williams
Chambers	Haar, K.	Krist	Schilz	
Cook	Hansen	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 12:

Coash	Fox	Hughes	Mello
Davis	Hadley	Kintner	Morfeld
Ebke	Harr, B.	Kuehn	Watermeier

Excused and not voting, 4:

Craighead      Larson      McCoy      Seiler

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

Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 485:

Department of Economic Development  
Courtney Dentlinger, Director

Voting in the affirmative, 28:

Bloomfield	Fox	Johnson	Murante	Smith
Brasch	Friesen	Kolowski	Pansing Brooks	Stinner
Campbell	Garrett	Kolterman	Riepe	Sullivan
Chambers	Haar, K.	Krist	Scheer	Williams
Cook	Hansen	Lindstrom	Schnoor	
Crawford	Howard	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 17:

Baker	Ebke	Harr, B.	Kuehn	Watermeier
Bolz	Gloor	Hilkemann	Mello	
Coash	Groene	Hughes	Morfeld	
Davis	Hadley	Kintner	Schilz	

Excused and not voting, 4:

Craighead	Larson	McCoy	Seiler
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The appointment was confirmed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 488:

Nebraska Educational Telecommunications Commission  
Stan H. Carpenter

Voting in the affirmative, 26:

Brasch	Friesen	Johnson	Riepe	Sullivan
Campbell	Garrett	Kolterman	Scheer	Williams
Chambers	Gloor	Lindstrom	Schnoor	
Cook	Groene	McCollister	Schumacher	
Crawford	Haar, K.	Murante	Smith	
Fox	Howard	Pansing Brooks	Stinner	

Voting in the negative, 1:

Krist

Present and not voting, 18:

Baker	Davis	Harr, B.	Kolowski	Schilz
Bloomfield	Ebke	Hilkemann	Kuehn	Watermeier
Bolz	Hadley	Hughes	Mello	
Coash	Hansen	Kintner	Morfeld	

Excused and not voting, 4:

Craighead	Larson	McCoy	Seiler
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The appointment was confirmed with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 665.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 666.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 667.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 136.** ER146, found on page 378, was adopted.

Senator Johnson offered his amendment, AM1768, found on page 425.

The Johnson amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 471.** ER148, found on page 450, was adopted.

Senator Howard offered her amendment, AM1952, found on page 469.

The Howard amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 430.** Introduced by Scheer, 19.

**PURPOSE:** The purpose of this resolution is to study whether the Nebraska Banking Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Banking and Finance and should consider the input of interested persons as the committee deems necessary or appropriate.

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

1. That the Banking, Commerce and Insurance 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 431.** Introduced by Scheer, 19.

**PURPOSE:** The purpose of this resolution is to study whether the Securities Act of Nebraska should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Banking and Finance and should consider the input of interested persons as the committee deems necessary or appropriate.

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

1. That the Banking, Commerce and Insurance 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.

**AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to LB474:  
AM1958

(Amendments to E & R amendments, ER152)

1 1. On page 9, line 19, strike "when it is designed" and insert "by  
2 October 1, 2016"; and in line 30 strike "A" and insert "Beginning October  
3 1, 2016, a".

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Toner, Edward A. - Chief Information Officer - Government, Military and Veterans Affairs

(Signed) Bob Krist, Chairperson  
Executive Board

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 295.** Placed on Select File with amendment.

ER158

1 1. In the Crawford amendment, AM556:

2 a. On page 1, line 23; and page 3, line 2, strike "effects" and

3 insert "affects";

4 b. On page 2, line 31, strike "city or village's"; and

5 c. On page 3, lines 1 and 3, after "jurisdiction" insert "of the  
6 city or village"; and in line 2 strike "city or village's".  
7 2. On page 1, strike lines 2 through 5 and insert "16-901 and  
8 17-1001, Reissue Revised Statutes of Nebraska; to require notice and  
9 opportunity for comment regarding zoning ordinances affecting  
10 extraterritorial zoning jurisdiction for certain municipalities; to  
11 harmonize provisions; and to repeal the original sections."

**LEGISLATIVE BILL 221.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 328.** Title read. Considered.

Senator Chambers offered the following motion:  
MO171  
Bracket until April 20, 2016.

Senator Chambers withdrew his motion to bracket.

Senator Chambers offered the following motion:  
MO172  
Recommit to the Natural Resources Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Chambers offered the following amendment:  
FA84  
Strike section 1.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following motion:  
MO173  
Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Schilz moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 6 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 19.** Title read. Considered.

**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.

**LEGISLATIVE BILL 188.** Title read. Considered.

Committee AM374, found on page 746, First Session, 2015, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA85

Amend AM374

In line 9 after "vehicle" and insert "and such fact is known to the officer at the time the pursuit was commenced".

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Bolz	Cook	Haar, K.	Schumacher
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Voting in the negative, 16:

Coash	Groene	Kuehn	Scheer
Ebke	Hughes	Larson	Schnoor
Friesen	Johnson	Lindstrom	Watermeier
Garrett	Kintner	Murante	Williams

Present and not voting, 26:

Baker	Davis	Hilkemann	Mello	Stinner
Bloomfield	Fox	Howard	Morfeld	Sullivan
Brasch	Gloor	Kolowski	Pansing Brooks	
Campbell	Hadley	Kolterman	Riepe	
Chambers	Hansen	Krist	Schilz	
Crawford	Harr, B.	McCollister	Smith	

Excused and not voting, 3:

Craighead	McCoy	Seiler
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The Chambers amendment lost with 4 ayes, 16 nays, 26 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO174

Reconsider the vote taken on FA85.

**SENATOR SCHEER PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 53.** Placed on Select File with amendment.

ER159

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 60-3,100, Revised Statutes Supplement, 2015, is

4 amended to read:

5 60-3,100 (1) The department shall issue to every person whose motor

6 vehicle or trailer is registered one or two fully reflectorized license

7 plates upon which shall be displayed (a) the registration number

8 consisting of letters and numerals assigned to such motor vehicle or

9 trailer in figures not less than two and one-half inches nor more than

10 three inches in height and (b) also the word Nebraska suitably lettered

11 so as to be attractive. ~~Two license plates shall be issued for every~~

12 ~~motor vehicle, except that one plate shall be issued for dealers,~~

13 ~~autocycles, motorcycles, minitrucks, truck tractors, trailers, buses,~~

14 ~~apportionable vehicles, and special interest motor vehicles that use the~~

15 ~~special interest motor vehicle license plate authorized by and issued~~

16 ~~under section 60-3,135.01.~~ The license plates shall be of a color

17 designated by the director. The color of the plates shall be changed each

18 time the license plates are changed. Each time the license plates are

19 changed, the director shall secure competitive bids for materials

20 pursuant to sections 81-145 to 81-162. Autocycle, motorcycle, minitruck,

21 low-speed vehicle, and trailer license plate letters and numerals may be

22 one-half the size of those required in this section.

23 (2)(a) Except as otherwise provided in this subsection, two license

24 plates shall be issued for every motor vehicle.

25 (b) One license plate shall be issued for (i) apportionable

26 vehicles, (ii) buses, (iii) dealers, (iv) minitrucks, (v) motorcycles,

27 (vi) special interest motor vehicles that use the special interest motor

1 vehicle license plate authorized by and issued under section 60-3,135.01,

2 (vii) trailers, and (viii) truck-tractors.

3 (c)(i) Beginning January 1, 2017, one license plate shall be issued,

4 upon request and compliance with this subdivision, for any passenger car

5 which is not manufactured to be equipped with a bracket on the front of

6 the vehicle to display a license plate. A license decal shall be issued



7 with the license plate as provided in subdivision (ii) of this  
8 subdivision and shall be displayed on the driver's side of the  
9 windshield. In order to request a single license plate and license decal,  
10 there shall be an additional annual nonrefundable registration fee of one  
11 hundred dollars plus the cost of the decal paid to the county treasurer  
12 at the time of registration. All fees collected under this subdivision  
13 shall be remitted to the State Treasurer for credit to the Highway Trust  
14 Fund.

15 (ii) The department shall design, procure, and furnish to the county  
16 treasurers a license decal which shall be displayed as evidence that a  
17 license plate has been obtained under this subdivision. Each county  
18 treasurer shall furnish a license decal to the person obtaining the  
19 plate.

20 (d 2) When two license plates are issued, one shall be prominently  
21 displayed at all times on the front and one on the rear of the registered  
22 motor vehicle or trailer. When only one plate is issued, it shall be  
23 prominently displayed on the rear of the registered motor vehicle or  
24 trailer. When only one plate is issued for motor vehicles registered  
25 pursuant to section 60-3,198 and truck-tractors, it shall be prominently  
26 displayed on the front of the apportionable vehicle.

27 Sec. 2. Original section 60-3,100, Revised Statutes Supplement,  
28 2015, is repealed.

29 2. On page 1, line 2, strike "Cumulative"; and in line 3 strike  
30 "2014" and insert "2015".

(Signed) Matt Hansen, Chairperson

#### **COMMITTEE REPORT(S)**

Executive Board

**LEGISLATIVE BILL 954.** Placed on General File.

**LEGISLATIVE BILL 1016.** Placed on General File.

(Signed) Bob Krist, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 718.** Placed on General File.

**LEGISLATIVE BILL 753.** Placed on General File.

**LEGISLATIVE BILL 766.** Placed on General File.

(Signed) John Murante, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 510A.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 510, One Hundred Fourth Legislature, Second Session, 2016.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 432.** Introduced by Kolterman, 24.

WHEREAS, Isabella Graves, a junior at Seward High School and a member of the Nebraska-Iowa chapter of the Junior National Association of the Deaf (Junior NAD), was elected Miss Junior NAD Ambassador at the association's 2015 national conference in Florida; and

WHEREAS, Junior NAD chapters focus on advocacy, involvement, and fellowship, and their members help organize community events and fundraisers. Chapter members develop the skills to become future leaders and advocates in the deaf and hard of hearing community; and

WHEREAS, Isabella is a dynamic and motivated young woman who is also a member of the Seward High School speech team; 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 Isabella Graves on being elected Miss Junior National Association of the Deaf Ambassador.
2. That a copy of this resolution be sent to Isabella Graves.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to LB188:

FA86

On page 3, lines 24-28; and page 5, lines 26-30, strike new language.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Coash - LB53

Fox - LR35

**VISITOR(S)**

Visitors to the Chamber were Alyssa Howell, Miss Nebraska 2015, from Omaha; members of Nebraska Speech-Language-Hearing Association; and Kendall Hallstrom from Syracuse.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Fox, the Legislature adjourned until 9:00 a.m., Friday, February 5, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-FIRST DAY - FEBRUARY 5, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 5, 2016

**PRAYER**

The prayer was offered by Pastor Grant Reynolds, Good News Assembly of God Church, Falls City.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Hansen, Hilkemann, Larson, and McCollister who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twentieth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 311.** Placed on Select File with amendment.  
ER161 is available in the Bill Room.

**LEGISLATIVE BILL 400.** Placed on Select File.

**LEGISLATIVE BILL 400A.** Placed on Select File with amendment.  
ER160

1 1. On page 1, line 3, strike "First Session, 2015" and insert  
2 "Second Session, 2016".  
3 2. On page 2, line 2, strike "FY2015-16" and insert "FY2016-17"; and  
4 in line 4, strike "First Session, 2015" and insert "Second Session,  
5 2016".

**LEGISLATIVE BILL 378.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 4, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Allen, Brian  
Helios  
Bourke, Nick  
Pew Charitable Trusts, The  
Cavanaugh Law Firm, P.C., L.L.O.  
Nebraska Chapter of the Sierra Club  
Eash, Matthew  
Nebraska School Finance Strategies, Inc.  
Heartland Strategy Group, LLC  
Peetz & Company  
Kissel/E&S Associates, LLC  
Kaplan Higher and Professional Education  
Koops, Berend  
Merck Sharp and Dohme Corp.  
Lautenbaugh, Scott  
Heartland Strategy Group, LLC  
Mumgaard, D. Milo  
Legal Aid of Nebraska  
Nowka & Edwards  
Intoximeters, Inc  
Pappas, James E.  
Planned Parenthood of the Heartland  
UNO Chapter of the AAUP  
Radcliffe, Walter H. of Radcliffe and Associates  
One Vista LLC

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 433.** Introduced by Riepe, 12.

WHEREAS, Nathan Andrew Richards, a member of Troop 282 from Omaha, 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, Nathan 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Nathan installed a memorial outside Ralston High School that honors the service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty. The memorial includes a bronze monument depicting the Fallen Soldier Battle Cross. The memorial recognizes the American Legion and Veterans of Foreign Wars and pays tribute to prisoners of war and persons declared missing in action, as well as Nebraskans who have received the Medal of Honor; and

WHEREAS, Nathan, 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 Nathan Andrew Richards on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nathan Andrew Richards.

Laid over.

#### **ANNOUNCEMENT**

The Chair announced the birthday of Senator Williams.

#### **MOTION - Return LB176 to Select File**

Senator Davis moved to return LB176 to Select File for his specific amendment, AM1886, found on page 387.

Senator Schilz offered the following motion:

MO175

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Schilz requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:

Baker	Garrett	Kintner	McCollister	Schumacher
Campbell	Gloor	Kolowski	Mello	Seiler
Coash	Hadley	Kolterman	Murante	Smith
Craighead	Harr, B.	Krist	Pansing Brooks	Stinner
Ebke	Hilkemann	Kuehn	Riepe	Watermeier
Fox	Hughes	Larson	Scheer	Williams
Friesen	Johnson	Lindstrom	Schilz	

Voting in the negative, 14:

Bloomfield	Chambers	Davis	Hansen	Schnoor
Bolz	Cook	Groene	Howard	Sullivan
Brasch	Crawford	Haar, K.	Morfeld	

Excused and not voting, 1:

McCoy

The Schilz motion to invoke cloture prevailed with 34 ayes, 14 nays, and 1 excused and not voting.

The Davis motion to return to Select File for his specific amendment, AM1886, failed with 13 ayes, 32 nays, 3 present and not voting, and 1 excused and not voting.

#### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 176.**

A BILL FOR AN ACT relating to the Competitive Livestock Markets Act; to amend sections 54-2601, 54-2602, 54-2604, and 54-2627.01, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to prohibited acts; to change provisions relating to contract swine operations; to change and eliminate provisions relating to legislative findings; to harmonize provisions; to repeal the original sections; and to outright repeal section 54-2603, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 34:



Baker	Garrett	Kintner	McCollister	Schumacher
Campbell	Gloor	Kolowski	Mello	Seiler
Coash	Hadley	Kolterman	Murante	Smith
Craighead	Harr, B.	Krist	Pansing Brooks	Stinner
Ebke	Hilkemann	Kuehn	Riepe	Watermeier
Fox	Hughes	Larson	Scheer	Williams
Friesen	Johnson	Lindstrom	Schilz	

Voting in the negative, 14:

Bloomfield	Chambers	Davis	Hansen	Schnoor
Bolz	Cook	Groene	Howard	Sullivan
Brasch	Crawford	Haar, K.	Morfeld	

Excused and not voting, 1:

McCoy

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

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB47 with 44 ayes, 1 nay, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 47.**

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-494, Reissue Revised Statutes of Nebraska, section 60-484, Revised Statutes Cumulative Supplement, 2014, and section 60-4,144, Revised Statutes Supplement, 2015; to change provisions relating to applications and anatomical gifts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Stinner
Chambers	Gloor	Kintner	Murante	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

McCoy

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 190.**

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Revised Statutes Cumulative Supplement, 2014; to change application provisions; and to repeal the original section.

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

Voting in the affirmative, 43:

Baker	Ebke	Hilkemann	Lindstrom	Schumacher
Bloomfield	Fox	Hughes	McCollister	Seiler
Bolz	Friesen	Johnson	Mello	Smith
Brasch	Garrett	Kintner	Morfeld	Stinner
Campbell	Gloor	Kolowski	Murante	Sullivan
Coash	Groene	Kolterman	Riepe	Watermeier
Craighead	Haar, K.	Krist	Scheer	Williams
Crawford	Hadley	Kuehn	Schilz	
Davis	Harr, B.	Larson	Schnoor	

Voting in the negative, 2:

Chambers      Cook

Present and not voting, 3:

Hansen          Howard          Pansing Brooks

Excused and not voting, 1:

McCoy

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

**LEGISLATIVE BILL 285.**

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-2709, Revised Statutes Cumulative Supplement, 2014; to change a reporting requirement under the Civic and Community Center Financing Act; to create a fund; to provide for distribution of certain amounts in the Civic and Community Center Financing Fund; and to repeal the original section.

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

Voting in the affirmative, 41:

Baker	Fox	Hughes	McCollister	Smith
Bolz	Friesen	Johnson	Mello	Stinner
Brasch	Garrett	Kintner	Morfeld	Sullivan
Campbell	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	
Ebke	Hilkemann	Lindstrom	Seiler	

Voting in the negative, 3:

Chambers          Davis          Schumacher

Present and not voting, 4:

Bloomfield          Hansen          Howard          Schnoor

Excused and not voting, 1:

McCoy

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

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 176, 47, 190, and 285.

**SENATOR SCHEER PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 188.** Senator Chambers renewed his motion, MO174, found on page 504, to reconsider the vote taken on FA85.

Pending.

**COMMITTEE REPORT(S)**

General Affairs

**LEGISLATIVE RESOLUTION 380CA.** Indefinitely postponed.

(Signed) Tyson Larson, Chairperson

Health and Human Services

**LEGISLATIVE BILL 786.** Placed on General File.

**LEGISLATIVE BILL 791.** Placed on General File.

**LEGISLATIVE BILL 813.** Placed on General File.

**LEGISLATIVE BILL 859.** Placed on General File.

**LEGISLATIVE BILL 746.** Placed on General File with amendment.

AM1903

1 1. Insert the following new section:

2 Sec. 20. This act becomes operative on July 1, 2016.

3 2. On page 18, line 27, after "report" insert "as defined in 15

4 U.S.C. 1681a(d), as such section existed on January 1, 2016,".

5 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 849.** Placed on General File with amendment.

AM1983

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

2 sections:

3 Section 1. Sections 1 to 8 of this act shall be known and may be

4 cited as the Assisting Caregiver Transitions Act.

5 Sec. 2. For purposes of the Assisting Caregiver Transitions Act:

6 (1) Activities of daily living means transfer, ambulation, exercise,

7 toileting, eating, self-administration of medication, and similar

8 activities;

9 (2) Aftercare means assistance provided by a caregiver to a patient

10 in the patient's residence after the patient's discharge from a hospital

11 following an inpatient stay and may include, but is not limited to, (a)

12 assisting with activities of daily living and (b) carrying out medical or  
13 nursing tasks, including, but not limited to, managing wound care,  
14 assisting in administration of medication, and operating medical  
15 equipment;

16 (3) Caregiver means a person nineteen years of age or older who is  
17 designated by a patient or a patient's legal guardian to provide  
18 aftercare;

19 (4) Hospital means a general acute hospital as defined in section  
20 71-412; and

21 (5) Residence means the home in which a patient resides. Residence  
22 does not include an assisted-living facility as defined in section  
23 71-406, a group home, a hospital as defined in section 71-419, an  
24 intermediate care facility as defined in section 71-420, a rehabilitation  
25 hospital as defined in section 71-427 or other rehabilitation facility, a  
26 nursing facility as defined in section 71-424, or a skilled nursing  
27 facility as defined in section 71-429.

1 Sec. 3. (1) A hospital shall give each patient or patient's legal  
2 guardian the opportunity to designate at least one caregiver as soon as  
3 practicable and prior to the patient's release.

4 (2) If a patient is unconscious or incapacitated upon his or her  
5 admission to the hospital, the hospital shall give the patient or the  
6 patient's legal guardian the opportunity to designate a caregiver as soon  
7 as possible after the patient's recovery of consciousness or capacity.

8 (3) A patient or his or her legal guardian is not required to  
9 designate a caregiver at any time. If a patient or a patient's legal  
10 guardian declines to designate a caregiver, the hospital shall document  
11 this fact in the patient's medical record.

12 Sec. 4. (1) If a patient or a patient's legal guardian designates a  
13 caregiver, the hospital shall record in the patient's medical record the  
14 designated caregiver's name, his or her relationship to the patient, and  
15 the caregiver's telephone number, residence address, and other contact  
16 information.

17 (2) A patient or a patient's legal guardian may change the caregiver  
18 designation at any time. The hospital shall document the change in the  
19 patient's medical record before the patient's discharge.

20 (3) A person designated as a caregiver is not obligated to accept  
21 such designation or to perform aftercare for the designating patient or  
22 patient's legal guardian.

23 Sec. 5. If a patient or a patient's legal guardian designates a  
24 caregiver, the hospital shall notify the caregiver of the patient's  
25 discharge from the hospital or transfer to another facility as soon as  
26 practicable which may be after the patient's physician issues a discharge  
27 or transfer order. If the hospital is unable to contact the caregiver,  
28 such lack of contact shall not interfere with, delay, or otherwise affect  
29 the medical care provided to the patient or the medically appropriate  
30 discharge or transfer of the patient. The hospital shall document all  
31 attempts to contact the caregiver in the patient's medical record.

1 Sec. 6. (1) As soon as possible after designation of a caregiver  
2 and prior to the patient's discharge, the hospital shall attempt to

3 consult with the patient or the patient's legal guardian and the  
 4 caregiver and shall issue a discharge plan that describes the patient's  
 5 aftercare needs. The discharge plan shall include, but need not be  
 6 limited to:  
 7 (a) The name and contact information of the caregiver, as provided  
 8 by him or her; and  
 9 (b) A description of the aftercare tasks necessary to maintain the  
 10 patient's ability to reside in his or her residence.  
 11 (2) The hospital shall provide the caregiver with instructions  
 12 concerning all aftercare tasks described in the discharge plan. The  
 13 instructions shall include, but need not be limited to:  
 14 (a) A live demonstration of or instruction in the aftercare tasks,  
 15 as performed by a hospital employee or other authorized individual in a  
 16 culturally competent manner;  
 17 (b) An opportunity for the caregiver and the patient or the  
 18 patient's guardian to ask questions about aftercare; and  
 19 (c) Answers to the caregiver's, patient's, and patient's legal  
 20 guardian's questions in a culturally competent manner.  
 21 (3) The hospital shall document the instructions in the patient's  
 22 medical record, including the date, time, and contents of the  
 23 instructions and whether the caregiver accepted or refused the offer of  
 24 instruction.  
 25 Sec. 7. The Assisting Caregiver Transitions Act does not:  
 26 (1) Create a private right of action against a hospital, a hospital  
 27 employee, or a person with whom the hospital has a contractual  
 28 relationship;  
 29 (2) Create additional civil or regulatory liability for a hospital,  
 30 a hospital employee, or a person with whom the hospital has a contractual  
 31 relationship;  
 1 (3) Supersede or replace existing rights or remedies under any other  
 2 law;  
 3 (4) Affect a license issued to a hospital pursuant to the Health  
 4 Care Facility Licensure Act;  
 5 (5) Establish a new requirement to reimburse or otherwise pay for  
 6 services rendered by a caregiver for aftercare; or  
 7 (6) Interfere with an individual acting under a valid health care  
 8 power of attorney as defined in section 30-3401 or acting as a  
 9 conservator as defined in section 30-2209.  
 10 Sec. 8. The Department of Health and Human Services may adopt and  
 11 promulgate rules and regulations to carry out the Assisting Caregiver  
 12 Transitions Act.

**LEGISLATIVE BILL 898.** Placed on General File with amendment.  
AM1859

1 1. On page 2, line 14, after the second comma insert "crochet  
 2 hooks,"; in line 15 after the third comma insert "blunt-tipped"; in line  
 3 20 after "agents" insert an underscored comma; and in line 21 after the  
 4 last comma insert "in conjunction with hair braiding,".

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 328.** Placed on Select File.  
**LEGISLATIVE BILL 19.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Cook filed the following amendment to LB510A:  
AM2015

1 1. On page 2, line 1, strike "\$161,968" and insert "\$115,967".

**NOTICE OF COMMITTEE HEARING(S)**  
Government, Military and Veterans Affairs

Room 1507

Wednesday, February 17, 2016 1:30 p.m.

LB851  
LB694  
LB992  
LB955

Thursday, February 18, 2016 1:30 p.m.

LB1080  
LB978  
LB999

Friday, February 19, 2016 1:30 p.m.

LB1099  
LB1084  
LR381

(Signed) John Murante, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 136.** Placed on Final Reading.

**LEGISLATIVE BILL 471.** Placed on Final Reading.

ST56

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Howard amendment, AM1952, on page 5, line 6, the colon has been struck.

2. In the E and R amendments, ER148, on page 1, line 4, "84-712.05, Reissue Revised Statutes of Nebraska, and section" has been inserted after "section"; in line 7 "to provide that certain prescription information, data, and reports are not a public record;" has been inserted after "duties;"; and in line 8 "section" has been struck and "sections" inserted.

3. In the Kuehn amendment, AM1909:

a. Sections 3 and 4 have been renumbered as sections 4 and 5, respectively; and

b. On page 4, line 18, "84-712.05, Reissue Revised Statutes of Nebraska, and section" has been inserted after "section"; and in line 19 "is" has been struck and "are" inserted.

**LEGISLATIVE BILL 665.** Placed on Final Reading.**LEGISLATIVE BILL 666.** Placed on Final Reading.**LEGISLATIVE BILL 667.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

General Affairs

**LEGISLATIVE BILL 820.** Placed on General File with amendment.

AM1987

1 1. On page 3, line 14; page 5, lines 5 and 6; and page 6, lines 9  
2 and 11, after each occurrence of "occurring" insert "weather".

**LEGISLATIVE BILL 862.** Placed on General File with amendment.

AM1970

1 1. Insert the following new sections:

2 Section 1. For purposes of sections 1 to 3 of this act:

3 (1) Confidential information means information related to the play

4 of a fantasy contest obtained as a result of or by virtue of a person's

5 employment by a fantasy contest operator;

6 (2) Entry fee means cash or cash equivalent that is required to be

7 paid to a fantasy contest operator by a person who participates as a

8 player in a fantasy contest;

9 (3) Fantasy contest has the same meaning as in section 28-1101; and

10 (4) Fantasy contest operator means a person or an entity that offers

11 fantasy contests for a cash prize to the general public upon the payment

12 of an entry fee.

13 Sec. 2. (1) A fantasy contest operator conducting fantasy contests

14 in Nebraska shall register with the Department of Revenue on forms

15 prescribed and furnished by the department. The registration fee shall be



16 fifty thousand dollars and the annual renewal fee shall be ten thousand  
17 dollars, except that the fantasy contest operator's registration fee or  
18 annual renewal fee shall not exceed ten percent of the amount of entry  
19 fees collected by the fantasy contest operator from the operation of  
20 fantasy contests in this state less the amount of cash prizes or cash  
21 prize equivalents paid to fantasy contest participants. The department  
22 shall require the fantasy contest operator to provide written evidence of  
23 the proposed amount of entry fees and cash prizes or cash prize  
24 equivalents to be paid to fantasy contest participants during the annual  
25 registration period. Prior to renewal, the fantasy contest operator shall  
26 provide written evidence to the department of the actual entry fees  
27 collected and cash prizes or cash prize equivalents paid to fantasy  
1 contest participants during the previous registration period. The fantasy  
2 contest operator shall remit to the department any difference in fees  
3 that results from the difference between the proposed amount of entry  
4 fees and cash prizes or cash prize equivalents paid to fantasy contest  
5 participants and the actual amounts collected and paid. The registration  
6 shall be valid upon receipt by the department of both a registration or  
7 renewal application and payment of the registration or renewal fee.  
8 (2) The department shall remit all registration and renewal fees  
9 collected under this section to the State Treasurer for credit to the  
10 General Fund.  
11 Sec. 3. A fantasy contest operator shall implement procedures for  
12 fantasy contests that:  
13 (1) Prevent an employee of the fantasy contest operator, and any  
14 relative living in the same household as such employee, from  
15 participating in any fantasy contest offered by the fantasy contest  
16 operator;  
17 (2) Prevent the sharing of confidential information with third  
18 parties that could affect the outcome of any fantasy contest until the  
19 information is made publicly available;  
20 (3) Prevent the fantasy contest operator, and any relative living in  
21 the same household as such fantasy contest operator, from participating  
22 in any fantasy contest offered by the fantasy contest operator;  
23 (4) Verify that a participant in a fantasy contest is eighteen years  
24 of age or older;  
25 (5) Ensure that a person who plays or officiates in a game or  
26 contest that is the subject of any fantasy contest is restricted from  
27 participating in such fantasy contest that is determined, in whole or in  
28 part, on the accumulated statistical results of a team of players in a  
29 game or contest in which such person is a player or an official;  
30 (6) Allow a person to restrict himself or herself from entering a  
31 fantasy contest upon request and provide reasonable steps to prevent the  
1 person from participating in any fantasy contest offered by the fantasy  
2 contest operator;  
3 (7) Disclose the number of entries that a participant in a fantasy  
4 contest may submit to each fantasy contest and provide reasonable steps  
5 to prevent a participant from submitting more than the allowable number;  
6 and

7 (8) Segregate fantasy contest funds of participants from operational  
 8 funds of the fantasy contest operator and maintain a reserve in the form  
 9 of cash, cash equivalents, an irrevocable letter of credit, a bond, or a  
 10 combination thereof, in the amount of the deposits made to the accounts  
 11 of the fantasy contest participants for the benefit and protection of the  
 12 funds of the participants held in such separate accounts.

13 Sec. 4. A fantasy contest operator offering fantasy contests in  
 14 Nebraska shall contract with a third party to annually perform an  
 15 independent audit to ensure compliance with sections 2 and 3 of this act.  
 16 Such audit shall be consistent with standards adopted by the Department  
 17 of Revenue similar to those established by the Public Company Accounting  
 18 Oversight Board. The fantasy contest operator shall submit the results of  
 19 such audit to the Department of Revenue.

20 Sec. 7. Section 28-1113, Reissue Revised Statutes of Nebraska, is  
 21 amended to read:

22 28-1113 Nothing in this article shall be construed to:

23 (1) Apply to or prohibit wagering on the results of horseraces by  
 24 the parimutuel or certificate method when conducted by licensees within  
 25 the racetrack enclosure at licensed horserace meetings; or

26 (2) Prohibit or punish the conducting or participating in any bingo,  
 27 lottery by the sale of pickle cards, lottery, raffle, ~~or~~ gift enterprise,  
 28 or fantasy contest when conducted in accordance with the Nebraska Bingo  
 29 Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and  
 30 Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small  
 31 Lottery and Raffle Act, the State Lottery Act, ~~or~~ section 9-701, or  
 1 subdivision (5) of section 28-1101.

2 2. Renumber the remaining sections and correct the repealer  
 3 accordingly.

**LEGISLATIVE BILL 970.** Placed on General File with amendment.  
 AM2020 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

Judiciary

**LEGISLATIVE BILL 924.** Placed on General File.

**LEGISLATIVE BILL 1009.** Placed on General File with amendment.  
 AM1960

1 1. Insert the following new sections:

2 Sec. 10. If any section in this act or any part of any section is  
 3 declared invalid or unconstitutional, the declaration shall not affect  
 4 the validity or constitutionality of the remaining portions.

5 Sec. 12. Since an emergency exists, this act takes effect when  
 6 passed and approved according to law.

7 2. On page 9, strike lines 18 through 31 and insert the following  
 8 new subdivision:

9 "(44) Lookalike substance means a product or substance, not

10 specifically designated as a controlled substance in section 28-405, that  
11 is either portrayed in such a manner by a person to lead another person  
12 to reasonably believe that it produces effects on the human body that  
13 replicate, mimic, or are intended to simulate the effects produced by a  
14 controlled substance or that possesses one or more of the following  
15 indicia or characteristics:  
16 (a) The packaging or labeling of the product or substance suggests  
17 that the user will achieve euphoria, hallucination, mood enhancement,  
18 stimulation, or another effect on the human body that replicates or  
19 mimics those produced by a controlled substance;  
20 (b) The name or packaging of the product or substance uses images or  
21 labels suggesting that it is a controlled substance or produces effects  
22 on the human body that replicate or mimic those produced by a controlled  
23 substance;  
24 (c) The product or substance is marketed or advertised for a  
25 particular use or purpose and the cost of the product or substance is  
26 disproportionately higher than other products or substances marketed or  
27 advertised for the same or similar use or purpose;  
1 (d) The packaging or label on the product or substance contains  
2 words or markings that state or suggest that the product or substance is  
3 in compliance with state and federal laws regulating controlled  
4 substances;  
5 (e) The owner or person in control of the product or substance uses  
6 evasive tactics or actions to avoid detection or inspection of the  
7 product or substance by law enforcement authorities;  
8 (f) The owner or person in control of the product or substance makes  
9 a verbal or written statement suggesting or implying that the product or  
10 substance is a synthetic drug or that consumption of the product or  
11 substance will replicate or mimic effects on the human body to those  
12 effects commonly produced through use or consumption of a controlled  
13 substance;  
14 (g) The owner or person in control of the product or substance makes  
15 a verbal or written statement to a prospective customer, buyer, or  
16 recipient of the product or substance implying that the product or  
17 substance may be resold for profit; or  
18 (h) The product or substance contains a chemical or chemical  
19 compound that does not have a legitimate relationship to the use or  
20 purpose claimed by the seller, distributor, packer, or manufacturer of  
21 the product or substance or indicated by the product name, appearing on  
22 the product's packaging or label or depicted in advertisement of the  
23 product or substance."  
24 3. On page 10, strike lines 1 through 28.  
25 4. Renumber the remaining section accordingly.

(Signed) Les Seiler, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 5, 2016, at 11:40 a.m. were the following: LBs 176, 47, 190, and 285.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**ANNOUNCEMENT(S)**

The General Affairs Committee designates LB970 as its priority bill.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Kintner - LB717 and LB188

**VISITOR(S)**

Visitor to the Chamber was Marva Dunning from Omaha.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator McCollister, the Legislature adjourned until 10:00 a.m., Monday, February 8, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-SECOND DAY - FEBRUARY 8, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 8, 2016

**PRAYER**

The prayer was offered by Pastor Ron Drury, Shepherd of the Hills Lutheran Church, Hickman.

**ROLL CALL**

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

The roll was called and all members were present except Senators Morfeld and Murante who were excused; and Senators Bolz, McCoy, Sullivan, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-first day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 424, 425, 426, 427, and 428 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 424, 425, 426, 427, and 428.

**ANNOUNCEMENT**

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 8, 2016, summarizing the recommended appropriations for the following biennium.

**SELECT FILE**

**LEGISLATIVE BILL 759.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 760.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 761.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 771.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 699.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 751.** ER155, found on page 483, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 695.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 702.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 775.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 737.** ER157, found on page 484, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 876.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 853.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 270.** ER149, found on page 450, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 131.** ER150, found on page 450, was adopted.

Senator B. Harr offered the following amendment:

AM2047

(Amendments to Standing Committee amendments, AM405)

1 1. Insert the following new sections:

2 Sec. 2. Section 33-114, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 33-114 Each county treasurer shall receive for and on behalf of the  
5 county for services rendered to other governmental subdivisions and  
6 agencies, when fees for services rendered by him or her are not otherwise  
7 specifically provided, the following fees: (1) On all sums of money  
8 collected by him or her for each fiscal year, two percent of the sums so  
9 collected; (2) for the collection of all sums of money, general or  
10 bonded, of drainage, irrigation, or natural resources districts, one  
11 percent of the sums so collected; (3) for the collection of all ad  
12 valorem taxes and special assessments, general or bonded, of sanitary and  
13 improvement districts, two percent of the sums so collected; ~~(4 3)~~ for  
14 the collection of all sums of money for municipal taxes, general or  
15 special, including money for bond sinking fund or bond interest fund and  
16 school money, one percent of the sums so collected; and ~~(5 4)~~ for the  
17 collection of all sums of money for special assessments for municipal  
18 improvements, one and one-half percent of the sums so collected.  
19 On all sums collected, such percentage shall be allowed but once. In  
20 computing the amount collected for the purpose of charging percentage,  
21 all sums from whatever fund derived shall be included together, except  
22 the school fund. The treasurer shall be paid in the same proportion from  
23 the respective funds of the state collected by him or her whether the  
24 funds are in money or state warrants.  
25 Sec. 3. Original section 33-114, Reissue Revised Statutes of  
26 Nebraska, is repealed.

The B. Harr amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 505.** ER153, found on page 465, was adopted.

Senator Krist offered his amendment, AM1959, found on page 477.

The Krist amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 505A.** Senator Krist offered the following amendment:

AM1999

1 1. Insert the following new section:

2 Sec. 2. There is hereby appropriated (1) \$30,000 from the General  
3 Fund for FY2016-17 and (2) \$-0- from the General Fund for FY2017-18 to  
4 the Nebraska Commission on Law Enforcement and Criminal Justice, for  
5 Program 215, to aid in carrying out the provisions of Legislative Bill  
6 505, One Hundred Fourth Legislature, Second Session, 2016.  
7 No expenditures for permanent and temporary salaries and per diems  
8 for state employees shall be made from funds appropriated in this  
9 section.  
10 2. On page 2, after line 5 insert:  
11 "No expenditures for permanent and temporary salaries and per diems  
12 for state employees shall be made from funds appropriated in this  
13 section.".

The Krist amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 275.** ER151, found on page 465, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 474.** ER152, found on page 466, was adopted.

Senator Chambers offered his amendment, AM1958, found on page 501.

The Chambers amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 474A.** ER154, found on page 466, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### GENERAL FILE

**LEGISLATIVE BILL 188.** Senator Chambers renewed his motion, MO174, found on page 504 and considered on page 516, to reconsider the vote taken on FA85.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 11:



Baker	Cook	Howard	Pansing Brooks
Bolz	Crawford	Kolowski	Schumacher
Chambers	Haar, K.	McCollister	

Voting in the negative, 29:

Bloomfield	Fox	Hansen	Kuehn	Seiler
Brasch	Friesen	Hilkemann	Larson	Smith
Coash	Garrett	Hughes	McCoy	Stinner
Craighead	Gloor	Johnson	Riepe	Watermeier
Davis	Groene	Kintner	Scheer	Williams
Ebke	Hadley	Kolterman	Schilz	

Present and not voting, 4:

Campbell	Harr, B.	Krist	Schnoor
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Excused and not voting, 5:

Lindstrom	Mello	Morfeld	Murante	Sullivan
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The Chambers motion to reconsider failed with 11 ayes, 29 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Schilz filed the following amendment to LB1038:

AM1966

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 46-290, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 46-290 (1)(a) Except as provided in this section and sections
- 6 46-2,120 to 46-2,130, any person having a permit to appropriate water for
- 7 beneficial purposes issued pursuant to sections 46-233 to 46-235,
- 8 46-240.01, 46-241, 46-242, or 46-637 and who desires (i) to transfer the
- 9 use of such appropriation to a location other than the location specified
- 10 in the permit, (ii) to change that appropriation to a different type of
- 11 appropriation as provided in subsection (3) of this section, or (iii) to
- 12 change the purpose for which the water is to be used under a natural-
- 13 flow, storage, or storage-use appropriation to a purpose not at that time
- 14 permitted under the appropriation shall apply for approval of such
- 15 transfer or change to the Department of Natural Resources.
- 16 (b) The application for such approval shall contain (i) the number
- 17 assigned to such appropriation by the department, (ii) the name and

18 address of the present holder of the appropriation, (iii) if applicable,  
19 the name and address of the person or entity to whom the appropriation  
20 would be transferred or who will be the user of record after a change in  
21 the location of use, type of appropriation, or purpose of use under the  
22 appropriation, (iv) the legal description of the land to which the  
23 appropriation is now appurtenant, (v) the name and address of each holder  
24 of a mortgage, trust deed, or other equivalent consensual security  
25 interest against the tract or tracts of land to which the appropriation  
26 is now appurtenant, (vi) if applicable, the legal description of the land  
27 to which the appropriation is proposed to be transferred, (vii) if a  
1 transfer is proposed, whether other sources of water are available at the  
2 original location of use and whether any provisions have been made to  
3 prevent either use of a new source of water at the original location or  
4 increased use of water from any existing source at that location, (viii)  
5 if applicable, the legal descriptions of the beginning and end of the  
6 stream reach to which the appropriation is proposed to be transferred for  
7 the purpose of augmenting the flows in that stream reach, (ix) if a  
8 proposed transfer is for the purpose of increasing the quantity of water  
9 available for use pursuant to another appropriation, the number assigned  
10 to such other appropriation by the department, (x) the purpose of the  
11 current use, (xi) if a change in purpose of use is proposed, the proposed  
12 purpose of use, (xii) if a change in the type of appropriation is  
13 proposed, the type of appropriation to which a change is desired, (xiii)  
14 if a proposed transfer or change is to be temporary in nature, the  
15 duration of the proposed transfer or change, and (xiv) such other  
16 information as the department by rule and regulation requires.  
17 (2) If a proposed transfer or change is to be temporary in nature, a  
18 copy of the proposed agreement between the current appropriator and the  
19 person who is to be responsible for use of water under the appropriation  
20 while the transfer or change is in effect shall be submitted at the same  
21 time as the application.  
22 (3) Regardless of whether a transfer or a change in the purpose of  
23 use is involved, the following changes in type of appropriation, if found  
24 by the Director of Natural Resources to be consistent with section  
25 46-294, may be approved subject to the following:  
26 (a) A natural-flow appropriation for direct out-of-stream use may be  
27 changed to a natural-flow appropriation for aboveground reservoir storage  
28 or for intentional underground water storage;  
29 (b) A natural-flow appropriation for intentional underground water  
30 storage may be changed to a natural-flow appropriation for direct out-of-  
31 stream use or for aboveground reservoir storage;  
1 (c) A natural-flow appropriation for direct out-of-stream use, for  
2 aboveground reservoir storage, or for intentional underground water  
3 storage may be changed to an instream appropriation subject to sections  
4 46-2,107 to 46-2,119 if the director determines that the resulting  
5 instream appropriation would be consistent with subdivisions (2), (3),  
6 and (4) of section 46-2,115;  
7 (d) A natural-flow appropriation for direct out-of-stream use, for  
8 aboveground reservoir storage, or for intentional underground water

9 storage may be changed to an appropriation for induced ground water  
10 recharge if the director determines that the resulting appropriation for  
11 induced ground water recharge would be consistent with subdivisions (2)  
12 (a)(i) and (ii) of section 46-235; ~~and~~

13 (e) An appropriation for manufacturing of hydropower may be changed  
14 in the full amount to an instream basin-management appropriation to be  
15 held jointly by the Game and Parks Commission and any natural resources  
16 district or combination of natural resources districts to maintain the  
17 functional stream flow for conservation of fish and wildlife and for  
18 recreation that existed by the manufacturing of hydropower and to assist  
19 in the implementation of integrated management of ground water and  
20 surface water resources; and

21 (f e) The incidental underground water storage portion, whether or  
22 not previously quantified, of a natural-flow or storage-use appropriation  
23 may be separated from the direct-use portion of the appropriation and may  
24 be changed to a natural-flow or storage-use appropriation for intentional  
25 underground water storage at the same location if the historic  
26 consumptive use of the direct-use portion of the appropriation is  
27 transferred to another location or is terminated, but such a separation  
28 and change may be approved only if, after the separation and change, (i)  
29 the total permissible diversion under the appropriation will not  
30 increase, (ii) the projected consequences of the separation and change  
31 are consistent with the provisions of any integrated management plan  
1 adopted in accordance with section 46-718 or 46-719 for the geographic  
2 area involved, and (iii) if the location of the proposed intentional  
3 underground water storage is in a river basin, subbasin, or reach  
4 designated as overappropriated in accordance with section 46-713, the  
5 integrated management plan for that river basin, subbasin, or reach has  
6 gone into effect, and that plan requires that the amount of the  
7 intentionally stored water that is consumed after the change will be no  
8 greater than the amount of the incidentally stored water that was  
9 consumed prior to the change. Approval of a separation and change  
10 pursuant to this subdivision (f e) shall not exempt any consumptive use  
11 associated with the incidental recharge right from any reduction in water  
12 use required by an integrated management plan for a river basin,  
13 subbasin, or reach designated as overappropriated in accordance with  
14 section 46-713.

15 Whenever any change in type of appropriation is approved pursuant to  
16 this subsection and as long as that change remains in effect, the  
17 appropriation shall be subject to the statutes, rules, and regulations  
18 that apply to the type of appropriation to which the change has been  
19 made.

20 (4) The Legislature finds that induced ground water recharge  
21 appropriations issued pursuant to sections 46-233 and 46-235 and instream  
22 appropriations issued pursuant to section 46-2,115 are specific to the  
23 location identified in the appropriation. Neither type of appropriation  
24 shall be transferred to a different location, changed to a different type  
25 of appropriation, or changed to permit a different purpose of use.

26 (5) In addition to any other purposes for which transfers and

27 changes may be approved, such transfers and changes may be approved if  
28 the purpose is (a) to maintain or augment the flow in a specific stream  
29 reach for any instream use that the department has determined, through  
30 rules and regulations, to be a beneficial use or (b) to increase the  
31 frequency that a diversion rate or rate of flow specified in another  
1 valid appropriation is achieved.

2 For any transfer or change approved pursuant to subdivision (a) of  
3 this subsection, the department shall be provided with a report at least  
4 every five years while such transfer or change is in effect. The purpose  
5 of such report shall be to indicate whether the beneficial instream use  
6 for which the flow is maintained or augmented continues to exist. If the  
7 report indicates that it does not or if no report is filed within sixty  
8 days after the department's notice to the appropriator that the deadline  
9 for filing the report has passed, the department may cancel its approval  
10 of the transfer or change and such appropriation shall revert to the same  
11 location of use, type of appropriation, and purpose of use as prior to  
12 such approval.

13 (6) A quantified or unquantified appropriation for incidental  
14 underground water storage may be transferred to a new location along with  
15 the direct-use appropriation with which it is recognized if the director  
16 finds such transfer to be consistent with section 46-294 and determines  
17 that the geologic and other relevant conditions at the new location are  
18 such that incidental underground water storage will occur at the new  
19 location. The director may request such information from the applicant as  
20 is needed to make such determination and may modify any such quantified  
21 appropriation for incidental underground water storage, if necessary, to  
22 reflect the geologic and other conditions at the new location.

23 (7) Unless an incidental underground water storage appropriation is  
24 changed as authorized by subdivision (3)(~~f~~e) of this section or is  
25 transferred as authorized by subsection (6) of this section or subsection  
26 (1) of section 46-291, such appropriation shall be canceled or modified,  
27 as appropriate, by the director to reflect any reduction in water that  
28 will be stored underground as the result of a transfer or change of the  
29 direct-use appropriation with which the incidental underground water  
30 storage was recognized prior to the transfer or change.

31 (8) Any appropriation for manufacturing of hydropower changed under  
1 subdivision (3)(e) of this section to an instream basin-management  
2 appropriation shall maintain the priority date and preference category of  
3 the original appropriation but shall be subject to condemnation and  
4 subordination pursuant to sections 70-668 and 70-669, except that any  
5 person who held a subordination agreement or condemnation award prior to  
6 the transfer shall be allowed to enter into a new subordination agreement  
7 for the original term of subordination agreement or condemnation award at  
8 no additional cost.

9 Sec. 2. Section 70-668, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 70-668 In applying the provisions of law relating to the  
12 appropriation of water, priority of appropriation shall give the better  
13 right as between those using the water for the same purpose, but when the

14 waters of any natural stream are not sufficient for the use of all those  
15 desiring to use the same, those using the water for domestic purposes  
16 shall have preference over those claiming it for any other purpose. Those  
17 using the water for agricultural purposes shall have the preference over  
18 those using the same for manufacturing purposes, and those using the  
19 water for agricultural purposes shall have the preference over those  
20 using the same for power purposes, where turbine or impulse water wheels  
21 are installed, or for instream basin-management purposes.

22 Sec. 3. Section 70-669, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 70-669 No inferior right to the use of the waters of this state  
25 shall be acquired by a superior right without just compensation therefor  
26 to the inferior user. The just compensation paid to those using water for  
27 power purposes shall not be greater than the cost of replacing the power  
28 which would be generated in the plant or plants of the power user by the  
29 water so acquired. The just compensation to be paid to a holder of an  
30 instream basin-management appropriation shall be the cost per acre-foot  
31 of water subordinated for the hydropower appropriation at the time of  
1 approval of transfer. The amount of compensation shall be adjusted  
2 annually in accordance with the Consumer Price Index or, if publication  
3 of the Consumer Price Index is discontinued, a comparable index selected  
4 by the Director of Natural Resources.

5 Sec. 4. Original sections 46-290, 70-668, and 70-669, Reissue  
6 Revised Statutes of Nebraska, are repealed.

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, February 16, 2016 1:30 p.m.

Charles Ward - Board of Educational Lands and Funds  
LB868  
LB1062

(Signed) Kate Sullivan, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, February 23, 2016 1:30 p.m.

Mary K. Gerdes - State Highway Commission

(Signed) Jim Smith, Chairperson

General Affairs

Room 1510

Monday, February 22, 2016 1:30 p.m.

Harvey Varenhorst - Nebraska Arts Council  
Sherry McClymont - Nebraska Arts Council  
Kathryn LeBaron - Nebraska Arts Council  
Patrick Drickey - Nebraska Arts Council  
Cory L. Mueller - State Electrical Board  
Edwin Bergstraesser - State Electrical Board

(Signed) Tyson Larson, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 814A.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 814, One Hundred Fourth Legislature, Second Session, 2016.

**MOTION - Print in Journal**Senator Seiler filed the following motion to LB976:

MO176

Withdraw bill.

**COMMITTEE REPORT(S)**

Executive Board

**LEGISLATIVE BILL 686.** Placed on General File with amendment.

AM1922

1 1. On page 2, lines 21 and 30; and page 3, line 21, before  
2 "Constitution" insert "text of the".

(Signed) Bob Krist, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 188.** Senator Chambers offered his amendment, FA86, found on page 506, to the committee amendment.

Pending.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

McCoy - LR378CA

**VISITOR(S)**

Visitors to the Chamber were 2 members of the U.S. Department of State and 4 members of the International Visitor Leadership Program from Japan.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Gloor, the Legislature adjourned until 8:30 a.m., Tuesday, February 9, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature





**TWENTY-THIRD DAY - FEBRUARY 9, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 9, 2016

**PRAYER**

The prayer was offered by Pastor Rich Carlson, Vice-President of Spiritual Life - Union College, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Bolz, Cook, Craighead, B. Harr, Larson, Lindstrom, McCoy, Morfeld, Murante, Pansing Brooks, Schilz, and Schumacher who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-second day was approved.

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524

Wednesday, February 17, 2016 1:30 p.m.

LB925  
LB936  
LB995  
LB1037

Thursday, February 18, 2016 1:30 p.m.

LB797  
LB825  
LR390CA  
LB1104

Friday, February 19, 2016 1:30 p.m.

LB974  
LB1021  
LB1047  
LB1088

(Signed) Mike Gloor, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to LB188:  
AM1803

(Amendments to Standing Committee amendments, AM374)

- 1 1. Insert the following new amendment:
- 2 3. On page 4, line 1; and page 6, line 3, after "personnel" insert
- 3 "and the law enforcement personnel identified to superior officers prior
- 4 to commencement of the pursuit the identity of the passenger and the
- 5 reason the passenger was subject to arrest or sought to be apprehended".
- 6 2. Renumber the remaining amendment accordingly.

**ANNOUNCEMENT(S)**

The Executive Board designates LB1016 as its priority bill.

**MOTION - Withdraw LB976**

Senator Seiler offered his motion, MO176, found on page 534, to withdraw LB976.

The Seiler motion to withdraw the bill prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

**ADJOURNMENT**

At 8:38 a.m., on a motion by Senator Groene, the Legislature adjourned until 9:00 a.m., Wednesday, February 10, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-FOURTH DAY - FEBRUARY 10, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 10, 2016

**PRAYER**

The prayer was offered by Pastor Roger Graber, Reality Church, La Vista.

**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 Craighead and McCoy who were excused; and Senators Groene, Murante, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-third day was approved.

**ANNOUNCEMENT(S)**

The Legislative Performance Audit Committee designates LB867 and LB1022 as its priority bills.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 131.** Placed on Final Reading.

ST57

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "annexation" in line 1 through line 6 and all amendments thereto have been struck and "political subdivisions; to amend section 33-114, Reissue Revised Statutes of Nebraska; to provide restrictions on and requirements for sanitary and improvement districts subject to municipal annexation; to authorize fees for county treasurers for the collection of certain taxes and assessments of sanitary and improvement districts; and to repeal the original section." inserted.

**LEGISLATIVE BILL 270.** Placed on Final Reading.  
**LEGISLATIVE BILL 275.** Placed on Final Reading.  
**LEGISLATIVE BILL 474.** Placed on Final Reading.  
**LEGISLATIVE BILL 474A.** Placed on Final Reading.

**LEGISLATIVE BILL 505.** Placed on Final Reading.  
 ST58

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Krist amendment, AM1931, on page 4, line 5, section 2 has been renumbered as section 3.
2. On page 1, line 4, "to provide an operative date;" has been inserted after the semicolon.

**LEGISLATIVE BILL 505A.** Placed on Final Reading.  
**LEGISLATIVE BILL 695.** Placed on Final Reading.  
**LEGISLATIVE BILL 699.** Placed on Final Reading.  
**LEGISLATIVE BILL 702.** Placed on Final Reading.  
**LEGISLATIVE BILL 737.** Placed on Final Reading.  
**LEGISLATIVE BILL 751.** Placed on Final Reading.  
**LEGISLATIVE BILL 759.** Placed on Final Reading.  
**LEGISLATIVE BILL 760.** Placed on Final Reading.  
**LEGISLATIVE BILL 761.** Placed on Final Reading.  
**LEGISLATIVE BILL 771.** Placed on Final Reading.  
**LEGISLATIVE BILL 775.** Placed on Final Reading.  
**LEGISLATIVE BILL 853.** Placed on Final Reading.  
**LEGISLATIVE BILL 876.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**  
 Banking, Commerce and Insurance

**LEGISLATIVE BILL 770.** Placed on General File.

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Patrick Booth - Nebraska Exchange Stakeholder Commission

Aye: 8 Campbell, Craighead, Fox, Gloor, Lindstrom, Scheer, Schumacher, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Shari Flowers - Nebraska Exchange Stakeholder Commission

Aye: 8 Campbell, Craighead, Fox, Gloor, Lindstrom, Scheer, Schumacher, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Edward (Ed) Rieker - Nebraska Exchange Stakeholder Commission

Aye: 8 Campbell, Craighead, Fox, Gloor, Lindstrom, Scheer, Schumacher, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Scheer, Chairperson

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Smith.

**GENERAL FILE**

**LEGISLATIVE BILL 188.** Senator Chambers renewed his amendment, FA86, found on page 506 and considered on page 534, to the committee amendment.

Senator Chambers offered the following motion:  
MO177  
Recommit to the Judiciary Committee.

**SPEAKER HADLEY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Senator Chambers requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 2:

Cook Haar, K.

Voting in the negative, 30:

Brasch	Friesen	Johnson	Mello	Seiler
Coash	Garrett	Kintner	Murante	Smith
Crawford	Gloor	Kolterman	Riepe	Stinner
Davis	Hadley	Krist	Scheer	Sullivan
Ebke	Hilkemann	Kuehn	Schilz	Watermeier
Fox	Hughes	McCollister	Schnoor	Williams

Present and not voting, 11:

Baker	Campbell	Howard	Pansing Brooks
Bloomfield	Chambers	Kolowski	Schumacher
Bolz	Hansen	Morfeld	

Excused and not voting, 6:

Craighead	Harr, B.	Lindstrom
Groene	Larson	McCoy

The Chambers motion to recommit to committee failed with 2 ayes, 30 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

#### AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LR26CA:  
AM2043

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

3 Section 1. At the general election in November 2016 the following  
4 proposed amendment to the Constitution of Nebraska shall be submitted to  
5 the electors of the State of Nebraska for approval or rejection:

6 To amend Article III, section 8, and Article IV, section 2, and to  
7 add a new section 9 to Article IV:

8 III-8 ~~A No person is shall be eligible for to the office of member~~  
9 of the Legislature ~~if, unless~~ on the date of the general election at  
10 which such person ~~he~~ is elected; or on the date of his or her  
11 appointment, such person ~~he~~ is a registered voter, has attained the  
12 federal voting age, ~~of twenty-one years~~ and has resided within the  
13 district from which he or she is elected for the term of one year next  
14 before his or her election unless such person has, ~~unless he shall have~~  
15 been absent on the public business of the United States or of this State.  
16 ~~A And no person elected to the office of member of the Legislature as~~  
17 ~~aforsaid shall not hold such his office after he or she has shall have~~  
18 removed from such district.

19 IV-2 A person shall be eligible for the office of Governor if such

20 person has attained the federal voting age, subject to qualifications,  
 21 other than age, established by law. A person shall be eligible for the  
 22 office of Lieutenant Governor if such person has attained the federal  
 23 voting age, subject to qualifications, other than age, established by  
 24 law. A ~~No person shall be eligible to the office of Governor, or~~  
 25 ~~Lieutenant Governor if he or she has , who shall not have attained the~~  
 26 ~~age of thirty years, and who shall not have~~ been for five years next  
 27 preceding his or her election a resident and citizen of this state and a  
 1 citizen of the United States. ~~Any~~ ~~None of the~~ appointive ~~officer~~ ~~officers~~  
 2 mentioned in this article shall ~~not~~ be eligible to any other state office  
 3 during the period for which ~~he or she was~~ ~~they have been~~ appointed.  
 4 IV-9 A person shall be eligible for any elected office in the  
 5 executive branch of state government if such person has attained the  
 6 federal voting age, subject to qualifications, other than age,  
 7 established by law.

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

11 A constitutional amendment to provide and change eligibility  
 12 requirements related to age for state elected office.

13 For

14 Against.

Senator Coash filed the following amendment to LB894:

AM2053

(Amendments to Standing Committee amendments, AM1962)

1 1. On page 14, lines 7 through 19, strike the new matter and  
 2 reinstate the stricken matter.

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

Wednesday, February 17, 2016 1:30 p.m.

LB1098

LB975

LB670

LB847

LB1010

Thursday, February 18, 2016 1:30 p.m.

LB1000

LB1097

LB1054

LB920

LB839

(Signed) Les Seiler, Chairperson

Health and Human Services

Room 1510

Wednesday, February 17, 2016 1:30 p.m.

Chad Bell - Commission for the Blind and Visually Impaired  
Michael D. Hansen - Commission for the Blind and Visually Impaired  
LB816  
LB899  
LB908

Thursday, February 18, 2016 1:00 p.m.

DHHS Medicaid Division Annual Committee Briefing  
LB782  
LB869  
LB1043

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORT(S)**  
Judiciary

**LEGISLATIVE BILL 894.** Placed on General File with amendment.  
AM1962 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

Urban Affairs

**LEGISLATIVE BILL 808.** Placed on General File.  
**LEGISLATIVE BILL 860.** Placed on General File.

**LEGISLATIVE BILL 875.** Placed on General File with amendment.  
AM1919

1 1. On page 4, line 6, strike "commission" and insert "department and  
2 public works department".

**LEGISLATIVE BILL 948.** Placed on General File with amendment.  
AM2014

1 1. On page 2, line 17, after "may" insert "establish a period of  
2 time within which to"; strike beginning with "for" in line 17 through  
3 "days" in line 18; and in line 19 strike paragraphing.

(Signed) Sue Crawford, Chairperson



**GENERAL FILE**

**LEGISLATIVE BILL 188.** Senator Chambers offered the following motion:

MO178

Reconsider the vote to recommit to committee.

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 4:

Chambers	Cook	Haar, K.	Pansing Brooks
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Voting in the negative, 36:

Baker	Friesen	Johnson	Mello	Stinner
Bloomfield	Garrett	Kintner	Murante	Sullivan
Bolz	Gloor	Kolowski	Riepe	Watermeier
Campbell	Groene	Kolterman	Scheer	Williams
Coash	Hadley	Krist	Schilz	
Davis	Hansen	Kuehn	Schnoor	
Ebke	Hilkemann	Lindstrom	Seiler	
Fox	Hughes	McCollister	Smith	

Present and not voting, 5:

Brasch	Crawford	Harr, B.	Howard	Schumacher
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Excused and not voting, 4:

Craighead	Larson	McCoy	Morfeld
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The Chambers motion to reconsider failed with 4 ayes, 36 nays, 5 present and not voting, and 4 excused and not voting.

Senator Watermeier offered the following motion:

MO179

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Watermeier requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 37:

Baker	Fox	Hughes	Mello	Smith
Bolz	Friesen	Johnson	Murante	Stinner
Brasch	Garrett	Kintner	Riepe	Sullivan
Campbell	Gloor	Kolowski	Scheer	Watermeier
Coash	Groene	Kolterman	Schilz	Williams
Crawford	Hadley	Kuehn	Schnoor	
Davis	Harr, B.	Lindstrom	Schumacher	
Ebke	Hilkemann	McCollister	Seiler	

Voting in the negative, 5:

Bloomfield	Chambers	Cook	Haar, K.	Pansing Brooks
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Present and not voting, 3:

Hansen	Howard	Krist
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Excused and not voting, 4:

Craighead	Larson	McCoy	Morfeld
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The Watermeier motion to invoke cloture prevailed with 37 ayes, 5 nays, 3 present and not voting, and 4 excused and not voting.

The Chambers amendment, FA86, to the committee amendment, lost with 18 ayes, 23 nays, 4 present and not voting, and 4 excused and not voting.

Senator Watermeier requested a roll call vote, in reverse order, on Committee AM374.

Voting in the affirmative, 42:

Baker	Fox	Hilkemann	McCollister	Seiler
Bloomfield	Friesen	Howard	Mello	Smith
Bolz	Garrett	Hughes	Murante	Stinner
Brasch	Gloor	Johnson	Pansing Brooks	Sullivan
Campbell	Groene	Kintner	Riepe	Watermeier
Coash	Haar, K.	Kolowski	Scheer	Williams
Crawford	Hadley	Kolterman	Schilz	
Davis	Hansen	Kuehn	Schnoor	
Ebke	Harr, B.	Lindstrom	Schumacher	

Voting in the negative, 2:

Chambers	Krist
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Present and not voting, 1:

Cook

Excused and not voting, 4:

Craighead      Larson      McCoy      Morfeld

The committee amendment was adopted with 42 ayes, 2 nays, 1 present and not voting, and 4 excused and not voting.

Senator Watermeier requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Baker	Fox	Hilkemann	Lindstrom	Seiler
Bolz	Friesen	Hughes	Mello	Smith
Brasch	Garrett	Johnson	Murante	Stinner
Campbell	Gloor	Kintner	Riepe	Sullivan
Coash	Groene	Kolowski	Scheer	Watermeier
Davis	Hadley	Kolterman	Schilz	Williams
Ebke	Harr, B.	Kuehn	Schnoor	

Voting in the negative, 6:

Chambers	Haar, K.	Pansing Brooks
Cook	Krist	Schumacher

Present and not voting, 5:

Bloomfield      Crawford      Hansen      Howard      McCollister

Excused and not voting, 4:

Craighead      Larson      McCoy      Morfeld

Advanced to Enrollment and Review Initial with 34 ayes, 6 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 371A.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, section 175; to appropriate funds to aid in carrying out the provisions of Legislative Bill 371, One Hundred Fourth Legislature, Second Session, 2016; to change an appropriation; and to repeal the original section.

**COMMITTEE REPORT(S)**

Agriculture

**LEGISLATIVE BILL 730.** Placed on General File.

(Signed) Jerry Johnson, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 639.** Placed on General File with amendment.  
AM2025 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

Wednesday, February 24, 2016 1:30 p.m.

LB965  
LB793  
LB1055  
LB1056

Thursday, February 25, 2016 1:30 p.m.

LB1058  
LB1072  
LB720  
LB885

Wednesday, March 2, 2016 1:30 p.m.

LB707  
LB848  
LR398CA  
LB990  
LB767

Thursday, March 3, 2016 1:30 p.m.

LB769  
LB681  
LB1090  
LB815  
LB971

(Signed) Les Seiler, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Watermeier filed the following amendment to LB188:  
AM2084

(Amendments to Standing Committee amendments, AM374)

- 1 1. Strike amendment 1 and insert the following new amendments:
- 2 "1. On page 3, strike lines 24 through 28 and reletter the remaining
- 3 subdivisions accordingly.
- 4 4. On page 5, strike lines 26 through 30 and reletter the remaining
- 5 subdivisions accordingly."
- 6 2. On page 1, line 7, after "in" insert "immediate".
- 7 3. Renumber the remaining amendments accordingly.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Mello - LB1016, LB1022  
Kolterman - LB733, LB896, LR378CA, LR35  
Garrett - LR35

**VISITOR(S)**

Visitors to the Chamber were 25 ninth- through twelfth-grade Leadership Group students from Ogallala and Sidney; Ryan Volin from Wahoo; Ella and Ben Murray from Deshler; and 20 members of a Leadership Group from Merrick County.

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

**ADJOURNMENT**

At 12:04 p.m., on a motion by Senator Schnoor, the Legislature adjourned until 9:00 a.m., Thursday, February 11, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-FIFTH DAY - FEBRUARY 11, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 11, 2016

**PRAYER**

The prayer was offered by Pastor Josh Maxwell, Church of Christ, Falls City.

**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 Senator McCoy who was excused; and Senators Bolz, Davis, Fox, Friesen, Kuehn, Morfeld, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fourth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 188.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**ANNOUNCEMENT(S)**

Senator Kolterman designates LB975 as his priority bill.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 10, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Gilbert, Randall  
Gilbert, Randall  
Kelley & Jerram, PC, LLO  
Advantage Capital  
Radcliffe, Walter H. of Radcliffe and Associates  
DraftKings Inc.  
FanDuel, Inc.

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR429 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR429.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Hansen.

**GENERAL FILE**

**LEGISLATIVE BILL 954.** Title read. Considered.

Senator Krist offered the following amendment:  
AM2072

- 1 1. Insert the following new section:
- 2 Sec. 8. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

Senator Krist moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.



The Krist amendment was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 434.** Introduced by Ebke, 32.

WHEREAS, Nathaniel Stapaules, a member of Troop 302 from 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, Nathaniel 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Nathaniel repaired, painted, and refurbished the trap and skeet houses at the Jefferson County Sportsmen's Club, which are used by the community and for youth and school competitions; and

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

WHEREAS, Nathaniel, 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 Nathaniel Stapaules on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nathaniel Stapaules.

Laid over.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 683.** Placed on General File.

**LEGISLATIVE BILL 689.** Placed on General File.

**LEGISLATIVE BILL 888.** Placed on General File.

**LEGISLATIVE BILL 671.** Indefinitely postponed.

(Signed) Mike Gloor, Chairperson

Education

**LEGISLATIVE BILL 410.** Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

**COMMITTEE REPORT(S)**

Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Christopher P. Kircher - Nebraska State Fair Board  
Lowell Minert - Nebraska State Fair Board

Aye: 7 Bloomfield, Chambers, Harr, B., Johnson, Kolterman, Riepe, Schilz.  
Nay: 0. Absent: 1 Larson. Present and not voting: 0.

(Signed) Jerry Johnson, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Nebraska Retirement Systems

Room 1525

Monday, February 22, 2016 9:00 a.m.

Keith Olson - Nebraska Investment Council

(Signed) Mark Kolterman, Chairperson

Education

Room 1525

Monday, February 22, 2016 1:30 p.m.

- LB1067
- LB903
- LB904
- LB739
- LB967

Tuesday, February 23, 2016 1:30 p.m.

Ronald Hunter - Coordinating Commission for Postsecondary Education  
Colleen Adam - Coordinating Commission for Postsecondary Education

(Signed) Kate Sullivan, Chairperson

**COMMUNICATION(S)**

February 9, 2016

Mr. Patrick O'Donnell  
Clerk of the Legislature  
Room 2018  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943 Legislative approval is required for the following University of Nebraska project:

**University of Nebraska at Omaha - University Village Stairwell Repairs.** The University of Nebraska at Omaha proposes to expend \$775,000 from the 1986 Replacement Fund. The funds would be used for stairwell repairs.

This expenditure relates to the Bond Resolution dated December 1, 1964, authorizing the issuance of Revenue Bonds by the Board of Regents. The Board has heretofore issued revenue bonds payable from the revenues and fees derived from the ownership and operation of the dormitories and other facilities for the housing and boarding of students, student unions, student health facilities and other facilities for the activities of students located on the campus of the University of Nebraska at Omaha, under which a 1986 Surplus Fund was created.

Section 6.2 of the Resolution requires the Board to operate the facilities in an efficient, sound and economical manner and to keep all facilities and betterments thereto in good repair, working order and condition and to make all necessary and proper repairs, renewals, replacements, additions, extension and betterments thereto, so that at all times the business carried on in connection therewith shall be properly and advantageously conducted.

**Request.** The University requests approval of the University Village Stairwell Repairs in the amount of \$775,000 financed from the University of Nebraska at Omaha Student Fees and Facilities Revenue Bond Surplus Funds.

The Board of Regents approved the University Village Stairwell Repair project and authorized the funding and transfer and expenditure of funds on January 29, 2016.

Thank you for your consideration of this project.

Respectfully submitted,  
(Signed) Carmen K. Maurer  
Corporation Secretary

February 11, 2016

Senator Bob Krist  
Chairperson, Executive Board  
Room 2108  
State Capitol  
Lincoln, NE 68509

Dear Senator Krist,

Enclosed is correspondence from Carmen K. Maurer, Corporation Secretary for the Office of the President of the University of Nebraska. The correspondence relates to expenditure of bond funds for the following:

University of Nebraska at Omaha-University Village Stairwell Repairs

I am forwarding this correspondence to you for Executive Board action.

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

PJO:ck

Enclosure

#### **REFERENCE COMMITTEE REPORT**

The Executive Board referred the University of Nebraska at Omaha-University Village Stairwell Repairs request to issue expenditure bond funds to the Appropriations Committee for further consideration.

(Signed) Bob Krist, Chairperson  
Executive Board

#### **COMMITTEE REPORT(S)** General Affairs

**LEGISLATIVE BILL 1046.** Placed on General File.

**LEGISLATIVE BILL 748.** Placed on General File with amendment.  
AM1935

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

2 Section 1. Section 53-194.03, Reissue Revised Statutes of Nebraska,  
3 is amended to read:

4 53-194.03 (1) Except as provided in subsection (2) of this section,  
5 it shall be unlawful for any person to transport, import, bring, ship,  
6 or cause to be transported, imported, brought, or shipped into the State  
7 of Nebraska for the personal use of the possessor, his or her family, or  
8 guests a quantity of alcoholic liquor in excess of nine liters in any one  
9 calendar month.

10 (2) Subsection (1) of this section does not apply to a person  
11 importing alcoholic liquor from a holder of a retail direct sales  
12 shipping license or its equivalent, which alcoholic liquor is for  
13 personal use or for use by such person's family or guests, if the total  
14 amount imported by such person in any one calendar year does not exceed  
15 one hundred eight liters.

16 (~~3~~ ~~2~~) Alcoholic liquor transported, imported, brought, or shipped  
17 into the State of Nebraska in violation of this section shall be seized  
18 by the commission and disposed of in the manner provided for contraband.  
19 Any person violating this section shall be guilty of a Class IV  
20 misdemeanor.

**LEGISLATIVE BILL 1105.** Placed on General File with amendment.  
AM2029 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 1016.** Title read. Considered.

Senator Coash offered the following amendment:

FA87

On page 3, line 10 strike "2018" insert "2017"

The Coash amendment was adopted with 26 ayes, 0 nays, 18 present and not  
voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present  
and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 970.** Senator Chambers offered the following  
motion:

MO180

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

#### **SPEAKER HADLEY PRESIDING**

Pending.

**ANNOUNCEMENT(S)**

The General Affairs Committee designates LB1105 as its priority bill.

Senator Morfeld designates LB586 as his priority bill.

The Nebraska Retirement Systems Committee designates LB447 and LB467 as its priority bills.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 435.** Introduced by Kolterman, 24.

WHEREAS, Ryan Kopsa, a member of Troop 174 from York, 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, Ryan 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 and complete a community service project approved by the troop and the scout council. For his project, Ryan designed and built a sculpture depicting a larger-than-life set of rosary beads for Camp Kateri Tekakwitha in McCool Junction. The sculpture is completely free-standing and has a circumference of over 75 feet; and

WHEREAS, Ryan completed the Rayado wilderness program at the Philmont Scout Ranch in Cimarron, New Mexico, and has participated in a variety of service projects, including fully restoring several large antique storage tanks at the Wessels Living History Farm in York and working with his natural resources district to clear trees damaging the soil near a lake; and

WHEREAS, Ryan, 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 Ryan Kopsa on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Ryan Kopsa.

Laid over.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 725.** Placed on General File with amendment.

AM2011

1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 76-214, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 76-214 (1) Except as provided in subsection (4) of this section,  
6 ~~every~~ Every grantee who has a deed to real estate recorded and every  
7 purchaser of real estate who has a memorandum of contract or land  
8 contract recorded shall, at the time such deed, memorandum of contract,  
9 or land contract is presented for recording, file with the register of  
10 deeds a completed statement as prescribed by the Tax Commissioner. For  
11 all deeds and all memoranda of contract and land contracts recorded on  
12 and after January 1, 2001, the statement shall not require the social  
13 security number of the grantee or purchaser or the federal employer  
14 identification number of the grantee or purchaser. This statement may  
15 require the recitation of any information contained in the deed,  
16 memorandum of contract, or land contract, the total consideration paid,  
17 the amount of the total consideration attributable to factors other than  
18 the purchase of the real estate itself, and other factors which may  
19 influence the transaction. If a death certificate is recorded as provided  
20 in subsection (2) of this section, this statement may require a date of  
21 death, the name of the decedent, and whether the title is affected as a  
22 result of a transfer on death deed, a joint tenancy deed, or the  
23 expiration of a life estate or by any other means. This statement shall  
24 be signed and filed by the grantee, the purchaser, or his or her  
25 authorized agent. The register of deeds shall forward the statement to  
26 the county assessor. If the grantee or purchaser fails to furnish the  
27 prescribed statement, the register of deeds shall not record the deed,  
1 memorandum of contract, or land contract. The register of deeds shall  
2 indicate on the statement the book and page or computer system reference  
3 where the deed, memorandum of contract, or land contract is recorded and  
4 shall immediately forward the statement to the county assessor. The  
5 county assessor shall process the statement according to the instructions  
6 of the Property Tax Administrator and shall, pursuant to the rules and  
7 regulations of the Tax Commissioner, forward the statement to the Tax  
8 Commissioner.

9 (2)(a) The statement described in subsection (1) of this section  
10 shall be filed at the time that a certified or authenticated copy of the  
11 grantor's death certificate is filed if such death certificate is  
12 required to be filed under section 76-2,126 and the conveyance of real  
13 estate was pursuant to a transfer on death deed.

14 (b) The statement described in subsection (1) of this section shall  
15 not be required to be filed at the time that a transfer on death deed is  
16 filed or at the time that an instrument of revocation of a transfer on  
17 death deed as described in subdivision (a)(1)(B) of section 76-3413 is  
18 filed.

19 (3) Any person shall have access to the statements at the office of  
20 the Tax Commissioner, county assessor, or register of deeds if the  
21 statements are available and have not been disposed of pursuant to the  
22 records retention and disposition schedule as approved by the State  
23 Records Administrator.

24 (4) The statement described in subsection (1) of this section shall  
 25 not be required if the document being recorded is an easement, except  
 26 that such statement shall be required for conservation easements and  
 27 preservation easements as such terms are defined in section 76-2,111.  
 28 Sec. 2. Original section 76-214, Revised Statutes Cumulative  
 29 Supplement, 2014, is repealed.

(Signed) Mike Gloor, Chairperson

Health and Human Services

**LEGISLATIVE BILL 680.** Placed on General File.

**LEGISLATIVE BILL 690.** Placed on General File.

**LEGISLATIVE BILL 516.** Placed on General File with amendment.

AM1770

1 1. On page 2, line 11, after "designee" insert "as a nonvoting, ex  
 2 officio member"; in line 12 strike "seven" and insert "six"; and in line  
 3 13 after the second "injury" insert ", one member shall be a veteran, a  
 4 family member of a veteran, or a representative of a group representing  
 5 veterans".  
 6 2. On page 3, line 6, after "to" insert "the Governor," and after  
 7 "department" insert an underscored comma; in line 16 strike "2015" and  
 8 insert "2016"; in lines 26 and 28 strike "A resource facilitator" and  
 9 insert "Resource facilitation"; and in line 26 after "be" insert "given  
 10 priority and made".  
 11 3. On page 4, line 4, after "for" insert "providing followup contact  
 12 and information on brain injury to individuals on"; in line 5 after the  
 13 semicolon insert "and"; strike beginning with the semicolon in line 7  
 14 through "council" in line 9; and in line 17 after the period insert "Any  
 15 money in the fund unexpended at the close of a fiscal year shall not  
 16 lapse but carry over to the next fiscal year. Any interest accruing to  
 17 the fund from invested fund balances shall become part of the fund and  
 18 not lapse to the General Fund".

**LEGISLATIVE BILL 698.** Placed on General File with amendment.

AM1994

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Sections 1 to 6 of this act shall be known and may be  
 4 cited as the Home Care Consumer Bill of Rights Act.  
 5 Sec. 2. For purposes of the Home Care Consumer Bill of Rights Act:  
 6 (1) Home care consumer means any person who receives home care  
 7 services and who is (a) sixty years of age or older or (b) a person with  
 8 disabilities and is younger than sixty years of age. Home care consumer  
 9 shall also include the parent or guardian of the home care consumer when  
 10 the consumer is a minor child;  
 11 (2) Home care services means home and community-based services the  
 12 purposes of which are to promote independence and reduce the necessity



13 for residence in a long-term care facility, including, but not limited  
14 to, personal care services designed to assist an individual in the  
15 activities of daily living such as bathing, exercising, personal  
16 grooming, and getting in and out of bed, and which are provided under the  
17 medicare program under Title XVIII of the federal Social Security Act, as  
18 amended, the medicaid program under Title XIX of the federal Social  
19 Security Act, as amended, or any other public or private program  
20 providing home care services; and

21 (3) Provider of home care services means a public or private  
22 organization that provides home care services or arranges for the  
23 provision of home care services by an independent contractor.

24 Sec. 3. (1) A home care consumer who is a minor child shall be  
25 represented by his or her parent or guardian. Such parent or guardian  
26 shall act on behalf of the minor child in securing the minor child's  
27 rights under the Home Care Consumer Bill of Rights Act.

1 (2) A home care consumer who has been found by a court to be an  
2 incapacitated person shall be represented by a guardian. Such guardian  
3 shall act on behalf of the incapacitated person in securing the  
4 incapacitated person's rights under the Home Care Consumer Bill of Rights  
5 Act.

6 (3) A home care consumer or an incapacitated person who is not a  
7 minor child has the right to the assistance of an agent, an attorney, an  
8 individual designated pursuant to a power of attorney, or an individual  
9 otherwise designated in writing by the home care consumer to act on  
10 behalf of the home care consumer in securing his or her rights under the  
11 act.

12 Sec. 4. In addition to any other rights recognized under state or  
13 federal law, a home care consumer has the following rights:

14 (1) The right to confidentiality of all personal, financial, and  
15 medical information which is disclosed to a provider of home care  
16 services. A home care consumer also has the right of access to his or her  
17 own records and all written information from those records;

18 (2) The right to receive disclosure from the provider of home care  
19 services in writing and in plain language (a) whether the provider of  
20 home care services is an employer, a joint employer, an employee leasing  
21 company, or a contractor, as applicable, and (b) that the home care  
22 consumer (i) may be considered an employer under law and, if the home  
23 care consumer is so considered, may be held responsible for the payment  
24 of federal and state taxes, including, but not limited to, federal and  
25 state income taxes, taxes under the Federal Insurance Contributions Act  
26 for purposes of social security and medicare, contributions under the  
27 Federal Unemployment Tax Act and the Employment Security Law, payment of  
28 overtime pay and minimum wage, workers' compensation insurance, and any  
29 other applicable payments required under state or federal law and (ii)  
30 should consult a tax professional if the home care consumer is uncertain  
31 about his or her responsibility for such payments;

1 (3) The right to be informed of the home care consumer's rights  
2 under the Home Care Consumer Bill of Rights Act by a provider of home  
3 care services prior to receiving home care services. The provider of home

4 care services shall provide a copy of the rights guaranteed by the Home  
5 Care Consumer Bill of Rights Act in the format accessible to the consumer  
6 which may include paper, electronic, audio, large print, or braille;

7 (4) The right to be informed of the contact information for the  
8 entities the home care consumer may contact if the home care consumer's  
9 rights are violated, including the Consumer Protection Division of the  
10 Office of the Attorney General, in order to have grievances addressed in  
11 an appropriate and timely manner and without retaliation;

12 (5) The right to participate in the planning of his or her home care  
13 services, including, but not limited to, the right to make choices about  
14 aspects of the home care services that are important to him or her,  
15 choosing providers and schedules to the extent practicable, receiving  
16 reasonable accommodation of his or her needs and preferences, and  
17 involving anyone he or she chooses to participate with him or her in that  
18 planning;

19 (6) The right to receive sufficient information to make informed  
20 decisions, to be fully informed in advance about any proposed changes in  
21 home care services, and to be involved in the decisionmaking process  
22 regarding those changes;

23 (7) The right to refuse home care services;

24 (8) The right to be informed of the cost of home care services prior  
25 to receiving those services, whether the cost of home care services is  
26 covered under health insurance, long-term care insurance, or other  
27 private or public programs, and any charges the home care consumer will  
28 be expected to pay for such home care services. A home care consumer has  
29 the right to thirty days' advance notice of any changes to such costs or  
30 services;

31 (9) The right to receive care and services provided in a way that  
1 promotes his or her dignity and individuality; and

2 (10) The right to (a) express grievances about the quality of the  
3 home care services, the number of hours of home care services, and any  
4 violations of the home care consumer's rights under the Home Care  
5 Consumer Bill of Rights Act and (b) assert the rights under the act  
6 without retaliation.

7 Sec. 5. (1) When the Attorney General has cause to believe that any  
8 provider of home care services is violating the Home Care Consumer Bill  
9 of Rights, the Attorney General may enforce the Home Care Consumer Bill  
10 of Rights Act.

11 (2) For purposes of the act, the Attorney General may:

12 (a) Require a provider of home care services to file a statement or  
13 report in writing under oath or otherwise as to all facts and  
14 circumstances concerning the provision of home care services to the home  
15 care consumer;

16 (b) Examine under oath any person in connection with the provision  
17 of home care services;

18 (c) Examine any property or sample thereof, record, book, document,  
19 account, or paper as the Attorney General deems necessary; and

20 (d) Issue subpoenas to require the attendance of witnesses or the  
21 production of documents.

22 (3) The Attorney General may bring a civil action in the district  
 23 court of any county in which a violation occurred, or in Lancaster  
 24 County, seeking injunctive relief and a monetary award for civil  
 25 penalties, attorney's fees, and costs. Any person who violates the act  
 26 shall be subject to a civil penalty of not more than two thousand dollars  
 27 for each violation.  
 28 (4) The Attorney General may also seek and recover actual damages  
 29 for each health care consumer injured by a violation of the act.  
 30 Sec. 6. Any home care consumer who suffers a loss or harm as a  
 31 result of a violation of the Home Care Consumer Bill of Rights Act may  
 1 file a civil action to recover actual damages, attorney's fees, court  
 2 costs, and any other remedies provided by law.

**LEGISLATIVE BILL 701.** Placed on General File with amendment.  
 AM1923

1 1. Insert the following new sections:  
 2 Section 1. Section 68-1708, Revised Statutes Cumulative Supplement,  
 3 2014, is amended to read:  
 4 68-1708 Sections 68-1708 to ~~68-1735.03~~ 68-1735.04 shall be known and  
 5 may be cited as the Welfare Reform Act.  
 6 Sec. 4. The following section is outright repealed: Section  
 7 68-1735.04, Revised Statutes Cumulative Supplement, 2014.  
 8 2. Amend the repealer and renumber the remaining sections  
 9 accordingly.

**LEGISLATIVE BILL 708.** Placed on General File with amendment.  
 AM1845

1 1. On page 2, lines 12, 17 and 18, and 21 and 22; and page 3, lines  
 2 1 and 2, strike "a health care facility or health care service" and  
 3 insert "an assisted-living facility".  
 4 2. On page 2, line 15, strike "A health care facility or a health  
 5 care service" and insert "An assisted-living facility"; in line 19 strike  
 6 "or service"; and in line 27 strike "patients or".  
 7 3. On page 3, strike beginning with "by" in line 4 through "service"  
 8 in line 5; strike beginning with the second "or" in line 13 through  
 9 "services" in line 14 and insert "assisted-living facilities"; strike  
 10 beginning with "other" in line 14 through "facility" in line 16; and  
 11 strike beginning with "health" in line 17 through "services" in line 18  
 12 and insert "assisted-living facilities".  
 13 4. On page 4, line 9, after the second "and" insert "assisted-living  
 14 facilities".  
 15 5. On page 5, line 31, strike the second "a" and insert "an  
 16 assisted-living".  
 17 6. On page 6, line 3, after "An" insert "assisted-living facility  
 18 which is an".

**LEGISLATIVE BILL 901.** Placed on General File with amendment.  
 AM2024

1 1. On page 14, line 21, strike "general" and insert "indirect".

(Signed) Kathy Campbell, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

Friday, February 19, 2016 1:00 p.m.

Margaret Propp - Commission for the Deaf and Hard of Hearing  
Peter Seiler - Commission for the Deaf and Hard of Hearing  
Kristin Huber - Foster Care Advisory Committee  
LB939  
LB1034  
LB1081

(Signed) Kathy Campbell, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

February 11, 2016

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 47, 176, 190, and 285 were received in my office on February 5, 2016.

These bills were signed and delivered to the Secretary of State on February 11, 2016.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**COMMITTEE REPORT(S)**  
Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Shelly K. McQuillan - Nebraska Child Abuse Prevention Fund Board  
Courtney L. Miller, Director-Division of Developmental Disabilities -  
Department of Health and Human Services

Douglas J. Weinberg, Director-Division of Children and Family Services -  
Department of Health and Human Services

Aye: 7 Baker, Campbell, Crawford, Fox, Howard, Kolterman, Riepe. Nay:  
0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Larson filed the following amendment to LB970:  
AM2101

(Amendments to Standing Committee amendments AM2020)

1 1. On page 21, strike line 19; in line 25 strike the period and  
2 insert "and"; and after line 25 insert the following new subdivision:  
3 "(9) Prohibit the use of unauthorized third-party scripts on the  
4 platform.".

Senator B. Harr filed the following amendment to LB221:  
AM1996

1 1. Strike original section 3 and insert the following new sections:  
2 Section 1. Section 25-21,220, Reissue Revised Statutes of Nebraska,  
3 is amended to read:  
4 25-21,220 Proceedings under sections 25-21,219 to 25-21,235 may be  
5 had:  
6 (1) In all cases against tenants holding over their terms, and a  
7 tenant shall be deemed to be holding over his or her term whenever the  
8 tenant has failed, neglected, or refused to pay the rent or any part  
9 thereof when the rent became due;  
10 (2) In all cases when a tenant has threatened the health or safety  
11 of other tenants, the landlord, or the landlord's employees or agents,  
12 without the right of the tenant to cure the default;  
13 (3 ~~2~~) In all cases of sales of real estate or executions, orders, or  
14 other judicial process when the judgment debtor was in possession at the  
15 time of the entry of the judgment or decree by virtue of which such sale  
16 was made;  
17 (4 ~~3~~) In all cases of sale by executors or administrators or  
18 guardians and on partition if any of the parties to the partition were in  
19 possession at the commencement of the suit after such sales so made on  
20 execution or otherwise have been examined by the proper court and the  
21 sales adjudged legal; and  
22 (5 ~~4~~) In all cases when the defendant is a settler or occupier of  
23 lands or tenements, without color of title, and to which the complainant  
24 has the right of possession.  
25 This section shall not be construed as limiting the provisions of  
26 sections section 25-21,219 to 25-21,235.  
27 Sec. 4. Section 76-1431, Reissue Revised Statutes of Nebraska, is  
1 amended to read:  
2 76-1431 (1) Except as provided in the Uniform Residential Landlord

3 and Tenant Act, if there is a noncompliance with section 76-1421  
4 materially affecting health and safety or a material noncompliance by the  
5 tenant with the rental agreement or any separate agreement, the landlord  
6 may deliver a written notice to the tenant specifying the acts and  
7 omissions constituting the breach and that the rental agreement will  
8 terminate upon a date not less than thirty days after receipt of the  
9 notice if the breach is not remedied in fourteen days, and the rental  
10 agreement shall terminate as provided in the notice subject to the  
11 following. If the breach is remediable by repairs or the payment of  
12 damages or otherwise and the tenant adequately remedies the breach prior  
13 to the date specified in the notice, the rental agreement will not  
14 terminate. If substantially the same act or omission which constituted a  
15 prior noncompliance of which notice was given recurs within six months,  
16 the landlord may terminate the rental agreement upon at least fourteen  
17 days' written notice specifying the breach and the date of termination of  
18 the rental agreement.

19 (2) If rent is unpaid when due and the tenant fails to pay rent  
20 within three days after written notice by the landlord of nonpayment and  
21 his or her intention to terminate the rental agreement if the rent is not  
22 paid within that period of time, the landlord may terminate the rental  
23 agreement.

24 (3) Except as provided in the Uniform Residential Landlord and  
25 Tenant Act, the landlord may recover damages and obtain injunctive relief  
26 for any noncompliance by the tenant with the rental agreement or section  
27 76-1421. If the tenant's noncompliance is willful, the landlord may  
28 recover reasonable attorney's fees.

29 (4) Notwithstanding subsections (1) and (2) of this section or  
30 section 25-21,221, a landlord may, after three days' written notice of  
31 termination of the rental agreement and without the right of the tenant  
1 to cure the default, file suit and have judgment against any tenant, or  
2 occupant for recovery of possession of the premises if the tenant,  
3 occupant, member of the tenant's household, guest, or other person who is  
4 under the tenant's control or who is present upon the premises with the  
5 tenant's consent, engages in any drug-related or violent criminal  
6 activity on the premises or engages in any activity that threatens the  
7 health or safety of other tenants, the landlord, or the landlord's  
8 employees or agents. Such activity shall include, but not be limited to,  
9 any of the following activities of the tenant, occupant, member of the  
10 tenant's household, guest, or other person who is under the tenant's  
11 control or who is present upon the premises with the tenant's consent:  
12 (a) Physical assault or the threat of physical assault; (b) illegal use  
13 of a firearm or other weapon or the threat of illegal use of a firearm or  
14 other weapon; (c) possession of a controlled substance if the tenant knew  
15 or should have known of the possession, unless such controlled substance  
16 was obtained directly from or pursuant to a medical order issued by a  
17 practitioner legally authorized to prescribe while acting in the course  
18 of his or her professional practice; or (d) any other activity or  
19 threatened activity which would otherwise threaten the health or safety  
20 of any person or involving threatened, imminent, or actual damage to the

21 property.  
 22 (5) Subsection (4) of this section does not apply to a tenant if the  
 23 drug-related or violent criminal activity threatening the health or  
 24 safety of other tenants, the landlord, or the landlord's employees or  
 25 agents, as set forth in subsection (4) of this section, is conducted by a  
 26 person on the premises other than the tenant and the tenant takes at  
 27 least one of the following measures against the person engaging in such  
 28 activity:

29 (a) The tenant seeks a protective order, restraining order, or other  
 30 similar relief which would apply to the person conducting the activities  
 31 threatening the health or safety of other tenants, the landlord, or the  
 1 landlord's employees or agents; or

2 (b) The tenant reports the drug-related or violent criminal activity  
 3 threatening the health or safety of other tenants, the landlord, or the  
 4 landlord's employees or agents to a law enforcement agency in an effort  
 5 to initiate a criminal action against the person conducting the activity.

6 Sec. 5. Section 76-1441, Reissue Revised Statutes of Nebraska, is  
 7 amended to read:

8 76-1441 (1) The person seeking possession shall file a complaint  
 9 for restitution with the clerk of the district or county court. The  
 10 complaint shall contain (a) the facts, with particularity, on which he or  
 11 she seeks to recover; (b) a reasonably accurate description of the  
 12 premises; and (c) the requisite compliance with the notice provisions of  
 13 the Uniform Residential Landlord and Tenant Act. The complaint may notify  
 14 the tenant that personal property remains on the premises and that it may  
 15 be disposed of pursuant to section 69-2308 or subsection (5) of section  
 16 76-1414. The complaint may also contain other causes of action relating  
 17 to the tenancy, but such causes of action shall be answered and tried  
 18 separately, if requested by either party in writing.

19 (2) The person seeking possession pursuant to subsection (4) of  
 20 section 76-1431 shall include in the complaint the incident or incidents  
 21 giving rise to the suit for recovery of possession.

22 2. Renumber the remaining sections and correct the repealer  
 23 accordingly.

### VISITOR(S)

Visitors to the Chamber were 55 members of Hall County Youth Leadership from Grand Island.

The Doctor of the Day was Dr. Jose Mayorquin from Omaha.

### MOTION - Adjournment

Senator Schilz moved to adjourn until 10:00 a.m., Tuesday, February 16, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 25:

Baker	Friesen	Johnson	Larson	Murante
Campbell	Garrett	Kintner	Lindstrom	Scheer
Crawford	Gloor	Kolowski	McCollister	Schilz
Davis	Haar, K.	Kolterman	Mello	Seiler
Ebke	Hughes	Kuehn	Morfeld	Watermeier

Voting in the negative, 10:

Bloomfield	Chambers	Pansing Brooks	Schnoor	Smith
Brasch	Krist	Riepe	Schumacher	Williams

Present and not voting, 6:

Hadley	Harr, B.	Howard
Hansen	Hilkemann	Sullivan

Excused and not voting, 8:

Bolz	Cook	Fox	McCoy
Coash	Craighead	Groene	Stinner

The Schilz motion to adjourn prevailed with 25 ayes, 10 nays, 6 present and not voting, and 8 excused and not voting, and at 12:15 p.m., the Legislature adjourned until 10:00 a.m., Tuesday, February 16, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-SIXTH DAY - FEBRUARY 16, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 16, 2016

**PRAYER**

The prayer was offered by Father Justin Fulton, Cathedral of the Risen Christ, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Davis, Lindstrom, and Stinner who were excused; and Senators Ebke and Seiler who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fifth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 954.** Placed on Select File with amendment.  
ER162

1 1. On page 1, line 6, strike "and" and after "sections" insert "  
2 and to declare an emergency".

**LEGISLATIVE BILL 1016.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Revenue

Room 1524

Wednesday, February 24, 2016 1:30 p.m.

LB913

LB1014

LB1087

LB1013 (rehearing)

Note: Opponent &amp; Neutral Testimony Only

LB949 (rehearing)

LB950 (rehearing)

Thursday, February 25, 2016 1:30 p.m.

LB1031

LB1051

LB1085

LB1095

(Signed) Mike Gloor, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 436.** Introduced by Krist, 10.

WHEREAS, the State of Nebraska recognizes there are families adversely affected by problem gambling; and

WHEREAS, the State of Nebraska allocates funds to provide education, counseling, and support to families affected by problem gambling; and

WHEREAS, the key to recognizing problem gambling is awareness; and

WHEREAS, educating citizens about the dangers of problem gambling is crucial to preventing problem gambling.

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

1. That the Legislature recognizes March 2016 as Problem Gambling Awareness Month in Nebraska.

2. That a copy of this resolution be sent to the National Council on Problem Gambling, the Nebraska Council on Compulsive Gambling, and the Nebraska Commission on Problem Gambling.

Laid over.

**ANNOUNCEMENT(S)**

Senator Craighead designates LB683 as her priority bill.

Senator McCoy designates LB114 as his priority bill.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 432 and 433 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 432 and 433.

**GENERAL FILE**

**LEGISLATIVE BILL 676.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 798.** Title read. Considered.

Senator Johnson offered his amendment, AM1907, found on page 432.

The Johnson amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 778.** Title read. Considered.

Committee AM1874, found on page 422, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 864.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 700.** Title read. Considered.

Committee AM1889, found on page 427, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 703.** Title read. Considered.

Committee AM1877, found on page 427, was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 729.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 758.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 840.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 921.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 735.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 811.** Title read. Considered.

Senator Brasch moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 929.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 776.** Title read. Considered.

Committee AM1932, found on page 466, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 807.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 1035.** Title read. Considered.

Committee AM1964, found on page 484, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 734.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 718.** 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 753.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 786.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 859.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 898.** Title read. Considered.

Committee AM1859, found on page 518, was adopted with 35 ayes, 0 nays,

7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

### SELECT FILE

**LEGISLATIVE RESOLUTION 26CA.** ER156, found on page 484, was adopted.

Senator Morfeld offered his amendment, AM2043, found on page 542.

Pending.

### AMENDMENT(S) - Print in Journal

Senator Kintner filed the following amendment to LB53:  
AM1991 is available in the Bill Room.

Senator B. Harr filed the following amendment to LB221:  
AM2133

(Amendments to AM1996)

- 1 1. On page 2, line 30, strike "three" and insert "five".
- 2 2. On page 3, line 5, strike "drug-related or"; in line 6 strike "or  
3 engages in any" and insert "the illegal sale of any controlled  
4 substance on the premises, or any other"; in line 23 strike "drug-related  
5 or" and strike "threatening" and insert "illegal sale or any controlled  
6 substance, or other activity that threatens"; and strike beginning with  
7 the second "the" in line 30 through line 31 and insert "such activity".
- 8 3. On page 4, line 1, strike "landlord's employees or agents"; and  
9 strike beginning with "the" in line 2 through "agents" in line 4 and  
10 insert "such activity".

### ANNOUNCEMENT(S)

Senator B. Harr announced the Business and Labor Committee will hold an executive session Thursday, February 18, 2016, at 10:00 a.m., in Room 2022.

### UNANIMOUS CONSENT - Add Cointroducer(s)

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

Watermeier - LB1109

Davis - LB1073

Ebke, Groene, Haar, K., Kintner, Krist, McCollister - LB689

Bloomfield - LB754

**VISITOR(S)**

Visitors to the Chamber were Ja Quala Yarbrow from Omaha; P. J. Austin from Washington, D.C.; members from the League of Women Voters of Nebraska from across the state; members from the Nebraska Chapter of Delta Sigma Theta Sorority Inc. from Omaha and Lincoln; and 3 ninth-grade students and sponsors from Elm Creek.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Johnson, the Legislature adjourned until 9:00 a.m., Wednesday, February 17, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature





**TWENTY-SEVENTH DAY - FEBRUARY 17, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 17, 2016

**PRAYER**

The prayer was offered by Reverend Michael Thompson, New Life Baptist Church, Bellevue.

**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 McCoy and Schilz who were excused; and Senators Davis, Groene, K. Haar, Schumacher, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-sixth day was approved.

**ANNOUNCEMENT(S)**

Senator Chambers designates LB1056 as his priority bill.

Senator Hadley designates LB857 as his priority bill.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 437.** Introduced by Hadley, 37.

WHEREAS, the NEBRASKAland Foundation on Saturday, February 27, 2016, will present the Distinguished NEBRASKAlander Award to the honorees at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Keith and Norma Heuermann from Phillips who have been leaders in the agricultural community for decades. As a college student, Keith convinced his father to send him \$12 to plant two acres of seed corn production, then built a multimillion dollar business which pioneered hybrid seed corn

development, as well as sorghum, wheat, and soybean hybrids. After selling his original business to Stauffer Chemical (now Syngenta) in 1978, Keith developed hybrid popping corn. BKH popcorn was marketed locally and nationally for 11 years and some new hybrids were marketed internationally. Keith and Norma created a family foundation to return benefits to farmers and rural communities and have established the Heuermann Lecture series at the University of Nebraska; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Jim and Rhonda Seacrest who have been community and philanthropic leaders in Lincoln, North Platte, and elsewhere across Nebraska. Jim served as president and chairperson of the board of Western Publishing Company in North Platte from 1968 to 2000. In addition to holding leadership positions on dozens of nonprofit boards, Jim and Rhonda have chaired several major fundraising campaigns, raising millions of dollars for the University of Nebraska, Nebraska Educational Telecommunications (NET), the Great Plains Medical Center, and other organizations. Their love of the arts, humanities, and education has benefited many of the state's cultural institutions and created a lasting impact for future generations; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Bill and Evonne Williams from Omaha who are founders of Patriotic Productions which honors United States military veterans and their families. Bill and Evonne have organized honor flights taking more than 2,000 World War II and Korean War veterans from Nebraska and western Iowa to the monuments and memorials in Washington, D.C. In 2010, Bill and Evonne created "Remembering Our Fallen," a traveling exhibit with photos of Nebraska's military personnel who have died in the War on Terror since September 11, 2001. The exhibit is still traveling the state and Bill and Evonne are working with other states on similar projects. In November of 2015, they organized the Nebraska Gold Star Kids Honor Flight for the children and spouses of Nebraska's fallen in Iraq and Afghanistan.

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

1. That the Legislature congratulates the recipients of the Distinguished NEBRASKAlander Award and extends its appreciation for their service to the State of Nebraska.
2. That a copy of this resolution be given to Keith and Norma Heuermann, Jim and Rhonda Seacrest, and Bill and Evonne Williams.

Laid over.

**ATTORNEY GENERAL'S OPINION**Opinion 16-003

SUBJECT: Whether Certain Nebraska State Fair Contracts Are Exempt from the Disclosure Requirements Under the Taxpayer Transparency Act, as Amended by LB 851?

REQUESTED BY: Senator John McCollister  
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
Leslie S. Donley, Assistant Attorney General

In your opinion request letter, you indicate that you have introduced LB 851, which would amend the Taxpayer Transparency Act, Neb. Rev. Stat. §§ 84-602, 84-602.01-602.02 (2014, Supp. 2015) ("Act"). Specifically, LB 851 would require any "quasi government agency," defined as a "state entity" in section 2 of the bill, to provide financial information to the State Treasurer for inclusion on the state's transparency website.<sup>1</sup> Your bill also requires quasi government agencies to provide copies of their contracts to the Department of Administrative Services ("DAS") for posting on its website.<sup>2</sup>

You state that the Nebraska State Fair, as "a quasi-public agency," is covered under the provisions of LB 851. The State Fair Board has conveyed to you its general support of your proposed legislation, but has concerns that disclosing its midway contract and contracts for "national acts," "would reveal proprietary and commercial information that would be damaging to the operations of the State Fair and hence detrimental to the public purpose of having a top quality State Fair."<sup>3</sup> You indicate in your letter that some members of the Legislature may seek to exclude the State Fair contracts from the disclosure requirements of the Act. However, you question whether express exemption is necessary in light of current statutory language, retained by LB 851, which states:

Nothing in this section requires the disclosure of information which is considered confidential under state or federal law or is not a public record under section 84-712.05.

Neb. Rev. Stat. § 84-602.02; LB 851, section 3, page 8, ll. 5-7. You also refer us to the exception to disclosure set out in Neb. Rev. Stat. § 84-712.05(3) of the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2014) ("NPRS"), relating to proprietary and commercial information.

Your specific question to us is as follows:

Considering these provisions of existing law, would the State Fair

contracts described in the email be records which may be withheld from the public as proprietary and commercial information which would give advantage to business competitors and hence be exempt from the requirements of LB 851?

### DISCUSSION

The NPRS generally allow Nebraska citizens and other interested persons the right to examine public records in the possession of public agencies during normal agency business hours, to make memoranda and abstracts from those records, and to obtain copies of records in certain circumstances. Although the NPRS provide for access to public documents, they are not absolute. The NPRS also provide for exceptions to disclosure by express and special provisions. *Orr v. Knowles*, 215 Neb. 49, 337 N.W.2d 699 (1983). Section § 84-712.05 of the NPRS is comprised of eighteen categories of records which may be kept confidential from the public at the discretion of the custodian of the public records. The burden of showing that a statutory exception applies to disclosure of particular records rests upon the custodian of those records. *State ex rel. Nebraska Health Care Association v. Dept. of Health and Human Services Finance and Support*, 255 Neb. 784, 587 N.W.2d 100 (1998).

You have specifically inquired as to the exception set out in subsection (3), which provides, in pertinent part:

The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

\* \* \*

(3) Trade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose; . . . .

Neb. Rev. Stat. § 84-712.05(3) (2014) (emphasis added).

We are aware of no Nebraska cases which discuss the proprietary or commercial information exception provided in § 84-712.05(3). However, in Op. Att'y Gen. No. 92068 (May 7, 1992), we addressed whether certain information provided to the State Tax Commissioner by public service entities for property tax valuation purposes was a public record which must be disclosed under the NPRS. The opinion request was precipitated by a taxpayer's request for a declaratory ruling from the Nebraska Department of Revenue, in which it asserted "that 'financial and operational information required to be submitted by [the taxpayer] is proprietary commercial information which if released would give advantage to business competitors and would serve no public purpose.'" *Id.* at 1. The taxpayer sought a

declaration that the information was not otherwise a matter of public record, and would be kept confidential and not disclosed to the public by department employees. *Id.*

We indicated that the exceptions set out in § 84-712.05 merely allow the custodian of public records to withhold records, but do not require it, and that the Department of Revenue must determine, as a matter of policy, whether to elect to withhold records that fall within any of the exceptions. We concluded that even if the department determined that the submitted information fell within the exception in § 84-712.05(3), it was under no obligation to decline any request to produce those records. We further distinguished records which could be withheld under the exceptions in § 84-712.05 from those records "which fall within specific statutory exceptions to public disclosure which mandate confidentiality." *Id.* at 2.

We concluded that the department, and not this office, must make the decision whether to disclose records which fell within the exception. However, we fashioned the following standards to assist the department in assessing whether the exception applied to the information supplied by the taxpayer:

- (a) Section 84-712.05(3) does not impose any requirement of "substantial" competitive injury or advantage to make the exception from disclosure available;
- (b) A bare assertion by the provider of commercial information that such information is confidential is insufficient to justify nondisclosure; and
- (c) Nondisclosure must be based upon a showing that a specified competitor may gain a demonstrated advantage by disclosure rather than a mere assertion that some unknown business competitor may gain some unspecified advantage.

*Id.* at 4.

In Op. Att'y Gen. No. 97033 (June 9, 1997), we addressed, *inter alia*, whether certain data generated by an HMO under contract with the Department of Health and Human Services ("DHHS"), and contained in records belonging to DHHS, fell within the proprietary or commercial information exception. We reaffirmed the standards set out in Op. Att'y Gen. No. 92068, and indicated that in our enforcement capacity under Neb. Rev. Stat. § 84-712.03, we have required governmental bodies which rely on § 84-712.05(3) to withhold records to name specific competitors who might gain advantage and the nature of the advantage which would result from disclosure of the withheld records. We have also required governmental bodies under these circumstances to provide to the public "[a]ny reasonably segregable public portion of a record . . . upon request after deletion of the portions which may be withheld." Neb. Rev. Stat. § 84-712.06 (2014).

However, in response to the question as to whether the records at issue fell within the proprietary and commercial information exception, we stated:

[I]t is apparent that we have insufficient information from you at this juncture to determine if any records belonging to the Department as a result of the [HMO] contract are subject to the proprietary or commercial information exemption from disclosure set out in § 84-712.05(3). To make that determination with respect to particular records, we would need the names of specific competitors of [the HMO] which could gain competitive advantage from access to the records at issue, and we would need some description of the nature of the commercial advantage which would could [*sic*] be gained from that access. Should you wish to provide us with such information regarding particular records from the [HMO] contract, we will provide you with our views as to whether and to what extent § 84-712.05(3) allows those records to be kept confidential.

*Id.* at 5.

In the present instance, we believe that it is more likely than not that the contracts referenced by Mr. McDermott contain proprietary or commercial information which may be lawfully withheld or redacted under the exception in § 84-712.05(3). However, we have insufficient information to make a determination as to whether particular information within such contracts fall within the exception. Any decision to withhold and/or redact any contract based on the proprietary or commercial information exception must be made by the entity required under the Act to provide a copy of the contract to the DAS database. In making this determination, our prior opinions provide guidance and the standards to be met to justify reliance on the exception.

Finally, we would make the following observations about two current provisions of § 84-602.02. First, we note that § 84-602.02(5) states, in part, that "[n]othing in this section requires the disclosure of information which is . . . not a public record under section 84-712.05." As already noted above, § 84-712.05 describes records which may be withheld from the public by their governmental custodian unless disclosed in open court, in an open administrative proceeding, an open meeting, or pursuant to the duties of the public body. However, the records that may be withheld are still public records. *Burlington Northern Railroad Company v. Omaha Public Power District*, 703 F. Supp. 826 (D. Neb. 1988); *aff'd*, 888 F.2d 1228 (8th Cir. 1989).

Second, § 84-602.02(3)(b) provides, in pertinent part, that

(b) The following shall be redacted or withheld from any contract before such contract is included in a data base pursuant to subdivision (3)(a) of this section:

\* \* \*

(iii) Any information which may be withheld from the public under section 84-712.05; . . . .

We question the incongruity of requiring the redaction or withholding of any contract premised on a statute which is permissive in nature. As stated by the court in *Burlington Northern*:

Nothing suggests that these statutory provisions are intended to set any standard for prohibiting disclosure. Section 49-802, Nebraska Revised Statutes, passed in 1947, declares:

"Unless such construction would be inconsistent with a manifest intent of the Legislature, rules for construction of the statutes of Nebraska hereafter shall be as follows:

(1) When the word may appears, permissive or discretionary action is presumed. When the word shall appears, mandatory or ministerial action is presumed."

The manifest intent of the Legislature would not be violated if the word "may" in § 84-712.05 were interpreted to give the public entity, here OPPD, discretion to withhold from the public specific records. There is no indication that "may" means "shall" in this statute.

703 F. Supp. at 829-830.

**CONCLUSION**

In conclusion, LB 851 keeps in place current provisions in the Act that would allow the Nebraska State Fair to withhold or redact any contract which contains proprietary or commercial information, the disclosure of which would give advantage to business competitors and serve no public purpose. The determination as to whether withholding and/or redaction is appropriate is left to the discretion of the State Fair staff. However, it is incumbent on the part of the Nebraska State Fair, as well as any other "state entity" that wishes to withhold information pursuant to Neb. Rev. Stat. § 84-712.05(3), to engage in an analysis consistent with the standards set out in the Attorney General opinions referenced above.

<sup>1</sup> See <http://www.statespending.nebraska.gov/>.

<sup>2</sup> See <https://statecontracts.nebraska.gov/>, referred to as the "Nebraska State Contracts Database."

<sup>3</sup> Your opinion request includes an email from Joseph McDermott, Executive Director of the Nebraska State Fair, addressed to you and State Treasurer Stenberg, dated January 4, 2016, in which Mr. McDermott set outs his specific concerns with respect to the disclosure of the above referenced contracts.

Sincerely,

DOUGLAS J. PETERSON  
 Attorney General  
 (Signed) Leslie S. Donley  
 Assistant Attorney General

pc. Patrick J. O'Donnell  
 Clerk of the Nebraska Legislature

49-1523-29

### COMMUNICATION(S)

Received a copy of House Joint Resolution 92 from the state of Tennessee relating to the federal transfer of public lands to certain western states and urging Congress to engage in good faith communication and cooperation concerning the coordination of the transfer title to those western states.

### MOTION(S) - Confirmation Report(s)

Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 540:

Nebraska Exchange Stakeholder Commission  
 Patrick Booth

Voting in the affirmative, 31:

Baker	Crawford	Kintner	Mello	Stinner
Bloomfield	Fox	Kolowski	Morfeld	Watermeier
Bolz	Friesen	Kolterman	Pansing Brooks	Williams
Brasch	Gloor	Kuehn	Scheer	
Campbell	Hilkemann	Larson	Schnoor	
Chambers	Hughes	Lindstrom	Seiler	
Craighead	Johnson	McCollister	Smith	

Voting in the negative, 0.

Present and not voting, 10:

Coash	Ebke	Hadley	Harr, B.	Murante
Cook	Garrett	Hansen	Howard	Riepe

Excused and not voting, 8:

Davis	Haar, K.	McCoy	Schumacher
Groene	Krist	Schilz	Sullivan

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.



Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 541:

Nebraska Exchange Stakeholder Commission  
Shari Flowers

Voting in the affirmative, 33:

Baker	Crawford	Hilkemann	McCollister	Schumacher
Bloomfield	Davis	Howard	Mello	Smith
Bolz	Fox	Kolowski	Morfeld	Stinner
Brasch	Friesen	Kolterman	Pansing Brooks	Watermeier
Campbell	Garrett	Kuehn	Riepe	Williams
Chambers	Gloor	Larson	Scheer	
Craighead	Hadley	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 10:

Coash	Ebke	Harr, B.	Johnson	Murante
Cook	Hansen	Hughes	Kintner	Seiler

Excused and not voting, 6:

Groene	Krist	Schilz
Haar, K.	McCoy	Sullivan

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

Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 541:

Nebraska Exchange Stakeholder Commission  
Edward (Ed) Rieker

Voting in the affirmative, 35:

Baker	Crawford	Hilkemann	Kuehn	Scheer
Bloomfield	Davis	Howard	Larson	Schnoor
Bolz	Fox	Hughes	Lindstrom	Schumacher
Brasch	Friesen	Johnson	McCollister	Seiler
Campbell	Garrett	Kintner	Mello	Stinner
Chambers	Gloor	Kolowski	Pansing Brooks	Watermeier
Craighead	Hadley	Kolterman	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 8:

Coash	Ebke	Harr, B.	Murante
Cook	Hansen	Morfeld	Smith

Excused and not voting, 6:

Groene	Krist	Schilz
Haar, K.	McCoy	Sullivan

The appointment was confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 554:

Nebraska State Fair Board  
Christopher P. Kircher  
Lowell Minert

Voting in the affirmative, 30:

Baker	Davis	Hilkemann	Kuehn	Schnoor
Bloomfield	Ebke	Howard	Lindstrom	Schumacher
Bolz	Friesen	Hughes	Mello	Seiler
Campbell	Garrett	Johnson	Morfeld	Stinner
Chambers	Gloor	Kolowski	Pansing Brooks	Watermeier
Crawford	Hadley	Kolterman	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 13:

Brasch	Craighead	Harr, B.	McCollister	Smith
Coash	Fox	Kintner	Murante	
Cook	Hansen	Larson	Scheer	

Excused and not voting, 6:

Groene	Krist	Schilz
Haar, K.	McCoy	Sullivan

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

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 564:

Nebraska Child Abuse Prevention Fund Board  
Shelly K. McQuillan

Division of Developmental Disabilities - Department of Health and Human Services  
 Courtney L. Miller, Director  
 Division of Children and Family Services - Department of Health and Human Services  
 Douglas J. Weinberg, Director

Voting in the affirmative, 31:

Baker	Crawford	Hilkemann	Murante	Stinner
Bloomfield	Ebke	Howard	Pansing Brooks	Watermeier
Bolz	Friesen	Johnson	Riepe	Williams
Brasch	Garrett	Kolowski	Scheer	
Campbell	Haar, K.	Kolterman	Schnoor	
Chambers	Hadley	Lindstrom	Schumacher	
Craighead	Hansen	McCollister	Seiler	

Voting in the negative, 0.

Present and not voting, 14:

Coash	Fox	Hughes	Larson	Smith
Cook	Gloor	Kintner	Mello	Sullivan
Davis	Harr, B.	Kuehn	Morfeld	

Excused and not voting, 4:

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

**SELECT FILE**

**LEGISLATIVE RESOLUTION 26CA.** Senator Chambers offered the following motion:  
 MO181  
 Bracket until April 20, 2016.

Pending.

**ANNOUNCEMENT(S)**

The Health and Human Services Committee designates LB698 and LB1032 as its priority bills.

Senator Williams designates LB919 as his priority bill.

Senator Fox designates LB1009 as her priority bill.

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1003

Wednesday, February 24, 2016 1:30 p.m.

UNO Request to use Revenue Bond Surplus Funds

(Signed) Heath Mello, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 438.** Introduced by Kolowski, 31.

WHEREAS, Abby Gilreath, a sixth grade student at George Russell Middle School in Millard, was named Nebraska's winner of "Doodle 4 Google," a nationwide competition where K-12 students design artwork to appear on Google's search engine page; and

WHEREAS, the theme for this year's competition was "What makes me . . . me." Abby's doodle reflects her interests and hobbies, including playing the violin, softball, biking, dancing, and drawing; and

WHEREAS, Abby was selected as one of forty-eight State and Territory Winners from over 100,000 entries, and is now competing to be one of five national finalists; and

WHEREAS, in honor of Abby, Google donated microphones, sound mixers, and other equipment to Russell Middle School's music department; and

WHEREAS, the Legislature recognizes the academic 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 Abby Gilreath on being named Nebraska's winner of the Doodle 4 Google contest and wishes her luck in the national finals.

2. That a copy of this resolution be sent to Abby Gilreath.

Laid over.

**COMMITTEE REPORT(S)**

Nebraska Retirement Systems

**LEGISLATIVE BILL 1069.** Indefinitely postponed.

(Signed) Mark Kolterman, Chairperson

## Business and Labor

**LEGISLATIVE BILL 983.** Placed on General File.

**LEGISLATIVE BILL 830.** Placed on General File with amendment.  
AM2082 is available in the Bill Room.

**LEGISLATIVE BILL 855.** Placed on General File with amendment.  
AM2063

- 1 1. On page 4, line 10, strike "down" and before the period insert "
- 2 with amounts ending in fifty cents or more rounded to the next highest
- 3 whole dollar amount".

(Signed) Burke Harr, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 676.** Placed on Select File.

**LEGISLATIVE BILL 798.** Placed on Select File with amendment.  
ER165

- 1 1. On page 1, line 9, strike "packing" and insert "packaging".

**LEGISLATIVE BILL 778.** Placed on Select File with amendment.  
ER163

- 1 1. In the Standing Committee amendment, AM1874, on page 1, line 6,
- 2 strike the semicolon and insert an underscored comma.
- 3 2. On page 1, line 8, strike "Statues" and insert "Statutes".

**LEGISLATIVE BILL 864.** Placed on Select File with amendment.  
ER164

- 1 1. On page 4, line 28, strike "19-2402," and insert "section
- 2 19-2402".
- 3 2. On page 6, line 13, strike the comma.

(Signed) Matt Hansen, Chairperson

**SELECT FILE**

**LEGISLATIVE RESOLUTION 26CA.** The Chambers motion, MO181,  
found in this day's Journal, to bracket until April 20, 2016, was renewed.

**SPEAKER HADLEY PRESIDING**

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

Senator McCollister moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

Senator Chambers requested a record vote on the motion to bracket.

Voting in the affirmative, 14:

Bloomfield	Gloor	Krist	Schnoor	Sullivan
Brasch	Haar, K.	McCollister	Schumacher	Williams
Friesen	Kolowski	Pansing Brooks	Seiler	

Voting in the negative, 17:

Campbell	Groene	Johnson	Lindstrom	Stinner
Ebke	Hadley	Kintner	Mello	
Fox	Hansen	Kuehn	Morfeld	
Garrett	Hughes	Larson	Murante	

Present and not voting, 13:

Baker	Coash	Davis	Riepe	Watermeier
Bolz	Cook	Howard	Scheer	
Chambers	Crawford	Kolterman	Smith	

Absent and not voting, 1:

Harr, B.

Excused and not voting, 4:

Craighead	Hilkemann	McCoy	Schilz
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The Chambers motion to bracket failed with 14 ayes, 17 nays, 13 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

#### **AMENDMENT(S) - Print in Journal**

Senator McCoy filed the following amendment to LB1032:  
AM2163

1 1. On page 9, line 25, strike "opt to" and insert "shall".

Senator McCoy filed the following amendment to LB1032:

AM2164

1 1. On page 7, line 14, strike "may" and insert "shall".

Senator McCoy filed the following amendment to LB1032:

AM2166

1 1. Strike original section 2.  
2 2. Renumber the remaining sections and correct internal references  
3 accordingly.

Senator McCoy filed the following amendment to LB1032:

AM2168

1 1. Strike original section 3.  
2 2. Renumber the remaining sections and correct internal references  
3 accordingly.

Senator McCoy filed the following amendment to LB1032:

AM2169

1 1. Strike original section 5.  
2 2. Renumber the remaining sections and correct internal references  
3 accordingly.

Senator McCoy filed the following amendment to LB472:

AM2153

1 1. Strike section 3.  
2 2. Renumber the remaining sections and correct internal references  
3 accordingly.

Senator McCoy filed the following amendment to LB472:

AM2154

1 1. Strike original sections 7 and 8.  
2 2. On page 10, lines 7 and 20; page 11, line 7; and page 12, lines  
3 15 and 16, strike "sections 7 and" and insert "section".  
4 3. Renumber the remaining sections and correct internal references  
5 accordingly.

Senator McCoy filed the following amendment to LB472:

AM2155

1 1. Strike original section 12.  
2 2. Renumber the remaining sections and correct internal references  
3 accordingly.

Senator McCoy filed the following amendment to LB472:

AM2156

1 1. Strike original section 14.  
2 2. Renumber the remaining sections and correct internal references  
3 accordingly.

Senator McCoy filed the following amendment to LB472:

AM2158

- 1 1. Strike original section 15.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

Senator Schumacher filed the following amendment to LB188:

AM2140

- 1 1. On page 3, strike lines 22 through 31 and all amendments thereto
- 2 and insert the following new subsection:
- 3 "(5) For purposes of this section, a passenger in or on the fleeing
- 4 vehicle shall not be considered an innocent third party if the political
- 5 subdivision sustains the burden of proof that such passenger:
- 6 (a) Promoted, provoked, or persuaded the driver to engage in flight
- 7 from law enforcement personnel; or
- 8 (b) Is subject to arrest pursuant to an arrest warrant or for a
- 9 felony which is the proximate cause of the pursuit and, prior to the
- 10 termination of the pursuit, the pursuing law enforcement officer
- 11 generally identifies the passenger and the existence of the warrant or
- 12 such underlying felony to a supervising law enforcement officer or the
- 13 Nebraska State Patrol dispatch system."
- 14 2. On page 4, strike lines 1 through 3 and all amendments thereto.
- 15 3. On page 5, strike lines 24 through 31 and all amendments thereto
- 16 and insert the following new subsection:
- 17 "(5) For purposes of this section, a passenger in or on the fleeing
- 18 vehicle shall not be considered an innocent third party if the state
- 19 sustains the burden of proof that such passenger:
- 20 (a) Promoted, provoked, or persuaded the driver to engage in flight
- 21 from law enforcement personnel; or
- 22 (b) Is subject to arrest pursuant to an arrest warrant or for a
- 23 felony which is the proximate cause of the pursuit and, prior to the
- 24 termination of the pursuit, the pursuing law enforcement officer
- 25 generally identifies the passenger and the existence of the warrant or
- 26 such underlying felony to a supervising law enforcement officer or the
- 27 Nebraska State Patrol dispatch system."
- 1 4. On page 6, strike lines 1 through 5 and all amendments thereto.

**NOTICE OF COMMITTEE HEARING(S)**

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 24, 2016 1:30 p.m.

LB788  
LB1040  
LB1107



Thursday, February 25, 2016 1:30 p.m.

LB792  
LB1078  
LB1024  
LB1057

Wednesday, March 2, 2016 1:30 p.m.

LB779  
LB871

(Signed) John Murante, Chairperson

**COMMITTEE REPORT(S)**  
Government, Military and Veterans Affairs

**LEGISLATIVE BILL 823.** Placed on General File.

**LEGISLATIVE BILL 1109.** Placed on General File.

(Signed) John Murante, Chairperson

Urban Affairs

**LEGISLATIVE BILL 865.** Placed on General File.

**LEGISLATIVE BILL 1059.** Placed on General File with amendment.  
AM2067

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

2 sections:

3 Section 1. Section 18-2119, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 18-2119 (1) An authority shall, by public notice by publication once  
6 each week for two consecutive weeks in a legal newspaper having a general  
7 circulation in the city, prior to the consideration of any redevelopment  
8 contract proposal relating to real estate owned or to be owned by the  
9 authority, invite proposals from, and make available all pertinent  
10 information to, private redevelopers or any persons interested in  
11 undertaking the redevelopment of an area, or any part thereof, which the  
12 governing body has declared to be in need of redevelopment. Such notice  
13 shall identify the area, and shall state that such further information as  
14 is available may be obtained at the office of the authority. The  
15 authority shall consider all redevelopment proposals and the financial  
16 and legal ability of the prospective redevelopers to carry out their  
17 proposals and may negotiate with any redevelopers for proposals for the  
18 purchase or lease of any real property in the redevelopment project area.  
19 The authority may accept such redevelopment contract proposal as it deems  
20 to be in the public interest and in furtherance of the purposes of the  
21 Community Development Law if the authority has, not less than thirty days

22 prior thereto, notified the governing body in writing of its intention to  
23 accept such redevelopment contract proposal. Thereafter, the authority  
24 may execute such redevelopment contract in accordance with the provisions  
25 of section 18-2118 and deliver deeds, leases, and other instruments and  
26 take all steps necessary to effectuate such redevelopment contract. In  
27 its discretion, the authority may, without regard to the foregoing  
1 provisions of this section, dispose of real property in a redevelopment  
2 project area to private redevelopers for redevelopment under such  
3 reasonable competitive bidding procedures as it shall prescribe, subject  
4 to the provisions of section 18-2118.

5 (2) In the case of any real estate owned by a redeveloper, the  
6 authority may enter into a redevelopment contract providing for such  
7 undertakings as the authority shall determine appropriate. Any such  
8 redevelopment contract relating to real estate within an enhanced  
9 employment area shall include a statement of the redeveloper's consent  
10 with respect to the designation of the area as an enhanced employment  
11 area, shall be recorded with respect to the real estate owned by the  
12 redeveloper, and shall be binding upon all future owners of such real  
13 estate.

14 (3)(a) Prior to entering into a redevelopment contract pursuant to  
15 this section for a redevelopment plan that includes the use of tax-  
16 increment financing as provided in section 18-2147, the authority shall  
17 require the redeveloper to certify the following to the authority:  
18 (i) Whether the redeveloper has filed or intends to file an  
19 application with the Department of Revenue to receive tax incentives  
20 under the Nebraska Advantage Act for a project located or to be located  
21 within the redevelopment project area;

22 (ii) Whether such application includes or will include, as one of  
23 the tax incentives, a refund of the city's local option sales tax  
24 revenue;

25 (iii) A good faith estimate of the total amount of tax incentives  
26 the redeveloper expects to receive under the Nebraska Advantage Act for  
27 any such application; and

28 (iv) Whether such application has been approved under the Nebraska  
29 Advantage Act.

30 (b) The authority may consider the information provided under  
31 subdivision (3)(a) of this section in determining whether to enter into  
1 the redevelopment contract.

2 Sec. 2. Section 18-2701, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 18-2701 Sections 18-2701 to 18-2739 and sections 5, 6, and 8 of this  
5 act shall be known and may be cited as the Local Option Municipal  
6 Economic Development Act.

7 Sec. 3. Section 18-2703, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 18-2703 For purposes of the Local Option Municipal Economic  
10 Development Act, the definitions found in sections 18-2703.01 to 18-2709  
11 and section 5 of this act shall be used.

12 Sec. 4. Section 18-2705, Revised Statutes Supplement, 2015, is

13 amended to read:

14 18-2705 (1) Economic development program means any project or  
15 program utilizing funds derived from local sources of revenue for the  
16 purpose of providing direct or indirect financial assistance to a  
17 qualifying business or the payment of related costs and expenses or both,  
18 without regard to whether that business is identified at the time the  
19 project or program is initiated or is to be determined by specified means  
20 at some time in the future.

21 (2) An economic development program may include, but shall not be  
22 limited to, the following activities: Direct loans or grants to  
23 qualifying businesses for fixed assets or working capital or both; loan  
24 guarantees for qualifying businesses; grants for public works  
25 improvements which are essential to the location or expansion of, or the  
26 provision of new services by, a qualifying business; grants or loans to  
27 qualifying businesses for job training; the purchase of real estate,  
28 options for such purchases, and the renewal or extension of such options;  
29 grants or loans to qualifying businesses to provide relocation incentives  
30 for new residents; the issuance of bonds as provided for in the Local  
31 Option Municipal Economic Development Act; and payments for salaries and  
1 support of city staff to implement the economic development program or  
2 the contracting of such to an outside entity.

3 (3) For cities of the first and second class and villages, an  
4 economic development program may also include grants or loans for the  
5 construction or rehabilitation for sale or lease of housing for persons  
6 of low or moderate income.

7 (4) For cities of the first and second class and villages, an  
8 economic development program may also include grants, loans, or funds for  
9 rural infrastructure development as defined in section 66-2102.

10 (5) For cities of the first and second class and villages, an  
11 economic development program may also include grants or loans for the  
12 construction or rehabilitation for sale or lease of housing as part of a  
13 workforce housing plan.

14 ~~(6)~~ (5) An economic development program may be conducted jointly by  
15 two or more cities after the approval of the program by the voters of  
16 each participating city.

17 Sec. 5. Workforce housing plan means a program to construct or  
18 rehabilitate single-family housing or market rate multi-family housing  
19 which is designed to address a housing shortage that impairs the ability  
20 of the city to attract new businesses or impairs the ability of existing  
21 businesses to recruit new employees.

22 Sec. 6. If the proposed economic development program involves the  
23 making of grants or loans for the construction or rehabilitation for sale  
24 or lease of housing as part of a workforce housing plan, the proposed  
25 plan shall include:

26 (1) An assessment of current housing stock in the city, including  
27 both single-family and market rate multi-family housing;

28 (2) Whether the plan will also include housing for persons of low or  
29 moderate income under section 18-2710.01;

30 (3) Such other factors, as determined by the city, which are

31 particularly relevant in assessing the conditions faced by existing  
1 businesses in recruiting new employees; and  
2 (4) Such other factors, as determined by the city, which are  
3 particularly relevant in assessing the conditions faced by persons  
4 seeking new or rehabilitated housing in the city.

5 Sec. 7. Section 18-2714, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 18-2714 (1) After approval by the voters of an economic development  
8 program, the governing body of the city shall, within forty-five days  
9 after such approval, establish the economic development program by  
10 ordinance in conformity with the terms of such program as set out in the  
11 original enabling resolution.

12 (2) After the adoption of the ordinance establishing the economic  
13 development program, such ordinance shall only be amended ~~(a) to conform~~  
14 ~~to the provisions of any existing or future state or federal law or (b)~~  
15 after the governing body of the city (a) gives notice of and holds ; at  
16 least one public hearing on the proposed changes, (b) approves the  
17 proposed changes by and a two-thirds vote of the members of such the  
18 governing body, and (c) except as provided in subsection (3) of this  
19 section, submits the proposed changes to a new vote of the registered  
20 voters of the city in the manner provided in section 18-2713 of the city,  
21 when necessary to accomplish the purposes of the original enabling  
22 resolution.

23 (3) A ~~The governing body of a city shall not amend the economic~~  
24 ~~development program so as to fundamentally alter its basic structure or~~  
25 ~~goals, either with regard to the qualifying businesses that are eligible~~  
26 ~~to participate, the local sources of revenue used to fund the program,~~  
27 ~~the uses of the funds collected, or the basic terms set out in the~~  
28 ~~original enabling resolution, without submitting the proposed changes to~~  
29 ~~a new vote of the registered voters of the city is not required for the~~  
30 following types of amendments to an economic development program: in the  
31 manner provided for in section 18-2713.

1 (a) An amendment adding a type of qualifying business to those that  
2 are eligible to participate in the economic development program or  
3 removing a type of qualifying business from those that are eligible to  
4 participate in such program if such addition or removal is recommended by  
5 the citizen advisory review committee established under section 18-2715;

6 (b) An amendment making corrective changes to comply with the Local  
7 Option Municipal Economic Development Act; or

8 (c) An amendment making corrective changes to comply with any other  
9 existing or future state or federal law.

10 (4) The governing body of a city may, at any time after the adoption  
11 of the ordinance establishing the economic development program, by a two-  
12 thirds vote of the members of the governing body, repeal the ordinance in  
13 its entirety and end the economic development program, subject only to  
14 the provisions of any existing contracts relating to such program and the  
15 rights of any third parties arising from those contracts. Prior to such  
16 vote by the governing body, it shall publish notice of its intent to  
17 consider the repeal and hold a public hearing on the issue. Any funds in

18 the custody of the city for such economic development program which are  
19 not spent or committed at the time of the repeal and any funds to be  
20 received in the future from the prior operation of the economic  
21 development program shall be placed into the general fund of the city.  
22 Sec. 8. (1) At the time that a qualifying business applies to a  
23 city to participate in an economic development program, the qualifying  
24 business shall certify the following to the city:  
25 (a) Whether the qualifying business has filed or intends to file an  
26 application with the Department of Revenue to receive tax incentives  
27 under the Nebraska Advantage Act for the same project for which the  
28 qualifying business is seeking financial assistance under the Local  
29 Option Municipal Economic Development Act;  
30 (b) Whether such application includes or will include, as one of the  
31 tax incentives, a refund of the city's local option sales tax revenue;  
1 (c) A good faith estimate of the total amount of tax incentives the  
2 qualifying business expects to receive under the Nebraska Advantage Act  
3 for any such application; and  
4 (d) Whether such application has been approved under the Nebraska  
5 Advantage Act.  
6 (2) The city may consider the information provided under this  
7 section in determining whether to provide financial assistance to the  
8 qualifying business under the Local Option Municipal Economic Development  
9 Act.  
10 Sec. 9. If any section in this act or any part of any section is  
11 declared invalid or unconstitutional, the declaration shall not affect  
12 the validity or constitutionality of the remaining portions.  
13 Sec. 10. Original sections 18-2119, 18-2701, 18-2703, and 18-2714,  
14 Reissue Revised Statutes of Nebraska, and section 18-2705, Revised  
15 Statutes Supplement, 2015, are repealed.

**LEGISLATIVE BILL 1042.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 394CA.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 399CA.** Indefinitely postponed.

(Signed) Sue Crawford, Chairperson

Education

**LEGISLATIVE BILL 1002.** Placed on General File.

**LEGISLATIVE BILL 1086.** Placed on General File.

**LEGISLATIVE BILL 906.** Placed on General File with amendment.

AM2118

1 1. On page 3, line 13, after "degree" insert "that relates to a  
2 career in law enforcement".

(Signed) Kate Sullivan, Chairperson

**ANNOUNCEMENT(S)**

Senator Kolowski designates LB344 as his priority bill.

The Appropriations Committee designates LB1092 and LB1093 as its priority bills.

Senator Cook designates LB83 as her priority bill.

The Judiciary Committee designates LB894 and LB910 as its priority bills.

**SELECT FILE**

**LEGISLATIVE RESOLUTION 26CA.** Senator Chambers offered the following motion:

MO182

Reconsider the vote taken to bracket.

Pending.

**LEGISLATIVE BILL 295.** ER158, found on page 501, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 53.** ER159, found on page 504, was adopted.

Senator Kintner withdrew his amendment, AM1991, found on page 574.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 311.** ER161, found on page 509, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 400.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 400A.** ER160, found on page 509, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 378.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 328.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 19.** Advanced to Enrollment and Review for Engrossment.

**NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 1510

Wednesday, February 24, 2016 1:30 p.m.

Mark M. Bulger - Commission for the Blind and Visually Impaired  
LB750  
LB952  
LB998

Thursday, February 25, 2016 1:30 p.m.

Laeth Nasir - Nebraska Rural Health Advisory Commission  
LB1011  
LB1061

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 818.** Placed on General File.  
**LEGISLATIVE BILL 962.** Placed on General File.  
**LEGISLATIVE BILL 963.** Placed on General File.

**LEGISLATIVE BILL 567.** Placed on General File with amendment.  
AM1899

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 38-2871, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:  
5 38-2871 (1) Original prescription information for any controlled  
6 substances listed in Schedule III, IV, or V of section 28-405 and other  
7 prescription drugs or devices not listed in section 28-405 may be  
8 transferred between pharmacies for the purpose of refill dispensing on a  
9 one-time basis, except that pharmacies electronically ~~sharing~~ ~~accessing~~ a  
10 real-time, online data base may transfer up to the maximum refills  
11 permitted by law and as authorized by the prescribing practitioner on the  
12 prescription. Transfers are subject to the following:  
13 (a) The transfer is communicated directly between two pharmacists  
14 or pharmacist interns except when the pharmacies can use a real-time,  
15 online data base;  
16 (b) The transferring pharmacist or pharmacist intern indicates  
17 void on the record of the prescription;  
18 (c) The transferring pharmacist or pharmacist intern indicates on  
19 the record of the prescription the name, the address, and, if a  
20 controlled substance, the Drug Enforcement Administration number of the

21 pharmacy to which the information was transferred, the name of the  
 22 pharmacist or pharmacist intern receiving the information, the date of  
 23 transfer, and the name of the transferring pharmacist or pharmacist  
 24 intern;  
 25 (d 4) The receiving pharmacist or pharmacist intern indicates on the  
 26 record of the transferred prescription that the prescription is  
 27 transferred;  
 1 (e 5) The transferred prescription includes the following  
 2 information:  
 3 (i a) The date of issuance of the original prescription;  
 4 (ii b) The original number of refills authorized;  
 5 (iii e) The date of original dispensing;  
 6 (iv d) The number of valid refills remaining;  
 7 (v e) The date and location of last refill; and  
 8 (vi f) The name, the address, and, if a controlled substance, the  
 9 Drug Enforcement Administration number of the pharmacy from which the  
 10 transfer was made, the name of the pharmacist or pharmacist intern  
 11 transferring the information, the original prescription number, and the  
 12 date of transfer; and  
 13 (f 6) Both the original and transferred prescriptions must be  
 14 maintained by the transferring and receiving pharmacy for a period of  
 15 five years from the date of transfer.  
 16 (2) Nothing in this section shall prevent a pharmacist from  
 17 forwarding an original prescription for a noncontrolled substance to  
 18 another pharmacy at the request of the patient or the patient's  
 19 caregiver. An original prescription for a controlled substance shall not  
 20 be forwarded to another pharmacy unless permitted under 21 C.F.R.  
 21 1306.25.  
 22 Sec. 2. Original section 38-2871, Revised Statutes Cumulative  
 23 Supplement, 2014, is repealed.

**LEGISLATIVE BILL 684.** Placed on General File with amendment.  
 AM1985

1 1. On page 2, lines 27 through 29, strike the new language; and in  
 2 line 30 strike ", except that for", show as stricken, and insert "An  
 3 adoptive home study may be waived by the court upon a showing of good  
 4 cause by the petitioner when the petitioner is a biological grandparent  
 5 or a step-grandparent who is married to the biological grandparent at the  
 6 time of the adoption if both are adopting the child. For all".

**LEGISLATIVE BILL 721.** Placed on General File with amendment.  
 AM2057

1 1. Strike sections 12 and 17 and insert the following new sections:  
 2 Sec. 12. (1) An applicant for licensure under the Surgical First  
 3 Assistant Practice Act shall:  
 4 (a) Be certified as a surgical first assistant by an approved  
 5 certifying body;  
 6 (b) Have successfully completed an approved surgical first assistant  
 7 education program approved by the board or other experiential or training



- 8 program as approved by the board;  
 9 (c) Have passed a nationally recognized surgical first assistant  
 10 examination adopted by the board; and  
 11 (d) Have a high school diploma or the equivalent as determined by  
 12 the board.  
 13 (2) The department may waive the education and examination  
 14 requirements under the Surgical First Assistant Practice Act for an  
 15 applicant who:  
 16 (a) By January 1, 2017, submits demonstrated evidence satisfactory  
 17 to the board that he or she has been functioning as a surgical first  
 18 assistant as his or her primary function in a licensed health care  
 19 facility within the last five years prior to September 1, 2016;  
 20 (b) By January 1, 2017, submits evidence of holding a current  
 21 certification as a surgical first assistant issued by an approved  
 22 certifying body; or  
 23 (c) Submits evidence of holding a credential as a surgical first  
 24 assistant issued by another state or territory of the United States or  
 25 the District of Columbia which has standards substantially equivalent to  
 26 those of this state.  
 27 Sec. 17. (1) The board shall, pursuant to section 38-126: (a)  
 1 Recommend to the department the issuance of licenses to practice surgical  
 2 assisting under the Surgical First Assistant Practice Act; (b)  
 3 investigate and adopt standards based on national standards for surgical  
 4 assisting and implement changes as needed to carry out the act; and (c)  
 5 provide for distribution of information regarding practice of licensed  
 6 surgical first assistants.  
 7 (2) The department shall: (a) Receive and investigate complaints,  
 8 conduct hearings, and impose disciplinary actions in relation to  
 9 complaints against licensed surgical assistants under the Uniform  
 10 Credentialing Act; and (b) perform other duties as required under the  
 11 Surgical First Assistant Practice Act and Uniform Credentialing Act.  
 12 Sec. 21. This act becomes operative on January 1, 2017.  
 13 2. On page 3, line 12, strike "the surgical team"; in lines 17 and  
 14 18 strike "Utilizing" through "assist" and insert "Assisting"; in line 20  
 15 strike "Utilizing" and insert "Inserting"; in line 23 after the semicolon  
 16 insert "and"; in line 25 strike "and"; and strike lines 26 and 27.  
 17 3. On page 4, line 24, strike "licensed" and insert "holding an  
 18 active license".  
 19 4. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 1033.** Placed on General File with amendment.  
 AM2048

- 1 1. On page 2, lines 24 and 30, strike "placing" and insert  
 2 "providing services to"; and in lines 25 and 31 strike "service".  
 3 2. On page 3, line 11, after the second comma insert "the Division  
 4 of Rehabilitation Services in the State Department of Education,"; and in  
 5 line 20 after the first comma insert "and including two persons with  
 6 disabilities representing self-advocacy organizations."

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 700.** Placed on Select File with amendment.  
ER167

1 1. On page 3, line 9, strike the comma.

**LEGISLATIVE BILL 703.** Placed on Select File.

**LEGISLATIVE BILL 729.** Placed on Select File.

**LEGISLATIVE BILL 758.** Placed on Select File.

**LEGISLATIVE BILL 840.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Morfeld filed the following amendment to LR26CA:  
AM2179

(Amendments to Morfeld amendments, AM2043)

1 1. On page 1, strike beginning with the first comma in line 20  
2 through "law" in line 21; and strike beginning with the first comma in  
3 line 23 through "law" in line 24.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Johnson - LR35

**VISITOR(S)**

Visitors to the Chamber were 22 members of Leadership York; 9 members of Beatrice Leadership Group; Nathan Johnson from Northeast High School; 45 twelfth-grade students and teachers from Syracuse; Jayann Sepich from Carlsbad, NM; 25 members of Leadership Fremont; and Senator Bloomfield's wife, Dee, from Hoskins, and daughter-in-law, Becky Bloomfield, from Wayne.

The Doctor of the Day was Dr. Michelle Sell from Central City.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator McCollister, the Legislature adjourned until 9:00 a.m., Thursday, February 18, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-EIGHTH DAY - FEBRUARY 18, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 18, 2016

**PRAYER**

The prayer was offered by Pastor Nora Mendyk, Grant United Methodist Church, Grant.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators McCoy and Stinner who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-seventh day was approved.

**ANNOUNCEMENT(S)**

The Business and Labor Committee designates LB830 as its priority bill.

The Education Committee designates LB959 and LB1066 as its priority bills.

Senator Sullivan designates LB1067 as her priority bill.

Senator Kuehn designates LR378CA as his priority resolution.

Senator Groene designates LB717 as his priority bill.

Senator Smith designates LB884 as his priority bill.

The Business and Labor Committee designates LB1110 as its priority bill.

Senator Scheer designates LB883 as his priority bill.

Senator Coash designates LB934 as his priority bill.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 921.** Placed on Select File.

**LEGISLATIVE BILL 735.** Placed on Select File.

**LEGISLATIVE BILL 811.** Placed on Select File with amendment.

ER166

1 1. On page 2, line 7, strike the period and insert "; and".

**LEGISLATIVE BILL 929.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

February 11, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Technical Advisory Committee for Statewide Assessment:

Pete Goldschmidt, 521 Grand Boulevard, Venice, CA 90291

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

Thursday, February 25, 2016 1:30 p.m.

Joint Judiciary and Appropriations Hearing on Department of Corrections' budget, 2014 Master Plan Report and 2015 Strategic Plan

(Signed) Les Seiler, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 29, 2016 1:30 p.m.

Timothy W. Weander - Board of Public Roads Classifications and Standards  
 John F. Krager III - Board of Public Roads Classifications and Standards  
 Roger Figard - Board of Public Roads Classifications and Standards  
 David Wacker - Board of Public Roads Classifications and Standards

Room 1525

Friday, March 18, 2016 1:00 p.m.

Darold Tagge - Board of Public Roads Classifications and Standards  
 Lisa Kramer - Board of Public Roads Classifications and Standards  
 LeRoy Gerrard - Board of Public Roads Classifications and Standards

(Signed) Jim Smith, Chairperson

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 695.**

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Revised Statutes Supplement, 2015; to provide for the counting of ballots; and to repeal the original section.

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

Voting in the affirmative, 45:

Baker	Davis	Hansen	Krist	Riepe
Bloomfield	Ebke	Harr, B.	Kuehn	Scheer
Bolz	Fox	Hilkemann	Larson	Schilz
Brasch	Friesen	Howard	Lindstrom	Schnoor
Campbell	Garrett	Hughes	McCollister	Schumacher
Chambers	Gloor	Johnson	Mello	Smith
Cook	Groene	Kintner	Morfeld	Sullivan
Craighead	Haar, K.	Kolowski	Murante	Watermeier
Crawford	Hadley	Kolterman	Pansing Brooks	Williams

Voting in the negative, 0.

Present and not voting, 2:

Coash            Seiler

Excused and not voting, 2:

McCoy           Stinner

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

**LEGISLATIVE BILL 699.**

A BILL FOR AN ACT relating to the Nebraska Municipal Land Bank Act; to amend sections 19-5205, 19-5210, and 19-5213, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to board members, priorities for use of land, and reporting; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	Mello	Smith
Brasch	Friesen	Johnson	Morfeld	Sullivan
Campbell	Garrett	Kintner	Murante	Watermeier
Chambers	Gloor	Kolowski	Pansing Brooks	Williams
Coash	Haar, K.	Kolterman	Riepe	
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

McCoy           Stinner

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

**LEGISLATIVE BILL 702.**

A BILL FOR AN ACT relating to cities of the second class; to amend sections 17-102 and 17-104, Reissue Revised Statutes of Nebraska; to harmonize provisions relating to the election of city council members; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

McCoy           Stinner

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

**LEGISLATIVE BILL 737.**

A BILL FOR AN ACT relating to the Wastewater Treatment Facilities Construction Assistance Act; to amend sections 81-15,149, 81-15,150, 81-15,151, 81-15,154, 81-15,155, and 81-15,156, Reissue Revised Statutes of Nebraska; to redefine a term; to change powers of the Director of Environmental Quality; to change provisions relating to the Wastewater Treatment Facilities Construction Loan Fund, categories of loan eligibility, eligible items, loan conditions, and loan terms; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Ebke	Hilkemann	Lindstrom	Schumacher
Bloomfield	Fox	Howard	McCollister	Seiler
Bolz	Friesen	Hughes	Mello	Smith
Brasch	Garrett	Johnson	Morfeld	Sullivan
Campbell	Gloor	Kintner	Murante	Watermeier
Chambers	Groene	Kolowski	Pansing Brooks	Williams
Coash	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	
Davis	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Cook

Excused and not voting, 2:

McCoy          Stinner

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

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB751 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 751.** With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-115.01, 8-117, 8-157, 8-234, 8-374, 8-1510, and 21-1725.01, Reissue Revised Statutes of Nebraska; to provide that payment of certain expenses is not a condition precedent to certain approvals by the Director of Banking and Finance; to change certain notice provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:



Baker	Davis	Harr, B.	Larson	Schumacher
Bloomfield	Ebke	Hilkemann	Lindstrom	Seiler
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	Mello	Sullivan
Campbell	Garrett	Johnson	Murante	Watermeier
Chambers	Gloor	Kintner	Pansing Brooks	Williams
Coash	Groene	Kolowski	Riepe	
Cook	Haar, K.	Kolterman	Scheer	
Craighead	Hadley	Krist	Schilz	
Crawford	Hansen	Kuehn	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Morfeld

Excused and not voting, 2:

McCoy           Stinner

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 759.** With Emergency Clause.

A BILL FOR AN ACT relating to bank deposits and collections; to amend section 4-403, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to stop-payment orders; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 45:

Baker	Crawford	Hadley	Krist	Scheer
Bloomfield	Davis	Hansen	Kuehn	Schilz
Bolz	Ebke	Harr, B.	Larson	Schnoor
Brasch	Fox	Hilkemann	Lindstrom	Schumacher
Campbell	Friesen	Howard	McCollister	Seiler
Chambers	Garrett	Hughes	Mello	Smith
Coash	Gloor	Kintner	Murante	Sullivan
Cook	Groene	Kolowski	Pansing Brooks	Watermeier
Craighead	Haar, K.	Kolterman	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 2:

Johnson Morfeld

Excused and not voting, 2:

McCoy Stinner

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB760 with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 760.**

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-318 and 8-345.01, Reissue Revised Statutes of Nebraska, section 8-135, Revised Statutes Cumulative Supplement, 2014, and section 8-157.01, Revised Statutes Supplement, 2015; to update certain references to the federal Electronic Fund Transfer Act; to change an internal reference; and to repeal the original sections.

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

Voting in the affirmative, 45:

Baker	Davis	Hansen	Krist	Riepe
Bloomfield	Ebke	Harr, B.	Kuehn	Scheer
Bolz	Fox	Hilkemann	Larson	Schnoor
Brasch	Friesen	Howard	Lindstrom	Schumacher
Campbell	Garrett	Hughes	McCollister	Seiler
Chambers	Gloor	Johnson	Mello	Smith
Coash	Groene	Kintner	Morfeld	Sullivan
Cook	Haar, K.	Kolowski	Murante	Watermeier
Crawford	Hadley	Kolterman	Pansing Brooks	Williams

Voting in the negative, 0.

Present and not voting, 2:

Craighead Schilz

Excused and not voting, 2:

McCoy Stinner

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 761.**

A BILL FOR AN ACT relating to the Consumer Rental Purchase Agreement Act; to amend sections 69-2103, 69-2104, and 69-2112, Revised Statutes Cumulative Supplement, 2014; to change and update certain federal references; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

McCoy Stinner

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

**LEGISLATIVE BILL 771.**

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1106 and 8-1108.02, Revised Statutes Supplement, 2015; to change provisions relating to registration by coordination and federal covered securities; and to repeal the original sections.

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

Voting in the affirmative, 45:

Baker	Crawford	Hadley	Krist	Scheer
Bloomfield	Davis	Hansen	Kuehn	Schilz
Bolz	Ebke	Harr, B.	Lindstrom	Schnoor
Brasch	Fox	Howard	McCollister	Schumacher
Campbell	Friesen	Hughes	Mello	Seiler
Chambers	Garrett	Johnson	Morfeld	Smith
Coash	Gloor	Kintner	Murante	Sullivan
Cook	Groene	Kolowski	Pansing Brooks	Watermeier
Craighead	Haar, K.	Kolterman	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 2:

Hilkemann Larson

Excused and not voting, 2:

McCoy Stinner

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB775 with 34 ayes, 1 nay, 12 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 775.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-120 and 77-201, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Supplement, 2015; to redefine a term; to change property tax provisions relating to motor vehicles; to provide an operative

date; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

McCoy           Stinner

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 853.**

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend sections 1-113, 1-118, 1-119, 1-121, and 1-136.04, Reissue Revised Statutes of Nebraska, and section 1-136.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to an advisory committee, certified public accountant reexamination provisions, the examination fee, and accounting experience; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

McCoy          Stinner

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

### **LEGISLATIVE BILL 876.**

A BILL FOR AN ACT relating to public meetings; to amend section 84-1413, Revised Statutes Supplement, 2015; to authorize electronic voting devices for public bodies; and to repeal the original section.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	Mello	Sullivan
Campbell	Garrett	Johnson	Morfeld	Watermeier
Chambers	Gloor	Kintner	Murante	Williams
Coash	Groene	Kolowski	Pansing Brooks	
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Seiler

Excused and not voting, 2:

McCoy Stinner

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

**LEGISLATIVE BILL 131.**

A BILL FOR AN ACT relating to political subdivisions; to amend section 33-114, Reissue Revised Statutes of Nebraska; to provide restrictions on and requirements for sanitary and improvement districts subject to municipal annexation; to authorize fees for county treasurers for the collection of certain taxes and assessments of sanitary and improvement districts; and to repeal the original section.

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

Voting in the affirmative, 46:

Baker	Ebke	Hilkemann	Lindstrom	Schumacher
Bloomfield	Fox	Howard	McCollister	Seiler
Bolz	Friesen	Hughes	Mello	Smith
Brasch	Garrett	Johnson	Morfeld	Sullivan
Campbell	Gloor	Kintner	Murante	Watermeier
Chambers	Groene	Kolowski	Pansing Brooks	Williams
Coash	Haar, K.	Kolterman	Riepe	
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Davis

Excused and not voting, 2:

McCoy Stinner

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

**LEGISLATIVE BILL 136.** With Emergency Clause.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2015; to prohibit flying lanterns; to harmonize provisions; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 44:

Baker	Crawford	Hadley	Krist	Schilz
Bloomfield	Davis	Hansen	Kuehn	Schnoor
Bolz	Ebke	Harr, B.	Lindstrom	Schumacher
Brasch	Fox	Hilkemann	McCollister	Seiler
Campbell	Friesen	Howard	Mello	Smith
Chambers	Garrett	Hughes	Morfeld	Sullivan
Coash	Gloor	Johnson	Pansing Brooks	Watermeier
Cook	Groene	Kintner	Riepe	Williams
Craighead	Haar, K.	Kolterman	Scheer	

Voting in the negative, 0.

Present and not voting, 3:

Kolowski	Larson	Murante
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Excused and not voting, 2:

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

**LEGISLATIVE BILL 270.** With Emergency Clause.

A BILL FOR AN ACT relating to labor; to amend sections 48-1706, 48-2107, and 48-2710, Reissue Revised Statutes of Nebraska; to create and eliminate funds; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 48-1707 and 48-2115, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 44:



Baker	Ebke	Harr, B.	Kuehn	Scheer
Bolz	Fox	Hilkemann	Larson	Schnoor
Brasch	Friesen	Howard	Lindstrom	Schumacher
Campbell	Garrett	Hughes	McCollister	Seiler
Chambers	Gloor	Johnson	Mello	Smith
Coash	Groene	Kintner	Morfeld	Sullivan
Cook	Haar, K.	Kolowski	Murante	Watermeier
Craighead	Hadley	Kolterman	Pansing Brooks	Williams
Crawford	Hansen	Krist	Riepe	

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield	Davis	Schilz
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Excused and not voting, 2:

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

**LEGISLATIVE BILL 275.**

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,197.06, Revised Statutes Supplement, 2015; to change penalties for operating a motor vehicle during a revocation period; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

McCoy           Stinner

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

**LEGISLATIVE BILL 471.** With Emergency Clause.

A BILL FOR AN ACT relating to health and human services; to amend section 84-712.05, Reissue Revised Statutes of Nebraska, and section 71-2454, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to prescription drug monitoring; to create a task force; to provide powers and duties; to provide that certain prescription information, data, and reports are not a public record; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

Baker	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	
Davis	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

McCoy           Stinner

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB474 with 41 ayes, 3 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 474.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-201, 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Supplement, 2015; to provide for Mountain Lion Conservation Plates; to create the Game and Parks Commission Educational Fund and provide for its use; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

McCoy          Stinner

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 474A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 474, One Hundred Fourth Legislature, Second Session, 2016.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

McCoy            Stinner

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

#### **LEGISLATIVE BILL 665.**

A BILL FOR AN ACT relating to the Water Resources Cash Fund; to eliminate obsolete transfer provisions; and to outright repeal sections 61-220 and 61-221, Revised Statutes Cumulative Supplement, 2014.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

McCoy           Stinner

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB666 with 46 ayes, 1 nay, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 666.**

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-3,136 and 60-4,147.03, Reissue Revised Statutes of Nebraska, and sections 60-3,198, 60-487, 60-4,131, 60-4,144.01, 60-4,144.02, 60-4,168, and 60-4,181, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Ebke	Hilkemann	Lindstrom	Schumacher
Bloomfield	Fox	Howard	McCollister	Seiler
Bolz	Friesen	Hughes	Mello	Smith
Brasch	Garrett	Johnson	Morfeld	Sullivan
Campbell	Gloor	Kintner	Murante	Watermeier
Chambers	Groene	Kolowski	Pansing Brooks	Williams
Coash	Haar, K.	Kolterman	Riepe	
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Davis

Excused and not voting, 2:

McCoy           Stinner

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 667.**

A BILL FOR AN ACT relating to the International Fuel Tax Agreement Act; to amend section 66-1418, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions relating to trip permits; and to repeal the original section.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Hilkemann	McCollister	Seiler
Bolz	Fox	Howard	Mello	Smith
Brasch	Friesen	Hughes	Morfeld	Sullivan
Campbell	Garrett	Johnson	Murante	Watermeier
Chambers	Gloor	Kintner	Pansing Brooks	Williams
Coash	Groene	Kolterman	Riepe	
Cook	Haar, K.	Krist	Scheer	
Craighead	Hadley	Kuehn	Schilz	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 2:

McCoy           Stinner

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

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 695, 699, 702, 737, 751, 759, 760, 761, 771, 775, 853, 876, 131, 136, 270, 275, 471, 474, 474A, 665, 666, and 667.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 776.** Placed on Select File.**LEGISLATIVE BILL 807.** Placed on Select File.**LEGISLATIVE BILL 1035.** Placed on Select File with amendment.

ER168

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 52-1308, Reissue Revised Statutes of Nebraska, is  
4 amended to read:5 52-1308 Farm product shall mean an agricultural commodity, a species  
6 of livestock used or produced in farming operations, or a product of such  
7 crop or livestock in its unmanufactured state, that is in the possession  
8 of a person engaged in farming operations. Farm products shall include,  
9 but are not limited to, apples, artichokes, asparagus, barley, bees,  
10 buffalo, bull semen, cantaloupe, carrots, cattle and calves, chickens,  
11 corn, cucumbers, dry beans, eggs, embryos or genetic products, emu, fish,  
12 flax seed, grapes, hay, hogs, honey, honeydew melon, horses, llamas  
13 legumes, milk, millet, muskmelon, oats, onions, ostrich, popcorn,  
14 potatoes, pumpkins, raspberries, rye, safflower, seed crops, sheep and  
15 lambs, silage, sorghum grain, soybeans, squash, strawberries, sugar  
16 beets, sunflower seeds, sweet corn, tomatoes, trees, triticale, turkeys,  
17 vetch, walnuts, watermelon, wheat, and wool. The Secretary of State may,  
18 by rule and regulation, add other farm products to the list specified in  
19 this section if such products are covered by the general definition  
20 provided by this section.

21 Sec. 2. Section 52-1312, Revised Statutes Supplement, 2015, is

22 amended to read:

23 52-1312 The Secretary of State shall design and implement a central  
24 filing system for effective financing statements. The Secretary of State  
25 shall be the system operator. The system shall provide a means for filing  
26 effective financing statements or notices of such financing statements on  
27 a statewide basis. The system shall include requirements:1 (1) That an effective financing statement or notice of such  
2 financing statement shall be filed in the office of the Secretary of  
3 State. A debtor's residence shall be presumed to be the residence shown  
4 on the filing. The showing of an improper residence shall not affect the  
5 validity of the filing. The filing officer shall mark the statement or  
6 notice with a consecutive file number and with the date and hour of  
7 filing and shall hold the statement or notice or a microfilm or other  
8 digital photographic copy thereof for public inspection. In addition, the  
9 filing officer shall index the statements and notices according to the  
10 name of the debtor and shall note in the index the file number and the  
11 address of the debtor given in the statement;12 (2) That the Secretary of State compile information from all  
13 effective financing statements or notices filed with the Secretary of  
14 State into a master list (a) organized according to farm product, (b)

15 arranged within each such product (i) in alphabetical order according to  
 16 the last name of the individual debtors or, in the case of debtors doing  
 17 business other than as individuals, the first word in the name of such  
 18 debtors, (ii) in numerical order according to the approved unique  
 19 identifier of the ~~individual~~ debtors, (iii) geographically by county, and  
 20 (iv) by crop year, and (c) containing the information referred to in  
 21 subdivision (4) of section 52-1307;

22 (3) That the Secretary of State cause the information on the master  
 23 list to be published in lists (a) by farm product arranged alphabetically  
 24 by debtor and (b) by farm product arranged numerically by the debtor's  
 25 approved unique identifier. If a registered buyer so requests, the list  
 26 or lists for such buyer may be limited to any county or group of counties  
 27 where the farm product is produced or located or to any crop year or  
 28 years or a combination of such identifiers;

29 (4) That all buyers of farm products, commission merchants, selling  
 30 agents, and other persons may register with the Secretary of State to  
 31 receive or obtain lists described in subdivision (3) of this section. Any  
 1 buyer of farm products, commission merchant, selling agent, or other  
 2 person conducting business from multiple locations shall be considered as  
 3 one entity. Such registration shall be on an annual basis. The Secretary  
 4 of State shall provide the form for registration which shall include the  
 5 name and address of the registrant and the list or lists described in  
 6 subdivision (3) of this section which such registrant desires to receive  
 7 or obtain. A registration shall not be completed until the form provided  
 8 is properly completed and received by the Secretary of State accompanied  
 9 by the proper registration fee. The fee for annual registration shall be  
 10 thirty dollars.

11 A registrant shall pay an additional annual fee to receive or obtain  
 12 ~~quarterly~~ lists described in subdivision (3) of this section. For each  
 13 farm product list, the fee shall be an amount determined by the Secretary  
 14 of State not to exceed two hundred dollars per year ~~For each farm product~~  
 15 ~~list provided on microfiche, the annual fee shall be twenty five dollars.~~  
 16 ~~For each farm product list provided on paper, the annual fee shall be two~~  
 17 ~~hundred dollars. The annual fee for a special list which is a list~~  
 18 ~~limited to fewer than all counties or less than all crop years shall be~~  
 19 ~~one hundred fifty dollars for each farm product.~~

20 The Secretary of State shall maintain a record of the registrants  
 21 and the lists and contents of the lists received or obtained by the  
 22 registrants for a period of five years;

23 (5) That the lists as identified pursuant to subdivision (4) of this  
 24 section be distributed or published by the Secretary of State not more  
 25 often than once every month and not less often than once every three  
 26 months as determined by the Secretary of State on a quarterly basis and  
 27 be in written or printed form. A registrant may choose in lieu of  
 28 ~~receiving a written or printed form to receive statewide lists on~~  
 29 ~~microfiche.~~ The Secretary of State may provide for the distribution or  
 30 publication of the lists on any ~~other~~ medium and establish reasonable  
 31 charges for such lists, not to exceed the charges provided for in  
 1 subdivision (4) of this section therefor. The distribution shall be made



2 ~~by either certified or registered mail, return receipt requested.~~  
3 The Secretary of State shall, by rule and regulation, establish the  
4 dates upon which the ~~quarterly~~ distributions or publications will be  
5 made, the dates after which a filing of an effective financing statement  
6 will not be reflected on the next ~~quarterly~~ distribution or publication  
7 of lists, and the dates by which a registrant must complete a  
8 registration to receive or obtain the next ~~quarterly~~ list; and  
9 (6) That the Secretary of State remove lapsed and terminated  
10 effective financing statements or notices of such financing statements  
11 from the master list prior to preparation of the lists required to be  
12 distributed or published by subdivision (5) of this section.  
13 Effective financing statements or any amendments or continuations of  
14 effective financing statements originally filed in the office of the  
15 county clerk that have been indexed and entered on the Secretary of  
16 State's central filing system need not be retained by the county filing  
17 office and may be disposed of or destroyed.  
18 The Secretary of State shall apply to the Secretary of the United  
19 States Department of Agriculture for (a) certification of the central  
20 filing system and (b) approval of the system or method of selecting an  
21 approved unique identifier.  
22 The Secretary of State shall deposit any funds received pursuant to  
23 subdivision (4) of this section in the Uniform Commercial Code Cash Fund.  
24 Sec. 3. Section 52-1318, Reissue Revised Statutes of Nebraska, is  
25 amended to read:  
26 52-1318 (1) The State of Nebraska hereby adopts the federal rules  
27 and regulations ~~in effect on September 1, 2007~~, adopted and promulgated  
28 to implement section 1324 of the Food Security Act of 1985, Public Law  
29 99-198. If there is a conflict between such rules and regulations and  
30 sections 52-1301 to 52-1322, the federal rules and regulations shall  
31 apply.  
1 (2) The Secretary of State shall adopt and promulgate rules and  
2 regulations necessary to implement sections 52-1301 to 52-1322 pursuant  
3 to the Administrative Procedure Act. If necessary to obtain federal  
4 certification of the central filing system, additional or alternative  
5 requirements made in conformity with section 1324 of the Food Security  
6 Act of 1985, Public Law 99-198, may be imposed by the Secretary of State  
7 by rule and regulation.  
8 (3) The Secretary of State shall prescribe all forms to be used for  
9 filing effective financing statements and subsequent actions.  
10 Sec. 4. Section 52-1601, Reissue Revised Statutes of Nebraska, is  
11 amended to read:  
12 52-1601 ~~(1) Prior to July 1, 2001, the Secretary of State shall~~  
13 ~~compile lien information received by his or her office pursuant to~~  
14 ~~subsection (2) of section 9-414, Uniform Commercial Code, into a master~~  
15 ~~lien list in alphabetical order according to the last name of the~~  
16 ~~individual against whom such lien is filed or, in the case of an entity~~  
17 ~~doing business other than as an individual, the first word in the name of~~  
18 ~~the debtor. Such master lien list shall contain the name and address of~~  
19 ~~the debtor, the name and address of the lienholder, and the type of such~~

20 ~~lien.~~

21 ~~The (2) On and after July 1, 2001, the~~ Secretary of State shall  
22 compile lien information relative to liens created under Chapter 52,  
23 articles 2, 5, 7, 9, 11, 12, and 14, and Chapter 54, article 2, received  
24 by his or her office pursuant to subsection (a) of section 9-530, Uniform  
25 Commercial Code, into a master lien list in alphabetical order according  
26 to the last name of the individual against whom such lien is filed or, in  
27 the case of an entity doing business other than as an individual, the  
28 first word in the name of the debtor. Such master lien list shall contain  
29 the name and address of the debtor, the name and address of the  
30 lienholder, and the type of such lien.

31 Sec. 5. Section 52-1602, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 52-1602 (1) The master lien list prescribed in section 52-1601 shall  
3 be distributed or published by the Secretary of State not more often than  
4 once every month and not less often than once every three months on the  
5 date on a quarterly basis corresponding to the date on which the lists  
6 provided pursuant to sections 52-1301 to 52-1322 are distributed or  
7 published. ~~Such master lien list may be mailed with the list provided~~  
8 ~~pursuant to sections 52-1301 to 52-1322. If mailed separately, the master~~  
9 ~~lien list shall be mailed by either certified or registered mail, return~~  
10 ~~receipt requested.~~

11 (2) Any person may register with the Secretary of State to receive  
12 or obtain the master lien list prescribed in section 52-1601. Such  
13 registration shall be on an annual basis. The Secretary of State shall  
14 provide the form for registration. A registration shall not be completed  
15 until the form provided is properly completed and received by the  
16 Secretary of State accompanied by the proper registration fee. The fee  
17 for annual registration shall be thirty dollars, except that a registrant  
18 under sections 52-1301 to 52-1322 shall not be required to pay the  
19 registration fee provided by this section in addition to the registration  
20 fee paid pursuant to sections 52-1301 to 52-1322 for the same annual  
21 registration period. ~~A Beginning for calendar year 1989, a registrant~~  
22 ~~under sections 52-1601 to 52-1605 shall pay an additional annual fee to~~  
23 ~~receive or obtain the quarterly master lien lists prescribed in section~~  
24 ~~52-1601. For each master lien list, the fee shall be an amount determined~~  
25 ~~by the Secretary of State not to exceed two hundred dollars per year. For~~  
26 ~~each master lien list provided on microfiche, the annual fee shall be~~  
27 ~~twenty five dollars. For each master lien list provided on paper, the~~  
28 ~~annual fee shall be two hundred dollars.~~ The Secretary of State may  
29 provide for the distribution or publication of master lien lists on any  
30 ~~other~~ medium and may establish reasonable charges for such lists, not to  
31 exceed the charges provided for in this subsection therefor.

1 (3) The Secretary of State, by rule and regulation, shall establish  
2 the dates after which a filing of liens will not be reflected on the next  
3 ~~quarterly~~ distribution or publication of the master lien list and the  
4 date by which a registrant shall complete a registration in order to  
5 receive or obtain the next ~~quarterly~~ master lien list.

6 (4) The Secretary of State shall deposit any funds received pursuant

7 to subsection (2) of this section in the Uniform Commercial Code Cash  
8 Fund.  
9 Sec. 6. Section 52-1603, Reissue Revised Statutes of Nebraska, is  
10 amended to read:  
11 52-1603 (1) A buyer of farm products who is registered to receive or  
12 obtain the master lien list as provided in section 52-1602 and who, in  
13 the ordinary course of business, buys farm products from a seller engaged  
14 in farming operations shall take free of any lien created under the  
15 provisions of Chapter 52, article 2, 5, 9, 11, 12, or 14, if such lien is  
16 not on the most recent master lien list received or obtained by the buyer  
17 pursuant to sections 52-1601 to 52-1605, except that such buyer shall  
18 take subject to any such lien if the lien was filed after the last date  
19 for inclusion in the most recent ~~quarterly~~ distribution or publication of  
20 the master lien list and if the buyer has received from the lienholder or  
21 seller written notice of the lien. For purposes of this subsection, the  
22 form of such written notice of the lien may be a copy of the lien filing.  
23 For purposes of this subsection, received or obtained by the buyer shall  
24 mean the first date upon which delivery or publication of the master lien  
25 list is attempted by a carrier or, in the case of electronic publication,  
26 the first date upon which the Secretary of State made the most current  
27 master lien list available electronically, and in all cases a buyer shall  
28 be presumed to have received or obtained the master lien list ten days  
29 after it was mailed or published by the Secretary of State.  
30 (2) If a buyer buying property subject to a lien created under the  
31 provisions of Chapter 52, article 2, 5, 9, 11, 12, or 14, tenders to the  
1 seller the total purchase price by means of a check or other instrument  
2 payable to such seller and the lienholder of any such lien for such  
3 property and if such lienholder authorizes the negotiation of such check  
4 or other instrument, such authorization or endorsement and payment  
5 thereof shall constitute a waiver or release of the lien specified to the  
6 extent of the amount of the check or instrument. Such waiver or release  
7 of the lien shall not serve to establish or alter in any way security  
8 interest or lien priorities under Nebraska law.  
9 (3) Except as otherwise provided in the provisions of subsections  
10 (1) and (2) of this section, sections 52-1601 to 52-1605 shall not be  
11 interpreted or construed to alter liability of buyers of property subject  
12 to liens created under the provisions of Chapter 52, article 2, 5, 9, 11,  
13 12, or 14.  
14 Sec. 7. Original sections 52-1308, 52-1318, 52-1601, 52-1602, and  
15 52-1603, Reissue Revised Statutes of Nebraska, and section 52-1312,  
16 Revised Statutes Supplement, 2015, are repealed.

**LEGISLATIVE BILL 734.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

Executive Board

**LEGISLATIVE BILL 1083.** Placed on General File.**LEGISLATIVE RESOLUTION 413.** Reported to the Legislature for further consideration.**LEGISLATIVE RESOLUTION 418.** Reported to the Legislature for further consideration.

(Signed) Bob Krist, Chairperson

Natural Resources

**LEGISLATIVE BILL 745.** Placed on General File.**LEGISLATIVE BILL 887.** Placed on General File.**LEGISLATIVE BILL 344.** Placed on General File with amendment.

AM2112

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

2 sections:

3 Section 1. Section 2-3226, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 2-3226 (1) Each district shall have the power and authority to  
6 issue revenue bonds for the purpose of financing construction of  
7 facilities authorized by law. Issuance of revenue bonds must be approved  
8 by two-thirds of the members of the board of directors of the district.9 The district shall pledge sufficient revenue from any revenue-producing  
10 facility constructed with the aid of revenue bonds for the payment of  
11 principal and interest on such bonds and shall establish rates for such  
12 facilities at a sufficient level to provide for the operation of such  
13 facilities and for the bond payments.14 (2)(a) As provided in subdivision (b) of this subsection, each  
15 district shall have the power and authority to issue general obligation  
16 bonds for the purpose of financing part of the cost of non-revenue-  
17 producing water projects authorized by law. Issuance of such bonds shall  
18 be approved by two-thirds of the members of the board of directors of the  
19 district, and such bonds shall be retired using the district's ad valorem  
20 tax revenue and other funds available to the district not pledged for  
21 another purpose.22 (b) If an application described in subsection (3) of this section is  
23 not selected for funding from the Water Sustainability Fund, or is not  
24 approved for the full amount requested in the application, the district  
25 may issue bonds as authorized by subdivision (a) of this subsection in an  
26 aggregate amount not to exceed sixty percent of the project cost. If such  
27 application is selected for funding from the Water Sustainability Fund,  
1 the district may issue bonds in an aggregate amount not to exceed forty  
2 percent of the project cost. Any bonds issued under this subsection must

3 be issued within four years from the date an application is either  
4 selected for full or partial funding or not selected for funding through  
5 the Water Sustainability Fund.  
6 (3) A district shall be eligible to utilize the bonds for a project  
7 authorized under subsection (2) of this section if:  
8 (a) The district has submitted an application for funding from the  
9 Water Sustainability Fund pursuant to section 2-1507;  
10 (b) Such application is determined to be eligible for funding from  
11 the Water Sustainability Fund as determined by the Director of Natural  
12 Resources pursuant to subsection (3) of section 2-1509; and  
13 (c) The district receives a commitment for or approval of matching  
14 or cost share funds from other state, local, or federal agencies,  
15 including the Nebraska Environmental Trust, or other sources for the  
16 project prior to issuance of any bonds pursuant to subsection (2) of this  
17 section.  
18 (4) A district may issue bonds pursuant to section 2-3226.10 or as  
19 authorized by subsection (2) of this section but in no case shall the  
20 annual tax levied to pay debt service on such bonds exceed the district's  
21 tax levy limitation.  
22 Sec. 2. Section 2-3226.14, Reissue Revised Statutes of Nebraska, is  
23 amended to read:  
24 2-3226.14 The authority to issue bonds for qualified projects  
25 granted in section 2-3226.10 terminates on December 31, ~~2025~~ 2019, except  
26 that (1) any bonds already issued and outstanding for qualified projects  
27 as of such date are permitted to remain outstanding and the district  
28 shall retain all powers of taxation provided for in section 2-3226.10 to  
29 provide for the payment of principal and interest on such bonds and (2)  
30 refunding bonds may continue to be issued and outstanding as of December  
31 31, ~~2025~~ 2019, including extension of principal maturities if determined  
1 appropriate.  
2 Sec. 3. Original sections 2-3226 and 2-3226.14, Reissue Revised  
3 Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 736.** Placed on General File with amendment.  
AM2074

1 1. On page 2, line 25, strike beginning with "has" through  
2 "70-1014.02" and insert "means a public power district, a public power  
3 and irrigation district, an individual municipality, a registered group  
4 of municipalities, an electric membership association, or a  
5 cooperative".

(Signed) Ken Schilz, Chairperson  
Judiciary

**LEGISLATIVE BILL 679.** Placed on General File.

(Signed) Les Seiler, Chairperson

**COMMITTEE REPORT(S)**

## Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

John Arley Rundel - Nebraska Oil and Gas Conservation Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Hilary K. Maricle - Environmental Quality Council

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Davis filed the following amendment to LB655:  
AM2178 is available in the Bill Room.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Goldschmidt, Pete - Technical Advisory Committee for Statewide  
Assessment - Education

(Signed) Bob Krist, Chairperson  
Executive Board

**ANNOUNCEMENT(S)**

Senator Crawford designates LB754 as her priority bill.

The Urban Affairs Committee designates LB704 and LB1059 as its priority bills.

The Banking, Commerce and Insurance Committee designates LB794 and LB772 as its priority bills.

**SELECT FILE**

**LEGISLATIVE RESOLUTION 26CA.** Senator Chambers renewed his motion, MO182, found on page 598, to reconsider the vote taken to bracket.

**SENATOR COASH PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 18:

Bloomfield	Cook	Kolowski	Pansing Brooks	Sullivan
Brasch	Friesen	Kolterman	Riepe	Williams
Campbell	Gloor	Krist	Schnoor	
Chambers	Harr, B.	McCollister	Seiler	

Voting in the negative, 19:

Bolz	Hadley	Kintner	Mello	Schilz
Coash	Hansen	Kuehn	Morfeld	Schumacher
Ebke	Hughes	Larson	Murante	Watermeier
Garrett	Johnson	Lindstrom	Scheer	

Present and not voting, 9:

Baker	Crawford	Fox	Hilkemann	Smith
Craighead	Davis	Haar, K.	Howard	

Excused and not voting, 3:

Groene	McCoy	Stinner
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The Chambers motion to reconsider failed with 18 ayes, 19 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO183

Recommit to the Government, Military and Veterans Affairs Committee.

**SENATOR SCHEER PRESIDING**

Senator Murante offered the following motion:

MO184

Unanimous consent to recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers objected.

The Chambers motion, MO183, found in this day's Journal, to recommit to the Government, Military and Veterans Affairs Committee, was renewed.

### SENATOR COASH PRESIDING

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Murante moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Murante requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 15:

Coash	Garrett	Hughes	Lindstrom	Scheer
Ebke	Groene	Kintner	Morfeld	Schilz
Fox	Hansen	Larson	Murante	Watermeier

Voting in the negative, 23:

Baker	Chambers	Hilkemann	McCollister	Seiler
Bloomfield	Cook	Kolowski	Pansing Brooks	Sullivan
Bolz	Davis	Kolterman	Riepe	Williams
Brasch	Gloor	Krist	Schnoor	
Campbell	Harr, B.	Kuehn	Schumacher	

Present and not voting, 7:

Craighead	Haar, K.	Howard	Smith
Crawford	Hadley	Mello	

Excused and not voting, 4:

Friesen	Johnson	McCoy	Stinner
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The Chambers motion to recommit to committee failed with 15 ayes, 23 nays, 7 present and not voting, and 4 excused and not voting.



Senator Larson offered the following motion:

MO185

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Larson requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 26:

Baker	Ebke	Hansen	Lindstrom	Smith
Bolz	Fox	Howard	Mello	Watermeier
Coash	Garrett	Hughes	Morfeld	
Craighead	Groene	Kintner	Murante	
Crawford	Haar, K.	Kuehn	Scheer	
Davis	Hadley	Larson	Schilz	

Voting in the negative, 18:

Brasch	Gloor	Kolowski	Pansing Brooks	Sullivan
Campbell	Harr, B.	Kolterman	Riepe	Williams
Chambers	Hilkemann	Krist	Schnoor	
Cook	Johnson	McCollister	Seiler	

Present and not voting, 2:

Bloomfield Schumacher

Excused and not voting, 3:

Friesen McCoy Stinner

The Larson motion to invoke cloture failed with 26 ayes, 18 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 718.** Placed on Select File.

**LEGISLATIVE BILL 753.** Placed on Select File.

**LEGISLATIVE BILL 786.** Placed on Select File.

**LEGISLATIVE BILL 859.** Placed on Select File.

**LEGISLATIVE BILL 898.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 18, 2016, at 10:28 a.m. were the following: LBs 695, 699, 702, 737, 751e, 759e, 760, 761, 771, 775e, 853, 876, 131, 136e, 270e, 275, 471e, 474, 474A, 665, 666, and 667.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**NOTICE OF COMMITTEE HEARING(S)**  
Nebraska Retirement Systems

Room 1525

Thursday, February 25, 2016 12:00 p.m.

AM2178 to LB655

(Signed) Mark Kolterman, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Morfeld filed the following amendment to LR26CA:  
AM2204

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. At the general election in November 2016 the following  
4 proposed amendment to the Constitution of Nebraska shall be submitted to  
5 the electors of the State of Nebraska for approval or rejection:  
6 To amend Article III, section 8:  
7 III-8 ~~A No person is shall be eligible for to~~ the office of member  
8 of the Legislature ~~if, unless~~ on the date of the general election at  
9 which such person ~~he~~ is elected; or on the date of his or her  
10 appointment, such person ~~he~~ is a registered voter, has attained the  
11 federal voting age, of twenty-one years and has resided within the  
12 district from which he or she is elected for the term of one year next  
13 before his or her election unless such person has, ~~unless he shall have~~  
14 been absent on the public business of the United States or of this State.  
15 ~~A And no person elected to the office of member of the Legislature as~~  
16 ~~aforsaid~~ shall not hold such his office after he or she has ~~shall have~~  
17 removed from such district.  
18 Sec. 2. The proposed amendment shall be submitted to the electors  
19 in the manner prescribed by the Constitution of Nebraska, Article XVI,  
20 section 1, with the following ballot language:  
21 A constitutional amendment to permit persons who have attained the  
22 federal voting age to be eligible for the office of member of the  
23 Legislature.  
24 For  
25 Against.

Senator Murante filed the following amendment to LR26CA:

FA88

Strike the enacting clause.

Senator Morfeld filed the following amendment to LR26CA:

AM2207

(Amendments to Final Reading copy)

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

2 sections:

3 Section 1. At the general election in November 2016 the following  
4 proposed amendment to the Constitution of Nebraska shall be submitted to  
5 the electors of the State of Nebraska for approval or rejection:

6 To amend Article III, section 8:

7 III-8 ~~A No person is shall be eligible for to~~ the office of member  
8 of the Legislature ~~if, unless~~ on the date of the general election at  
9 which such person ~~he~~ is elected; or on the date of his or her  
10 appointment, such person ~~he~~ is a registered voter, has attained the  
11 federal voting age, ~~of twenty-one years~~ and has resided within the  
12 district from which he or she is elected for the term of one year next  
13 before his or her election unless such person has, ~~unless he shall have~~  
14 been absent on the public business of the United States or of this State.  
15 ~~A And no person elected to the office of member of the Legislature as~~  
16 ~~aforsaid shall not hold such his office after he or she has shall have~~  
17 removed from such district.

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

21 A constitutional amendment to permit persons who have attained the  
22 federal voting age to be eligible for the office of member of the  
23 Legislature.

24 For

25 Against.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 439.** Introduced by Crawford, 45;  
Davis, 43; Friesen, 34; Hughes, 44; McCollister, 20.

PURPOSE: The purpose of this interim study is to examine the use of tax-increment financing (TIF) by municipalities for residential development. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of housing needs in Nebraska municipalities, with particular emphasis on municipalities in rural Nebraska;

(2) A review of the current economic development tools available to Nebraska municipalities, including TIF, that can be utilized to address housing needs;

(3) An examination of the impacts of residential TIF projects on school districts and other political subdivisions;

(4) A review of notice requirements for residential TIF projects under the Community Development Law, including notices to school districts and other political subdivisions; and

(5) An examination of ways to improve cooperation between municipalities and school districts regarding residential TIF projects to address the concerns raised in items (3) and (4).

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 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.

### COMMITTEE REPORT(S)

Natural Resources

**LEGISLATIVE BILL 897.** Placed on General File with amendment.

AM1968

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

2 sections:

3 Section 1. Section 10-1103, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 10-1103 For purposes of the Nebraska Governmental Unit Security

6 Interest Act:

7 (1) Authorizing statute means any statute which authorizes the

8 issuance of bonds;

9 (2) Bond means any bond, note, warrant, loan agreement, lease,

10 lease-purchase agreement, pledge agreement, agreement authorized by the

11 governing body of a generating power agency pursuant to section 2 of this

12 act, or other evidence of indebtedness for which a security interest is

13 granted or a pledge made upon revenue or other property, including any

14 limited tax revenue, to provide for payment or security;

15 (3) Governmental unit means the State of Nebraska, any county,

16 school district, city, village, public power district, sanitary and

17 improvement district, educational service unit, community college area,

18 natural resources district, airport authority, fire protection district,

19 hospital authority, joint entity created under the Interlocal Cooperation

20 Act, joint public agency, instrumentality, or any other district,

21 authority, or political subdivision of the State of Nebraska and

22 governmental units as defined in subdivision (a)(45) of section 9-102,

23 Uniform Commercial Code;

24 (4) Measure means any ordinance, resolution, or other enactment

25 authorizing the issuance of bonds or authorizing an indenture with

26 respect to bonds pursuant to an authorizing statute; and

27 (5) Owner means any holder, registered owner, or beneficial owner of  
 1 a bond.  
 2 Sec. 2. (1) For purposes of this section:  
 3 (a) Generating power agency has the same meaning as in Chapter 70,  
 4 article 6; and  
 5 (b) Regional transmission organization has the same meaning as in  
 6 section 70-1001.01.  
 7 (2) Any generating power agency buying or selling fuel, power, or  
 8 energy which operates in a regional transmission organization shall be  
 9 authorized to engage in commodity futures financial hedging transactions  
 10 with products regulated under the federal Commodity Futures Trading  
 11 Commission for fuel, power, or energy as part of its sound business  
 12 practices. Any generating power agency engaged in such transactions is  
 13 authorized to grant a foreclosable security interest in and a lien on  
 14 such agency's commodity futures account contracts or funds used for such  
 15 transactions in an amount not exceeding five percent of such agency's  
 16 annual gross revenue averaged over the preceding three calendar years.  
 17 (3) The authority to enter into agreements for the use of commodity  
 18 futures financial hedging transactions shall be authorized by a  
 19 resolution adopted or an agreement approved by the governing body of the  
 20 generating power agency.  
 21 (4) The authority granted in this section is limited to granting a  
 22 security interest in and a lien on future account contracts or funds  
 23 specifically designated and used for such commodity futures financial  
 24 hedging transactions. Except as otherwise authorized under Chapter 70,  
 25 this section does not authorize granting a foreclosable security interest  
 26 in or a lien on any other funds, assets, facilities, or property of a  
 27 generating power agency.  
 28 (5) An agreement authorized by this section shall be considered a  
 29 bond as defined in section 10-1103.  
 30 Sec. 3. The Revisor of Statutes shall assign section 2 of this act  
 31 to Chapter 70, article 6.  
 1 Sec. 4. Original section 10-1103, Reissue Revised Statutes of  
 2 Nebraska, is repealed.

(Signed) Ken Schilz, Chairperson

Executive Board

**LEGISLATIVE BILL 580.** Placed on General File with amendment.  
 AM1961 is available in the Bill Room.

**LEGISLATIVE BILL 1022.** Placed on General File with amendment.  
 AM2170

1 1. On page 4, line 16, strike "(10)(c)", show as stricken, and  
 2 insert "(10)(d)".  
 3 2. On page 5, line 13; page 25, line 29; page 27, line 31; page 28,  
 4 line 17; page 38, lines 7 and 27; and page 39, line 18, strike "2020" and  
 5 insert "2022".

6 3. On page 22, lines 24 and 30, reinstate the stricken matter.  
 7 4. On page 23, after line 3, insert the following new subdivision:  
 8 "(b) When selecting tax returns or tax return information for a  
 9 performance audit of a tax incentive program, the office of Legislative  
 10 Audit shall select the tax returns or tax return information for either  
 11 all or a statistically and randomly selected sample of taxpayers who have  
 12 applied for or who have qualified for benefits under the tax incentive  
 13 program that is the subject of the audit. When the office of Legislative  
 14 Audit reports on its review of tax returns and tax return information, it  
 15 shall comply with subdivision (10)(c) of this section."; in line 4 strike  
 16 "(b)", show as stricken, and insert "(c)"; and in line 12 strike "(c)",  
 17 show as stricken, and insert "(d)".  
 18 5. On page 28, line 4, strike "2025" and insert "2027".  
 19 6. On page 28, lines 28 and 29; page 29, lines 1, 10, 11, 14, 18,  
 20 19, 22, 28, and 29; and page 30, lines 1, 13, 14, 17, 25, 26, and 29,  
 21 strike "2018" and insert "2020".

**LEGISLATIVE RESOLUTION 403.** Reported to the Legislature for further consideration with the following amendment:

AM2162

1 1. In the first Resolved clause, strike the last occurrence of "or  
 2 his or her designee".

(Signed) Bob Krist, Chairperson

Judiciary

**LEGISLATIVE BILL 710.** Placed on General File with amendment.

AM1846

1 1. Insert the following new section:  
 2 Sec. 2. If any section in this act or any part of any section is  
 3 declared invalid or unconstitutional, the declaration shall not affect  
 4 the validity or constitutionality of the remaining portions.  
 5 2. On page 2, line 18, after "person" insert "or the coercing of any  
 6 such activity"; in line 23, strike "(a)"; and in line 26 strike "b" and  
 7 reinstate the stricken "3".  
 8 3. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 831.** Placed on General File with amendment.

AM2119

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Sections 1 to 9 of this act shall be known and may be  
 4 cited as the Automatic License Plate Reader Privacy Act.  
 5 Sec. 2. For purposes of the Automatic License Plate Reader Privacy  
 6 Act:  
 7 (1) Alert means data held by the Department of Motor Vehicles, each  
 8 criminal justice information system maintained in this state, the Federal  
 9 Bureau of Investigation National Crime Information Center, the Federal

10 Bureau of Investigation Kidnappings and Missing Persons list, the Missing  
11 Persons Information Clearinghouse established under section 29-214.01,  
12 and license plate numbers that have been manually entered into the  
13 automatic license plate reader system upon a law enforcement officer's  
14 determination that the vehicles or individuals associated with the  
15 license plate numbers are relevant and material to an ongoing criminal or  
16 missing persons investigation;  
17 (2) Automatic license plate reader system means one or more mobile  
18 or fixed automated high-speed cameras used in combination with computer  
19 algorithms to convert images of license plates into computer readable  
20 data;  
21 (3) Captured plate data means global positioning system coordinates,  
22 date and time information, photographs, license plate numbers, and any  
23 other data captured by or derived from any automatic license plate reader  
24 system;  
25 (4) Governmental entity means a department or agency of the state or  
26 a political subdivision thereof, or an individual acting for or on behalf  
27 of the state or a political subdivision thereof; and  
1 (5) Secured area means a place, enclosed by clear boundaries, to  
2 which access is limited and not open to the public and entry is only  
3 obtainable through specific access-control points.  
4 Sec. 3. (1) Except as otherwise provided in this section or in  
5 section 4 of this act, the use of an automatic license plate reader  
6 system by any person acting under color of state law is prohibited.  
7 (2) An automatic license plate reader system may be used by a person  
8 acting under color of state law when such use is:  
9 (a) By a state, county, city, or village law enforcement agency as  
10 an alert for the purpose of identifying:  
11 (i) Outstanding parking or traffic violations;  
12 (ii) An unregistered or uninsured vehicle;  
13 (iii) A vehicle in violation of the vehicle equipment requirements  
14 set forth under the Nebraska Rules of the Road;  
15 (iv) A vehicle in violation of any other vehicle registration  
16 requirement;  
17 (v) A vehicle registered to an individual for whom there is an  
18 outstanding warrant;  
19 (vi) A vehicle associated with a missing person;  
20 (vii) A vehicle that has been reported as stolen; or  
21 (viii) A vehicle that is relevant and material to an ongoing  
22 criminal investigation;  
23 (b) By a parking enforcement entity for regulating the use of a  
24 parking facility;  
25 (c) For the purpose of controlling access to a secured area;  
26 (d) For the purpose of electronic toll collection; or  
27 (e) To assist weighing stations in performing their duties under  
28 section 60-1301.  
29 Sec. 4. (1) Except as otherwise provided in this section, the use  
30 or sharing of captured plate data obtained for the purposes described in  
31 subsection (2) of section 3 of this act is prohibited. Captured plate

1 data obtained for the purposes described in subsection (2) of section 3  
2 of this act may be retained;  
3 (a) As evidence under subsection (2) of section 3 of this act;  
4 (b) Pursuant to a preservation request under subsection (1) of  
5 section 5 of this act;  
6 (c) Pursuant to a disclosure order under subsection (2) of section 5  
7 of this act;  
8 (d) Pursuant to a warrant issued under the Federal Rules of Criminal  
9 Procedure or sections 29-401 to 29-411; or  
10 (e) As part of an ongoing investigation if the captured plate data  
11 is confirmed as matching an alert and is destroyed at the conclusion of  
12 either:  
13 (i) An investigation that does not result in any criminal charges  
14 being filed; or  
15 (ii) Any criminal action undertaken in the matter involving the  
16 captured plate data.  
17 (2) Any governmental entity that uses automatic license plate reader  
18 systems pursuant to subsection (2) of section 3 of this act must update  
19 those systems from the databases enumerated in such subsection at the  
20 beginning of each law enforcement agency shift if such updates are  
21 available.  
22 (3) Any governmental entity that uses automatic license plate reader  
23 systems pursuant to subsection (2) of section 3 of this act may manually  
24 enter license plate numbers into the automatic license plate reader  
25 system only where a law enforcement officer determines that the vehicle  
26 or individuals associated with the license plate number are relevant and  
27 material to an ongoing criminal or missing persons investigation subject  
28 to the following limitations:  
29 (a) Any manual entry must document the reason for the entry; and  
30 (b) Manual entries must be automatically purged at the end of each  
31 law enforcement agency shift.  
1 Sec. 5. (1)(a) An operator of an automatic license plate reader  
2 system, upon the request of a governmental entity or a defendant in a  
3 criminal case, shall take all necessary steps to preserve captured plate  
4 data in its possession for fourteen days pending the issuance of a court  
5 order under subsection (2) of this section.  
6 (b) A requesting governmental entity or defendant in a criminal case  
7 must specify in a written sworn statement:  
8 (i) The particular camera or cameras for which captured plate data  
9 must be preserved or the particular license plate for which captured  
10 plate data must be preserved; and  
11 (ii) The date or dates and timeframes for which captured plate data  
12 must be preserved.  
13 (2) A governmental entity or defendant in a criminal case may apply  
14 for a court order for disclosure of captured plate data, which shall be  
15 issued by the court if the governmental entity or defendant in a criminal  
16 case offers specific and articulable facts showing there are reasonable  
17 grounds to believe the captured plate data is relevant and material to an  
18 ongoing criminal or missing persons investigation or criminal prosecution



19 or defense.

20 (3) Captured plate data held by a governmental entity shall be  
21 destroyed if the application for an order under subsection (2) of this  
22 section is denied or at the end of six months, whichever is later.

23 (4) A governmental entity may obtain, receive, or use privately held  
24 captured plate data only pursuant to a warrant issued under the Federal  
25 Rules of Criminal Procedure or sections 29-401 to 29-411 or the procedure  
26 described in subsection (2) of this section, and only if the private  
27 automatic license plate reader system retains captured plate data for  
28 fourteen days or fewer.

29 Sec. 6. Except as otherwise provided in subdivision (3)(b) of this  
30 section, any governmental entity that uses an automatic license plate  
31 reader system shall:

1 (1) Adopt a policy governing use of the system and conspicuously  
2 post the policy on the governmental entity's Internet web site;

3 (2) Adopt a privacy policy to ensure that captured plate data is not  
4 shared in violation of the Automatic License Plate Reader Privacy Act or  
5 any other law, and conspicuously post the privacy policy on the  
6 governmental entity's Internet web site; and

7 (3)(a) Report annually to the Nebraska Commission on Law Enforcement  
8 and Criminal Justice on its automatic license plate reader practices and  
9 usage. The report shall also be conspicuously posted on the governmental  
10 entity's Internet web site. The report shall include:

11 (i) The number of license plates scanned;

12 (ii) The names of the lists against which captured plate data was  
13 checked, the number of confirmed matches, and the number of matches that  
14 upon further investigation did not correlate to an alert;

15 (iii) The number of matches that resulted in arrest and prosecution;

16 (iv) The number of preservation requests received under subsection  
17 (1) of section 5 of this act;

18 (v) The number of preservation requests issued under subsection (1)  
19 of section 5 of this act, broken down by the number of preservation  
20 requests issued to other governmental entities and the number of  
21 preservation requests issued to private automatic license plate reader  
22 systems;

23 (vi) The number of disclosure orders received under subsection (2)  
24 of section 5 of this act;

25 (vii) The number of disclosure orders applied for under subsection  
26 (2) of section 5 of this act, broken down by:

27 (A) The number of applications for disclosure orders to governmental  
28 entities under subsection (2) of section 5 of this act that were denied;

29 (B) The number of orders for disclosure to governmental entities  
30 under subsection (2) of section 5 of this act resulting in arrest and  
31 prosecution;

1 (C) The number of applications for disclosure orders to private  
2 automatic license plate reader systems under subsection (2) of section 5  
3 of this act that were denied; and

4 (D) The number of orders for disclosure to private automatic license  
5 plate reader systems under subsection (2) of section 5 of this act

6 resulting in arrest and prosecution;

7 (viii) The number of manually-entered license plate numbers under  
8 subsection (3) of section 4 of this act, broken down by reason justifying  
9 the entry, the number of confirmed matches, and the number of matches  
10 that upon further investigation did not correlate to an alert; and

11 (ix) Any changes in policy that affect privacy concerns.

12 (b) The reporting requirements of this subsection shall not apply to  
13 weighing stations using an automatic license plate reader system pursuant  
14 to subdivision (2)(e) of section 3 of this act.

15 Sec. 7. No captured plate data and no evidence derived therefrom  
16 may be received in evidence in any trial, hearing, or other proceeding in  
17 or before any court, grand jury, department, officer, agency, regulatory  
18 body, legislative committee, or other authority of this state, or a  
19 political subdivision thereof, if the disclosure of that information  
20 would be in violation of the Automatic License Plate Reader Privacy Act.

21 Sec. 8. Any person who violates the Automatic License Plate Reader  
22 Privacy Act shall be subject to legal action for damages. Such action may  
23 be brought by any other person claiming that a violation of the act has  
24 injured his or her business, his or her person, or his or her reputation.

25 A person so injured shall be entitled to actual damages, including mental  
26 pain and suffering endured by him or her on account of violation of the  
27 provisions of the act, and reasonable attorney's fees and costs of  
28 litigation.

29 Sec. 9. (1) Captured plate data is not considered a public record  
30 for the purposes of sections 84-712 to 84-712.09 and may only be  
31 disclosed to the person to whom the vehicle is registered or with the  
1 prior written consent of the person to whom the vehicle is registered.

2 (2) Upon the presentation to an appropriate governmental entity of a  
3 valid, outstanding protection order pursuant to the Protection from  
4 Domestic Abuse Act, the Uniform Interstate Enforcement of Domestic  
5 Violence Protection Orders Act, or section 28-311.09 or 28-311.10  
6 protecting the driver of a vehicle jointly registered with or registered  
7 solely in the name of the individual against whom the order was issued,  
8 captured plate data may not be disclosed except pursuant to a disclosure  
9 order under subsection (2) of section 5 of this act or as the result of a  
10 match pursuant to subsection (2) of section 3 of this act.

11 Sec. 10. (1) The purchase or use of cell-site simulator technology  
12 or devices by a law enforcement agency is prohibited. Any law enforcement  
13 agency that currently possesses or uses cell-site simulator technology or  
14 devices shall discontinue such use and discard the technology or devices.

15 (2) For purposes of this section, cell-site simulator means a device  
16 that transmits or receives radio waves to or from a communications device  
17 and that can be used to intercept, collect, access, transfer, or forward  
18 the data transmitted or received by the communications device or stored  
19 on the communications device. Cell-site simulator includes an  
20 international mobile subscriber identity catcher or other surveillance or  
21 eavesdropping device that mimics a cellular base station and transmits  
22 radio waves that cause cell phones or other communications devices in the  
23 area to transmit or receive radio waves, electronic data, location data,

24 information used to calculate location, identifying information,  
 25 communications content, or metadata, or otherwise obtains this  
 26 information through passive means, such as through the use of a digital  
 27 analyzer or other passive interception device.

**LEGISLATIVE BILL 919.** Placed on General File with amendment.  
 AM2171

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

3 Section 1. Section 24-1301, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:

5 24-1301 The Legislature finds and declares that when left untreated,  
 6 substance use disorders and mental illness ~~drug use and other offenses~~  
 7 contribute to increased crime in Nebraska, cost millions of dollars in  
 8 lost productivity, and contribute to the burden placed upon law  
 9 enforcement, court, and correctional systems in Nebraska.

10 The Legislature also finds and declares that ~~drug court programs and~~  
 11 problem solving courts, including drug, veterans, mental health, driving  
 12 under the influence, reentry, and other problem solving courts, court  
 13 ~~programs~~ are effective in reducing recidivism of persons who participate  
 14 in and complete such courts programs. The Legislature recognizes that a  
 15 ~~drug court program or a problem solving courts offer court program offers~~  
 16 a person accused of drug, alcohol, offenses and other offenses  
 17 alternatives an alternative to traditional criminal justice proceedings  
 18 or juvenile justice dispositions proceedings.

19 Sec. 2. Section 24-1302, Reissue Revised Statutes of Nebraska, is  
 20 amended to read:

21 24-1302 (1) Drug, veterans, mental health, driving under the  
 22 influence, reentry, and other court programs and ~~problem solving courts~~  
 23 ~~court programs~~ shall be subject to rules which shall be promulgated by  
 24 the Supreme Court for procedures to be implemented in the administration  
 25 of such courts programs.

26 (2) It is the intent of the Legislature that funds be appropriated  
 27 separately to the Supreme Court for each of the ~~programs, the drug court~~  
 1 ~~programs and the problem solving courts court programs~~, to carry out this  
 2 section and section 24-1301.

3 Sec. 3. Section 29-2246, Revised Statutes Supplement, 2015, is  
 4 amended to read:

5 29-2246 For purposes of the Nebraska Probation Administration Act  
 6 and sections 43-2,123.01 and 83-1,102 to 83-1,104, unless the context  
 7 otherwise requires:

8 (1) Association means the Nebraska District Court Judges  
 9 Association;

10 (2) Court means a district court, county court, or juvenile court as  
 11 defined in section 43-245;

12 (3) Office means the Office of Probation Administration;

13 (4) Probation means a sentence under which a person found guilty of  
 14 a crime upon verdict or plea or adjudicated delinquent or in need of  
 15 special supervision is released by a court subject to conditions imposed

16 by the court and subject to supervision. Probation includes post-release  
 17 supervision;  
 18 (5) Probationer means a person sentenced to probation or post-  
 19 release supervision;  
 20 (6) Probation officer means an employee of the system who supervises  
 21 probationers and conducts presentence, predisposition, or other  
 22 investigations as may be required by law or directed by a court in which  
 23 he or she is serving or performs such other duties as authorized pursuant  
 24 to section 29-2258, except unpaid volunteers from the community;  
 25 (7) Juvenile probation officer means any probation officer who  
 26 supervises probationers of a separate juvenile court;  
 27 (8) Juvenile intake probation officer means an employee of the  
 28 system who is called upon by a law enforcement officer in accordance with  
 29 section 43-250 to make a decision regarding the furtherance of a  
 30 juvenile's detention;  
 31 (9) Chief probation officer means the probation officer in charge of  
 1 a probation district;  
 2 (10) System means the Nebraska Probation System;  
 3 (11) Administrator means the probation administrator;  
 4 (12) Non-probation-based program or service means a program or  
 5 service established within the district, county, or juvenile courts and  
 6 provided to individuals not sentenced to probation who have been charged  
 7 with or convicted of a crime for the purpose of diverting the individual  
 8 from incarceration or to provide treatment for issues related to the  
 9 individual's criminogenic needs. Non-probation-based programs or services  
 10 include, but are not limited to, ~~drug court programs and~~ problem solving  
 11 ~~courts court programs~~ established pursuant to section 24-1302 and the  
 12 treatment of problems relating to substance abuse, mental health, sex  
 13 offenses, or domestic violence;  
 14 (13) Post-release supervision means the portion of a split sentence  
 15 following a period of incarceration under which a person found guilty of  
 16 a crime upon verdict or plea is released by a court subject to conditions  
 17 imposed by the court and subject to supervision by the office; and  
 18 (14) Rules and regulations means policies and procedures written by  
 19 the office and approved by the Supreme Court.  
 20 Sec. 4. Original sections 24-1301 and 24-1302, Reissue Revised  
 21 Statutes of Nebraska, and section 29-2246, Revised Statutes Supplement,  
 22 2015, are repealed.

**LEGISLATIVE BILL 934.** Placed on General File with amendment.  
 AM2190 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

Nebraska Retirement Systems

**LEGISLATIVE BILL 447.** Placed on General File with amendment.  
 AM1979 is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

Judiciary

**LEGISLATIVE BILL 947.** Placed on General File with amendment.  
AM2148

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

3 Section 1. Section 4-111, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 4-111 (1) Verification of lawful presence in the United States  
6 pursuant to section 4-108 requires that the applicant for public benefits  
7 attest in a format prescribed by the Department of Administrative  
8 Services that:

9 (a) He or she is a United States citizen; or

10 (b) He or she is a qualified alien under the federal Immigration  
11 and Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on  
12 January 1, 2009, and is lawfully present in the United States.

13 (2) A state agency or political subdivision of the State of Nebraska  
14 may adopt and promulgate rules and regulations or procedures for the  
15 electronic filing of the attestation required under subsection (1) of  
16 this section if such attestation is substantially similar to the format  
17 prescribed by the Department of Administrative Services.

18 (3)(a) The Legislature finds that it is in the best interest of the  
19 State of Nebraska to make full use of the skills and talents in the state  
20 by ensuring that a person who is work-authorized is able to obtain a  
21 professional or commercial license and practice his or her profession.

22 (b) For purposes of a professional or commercial license, the  
23 Legislature finds that a person not described in subdivision (1)(a) or  
24 (1)(b) of this section who submits (i) an unexpired employment  
25 authorization document issued by the United States Department of Homeland  
26 Security, Form I-766 or Form I-688B, and (ii) documentation issued by the  
27 United States Department of Homeland Security, the United States  
1 Citizenship and Immigration Services, or any other federal agency, such  
2 as one of the types of Form I-797 used by the United States Citizenship  
3 and Immigration Services, demonstrating that such person is described in  
4 section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005,  
5 Public Law 109-13, has demonstrated lawful presence pursuant to section  
6 4-108 and is eligible to obtain such license. Nothing in this subsection  
7 shall affect the requirements to obtain a professional or commercial  
8 license that are unrelated to the lawful presence requirements  
9 demonstrated pursuant to this subsection.

10 (c) The Legislature enacts this subsection pursuant to the authority  
11 provided in 8 U.S.C. 1621(d), as such section existed on January 1, 2016.

12 Sec. 2. Section 4-112, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 4-112 For any applicant who has executed a document described in  
15 subdivision (1)(b) (2) of section 4-111 or who has otherwise complied  
16 with the requirements of subsection (3) of section 4-111, eligibility for

17 public benefits shall be verified through the Systematic Alien  
 18 Verification for Entitlements Program operated by the United States  
 19 Department of Homeland Security or an equivalent program designated by  
 20 the United States Department of Homeland Security. Until such  
 21 verification of eligibility is made, ~~such~~ attestation under subdivision  
 22 (1)(b) of section 4-111 may be presumed to be proof of lawful presence  
 23 for purposes of sections 4-108 to 4-113 unless such verification is  
 24 required before providing the public benefit under another provision of  
 25 state or federal law.

26 Sec. 3. Section 38-129, Revised Statutes Cumulative Supplement,  
 27 2014, is amended to read:

28 38-129 (1) No individual shall be issued a credential under the  
 29 Uniform Credentialing Act until he or she has furnished satisfactory  
 30 evidence to the department that he or she is of good character and has  
 31 attained the age of nineteen years except as otherwise specifically  
 1 provided by statute, rule, or regulation.

2 (2) A credential may only be issued to (a) a citizen of the United  
 3 States, (b) an alien lawfully admitted into the United States who is  
 4 eligible for a credential under the Uniform Credentialing Act, (c) ~~or~~ a  
 5 nonimmigrant lawfully present in the United States who is eligible for a  
 6 credential under the Uniform Credentialing Act, or (d) a person who  
 7 submits (i) an unexpired employment authorization document issued by the  
 8 United States Department of Homeland Security, Form I-766 or Form I-688B,  
 9 and (ii) documentation issued by the United States Department of Homeland  
 10 Security, the United States Citizenship and Immigration Services, or any  
 11 other federal agency, such as one of the types of Form I-797 used by the  
 12 United States Citizenship and Immigration Services, demonstrating that  
 13 such person is described in section 202(c)(2)(B)(i) through (ix) of the  
 14 federal REAL ID Act of 2005, Public Law 109-13.

15 Sec. 4. Original sections 4-111 and 4-112, Reissue Revised Statutes  
 16 of Nebraska, and section 38-129, Revised Statutes Cumulative Supplement,  
 17 2014, are repealed.

18 Sec. 5. Since an emergency exists, this act takes effect when passed  
 19 and approved according to law.

(Signed) Les Seiler, Chairperson

#### ANNOUNCEMENT(S)

Senator Pansing Brooks designates LB843 as her priority bill.

Senator B. Harr designates LB1109 as his priority bill.

Senator Schumacher designates LB1103 as his priority bill.

The Agriculture Committee designates LB730 and LB968 as its priority bills.

Senator Seiler designates LB1094 as his priority bill.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Watermeier - LB668

**VISITOR(S)**

Visitors to the Chamber were 13 members of Nebraska Home Care Association; and former Nebraska Lt. Governor and Senator from District 30, David Maurstad.

**ADJOURNMENT**

At 11:51 a.m., on a motion by Speaker Hadley, the Legislature adjourned until 9:00 a.m., Friday, February 19, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature





**TWENTY-NINTH DAY - FEBRUARY 19, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 19, 2016

**PRAYER**

The prayer was offered by Pastor Arin Hess, Community Bible Church, Norfolk.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators McCoy and Sullivan who were excused; and Senators Campbell, Kintner, Larson, Lindstrom, McCollister, Mello, Morfeld, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-eighth day was approved.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 440.** Introduced by Garrett, 3.

WHEREAS, Justice Antonin Gregory Scalia, as the son of a first-generation American, Salvatore Eugene Scalia, is a testament to the American dream and American ideas; and

WHEREAS, in high school, Justice Scalia handled rifles as part of his training in his school's junior military training program and used to ride the subway from Queens to Manhattan with his rifle. As a child, he learned a proper appreciation for the Second Amendment and the Bill of Rights from his grandfather, who took him rabbit hunting on Long Island; and

WHEREAS, Justice Scalia promoted the proper interpretation of the Second Amendment through his lifetime. He was an avid hunter and took fellow Justice Elena Kagan bird and deer hunting; and

WHEREAS, Justice Scalia was a tireless advocate for an originalist interpretation of the United States Constitution, previously championed by liberal Justice Hugo Black.

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

1. That the Legislature commends Justice Antonin Gregory Scalia for his life of service.

Laid over.

**LEGISLATIVE RESOLUTION 441.** Introduced by Seiler, 33.

WHEREAS, Morton Elementary School in Hastings was selected as a National Model Professional Learning Community School by All Things PLC; and

WHEREAS, Morton Elementary School joins Alcott Elementary, Lincoln Elementary, and Hastings Middle School, all located in Hastings, in receiving this national distinction; and

WHEREAS, Morton Elementary School is one of only five schools located in Nebraska to receive this notable award; and

WHEREAS, the students of Morton Elementary School have been recognized for their exceptional academic performance; and

WHEREAS, the staff of Morton Elementary School have been acknowledged for their extraordinary effectiveness; 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 students and teachers at Morton Elementary School for gaining prestigious recognition as a National Model Professional Learning Community School.

2. That a copy of this resolution be sent to Principal Jason Cafferty at Morton Elementary School.

Laid over.

#### **MESSAGE(S) FROM THE GOVERNOR**

February 11, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Randy Schmailzl, Metropolitan Community College, P.O. Box 3777,  
Omaha, NE 68103

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

February 12, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Pamela E. Lancaster, 2809 Apache Road, Grand Island, NE 68801

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**ANNOUNCEMENT(S)**

Senator K. Haar designates LB1012 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB874 as its priority bill.

Senator Bolz designates LB371 as her priority bill.

Senator Baker designates LB722 as his priority bill.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 18, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Bruning Law Group  
Johnson Controls, Inc.  
Vigilant Solutions  
Propes, Margaret  
Sunovion Pharmaceuticals Inc. (Withdrawn 02/17/2016)  
Zulkoski Weber LLC  
Nebraska State Irrigation Association

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**SELECT FILE**

**LEGISLATIVE BILL 221.** Senator B. Harr offered his amendment, AM1996, found on page 565.

Senator B. Harr offered his amendment, AM2133, found on page 574, to his amendment.

The B. Harr amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

The B. Harr amendment, AM1996, as amended, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 970.** Senator Chambers renewed his motion, MO180, found on page 557, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Pending.

**COMMITTEE REPORT(S)**

Urban Affairs

**LEGISLATIVE BILL 806.** Placed on General File with amendment.  
AM2137 is available in the Bill Room.

(Signed) Sue Crawford, Chairperson

Health and Human Services

**LEGISLATIVE BILL 891.** Placed on General File with amendment.  
AM2095

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

3 Section 1. Sections 1 to 4 of this act shall be known and may be  
4 cited as the Down Syndrome Diagnosis Information and Support Act.

5 Sec. 2. For purposes of the Down Syndrome Diagnosis Information and  
6 Support Act:

7 (1) Department means the Division of Public Health of the Department  
8 of Health and Human Services;

9 (2) Down syndrome means a chromosomal condition caused by cell  
10 division that results in the presence of an extra whole or partial copy  
11 of chromosome 21;

12 (3) Down syndrome organization means any national, state, or local  
13 nonprofit organization primarily involved in providing advocacy, support,  
14 and education to individuals with Down syndrome and their parents;

15 (4) Health care practitioner means any person who is credentialed  
16 under the Uniform Credentialing Act to provide health or medical care in  
17 the ordinary course of business or practice of a profession, including a  
18 genetic counselor; and

19 (5) Parents means (a) expectant parents of a child who receive a  
20 test result from a prenatal screening or diagnostic test that indicates a  
21 high likelihood or the definite presence of Down syndrome, (b) parents of  
22 a child postnatally diagnosed with Down syndrome, and (c) a legal  
23 guardian of a child diagnosed with Down syndrome.

24 Sec. 3. A health care practitioner who provides prenatal or  
25 postnatal care, who administers or requests administration of a prenatal  
26 or postnatal screening or diagnostic test that detects Down syndrome, and  
27 who receives a test result from such test that indicates a high  
1 likelihood or the definite presence of Down syndrome shall deliver to the  
2 parents the information support sheet provided by the department under  
3 section 4 of this act.

4 Sec. 4. (1) The department shall make the following information  
5 available:

6 (a) Up-to-date information about Down syndrome that has been  
7 reviewed by medical experts and Down syndrome organizations. The  
8 information shall be provided in a written format and shall include the  
9 following:

10 (i) A clinical course description, including possible physical,

11 developmental, educational, and psychosocial outcomes;  
 12 (ii) Treatment and therapy options; and  
 13 (iii) Life expectancy; and  
 14 (b) Contact information for Down syndrome organizations that are  
 15 nonprofit and that provide information and support services for parents,  
 16 including first-call programs and information hotlines specific to Down  
 17 syndrome, resource centers or clearinghouses, and other education and  
 18 support programs for Down syndrome.  
 19 (2) The department shall post the information required in subsection  
 20 (1) of this section on its web site and shall include an information  
 21 support sheet to be delivered by health care practitioners to parents as  
 22 prescribed in section 3 of this act.  
 23 (3) The department shall ensure that the information required in  
 24 subsection (1) of this section is culturally and linguistically  
 25 appropriate for parents.  
 26 (4) A Down syndrome organization may request that the department  
 27 include the organization's informational material and contact information  
 28 on the web site. The department may add the information to the web site  
 29 upon request.

**LEGISLATIVE BILL 979.** Placed on General File with amendment.  
 AM2139

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 38-28,109, Revised Statutes Supplement, 2015, is  
 4 amended to read:  
 5 38-28,109 The purposes of the Nebraska Drug Product Selection Act  
 6 are to provide for the drug product selection of equivalent drug products  
 7 or interchangeable biological products and to promote the greatest  
 8 possible use of such products.  
 9 Sec. 2. Section 38-28,110, Revised Statutes Supplement, 2015, is  
 10 amended to read:  
 11 38-28,110 For purposes of the Nebraska Drug Product Selection Act,  
 12 unless the context otherwise requires:  
 13 (1) Bioequivalent means drug products: (a) That are legally marketed  
 14 under regulations promulgated by the federal Food and Drug  
 15 Administration; (b) that are the same dosage form of the identical active  
 16 ingredients in the identical amounts as the drug product prescribed; (c)  
 17 that comply with compendial standards and are consistent from lot to lot  
 18 with respect to (i) purity of ingredients, (ii) weight variation, (iii)  
 19 uniformity of content, and (iv) stability; and (d) for which the federal  
 20 Food and Drug Administration has established bioequivalent standards or  
 21 has determined that no bioequivalence problems exist;  
 22 (2) Biological product means a virus, a therapeutic serum, a toxin,  
 23 an antitoxin, a vaccine, blood, a blood component or derivative, an  
 24 allergenic product, a protein except any chemically synthesized  
 25 polypeptide, or an analogous product, arsphenamine or derivative of  
 26 arsphenamine, or any other trivalent organic arsenic compound which is  
 27 applicable to the prevention, treatment, or cure of a disease or

1 condition of human beings;

2 ~~(3 2)~~ Brand name means the proprietary or trade name selected by the  
3 manufacturer, distributor, or packager for a drug product and placed upon  
4 the labeling of such product at the time of packaging;

5 ~~(4 3)~~ Chemically equivalent means drug products that contain amounts  
6 of the identical therapeutically active ingredients in the identical  
7 strength, quantity, and dosage form and that meet present compendial  
8 standards;

9 ~~(5 4)~~ Drug product means any drug or device as defined in section  
10 38-2841;

11 ~~(6 5)~~ Drug product select means to dispense, without the  
12 practitioner's express authorization, an equivalent drug product or an  
13 interchangeable biological product in place of the brand-name drug or  
14 biological product contained in a medical order of such practitioner;

15 ~~(7 6)~~ Equivalent means drug products that are both chemically  
16 equivalent and bioequivalent; ~~and~~

17 ~~(8 7)~~ Generic name means the official title of a drug or drug  
18 combination as determined by the United States Adopted Names Council and  
19 accepted by the federal Food and Drug Administration of those drug  
20 products having the same active chemical ingredients in the same strength  
21 and quantity; and -

22 (9) Interchangeable biological product means:

23 (a) A biological product licensed by the federal Food and Drug  
24 Administration and determined to be interchangeable to the prescribed  
25 biological product pursuant to 42 U.S.C. 262(k)(4); or

26 (b) A biological product determined by the federal Food and Drug  
27 Administration to be therapeutically equivalent to the prescribed product  
28 as set forth in the Approved Drug Products with Therapeutic Equivalence  
29 Evaluations published by the federal Food and Drug Administration.

30 Sec. 3. Section 38-28,111, Revised Statutes Supplement, 2015, is  
31 amended to read:

1 38-28,111 (1) A pharmacist may drug product select except when:

2 (a) A practitioner designates that drug product selection is not  
3 permitted by specifying in the written, oral, or electronic prescription  
4 that there shall be no drug product selection. For written or electronic  
5 prescriptions, the practitioner shall specify "no drug product  
6 selection", "dispense as written", "brand medically necessary", or "no  
7 generic substitution" or the notation "N.D.P.S.", "D.A.W.", or "B.M.N."  
8 or words or notations of similar import to indicate that drug product  
9 selection is not permitted. The pharmacist shall note "N.D.P.S.",  
10 "D.A.W.", "B.M.N.", "no drug product selection", "dispense as written",  
11 "brand medically necessary", "no generic substitution", or words or  
12 notations of similar import on the prescription to indicate that drug  
13 product selection is not permitted if such is communicated orally by the  
14 prescribing practitioner; or

15 (b) A patient or designated representative or caregiver of such  
16 patient instructs otherwise.

17 (2) A pharmacist shall not drug product select ~~a drug product~~  
18 unless:

19 (a) The drug product, if it is in solid dosage form, has been marked  
20 with an identification code or monogram directly on the dosage unit;  
21 (b) The drug product has been labeled with an expiration date;  
22 (c) The manufacturer, distributor, or packager of the drug product  
23 provides reasonable services, as determined by the board, to accept the  
24 return of drug products that have reached their expiration date; and  
25 (d) The manufacturer, distributor, or packager maintains procedures  
26 for the recall of unsafe or defective drug products.

27 (3) If a pharmacist receives a prescription for a biological product  
28 and chooses to dispense an interchangeable biological product for the  
29 prescribed product, the pharmacist must advise the patient or the  
30 patient's caregiver that drug product selection has occurred.

31 (4) Within three business days after the dispensing of a biological  
1 product, the dispensing pharmacist or his or her designee shall make an  
2 entry of the specific product which was provided to the patient,  
3 including the name of the product and the manufacturer. The communication  
4 shall be conveyed by making an entry that is electronically accessible to  
5 the prescriber through an interoperable electronic medical records  
6 system, electronic prescribing technology, a pharmacy benefit management  
7 system, or a pharmacy record. Entry into an electronic records system  
8 described in this subsection that is electronically accessible to the  
9 prescriber is presumed to provide notice to the prescriber. Otherwise,  
10 the pharmacist shall communicate the biological product dispensed to the  
11 prescriber using facsimile, telephone, electronic transmission, or other  
12 prevailing means. The communication shall not be required if (a) there is  
13 no interchangeable biological product for the biological product  
14 prescribed or (b) the biological product dispensed is based on a refilled  
15 prescription and the biological product is not changed from the prior  
16 filling of the prescription.

17 Sec. 4. Section 38-28,112, Revised Statutes Supplement, 2015, is  
18 amended to read:

19 38-28,112 (1) Whenever a drug product has been prescribed with the  
20 notation that no drug product selection is permitted for a patient who  
21 has a contract whereunder he or she is reimbursed for the cost of health  
22 care, directly or indirectly, the party that has contracted to reimburse  
23 the patient, directly or indirectly, shall make reimbursements on the  
24 basis of the price of the brand-name drug product and not on the basis of  
25 the equivalent drug product or interchangeable biological product, unless  
26 the contract specifically requires generic reimbursement under the Code  
27 of Federal Regulations.

28 (2) A prescription drug or device when dispensed shall bear upon the  
29 label the name of the drug or device in the container unless the  
30 practitioner writes do not label or words of similar import in the  
31 prescription or so designates orally.

1 (3) Nothing in this section shall (a) require a pharmacy to charge  
2 less than its established minimum price for the filling of any  
3 prescription or (b) prohibit any hospital from developing, using, and  
4 enforcing a formulary.

5 Sec. 5. Section 38-28,113, Revised Statutes Supplement, 2015, is



6 amended to read:

7 38-28,113 (1) ~~The drug product selection of any drug product~~ by a  
 8 pharmacist pursuant to the Nebraska Drug Product Selection Act shall not  
 9 constitute the practice of medicine.

10 (2) Drug product selection ~~of drug products~~ by a pharmacist pursuant  
 11 to the act or any rules and regulations adopted and promulgated under the  
 12 act shall not constitute evidence of negligence if the drug product  
 13 selection was made within the reasonable and prudent practice of  
 14 pharmacy.

15 (3) When drug product selection by a pharmacist is permissible under  
 16 the act, such drug product selection shall not constitute evidence of  
 17 negligence on the part of the prescribing practitioner. The failure of a  
 18 prescribing practitioner to provide that there shall be no drug product  
 19 selection in any case shall not constitute evidence of negligence or  
 20 malpractice on the part of such prescribing practitioner.

21 Sec. 6. Section 38-28,116, Revised Statutes Supplement, 2015, is  
 22 amended to read:

23 38-28,116 (1) The department may adopt and promulgate rules and  
 24 regulations necessary to implement the Nebraska Drug Product Selection  
 25 Act upon the joint recommendation of the Board of Medicine and Surgery  
 26 and the Board of Pharmacy.

27 (2) The department shall maintain a link on its web site to the  
 28 current list of all biological products that the federal Food and Drug  
 29 Administration has determined to be interchangeable biological products.

30 Sec. 7. Original sections 38-28,109, 38-28,110, 38-28,111,  
 31 38-28,112, 38-28,113, and 38-28,116, Revised Statutes Supplement, 2015,  
 1 are repealed.

(Signed) Kathy Campbell, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Kolterman filed the following amendment to LB901:  
 AM2213

(Amendments to Standing Committee amendments, AM2024)

1 1. Strike amendment 1 and insert the following new amendments:

2 1. On page 14, strike lines 21 through 23 and insert the following  
 3 new subsection:

4 "(5) Upon completion of education and testing approved by the board,  
 5 a dental assistant may:

6 (a) Take X-rays under the general supervision of a licensed dentist;  
 7 and

8 (b) Perform coronal polishing under the indirect supervision of a  
 9 licensed dentist."

10 2. On page 15, strike lines 2 through 7 and insert the following new  
 11 subsection:

12 "(7) Upon completion of education and testing approved by the board  
 13 and with a permit from the department for the respective competency, an  
 14 expanded function dental assistant may, under the indirect supervision of

15 a licensed dentist, perform (a) restorative level one simple restorations  
16 and (b) restorative level two complex restorations."  
17 3. On page 16, line 25, after "a" insert "licensed".

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Lancaster, Pamela E. - Public Employees Retirement Board - Nebraska Retirement Systems  
Schmailzl, Randy - Nebraska Educational Telecommunications Commission - Education

(Signed) Bob Krist, Chairperson  
Executive Board

#### ANNOUNCEMENT(S)

Senator Watermeier designates LB744 as his priority bill.

Senator Hansen designates LB947 as his priority bill.

Senator Gloor designates LB1013 as his priority bill.

Senator Larson designates LB821 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB935 as its priority bill.

Senator Davis designates LB886 as his priority bill.

#### CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Bolz has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

#### GENERAL FILE

**LEGISLATIVE BILL 970.** The Chambers motion, MO180, found on page 557 and considered in this day's Journal, to indefinitely postpone pursuant to Rule 6, Sec. 3(f), was renewed.

Senator McCollister moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to indefinitely postpone.

Voting in the affirmative, 14:

Baker	Fox	Kolterman	Pansing Brooks	Smith
Brasch	Hilkemann	Krist	Riepe	Williams
Campbell	Kolowski	McCollister	Schnoor	

Voting in the negative, 11:

Coash	Hughes	Morfeld	Schilz
Ebke	Kintner	Murante	Stinner
Hadley	Larson	Scheer	

Present and not voting, 20:

Bloomfield	Craighead	Garrett	Hansen	Lindstrom
Bolz	Crawford	Gloor	Harr, B.	Mello
Chambers	Davis	Groene	Howard	Schumacher
Cook	Friesen	Haar, K.	Johnson	Watermeier

Excused and not voting, 4:

Kuehn	McCoy	Seiler	Sullivan
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The Chambers motion to indefinitely postpone failed with 14 ayes, 11 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO186

Reconsider the vote to indefinitely postpone.

**SENATOR KRIST PRESIDING**

Senator Schilz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 18:

Baker	Campbell	Hansen	McCollister	Smith
Bloomfield	Chambers	Kolowski	Pansing Brooks	Williams
Bolz	Cook	Kolterman	Riepe	
Brasch	Craighead	Krist	Schnoor	

Voting in the negative, 10:

Coash	Hughes	Kuehn	Murante	Schilz
Ebke	Kintner	Larson	Scheer	Stinner

Present and not voting, 16:

Crawford	Groene	Hilkemann	Mello
Davis	Haar, K.	Howard	Morfeld
Friesen	Hadley	Johnson	Schumacher
Garrett	Harr, B.	Lindstrom	Watermeier

Excused and not voting, 5:

Fox	Gloor	McCoy	Seiler	Sullivan
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The Chambers motion to reconsider failed with 18 ayes, 10 nays, 16 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Title read. Considered.

Committee AM2020, found on page 522, was offered.

Senator Chambers offered the following motion:

MO187

Bracket until April 20, 2016.

Pending.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 19.** Placed on Final Reading.

**LEGISLATIVE BILL 53.** Placed on Final Reading.

**LEGISLATIVE BILL 295.** Placed on Final Reading.

**LEGISLATIVE BILL 311.** Placed on Final Reading.

ST59

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER161, on page 48, line 16, "; to provide procedures for defective payments under the act" has been inserted after "Act".

2. On page 1, the matter beginning with "learner's" in line 5 through "licenses" in line 6 has been struck and "learners' permits, commercial drivers' licenses, and commercial motor vehicles" inserted.

**LEGISLATIVE BILL 328.** Placed on Final Reading.**LEGISLATIVE BILL 378.** Placed on Final Reading.**LEGISLATIVE BILL 400.** Placed on Final Reading.**LEGISLATIVE BILL 400A.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 442.** Introduced by McCollister, 20; Haar, K., 21; Hughes, 44; Williams, 36.

WHEREAS, engineers plan, design, and implement engineering works that propel the nation's economy, enhance our quality of life, and safeguard America's infrastructure; and

WHEREAS, engineers face the major technological challenges of our time - from rebuilding towns devastated by natural disasters to improving the Internet infrastructure that supports so much of our economy. Engineers have used their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, to meet the challenges of the future, we will look more than ever to engineers and their knowledge and skill to bridge the gap between science, theory, and practical application; and

WHEREAS, National Engineers Week was founded in 1951 and is celebrated at the time of George Washington's birthday who was, himself, a military engineer and surveyor.

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

1. That the Legislature recognizes the contributions and achievements of Nebraska's engineers, and recognizes February 21-27, 2016, as Engineers Week in Nebraska.

2. That a copy of this resolution be delivered to the American Council of Engineering Companies of Nebraska.

Laid over.

**ANNOUNCEMENT(S)**

The Natural Resources Committee designates LB1038 and LB824 as its priority bills.

Senator Kintner designates LB1037 as his priority bill.

Senator Murante designates LB906 as his priority bill.

Senator Howard designates LB1081 as her priority bill.

Senator Stinner designates LB1082 as his priority bill.

Senator Garrett designates LB643 as his priority bill.

The Revenue Committee designates LB774 and LB958 as its priority bills.

The Transportation and Telecommunications Committee designates LB977 and LB938 as its priority bills.

Senator Hilkemann designates LB10 as his priority bill.

Senator Friesen designates LB897 as his priority bill.

Senator Hughes designates LB710 as his priority bill.

Senator Mello designates LB889 as his priority bill.

Senator McCollister designates LB745 as his priority bill.

**COMMITTEE REPORT(S)**

Natural Resources

**LEGISLATIVE BILL 881.** Placed on General File.

**LEGISLATIVE BILL 914.** Placed on General File.

**LEGISLATIVE BILL 1101.** Placed on General File.

(Signed) Ken Schilz, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 492.** Placed on General File.

**LEGISLATIVE BILL 742.** Placed on General File.

**LEGISLATIVE BILL 1080.** Placed on General File.

**LEGISLATIVE BILL 754.** Placed on General File with amendment.

AM2103

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

3 Section 1. (1) The Commission on Military and Veteran Affairs is  
4 created. The commission shall consist of the following voting members:  
5 (a) The Director of Economic Development;  
6 (b) The Adjutant General or his or her designee;  
7 (c) The Director of Veterans' Affairs; and  
8 (d) Three residents of the State of Nebraska, one from each  
9 congressional district. At least one of the three residents shall have  
10 current or prior military experience and at least one shall have a  
11 background in business.  
12 (2) The commission shall have the following nonvoting, ex officio  
13 members:  
14 (a) The chair of the State Committee of Employer Support of the  
15 Guard and Reserve;  
16 (b) The commander of the 55th Wing of the Air Combat Command or his  
17 or her designee;  
18 (c) The commander of the United States Strategic Command or his or  
19 her designee; and  
20 (d) The commander of the 557th Weather Wing of the United States Air  
21 Force or his or her designee.  
22 (3) The members of the commission described in subdivision (1)(d) of  
23 this section shall be appointed by the Governor. The Governor shall  
24 designate the initial terms of the members described in subdivision (1)  
25 (d) of this section so that one member serves for a term of two years,  
26 one member serves for a term of three years, and one member serves for a  
27 term of four years. Succeeding appointments shall be for terms of four  
1 years and shall be made in the same manner as the original appointments.  
2 The terms of the members shall begin on October 1 of the year in which  
3 they are appointed unless appointed to fill a vacancy. Appointments to  
4 fill a vacancy, occurring other than by the expiration of a term of  
5 office, shall be made for the unexpired term of the member whose office  
6 is vacated.  
7 Sec. 2. The Commission on Military and Veteran Affairs shall have  
8 the authority to receive and administer funds from state, federal, and  
9 other sources. Additionally, the commission shall:  
10 (1) Address matters of military significance to Nebraska;  
11 (2) Maintain a cooperative and constructive relationship between  
12 state agencies and the military and veteran entities in Nebraska as  
13 necessary to ensure coordination and implementation of unified and  
14 comprehensive statewide strategies involved with, or affected by, the  
15 military;  
16 (3) Focus on and, when designated, serve as lead agency on:  
17 (a) Defense economic adjustment and transition information and  
18 activities;  
19 (b) Exploring operating costs, missions, and strategic value of  
20 federal military installations located in the state;  
21 (c) Employment issues for communities that depend on defense bases  
22 and defense-related businesses; and  
23 (d) Assistance provided to communities that have experienced a  
24 defense-related closure or realignment;

25 (4) Advise the Governor, the Legislature, and other appropriate  
26 governmental officials on all matters in which the military services and  
27 the state have mutual interests, needs, and concerns;  
28 (5) Promote and optimize state and United States Department of  
29 Defense initiatives that will improve the military value of the Nebraska  
30 National Guard, active and reserve military force structure and  
31 installations, and the quality of life for military personnel residing in  
1 Nebraska;  
2 (6) Partner with local communities to conduct ongoing analyses of  
3 current and proposed changes to the mission, military force structure,  
4 and alignment of the United States Department of Defense;  
5 (7) Recommend state, federal, and local economic development  
6 projects to promote, foster, and support economic progress through a  
7 military presence in Nebraska;  
8 (8) Assist the private sector in developing derivative investments,  
9 employment, and educational opportunities associated with high technology  
10 programs and activities at Nebraska's military installations;  
11 (9) Partner with local communities to develop methods to improve  
12 private and public employment opportunities for former members of the  
13 military and their families residing in this state; and  
14 (10) Identify and support ways to provide sound infrastructure,  
15 adequate housing, education, and transition support into Nebraska's  
16 workforce for military members and their families, retired military  
17 personnel, and veterans.  
18 Sec. 3. The Commission on Military and Veteran Affairs shall elect  
19 a chairperson, vice-chairperson, and secretary from among its members.  
20 The commission shall meet two times each year at such times and  
21 places as shall be determined by the chairperson and shall keep a record  
22 of its proceedings. The chairperson may call special meetings at any time  
23 he or she deems necessary. The secretary shall mail written notice of the  
24 time and place of all meetings in advance to each voting and nonvoting,  
25 ex officio member of the commission. The secretary shall also provide  
26 notice of all meetings as provided under section 84-1411.  
27 Sec. 4. (1) Members of the Commission on Military and Veteran  
28 Affairs shall receive no compensation for their services as members of  
29 the commission other than their salary, but shall be reimbursed for  
30 actual and necessary expenses.  
31 (2) Reimbursement for expenses shall be as provided in sections  
1 81-1174 to 81-1177.  
2 Sec. 5. (1) The Department of Veterans' Affairs shall hire a  
3 military affairs liaison for the Commission on Military and Veteran  
4 Affairs and fix his or her salary. The department shall provide  
5 administrative support to the commission as needed. The liaison shall  
6 have military experience and serve at the pleasure of the commission. The  
7 liaison shall not be subject to Chapter 81, article 13.  
8 (2) The liaison shall be responsible for the administrative  
9 operations of the commission and shall perform such other duties as may  
10 be delegated or assigned by the commission.  
11 (3) The commission may obtain the services of experts and



12 consultants as necessary to carry out its duties.  
 13 Sec. 6. The Commission on Military and Veteran Affairs shall  
 14 prepare an annual report summarizing the military assets of Nebraska,  
 15 including installations and missions, and the economic impact of the  
 16 military assets in Nebraska. The report shall also include  
 17 recommendations for preserving and sustaining military assets and  
 18 missions existing in Nebraska and recommendations for actions which the  
 19 state can take to encourage expanding such assets and missions. The  
 20 commission shall submit the report electronically to the Legislature, the  
 21 Governor, and the commanding officer of every military base in Nebraska  
 22 on or before November 15 of each year.

**LEGISLATIVE BILL 764.** Placed on General File with amendment.  
 AM2186 is available in the Bill Room.

**LEGISLATIVE BILL 867.** Placed on General File with amendment.  
 AM1976

1 1. Insert the following new section:  
 2 Sec. 18. This act becomes operative on January 1, 2017.  
 3 2. On page 6, line 16, after the semicolon insert "or"; strike lines  
 4 17 through 21 and insert the following new subdivision:  
 5 "(b) The unforeseen loss of federal funding for an agency program.";  
 6 and after line 31 insert the following new subsection:  
 7 "(4) Any agency which adopts, amends, or repeals a rule or  
 8 regulation under this section shall file such rule or regulation with the  
 9 Secretary of State. The agency shall also publish such rule or regulation  
 10 on the agency's web site."  
 11 3. On page 11, line 29, after the period insert "Such change shall  
 12 not alter the rights or obligations of the public."  
 13 4. On page 16, line 1, after "department" insert "or a contract  
 14 facility as defined in section 83-1,119".  
 15 5. Renumber the remaining sections accordingly.

(Signed) John Murante, Chairperson

Judiciary

**LEGISLATIVE BILL 1007.** Placed on General File with amendment.  
 AM2116

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 28-101, Revised Statutes Supplement, 2015, is  
 4 amended to read:  
 5 28-101 Sections 28-101 to ~~28-468, 28-470~~ to 28-1357, 28-1418.01, and  
 6 28-1429.03 and sections 5 and 6 of this act shall be known and may be  
 7 cited as the Nebraska Criminal Code.  
 8 Sec. 2. Section 28-348, Revised Statutes Cumulative Supplement,  
 9 2014, is amended to read:  
 10 28-348 Sections 28-348 to 28-387 and sections 5 and 6 of this act

11 shall be known and may be cited as the Adult Protective Services Act.  
 12 Sec. 3. Section 28-350, Revised Statutes Cumulative Supplement,  
 13 2014, is amended to read:

14 28-350 For purposes of the Adult Protective Services Act, unless the  
 15 context otherwise requires, the definitions found in sections 28-351 to  
 16 28-371 and sections 5 and 6 of this act shall be used.

17 Sec. 4. Section 28-358, Revised Statutes Cumulative Supplement,  
 18 2014, is amended to read:

19 28-358 Exploitation means the wrongful or unauthorized taking,  
 20 withholding, appropriation, conversion, control, or use of money, funds,  
 21 securities, assets, or any other ~~of~~ property of a vulnerable adult or  
 22 senior adult by any person by means of undue influence, breach of a  
 23 fiduciary relationship, deception, or extortion, intimidation, force or  
 24 threat of force, isolation, or by any unlawful means or by the breach of  
 25 a fiduciary duty by the guardian, conservator, agent under a power of  
 26 attorney, trustee, or any other fiduciary of a vulnerable adult or senior  
 27 adult.

1 Sec. 5. Isolation means intentional acts (1) committed for the  
 2 purpose of preventing, and which do prevent, a vulnerable adult or senior  
 3 adult from having contact with family, friends, or concerned persons; (2)  
 4 committed to prevent a vulnerable adult or senior adult from receiving  
 5 his or her mail or telephone calls; (3) of physical or chemical restraint  
 6 of a vulnerable adult or senior adult committed for the purpose of  
 7 preventing contact with visitors, family, friends, or other concerned  
 8 persons; or (4) which restrict, place, or confine a vulnerable adult or  
 9 senior adult in a restricted area for the purposes of social deprivation  
 10 or preventing contact with family, friends, visitors, or other concerned  
 11 persons, but not including medical isolation prescribed by a licensed  
 12 physician caring for the vulnerable adult or senior adult. Isolation does  
 13 not include (1) medical isolation prescribed by a licensed physician  
 14 caring for the vulnerable adult or senior adult; (2) action taken in  
 15 compliance with a harassment protection order issued pursuant to section  
 16 28-311.09, a valid foreign harassment protection order recognized under  
 17 section 28-311.10, an order issued pursuant to section 42-924, an ex  
 18 parte order issued pursuant to section 42-925, an order excluding a  
 19 person from certain premises issued pursuant to section 42-357, a valid  
 20 foreign protection order recognized pursuant to section 42-931; or (3)  
 21 action authorized by an administrator of a nursing home pursuant to  
 22 section 71-6021.

23 Sec. 6. Senior adult means any person sixty-five years of age or  
 24 older.

25 Sec. 7. Section 28-371, Reissue Revised Statutes of Nebraska, is  
 26 amended to read:

27 28-371 Vulnerable adult means shall mean any person eighteen years  
 28 of age or older who has a substantial mental or functional impairment or  
 29 for whom a guardian or conservator has been appointed under the Nebraska  
 30 Probate Code.

31 Sec. 8. Section 28-374, Revised Statutes Cumulative Supplement,  
 1 2014, is amended to read:

2 28-374 (1) The department shall investigate each case of alleged  
3 abuse, neglect, or exploitation of a vulnerable adult and shall provide  
4 such adult protective services as are necessary and appropriate under the  
5 circumstances.

6 (2) In each case of alleged abuse, neglect, or exploitation, the  
7 department may make a request for further assistance from the appropriate  
8 law enforcement agency or initiate such action as may be appropriate  
9 under the circumstances.

10 (3) The department shall make a written report or case summary to  
11 the appropriate law enforcement agency and to the registry of all  
12 reported cases of abuse, neglect, or exploitation and action taken.

13 (4) The department shall deliver a written report or case summary to  
14 the appropriate county attorney if the investigation indicates a  
15 reasonable cause to believe that a violation of section 28-386 has  
16 occurred.

17 Sec. 9. Section 28-386, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 28-386 (1) A person commits knowing and intentional abuse, neglect,  
20 or exploitation of a vulnerable adult or senior adult if he or she  
21 through a knowing and intentional act causes or permits a vulnerable  
22 adult or senior adult to be:

- 23 (a) Physically injured;
- 24 (b) Unreasonably confined;
- 25 (c) Sexually abused;
- 26 (d) Exploited;
- 27 (e) Cruelly punished;
- 28 (f) Neglected; or
- 29 (g) Sexually exploited.

30 (2) Knowing and intentional abuse, neglect, or exploitation of a  
31 vulnerable adult or senior adult is a Class IIIA felony.

1 Sec. 10. Section 29-110, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3 29-110 (1) Except as otherwise provided by law, no person shall be  
4 prosecuted for any felony unless the indictment is found by a grand jury  
5 within three years next after the offense has been done or committed or  
6 unless a complaint for the same is filed before the magistrate within  
7 three years next after the offense has been done or committed and a  
8 warrant for the arrest of the defendant has been issued.

9 (2) Except as otherwise provided by law, no person shall be  
10 prosecuted, tried, or punished for any misdemeanor or other indictable  
11 offense below the grade of felony or for any fine or forfeiture under any  
12 penal statute unless the suit, information, or indictment for such  
13 offense is instituted or found within one year and six months from the  
14 time of committing the offense or incurring the fine or forfeiture or  
15 within one year for any offense the punishment of which is restricted by  
16 a fine not exceeding one hundred dollars and to imprisonment not  
17 exceeding three months.

18 (3) Except as otherwise provided by law, no person shall be  
19 prosecuted for kidnapping under section 28-313, false imprisonment under

20 section 28-314 or 28-315, child abuse under section 28-707, pandering  
21 under section 28-802, debauching a minor under section 28-805, or an  
22 offense under section 28-813, 28-813.01, or 28-1463.03 when the victim is  
23 under sixteen years of age at the time of the offense (a) unless the  
24 indictment for such offense is found by a grand jury within seven years  
25 next after the offense has been committed or within seven years next  
26 after the victim's sixteenth birthday, whichever is later, or (b) unless  
27 a complaint for such offense is filed before the magistrate within seven  
28 years next after the offense has been committed or within seven years  
29 next after the victim's sixteenth birthday, whichever is later, and a  
30 warrant for the arrest of the defendant has been issued.

31 (4) No person shall be prosecuted for a violation of the Securities  
1 Act of Nebraska under section 8-1117 unless the indictment for such  
2 offense is found by a grand jury within five years next after the offense  
3 has been done or committed or unless a complaint for such offense is  
4 filed before the magistrate within five years next after the offense has  
5 been done or committed and a warrant for the arrest of the defendant has  
6 been issued.

7 (5) No person shall be prosecuted for criminal impersonation under  
8 section 28-638, identity theft under section 28-639, or identity fraud  
9 under section 28-640 unless the indictment for such offense is found by a  
10 grand jury within five years next after the offense has been done or  
11 committed or unless a complaint for such offense is filed before the  
12 magistrate within five years next after the offense has been done or  
13 committed and a warrant for the arrest of the defendant has been issued.

14 (6) No person shall be prosecuted for a violation of section 68-1017  
15 if the aggregate value of all funds and other benefits obtained or  
16 attempted to be obtained is five hundred dollars or more unless the  
17 indictment for such offense is found by a grand jury within five years  
18 next after the offense has been done or committed or unless a complaint  
19 for such offense is filed before the magistrate within five years next  
20 after the offense has been done or committed and a warrant for the arrest  
21 of the defendant has been issued.

22 (7) No person shall be prosecuted for knowing and intentional abuse,  
23 neglect, or exploitation of a vulnerable adult or senior adult under  
24 section 28-386 unless the indictment for such offense is found by a grand  
25 jury within six years next after the offense has been done or committed  
26 or unless a complaint for such offense is filed before the magistrate  
27 within six years next after the offense has been done or committed and a  
28 warrant for the arrest of the defendant has been issued.

29 (8 7) There shall not be any time limitations for prosecution or  
30 punishment for treason, murder, arson, forgery, sexual assault in the  
31 first or second degree under section 28-319 or 28-320, sexual assault of  
1 a child in the second or third degree under section 28-320.01, incest  
2 under section 28-703, or sexual assault of a child in the first degree  
3 under section 28-319.01; nor shall there be any time limitations for  
4 prosecution or punishment for sexual assault in the third degree under  
5 section 28-320 when the victim is under sixteen years of age at the time  
6 of the offense.

7 ~~(9 8)~~ The time limitations prescribed in this section shall include  
8 all inchoate offenses pursuant to the Nebraska Criminal Code and  
9 compounding a felony pursuant to section 28-301.  
10 ~~(10 9)~~ The time limitations prescribed in this section shall not  
11 extend to any person fleeing from justice.  
12 ~~(11 40)~~ When any suit, information, or indictment for any crime or  
13 misdemeanor is limited by any statute to be brought or exhibited within  
14 any other time than is limited by this section, then the suit,  
15 information, or indictment shall be brought or exhibited within the time  
16 limited by such statute.  
17 ~~(12 44)~~ If any suit, information, or indictment is quashed or the  
18 proceedings set aside or reversed on writ of error, the time during the  
19 pendency of such suit, information, or indictment so quashed, set aside,  
20 or reversed shall not be reckoned within this statute so as to bar any  
21 new suit, information, or indictment for the same offense.  
22 ~~(13 42)~~ The changes made to this section by Laws 2004, LB 943, shall  
23 apply to offenses committed prior to April 16, 2004, for which the  
24 statute of limitations has not expired as of such date and to offenses  
25 committed on or after such date.  
26 ~~(14 43)~~ The changes made to this section by Laws 2005, LB 713, shall  
27 apply to offenses committed prior to September 4, 2005, for which the  
28 statute of limitations has not expired as of such date and to offenses  
29 committed on or after such date.  
30 ~~(15 44)~~ The changes made to this section by Laws 2009, LB 97, and  
31 Laws 2006, LB 1199, shall apply to offenses committed prior to May 21,  
1 2009, for which the statute of limitations has not expired as of such  
2 date and to offenses committed on or after such date.  
3 ~~(16 45)~~ The changes made to this section by Laws 2010, LB809, shall  
4 apply to offenses committed prior to July 15, 2010, for which the statute  
5 of limitations has not expired as of such date and to offenses committed  
6 on or after such date.  
7 (17) The changes made to this section by this legislative bill shall  
8 apply to offenses committed prior to the effective date of this act for  
9 which the statute of limitations has not expired as of such date and to  
10 offenses committed on or after such date.  
11 Sec. 11. Original section 28-371, Reissue Revised Statutes of  
12 Nebraska, sections 28-348, 28-350, 28-358, 28-374, 28-386, and 29-110,  
13 Revised Statutes Cumulative Supplement, 2014, and section 28-101, Revised  
14 Statutes Supplement, 2015, are repealed.

(Signed) Les Seiler, Chairperson

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Chad Bell - Commission for the Blind and Visually Impaired

Sheri Dawson - Director, Division of Behavioral Health - Department of Health and Human Services  
Michael D. Hansen - Commission for the Blind and Visually Impaired

Aye: 7 Baker, Campbell, Crawford, Fox, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 1510

Thursday, February 25, 2016 1:00 p.m.

Annual DHHS Division of Public Health Committee Briefing

(Signed) Kathy Campbell, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Ebke - LB744 and LB975  
McCollister - LB1054

**VISITOR(S)**

Visitors to the Chamber were Laura Olson from Greenville, SC; 20 senior dental hygiene students and teachers from UNMC College of Dentistry; Maxine McElligott from Omaha; 15 elementary students from home schools in Lincoln; and 25 members of the Nebraska State Bar Association Leadership Academy from across the state.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Riepe, the Legislature adjourned until 10:00 a.m., Monday, February 22, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTIETH DAY - FEBRUARY 22, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 22, 2016

**PRAYER**

The prayer was offered by Chaplain Muhammed Sackor, Imam of the Islamic Foundation of Lincoln, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senator Schilz who was excused; and Senators Howard, Larson, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-ninth day was approved.

**AMENDMENT(S) - Print in Journal**

Senator Mello filed the following amendment to LB537:  
AM2236

1 1. Strike the original sections and insert the following new  
2 section:  
3 Section 1. There is hereby created the Military Installation  
4 Infrastructure Program to be administered by the Department of Natural  
5 Resources. The program shall be used to provide grants to a political  
6 subdivision where a military installation is located within or contiguous  
7 to its boundaries. The grants shall be provided to political subdivisions  
8 to assist in the development and improvement of infrastructure related to  
9 the management of soil and water resources. It is the intent of the  
10 Legislature that \$13,700,000 General Funds be appropriated to this  
11 program for FY2016-17.

**ATTORNEY GENERAL'S OPINION**Opinion 16-004

SUBJECT: Whether L.B. 60 (2015) changes current law as it pertains to possession of firearms at a school.

REQUESTED BY: Senator Bill Kintner, Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
John L. Jelkin, Assistant Attorney General

You have requested an opinion of the Attorney General regarding L.B. 60. This legislation, introduced by you in the 2015 legislative session, seeks "to clarify and delineate when and where personal firearms of employees may be possessed and stored in their personal vehicles when at work."

Our analysis follows each of the specific questions which have been posed.

1. "Is the current Policy on Possession of Concealed Weapons and Firearms, found on page 220 and 221 of the University of Nebraska Board of Regents Policies as expressed in RP-6, 4.8 (enclosed) and summarized by their representative in the enclosed letter to the Legislative Judiciary Committee on January 21, 2015, and expressed by University Police on their website (enclosed) in compliance with all exemptions in Neb. Rev. Stat. Sec. 28-1204.04 and Sec. 69-2441(3)?"

It has been the longstanding policy of the Attorney General to decline opinion requests from state senators seeking an interpretation of existing statutes. *See* Op. Att'y Gen. No. 157 (December 20, 1985). Accordingly, we respectfully decline to provide an opinion with respect to your first question concerning state law as it relates to the policies of the University of Nebraska.

2. "Does L.B. 60 (2015), through exemption of Neb. Rev. Stat. Sec. 28-1204.04 (Cum. Supp. 2014) in subsection (6), maintain the current law as it pertains to possession of firearms at a school?"

Stated alternatively, you have asked whether subsection (6) of L.B. 60 (2015) maintains the current law as it pertains to possession of firearms at a school. Simply stated, the answer appears to be "Yes."

L.B. 60 (2015) seeks to prevent any business entity, owner, manager, or legal possessor of real property, or public or private employer from establishing, maintaining or enforcing a policy or rule that prohibits a person's transportation or storage of a firearm or ammunition if the firearm or ammunition is: (1) kept from ordinary observation, locked within the trunk or glove box, in the interior of a privately owned car or a container



securely affixed to such vehicle; and (2) the privately owned vehicle is operated or parked in a location which is open to the public.

Subsection (6) of L.B. 60 (2015) provides that this section does not apply if:

- (a) The person operating the motor vehicle is:
  - (i) Prohibited from possessing, receiving, or transporting firearms under Neb. Rev. Stat. § 28-1206, or 18 U.S.C. 922. [Possession of a deadly weapon by a convicted felon, or by court order, or other prohibited person];
  - (ii) In violation of Neb. Rev. Stat. § 28-1202. [Carrying a concealed weapon];
  - (iii) In violation of Neb. Rev. Stat. § 28-1203. [Transportation or possession of machine guns, short rifles or short shotguns];
  - (iv) In violation of Neb. Rev. Stat. § 28-1204. [Unlawful possession of a handgun];
  - (v) In violation of Neb. Rev. Stat. § 28-1204.04. [Unlawful possession of a firearm at a school, with exceptions];**
  - (vi) In violation of Neb. Rev. Stat. § 28-1207. [Possession of a defaced firearm];
  - (vii) In violation of Neb. Rev. Stat. § 28-1212.03. [Possession, receipt or disposal of a stolen firearm]; or,
  - (viii) In violation of Neb. Rev. Stat. § 37-522. [Loaded shotgun on highway];

L.B. 60 Subsection (6) (2015) (emphasis added).

The Second Amendment to the United States Constitution provides:

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Additionally, the Nebraska Constitution guarantees the right to bear arms. Neb. Const. Art. 1, § 1. However, the federal courts have recognized that the right to keep and bear arms is not absolute. *See District of Columbia v. Heller*, 554 U.S. 570 (2008), *United States v. Cody*, 460 F.2d 34 (8<sup>th</sup> Cir. 1972). Rather, the right to bear arms is subject to reasonable regulation. *State v. Comeau*, 233 Neb. 907, 448 N.W.2d 595 (1989); *State v. LaChapelle*, 234 Neb. 458, 451 N.W.2d 458 (1990).

Neb. Rev. Stat. § 28-1204.04 (2014) is the statute that prohibits possession of a firearm in a school, on school grounds, in a school owned vehicle, or at a school-sponsored activity or athletic event. The statute also contains a number of exceptions, including possession of a concealed handgun by a valid permit holder under the Concealed Handgun Permit Act. In this regard, Neb. Rev. Stat. § 28-1204.04(i)(h) allows the permit holder to carry the firearm in a vehicle or on his or her person while riding in or on a

vehicle into or onto any parking area open to the public and used by the school, if prior to exiting the vehicle, the handgun is locked inside the glove box, trunk or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, a hardened compartment securely attached to the motorcycle while the vehicle is in or on such parking area, except as prohibited by federal law.

We could find no cases or other statutes which alter, amend, modify, or otherwise change the provisions of Neb. Rev. Stat. § 28-1204.04 (2014). Because the provisions of Neb. Rev. Stat. § 28-1204.04 (2014) are specifically named and declared as exempt from L.B. 60 (2015), it appears that current law, as it pertains to the possession of firearms at a school, is unchanged by L.B. 60 (2015).

**CONCLUSION**

The answer to the question as to whether subsection (6) of L.B. 60 (2015) maintains the current law as it pertains to possession of firearms at a school appears to be in the affirmative. The express exemption of Neb. Rev. Stat. § 28-1204.04 from L.B. 60 (2015) operates to leave unchanged the current state of the law with respect to firearms at a school.

Sincerely yours,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) John L. Jelkin  
Assistant Attorney General

pc: Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

25-103-29

**MOTION(S) - Confirmation Report(s)**

Senator Friesen moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 630:

Nebraska Oil and Gas Conservation Commission  
John Arley Rundel

Voting in the affirmative, 28:

Baker	Cook	Garrett	Kintner	Schnoor
Bloomfield	Craighead	Gloor	Krist	Schumacher
Bolz	Davis	Hadley	Kuehn	Seiler
Brasch	Ebke	Hilkemann	Lindstrom	Stinner
Campbell	Fox	Hughes	McCoy	
Chambers	Friesen	Johnson	Murante	

Voting in the negative, 0.

Present and not voting, 17:

Coash	Hansen	McCollister	Riepe	Williams
Crawford	Harr, B.	Mello	Scheer	
Groene	Kolowski	Morfeld	Smith	
Haar, K.	Kolterman	Pansing Brooks	Watermeier	

Excused and not voting, 4:

Howard	Larson	Schilz	Sullivan
--------	--------	--------	----------

The appointment was confirmed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Friesen moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 630:

Environmental Quality Council  
Hilary K. Maricle

Voting in the affirmative, 31:

Baker	Davis	Hilkemann	McCoy	Seiler
Bloomfield	Ebke	Hughes	Morfeld	Stinner
Bolz	Fox	Johnson	Murante	Williams
Brasch	Friesen	Krist	Pansing Brooks	
Campbell	Garrett	Kuehn	Riepe	
Cook	Gloor	Lindstrom	Schnoor	
Craighead	Hansen	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 14:

Chambers	Groene	Harr, B.	Kolterman	Smith
Coash	Haar, K.	Kintner	Mello	Watermeier
Crawford	Hadley	Kolowski	Scheer	

Excused and not voting, 4:

Howard	Larson	Schilz	Sullivan
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The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**ANNOUNCEMENT(S)**

Speaker Hadley designates LBs 235, 465, 549, 580, 686, 716, 721, 742, 756, 768, 803, 804, 829, 835, 837, 851, 901, 930, 962, 994, 1000, 1033, 1083, 1098, and 1106 as Speaker priority bills.

**GENERAL FILE**

**LEGISLATIVE BILL 683.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 746.** Title read. Considered.

Committee AM1903, found on page 516, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE RESOLUTION 35.** Read. Considered.

Senator Chambers offered the following motion:

MO188

Recommit to the Government, Military and Veterans Affairs Committee.

Senator Crawford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Chambers requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 25:

Baker	Chambers	Hadley	Krist	Schumacher
Bloomfield	Cook	Hansen	McCollister	Seiler
Bolz	Crawford	Harr, B.	Mello	Stinner
Brasch	Davis	Howard	Morfeld	Sullivan
Campbell	Haar, K.	Kolowski	Pansing Brooks	Williams

Voting in the negative, 18:

Coash	Friesen	Hughes	Larson	Schnoor
Craighead	Garrett	Kintner	Lindstrom	Watermeier
Ebke	Groene	Kolterman	McCoy	
Fox	Hilkemann	Kuehn	Riepe	

Present and not voting, 4:

Gloor	Johnson	Murante	Scheer
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Excused and not voting, 2:

Schilz	Smith
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The Chambers motion to recommit to committee prevailed with 25 ayes, 18 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**  
Business and Labor

**LEGISLATIVE BILL 83.** Placed on General File with amendment.  
AM2191

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

2 sections:

3 Section 1. Section 48-1220, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 48-1220 As used in sections 48-1219 to 48-1227.01, unless the

6 context otherwise requires:

7 (1) Employee shall mean any individual employed by an employer,

8 including individuals employed by the state or any of its political

9 subdivisions including public bodies;

10 (2) Employer shall mean any person engaged in an industry who has

11 ~~two~~ ~~five~~ or more employees for each working day in each of twenty or

12 more calendar weeks in the current or preceding calendar year, any agent

13 of such person, and any party whose business is financed in whole or in

14 part under the Nebraska Investment Finance Authority Act, and includes

15 the State of Nebraska, its governmental agencies, and political

16 subdivisions, regardless of the number of employees, but such term shall

17 not include the United States, a corporation wholly owned by the

18 government of the United States, or an Indian tribe;

19 (3) Wage rate shall mean all compensation for employment including

20 payment in kind and amounts paid by employers for employee benefits as

21 defined by the commission in regulations issued under sections 48-1219 to

22 48-1227;

23 (4) Employ shall include to suffer or permit to work;

24 (5) Commission shall mean the Equal Opportunity Commission; and

25 (6) Person shall include one or more individuals, partnerships,

26 limited liability companies, corporations, legal representatives,

27 trustees, trustees in bankruptcy, or voluntary associations.

1 Sec. 2. Original section 48-1220, Reissue Revised Statutes of  
2 Nebraska, is repealed.

**LEGISLATIVE BILL 821.** Placed on General File with amendment.  
AM2210

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

3 Section 1. Sections 1 to 11 of this act shall be known and may be  
4 cited as the Workplace Privacy Act.

5 Sec. 2. For purposes of the Workplace Privacy Act:

6 (1) Adverse action means the discharge of an employee, a threat  
7 against an employee, or any other form of discrimination against an  
8 employee that negatively affects the employee's employment, including  
9 actions that affect the employee's compensation, work location, rights,  
10 immunities, promotions, privileges, or other terms and conditions of  
11 employment;

12 (2) Applicant means a prospective employee applying for employment;

13 (3) Electronic communication device means a cellular telephone,  
14 personal digital assistant, electronic device with mobile data access,  
15 laptop computer, pager, broadband personal communication device, two-way  
16 messaging device, electronic game, or portable computing device;

17 (4) Employee means an individual employed by an employer;

18 (5) Employer means a public or nonpublic entity or an individual  
19 engaged in a business, an industry, a profession, a trade, or other  
20 enterprise in the state, including any agent, representative, or designee  
21 acting directly or indirectly in the interest of such an employer; and

22 (6)(a) Personal Internet account means an individual's online  
23 account that requires login information in order to access or control the  
24 account.

25 (b) Personal Internet account does not include:

26 (i) An online account that an employer or educational institution  
27 supplies or pays for, except when the employer or educational institution  
1 pays only for additional features or enhancements to the online account;

2 or

3 (ii) An online account that is used exclusively for a business  
4 purpose of the employer.

5 Sec. 3. No employer shall:

6 (1) Require or request that an employee or applicant provide or  
7 disclose any user name or password or any other related account  
8 information in order to gain access to the employee's or applicant's  
9 personal Internet account by way of an electronic communication device;

10 (2) Require or request that an employee or applicant log into a  
11 personal Internet account by way of an electronic communication device in  
12 the presence of the employer in a manner that enables the employer to  
13 observe the contents of the employee's or applicant's personal Internet  
14 account or provides the employer access to the employee's or applicant's  
15 personal Internet account;

16 (3) Require an employee or applicant to add anyone, including the

17 employer, to the list of contacts associated with the employee's or  
18 applicant's personal Internet account or require or otherwise coerce an  
19 employee or applicant to change the settings on the employee's or  
20 applicant's personal Internet account which affects the ability of others  
21 to view the content of such account; or  
22 (4) Take adverse action against, fail to hire, or otherwise penalize  
23 an employee or applicant for failure to provide or disclose any of the  
24 information or to take any of the actions specified in subdivisions (1)  
25 through (3) of this section.  
26 Sec. 4. An employer shall not require an employee or applicant to  
27 waive or limit any protection granted under the Workplace Privacy Act as  
28 a condition of continued employment or of applying for or receiving an  
29 offer of employment. Any agreement to waive any right or protection under  
30 the act is against the public policy of this state and is void and  
31 unenforceable.  
1 Sec. 5. An employer shall not retaliate or discriminate against an  
2 employee or applicant because the employee or applicant:  
3 (1) Files a complaint under the Workplace Privacy Act; or  
4 (2) Testifies, assists, or participates in an investigation,  
5 proceeding, or action concerning a violation of the act.  
6 Sec. 6. An employee shall not download or transfer an employer's  
7 private proprietary information or private financial data to a personal  
8 Internet account without authorization from the employer. This section  
9 shall not apply if the proprietary information or the financial data is  
10 otherwise disclosed by the employer to the public pursuant to other  
11 provisions of law or practice.  
12 Sec. 7. Nothing in the Workplace Privacy Act limits an employer's  
13 right to:  
14 (1) Promulgate and maintain lawful workplace policies governing the  
15 use of the employer's electronic equipment, including policies regarding  
16 Internet use and personal Internet account use;  
17 (2) Request or require an employee or applicant to disclose access  
18 information to the employer to gain access to or operate:  
19 (a) An electronic communication device supplied by or paid for in  
20 whole or in part by the employer; or  
21 (b) An account or service provided by the employer, obtained by  
22 virtue of the employee's employment relationship with the employer, or  
23 used for the employer's business purposes;  
24 (3) Restrict or prohibit an employee's access to certain web sites  
25 while using an electronic communication device supplied by or paid for in  
26 whole or in part by the employer or while using an employer's network or  
27 resources, to the extent permissible under applicable laws;  
28 (4) Monitor, review, access, or block electronic data stored on an  
29 electronic communication device supplied by or paid for in whole or in  
30 part by the employer or stored on an employer's network, to the extent  
31 permissible under applicable laws;  
1 (5) Access information about an employee or applicant that is in the  
2 public domain or is otherwise obtained in compliance with the Workplace  
3 Privacy Act;

4 (6) Conduct an investigation or require an employee to cooperate in  
5 an investigation under any of the following circumstances:  
6 (a) If the employer has specific information about potentially  
7 wrongful activity taking place on the employee's personal Internet  
8 account, for the purpose of ensuring compliance with applicable laws,  
9 regulatory requirements, or prohibitions against work-related employee  
10 misconduct; or  
11 (b) If the employer has specific information about an unauthorized  
12 download or transfer of the employer's private proprietary information,  
13 private financial data, or other confidential information to an  
14 employee's personal Internet account;  
15 (7) Take adverse action against an employee for downloading or  
16 transferring an employer's private proprietary information or private  
17 financial data to a personal Internet account without the employer's  
18 authorization;  
19 (8) Comply with requirements to screen employees or applicants  
20 before hiring or to monitor or retain employee communications that are  
21 established by state or federal law or by a self-regulatory organization  
22 as defined in 15 U.S.C. 78c(a)(26), as such section existed on January 1,  
23 2016; or  
24 (9) Comply with a law enforcement investigation conducted by a law  
25 enforcement agency.  
26 Sec. 8. Nothing in the Workplace Privacy Act limits a law  
27 enforcement agency's right to screen employees or applicants in  
28 connection with a law enforcement employment application or a law  
29 enforcement officer conduct investigation.  
30 Sec. 9. (1) The Workplace Privacy Act does not create a duty for an  
31 employer to search or monitor the activity of a personal Internet  
1 account.  
2 (2) An employer is not liable under the act for failure to request  
3 or require that an employee or applicant grant access to, allow  
4 observation of, or disclose information that allows access to or  
5 observation of the employee's or applicant's personal Internet account.  
6 Sec. 10. If an employer inadvertently learns the user name,  
7 password, or other means of access to an employee's or applicant's  
8 personal Internet account through the use of otherwise lawful technology  
9 that monitors the employer's computer network or employer-provided  
10 electronic communication devices for service quality or security  
11 purposes, the employer is not liable for obtaining the information, but  
12 the employer shall not use the information to access the employee's or  
13 applicant's personal Internet account or share the information with  
14 anyone. The employer shall delete such information as soon as  
15 practicable.  
16 Sec. 11. Upon violation of the Workplace Privacy Act, an aggrieved  
17 employee or applicant may, in addition to any other available remedy,  
18 institute a civil action within one year after the date of the alleged  
19 violation or the discovery of the alleged violation, whichever is later.  
20 The employee or applicant shall file an action directly in the district  
21 court of the county where such alleged violation occurred. The district



22 court shall docket and try such case as any other civil action, and any  
 23 successful complainant shall be entitled to appropriate relief, including  
 24 temporary or permanent injunctive relief, general and special damages,  
 25 reasonable attorney's fees, and costs.  
 26 Sec. 12. If any section in this act or any part of any section is  
 27 declared invalid or unconstitutional, the declaration shall not affect  
 28 the validity or constitutionality of the remaining portions.

(Signed) Burke Harr, Chairperson

Health and Human Services

**LEGISLATIVE BILL 899.** Placed on General File.

**LEGISLATIVE BILL 722.** Placed on General File with amendment.

AM2126

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

3 Section 1. Sections 1 to 9 of this act shall be known and may be  
 4 cited as the Stroke System of Care Act.

5 Sec. 2. The Legislature finds that:

6 (1) Stroke is the fifth leading cause of death and the leading cause  
 7 of disability according to the Centers for Disease Control and Prevention  
 8 of the United States Public Health Service of the United States  
 9 Department of Health and Human Services;

10 (2) Forecasting by the American Heart Association predicts stroke  
 11 prevalence to increase by twenty-four and nine-tenths percent between  
 12 2010 and 2030;

13 (3) The cost of stroke continues to increase as total hospital  
 14 charges for stroke in Nebraska increased by more than fifty-four million  
 15 dollars between 2001 and 2010, from fifty-four million dollars to one  
 16 hundred eight million dollars, with the average charge per stroke  
 17 hospitalization at thirty-one thousand dollars in 2010 according to the  
 18 2011 Nebraska Heart Disease and Stroke Prevention Program and Data  
 19 Summary by the Nebraska Department of Health and Human Services;

20 (4) The rapid identification, diagnosis, and treatment of stroke can  
 21 save the lives of stroke patients and in some cases reverse neurological  
 22 damage such as paralysis and speech and language impairments;

23 (5) An effective system is needed in Nebraska communities in order  
 24 to treat stroke patients in a timely manner and to improve the overall  
 25 outcomes of stroke patients; and

26 (6) Creation and enhancement of stroke systems of care provide  
 27 patients the highest quality care while ensuring seamless transitions  
 1 along the care continuum.

2 Sec. 3. For purposes of the Stroke System of Care Act:

3 (1) Department means the Department of Health and Human Services;  
 4 and

5 (2) Hospital means a hospital as defined in section 71-419 and  
 6 licensed under the Health Care Facility Licensure Act.

7 Sec. 4. The department shall designate hospitals as comprehensive  
8 stroke centers, primary stroke centers, and acute stroke-ready hospitals  
9 based on certification from the American Heart Association, the Joint  
10 Commission on Accreditation of Healthcare Organizations, or another  
11 nationally recognized, guidelines-based organization that provides  
12 certification for stroke care, as such certification existed on the  
13 effective date of this act. The department shall compile and maintain a  
14 list of such hospitals and post the list on the department's web site.  
15 Before June 1 of each year, the department shall send the list to the  
16 physician medical director of each emergency medical service licensed  
17 pursuant to the Emergency Medical Services Practice Act.

18 Sec. 5. A hospital that is designated as a comprehensive stroke  
19 center or a primary stroke center may enter into a coordinating stroke  
20 care agreement with an acute stroke-ready hospital to provide appropriate  
21 access to care for acute stroke patients. The agreement shall be in  
22 writing and shall include, at a minimum:

23 (1) A transfer agreement for the transport and acceptance of any  
24 stroke patient seen by the acute stroke-ready hospital for stroke  
25 treatment therapies which the acute stroke-ready hospital is not capable  
26 of providing; and

27 (2) Communication criteria and protocol with the acute stroke-ready  
28 hospital.

29 Sec. 6. A hospital that does not have certification described under  
30 section 4 of this act shall have a predetermined plan for the triage and  
31 transfer of acute stroke patients and shall file the plan annually with  
1 the department.

2 Sec. 7. The department shall adopt and distribute a nationally  
3 recognized, standardized stroke triage assessment tool. The department  
4 shall post the stroke triage assessment tool on the department's web site  
5 and provide a copy of the assessment tool to each emergency medical  
6 service licensed pursuant to the Emergency Medical Services Practice Act.

7 Sec. 8. (1) An emergency medical service licensed pursuant to the  
8 Emergency Medical Services Practice Act shall use a stroke triage  
9 assessment tool that is substantially similar to the stroke triage  
10 assessment tool adopted by the department under section 7 of this act.

11 (2) A licensed emergency medical service shall establish prehospital  
12 care protocols related to the assessment, treatment, and transport of a  
13 stroke patient by the emergency medical service.

14 Sec. 9. (1) The department shall establish a stroke system of care  
15 task force to address matters of triage, treatment, and transport of  
16 possible acute stroke patients. The task force shall include  
17 representation from the department, including a program created by the  
18 department to address chronic disease prevention and control issues  
19 including cardiovascular health, the Emergency Medical Services Program  
20 created by the department, and the Office of Rural Health, the American  
21 Stroke Association, the Nebraska State Stroke Association, hospitals  
22 designated as comprehensive stroke centers under the Stroke System of  
23 Care Act, hospitals designated as primary stroke centers under the act,  
24 rural hospitals, physicians, and emergency medical services licensed

25 pursuant to the Emergency Medical Services Practice Act.  
26 (2) The task force shall provide advice and recommendations to the  
27 department regarding the implementation of the Stroke System of Care Act.  
28 The task force shall focus on serving both rural and urban areas. The  
29 task force shall provide advice regarding protocols for the assessment,  
30 stabilization, and appropriate routing of stroke patients by emergency  
31 medical services and for coordination and communication between  
1 hospitals, comprehensive stroke centers, primary stroke centers, and  
2 other support services necessary to assure all residents of Nebraska have  
3 access to effective and efficient stroke care.  
4 (3) The task force shall recommend eligible essential health care  
5 services for acute stroke care provided through telehealth as defined in  
6 section 71-8503.

7 Sec. 10. Section 38-1217, Revised Statutes Cumulative Supplement,  
8 2014, is amended to read:

9 38-1217 The board shall adopt rules and regulations necessary to:

10 (1)(a) For licenses issued prior to September 1, 2010, create the  
11 following licensure classifications of out-of-hospital emergency care  
12 providers: (i) First responder; (ii) emergency medical technician; (iii)  
13 emergency medical technician-intermediate; and (iv) emergency medical  
14 technician-paramedic; and (b) for licenses issued on or after September  
15 1, 2010, create the following licensure classifications of out-of-  
16 hospital emergency care providers: (i) Emergency medical responder; (ii)  
17 emergency medical technician; (iii) advanced emergency medical  
18 technician; and (iv) paramedic. The rules and regulations creating the  
19 classifications shall include the practices and procedures authorized for  
20 each classification, training and testing requirements, renewal and  
21 reinstatement requirements, and other criteria and qualifications for  
22 each classification determined to be necessary for protection of public  
23 health and safety. A person holding a license issued prior to September  
24 1, 2010, shall be authorized to practice in accordance with the laws,  
25 rules, and regulations governing the license for the term of the license;  
26 (2) Provide for temporary licensure of an out-of-hospital emergency  
27 care provider who has completed the educational requirements for a  
28 licensure classification enumerated in subdivision (1)(b) of this section  
29 but has not completed the testing requirements for licensure under such  
30 subdivision. Temporary licensure shall be valid for one year or until a  
31 license is issued under such subdivision and shall not be subject to  
1 renewal. The rules and regulations shall include qualifications and  
2 training necessary for issuance of a temporary license, the practices and  
3 procedures authorized for a temporary licensee, and supervision required  
4 for a temporary licensee;

5 (3) Set standards for the licensure of basic life support services  
6 and advanced life support services. The rules and regulations providing  
7 for licensure shall include standards and requirements for: Vehicles,  
8 equipment, maintenance, sanitation, inspections, personnel, training,  
9 medical direction, records maintenance, practices and procedures to be  
10 provided by employees or members of each classification of service, and  
11 other criteria for licensure established by the board;

12 (4) Authorize emergency medical services to provide differing  
13 practices and procedures depending upon the qualifications of out-of-  
14 hospital emergency care providers available at the time of service  
15 delivery. No emergency medical service shall be licensed to provide  
16 practices or procedures without the use of personnel licensed to provide  
17 the practices or procedures;

18 (5) Authorize out-of-hospital emergency care providers to perform  
19 any practice or procedure which they are authorized to perform with an  
20 emergency medical service other than the service with which they are  
21 affiliated when requested by the other service and when the patient for  
22 whom they are to render services is in danger of loss of life;

23 (6) Provide for the approval of training agencies and establish  
24 minimum standards for services provided by training agencies;

25 (7) Provide for the minimum qualifications of a physician medical  
26 director in addition to the licensure required by section 38-1212;

27 (8) Provide for the use of physician medical directors, qualified  
28 physician surrogates, model protocols, standing orders, operating  
29 procedures, and guidelines which may be necessary or appropriate to carry  
30 out the purposes of the Emergency Medical Services Practice Act. The  
31 model protocols, standing orders, operating procedures, and guidelines  
1 may be modified by the physician medical director for use by any out-of-  
2 hospital emergency care provider or emergency medical service before or  
3 after adoption;

4 (9) Establish criteria for approval of organizations issuing  
5 cardiopulmonary resuscitation certification which shall include criteria  
6 for instructors, establishment of certification periods and minimum  
7 curricula, and other aspects of training and certification;

8 (10) Establish renewal and reinstatement requirements for out-of-  
9 hospital emergency care providers and emergency medical services and  
10 establish continuing competency requirements. Continuing education is  
11 sufficient to meet continuing competency requirements. The requirements  
12 may also include, but not be limited to, one or more of the continuing  
13 competency activities listed in section 38-145 which a licensed person  
14 may select as an alternative to continuing education. The reinstatement  
15 requirements for out-of-hospital emergency care providers shall allow  
16 reinstatement at the same or any lower level of licensure for which the  
17 out-of-hospital emergency care provider is determined to be qualified;

18 (11) Establish criteria for deployment and use of automated external  
19 defibrillators as necessary for the protection of the public health and  
20 safety;

21 (12) Create licensure, renewal, and reinstatement requirements for  
22 emergency medical service instructors. The rules and regulations shall  
23 include the practices and procedures for licensure, renewal, and  
24 reinstatement;

25 (13) Establish criteria for emergency medical technicians-  
26 intermediate, advanced emergency medical technicians, emergency medical  
27 technicians-paramedic, or paramedics performing activities within their  
28 scope of practice at a hospital or health clinic under subsection (3) of  
29 section 38-1224. Such criteria shall include, but not be limited to: (a)

30 Requirements for the orientation of registered nurses, physician  
31 assistants, and physicians involved in the supervision of such personnel;  
1 (b) supervisory and training requirements for the physician medical  
2 director or other person in charge of the medical staff at such hospital  
3 or health clinic; and (c) a requirement that such activities shall only  
4 be performed at the discretion of, and with the approval of, the  
5 governing authority of such hospital or health clinic. For purposes of  
6 this subdivision, health clinic has the definition found in section  
7 71-416 and hospital has the definition found in section 71-419;~~and~~  
8 (14) Establish model protocols for compliance with the Stroke System  
9 of Care Act by an emergency medical service and an out-of-hospital  
10 emergency care provider; and  
11 ~~(15-14)~~ Establish criteria and requirements for emergency medical  
12 technicians-intermediate to renew licenses issued prior to September 1,  
13 2010, and continue to practice after such classification has otherwise  
14 terminated under subdivision (1) of this section. The rules and  
15 regulations shall include the qualifications necessary to renew emergency  
16 medical technicians-intermediate licenses after September 1, 2010, the  
17 practices and procedures authorized for persons holding and renewing such  
18 licenses, and the renewal and reinstatement requirements for holders of  
19 such licenses.

20 Sec. 11. Section 38-1221, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:  
22 38-1221 (1) To be eligible for a license under the Emergency Medical  
23 Services Practice Act, an individual shall have attained the age of  
24 eighteen years and met the requirements established in accordance with  
25 subdivision (1), (2), or ~~(15-14)~~ of section 38-1217.  
26 (2) All licenses issued under the act other than temporary licenses  
27 shall expire the second year after issuance.  
28 (3) An individual holding a certificate under the Emergency Medical  
29 Services Act on December 1, 2008, shall be deemed to be holding a license  
30 under the Uniform Credentialing Act and the Emergency Medical Services  
31 Practice Act on such date. The certificate holder may continue to  
1 practice under such certificate as a license in accordance with the  
2 Uniform Credentialing Act until the certificate would have expired under  
3 its terms.

4 Sec. 12. Section 71-401, Revised Statutes Supplement, 2015, is  
5 amended to read:  
6 71-401 Sections 71-401 to 71-470 and section 13 of this act shall be  
7 known and may be cited as the Health Care Facility Licensure Act.

8 Sec. 13. A person may not advertise to the public, by way of any  
9 medium, that a hospital is a comprehensive stroke center, primary stroke  
10 center, or acute stroke-ready hospital unless the hospital is listed as  
11 such by the Department of Health and Human Services under the Stroke  
12 System of Care Act.

13 Sec. 14. Original sections 38-1217 and 38-1221, Revised Statutes  
14 Cumulative Supplement, 2014, and section 71-401, Revised Statutes  
15 Supplement, 2015, are repealed.

**LEGISLATIVE BILL 866.** Placed on General File with amendment.

AM2181

1 1. On page 2, line 8, after "attaining", insert "on or after the  
 2 effective date of this act."; strike beginning with "independent" in line  
 3 14 through "she" in line 20 and insert "case management for service  
 4 provision to achieve the goals in a case plan developed with the eligible  
 5 participant as part of a program to transition to a successful adulthood.  
 6 Case management for this program shall cease when the youth"; and in line  
 7 27 strike "and" and insert "or".

**LEGISLATIVE BILL 895.** Placed on General File with amendment.

AM2159

1 1. On page 3, line 12, strike "November 15, 2016" and insert "June  
 2 1, 2017".

**LEGISLATIVE BILL 1039.** Placed on General File with amendment.

AM2172

1 1. On page 3, line 4, strike "physical disability or" and insert  
 2 "disability, including an".

(Signed) Kathy Campbell, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Transportation and Telecommunications

Room 1113

Monday, February 29, 2016 1:30 p.m.

LB938 (rehearing)

(Signed) Jim Smith, Chairperson

Health and Human Services

Room 1510

Wednesday, March 2, 2016 1:00 p.m.

Michael A. Sitorius - Nebraska Rural Health Advisory Commission

Mary J. Kent - Nebraska Rural Health Advisory Commission

LR415

LB842

LB905

Thursday, March 3, 2016 1:00 p.m.

Roger Wells - Nebraska Rural Health Advisory Commission

John A. E. Craig - Nebraska Rural Health Advisory Commission

Rebecca Schroeder - Nebraska Rural Health Advisory Commission  
LB674  
LB697

(Signed) Kathy Campbell, Chairperson

Appropriations

Room 1524

Monday, February 29, 2016 1:30 p.m.

AM2236 to LB537 - Appropriate funds relating to natural resources

(Signed) Heath Mello, Chairperson

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 443.** Introduced by Kolowski, 31.

WHEREAS, Golden Kelly, a seventh grader at George Russell Middle School in Millard, has achieved national recognition for exemplary volunteer service by receiving a 2016 Prudential Spirit of Community Award; and

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

WHEREAS, Golden earned this honor by raising nearly \$14,000 for the American Cancer Society over the past nine years as co-captain of a team that participates annually in the Society's Relay for Life fundraiser. Golden has worked hard to support cancer patients since she was four years old, when she began fundraising with her sister, Grace; and

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

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

1. That the Legislature congratulates Golden Kelly for receiving a 2016 Prudential Spirit of Community Award.
2. That a copy of this resolution be sent to Golden Kelly.

Laid over.

**LEGISLATIVE RESOLUTION 444.** Introduced by Kolowski, 31.

WHEREAS, Grace Kelly, a senior at Millard West High School, has achieved national recognition for exemplary volunteer service by being named a Distinguished Finalist for the 2016 Prudential Spirit of Community Award; and

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

WHEREAS, Grace earned this honor by serving as president of her school's chapter of the Health Occupation Students of America, and helping to organize numerous blood drives to support the American Red Cross. Grace has also participated in the American Cancer Society's Relay for Life fundraiser since she was nine years old, and has helped raise over \$15,000 to help fund cancer research with her sister, Golden; and

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

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

1. That the Legislature congratulates Grace Kelly for being named a Distinguished Finalist for the 2016 Prudential Spirit of Community Award.
2. That a copy of this resolution be sent to Grace Kelly.

Laid over.

**VISITOR(S)**

Visitors to the Chamber were Sophia Olson from Lincoln; and Senator Krist's daughter, Courtney, and grandson, Lucas, from Omaha.

The Doctor of the Day was Dr. Joshua Sypal from Seward.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Scheer, the Legislature adjourned until 9:00 a.m., Tuesday, February 23, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FIRST DAY - FEBRUARY 23, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 23, 2016

**PRAYER**

The prayer was offered by Pastor Gary Wissel, Crossroads Bible Church, Manley.

**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 Gloor and Schilz who were excused; and Senators Coash, Kintner, Kuehn, Larson, Mello, Morfeld, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirtieth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 221.** Placed on Final Reading.

ST60

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Harr amendment, AM2133, on page 1, line 5, the second "or" has been struck and "of" inserted.
2. In the Harr amendment, AM1996, on page 3, line 1, the second comma has been struck.
3. On page 1, line 1, "landlord" has been struck and "landlords" inserted; and lines 2 through 5 have been struck and "25-21,220, 69-2303, 76-1414, 76-1431, 76-1441, and 76-1446, Reissue Revised Statutes of Nebraska; to change provisions relating to forcible entry and detainer and the Uniform Residential Landlord and Tenant Act; to provide for disposition of personal property upon the death of a tenant; to harmonize provisions; and to repeal the original sections." inserted.
4. On page 4, line 13, the comma has been struck.

5. On page 5, line 18, "25-21,220," has been inserted after "sections" and "76-1431," has been inserted after "76-1414,".

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 677.** Placed on General File.

**LEGISLATIVE BILL 978.** Placed on General File.

**LEGISLATIVE BILL 851.** Placed on General File with amendment.

AM2149

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

2 sections:

3 Section 1. Section 84-602, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 84-602 It shall be the duty of the State Treasurer:

6 (1) To receive and keep all money of the state not expressly

7 required to be received and kept by some other person;

8 (2) To disburse the public money upon warrants drawn upon the state

9 treasury according to law and not otherwise;

10 (3) To keep a just, true, and comprehensive account of all money

11 received and disbursed;

12 (4) To keep a just account with each fund, and each head of

13 appropriation made by law, and the warrants drawn against them;

14 (5) To render a full statement to the Department of Administrative

15 Services of all money received by him or her from whatever source, and if

16 on account of revenue, for what year; of all penalties and interest on

17 delinquent taxes reported or accounted for to him or her, and of all

18 disbursements of public funds; with a list, in numerical order, of all

19 warrants redeemed, the name of the payee, amount, interest, and total

20 amount allowed thereon, and with the amount of the balance of the several

21 funds unexpended; which statement shall be made on the first day of

22 December, March, June, and September, and more often if required;

23 (6) To report electronically to the Legislature as soon as

24 practicable, but within ten days after the commencement of each regular

25 session, a detailed statement of the condition of the treasury and its

26 operations for the preceding fiscal year;

27 (7) To give information electronically to the Legislature, whenever

1 required, upon any subject connected with the treasury or touching any

2 duty of his or her office;

3 (8) To account for, and pay over, all money received by him or her

4 as such treasurer, to his or her successor in office, and deliver all

5 books, vouchers, and effects of office to him or her; and such successor

6 shall receipt therefor. In accounting for and paying over such money the

7 treasurer shall not be held liable on account of any loss occasioned by

8 any investment, when such investment shall have been made pursuant to the

9 direction of the state investment officer; and

10 (9) To develop and maintain ~~the a single, searchable~~ web site  
11 ~~required under the Taxpayer Transparency Act with information on state~~  
12 ~~tax receipts, expenditures, and contracts which is accessible by the~~  
13 ~~public at no cost to access as provided in section 84-602.02. The web~~  
14 ~~site shall be hosted on a server owned and operated by the State of~~  
15 ~~Nebraska or approved by the Chief Information Officer. The naming~~  
16 ~~convention for the web site shall identify the web site as a state~~  
17 ~~government web site. The web site shall not include the treasurer's name,~~  
18 ~~the treasurer's image, the treasurer's seal, or a welcome message.~~  
19 Sec. 2. Section 84-602.01, Reissue Revised Statutes of Nebraska, is  
20 amended to read:  
21 84-602.01 ~~Section 84-602.01 and sections 3 and 4 of this act The~~  
22 ~~establishment of the web site provided for in section 84-602 and~~  
23 ~~described in section 84-602.02 shall be known and may be cited as the~~  
24 Taxpayer Transparency Act.  
25 Sec. 3. For purposes of the Taxpayer Transparency Act:  
26 (1)(a) Expenditure of state funds means all expenditures of state  
27 receipts, whether appropriated or nonappropriated, by a state entity in  
28 forms including, but not limited to:  
29 (i) Grants;  
30 (ii) Contracts;  
31 (iii) Subcontracts;  
1 (iv) State aid to political subdivisions;  
2 (v) Tax refunds or credits that may be disclosed pursuant to the  
3 Nebraska Advantage Act, the Nebraska Advantage Microenterprise Tax Credit  
4 Act, the Nebraska Advantage Research and Development Act, or the Nebraska  
5 Advantage Rural Development Act; and  
6 (vi) Any other disbursement of state receipts by a state entity in  
7 the performance of its functions;  
8 (b) Expenditure of state funds includes expenditures authorized by  
9 the Board of Regents of the University of Nebraska, the Board of Trustees  
10 of the Nebraska State Colleges, or a public corporation pursuant to  
11 sections 85-403 to 85-411; and  
12 (c) Expenditure of state funds does not include the transfer of  
13 funds between two state entities, payments of state, federal, or other  
14 assistance to an individual, or the expenditure of pass-through funds;  
15 (2) Pass-through funds means any funds received by a state entity if  
16 the state entity is acting only as an intermediary or custodian with  
17 respect to such funds and is obligated to pay or otherwise return such  
18 funds to the person entitled thereto;  
19 (3) State entity means (a) any agency, board, commission, or  
20 department of the state and (b) any other body created by state statute  
21 that includes a person appointed by the Governor, the head of any state  
22 agency or department, an employee of the State of Nebraska, or any  
23 combination of such persons and that is empowered pursuant to such  
24 statute to collect and disburse state receipts; and  
25 (4) State receipts means revenue or other income received by a state  
26 entity from tax receipts, fees, charges, interest, or other sources which  
27 is (a) used by the state entity to pay the expenses necessary to perform

28 the state entity's functions and (b) reported to the State Treasurer in  
 29 total amounts by category of income. State receipts does not include  
 30 pass-through funds.

31 Sec. 4. Section 84-602.02, Revised Statutes Supplement, 2015, is  
 1 amended to read:

2 ~~84-602.02~~ (1) The State Treasurer shall develop and maintain a  
 3 single, searchable web site with information on state receipts,  
 4 expenditures of state funds, and contracts which is accessible by the  
 5 public at no cost to access as provided in this section. The web site  
 6 shall be hosted on a server owned and operated by the State of Nebraska  
 7 or approved by the Chief Information Officer. The naming convention for  
 8 the web site shall identify the web site as a state government web site.  
 9 The web site shall not include the treasurer's name, the treasurer's  
 10 image, the treasurer's seal, or a welcome message.

11 ~~(2)(a) The (1)(a) Not later than January 1, 2010, the web site~~  
 12 ~~established, developed, and maintained by the State Treasurer pursuant to~~  
 13 ~~this section subdivision (9) of section 84-602 shall provide such~~  
 14 ~~information as will document the sources of all state tax receipts and~~  
 15 ~~the expenditure of state funds by all agencies, boards, commissions, and~~  
 16 ~~departments of the state entities.~~

17 (b) The State Treasurer shall, in appropriate detail, cause to be  
 18 published on the web site:

19 (i) The identity, principal location, and amount of state receipts  
 20 received or expended by the State of Nebraska and all of its state  
 21 entities agencies, boards, commissions, and departments;

22 (ii) The funding or expending state entity agency, board,  
 23 commission, or department;

24 (iii) The budget program source;

25 (iv) The amount, date, purpose, and recipient of all expenditures of  
 26 state funds disbursed funds; and

27 (v) Such other relevant information as will further the intent of  
 28 enhancing the transparency of state government financial operations to  
 29 its citizens and taxpayers. The web site shall include data for fiscal  
 30 year 2008-09 and each fiscal year thereafter, except that for any state  
 31 entity that becomes subject to this section due to the changes made by  
 1 this legislative bill, the web site shall include data for such state  
 2 entity for fiscal year 2016-17 and each fiscal year thereafter.

3 ~~(3) 2) The Beginning July 1, 2010, the data shall be available on the~~  
 4 ~~web site no later than thirty days after the end of the preceding fiscal~~  
 5 ~~year.~~

6 ~~(4)(a) The (3)(a) Beginning July 1, 2014, the web site described in~~  
 7 ~~this section shall include a link to the web site of the Department of~~  
 8 ~~Administrative Services. The department's web site shall contain:~~

9 (i) A data base that includes a copy of each active contract that is  
 10 a basis for an expenditure of state funds, including any amendment to  
 11 such contract and any document incorporated by reference in such  
 12 contract. For purposes of this subdivision, amendment means an agreement  
 13 to modify a contract which has been reduced to writing and signed by each  
 14 party to the contract, an agreement to extend the duration of a contract,

15 or an agreement to renew a contract. The data base shall be accessible by  
16 the public and searchable by vendor, by state entity agency, board,  
17 commission, or department, and by dollar amount. All agencies, boards,  
18 commissions, and departments of the state entities shall provide to the  
19 Department of Administrative Services, in electronic form, copies of such  
20 contracts for inclusion in the data base beginning with contracts that  
21 are active on and after January 1, 2014, except that for any state entity  
22 that becomes subject to this section due to the changes made by this  
23 legislative bill, such state entity shall provide copies of such  
24 contracts for inclusion in the data base beginning with contracts that  
25 are active on and after January 1, 2017; and  
26 (ii) A data base that includes copies of all expired contracts which  
27 were previously included in the data base described in subdivision (4)(a)  
28 (i) ~~(3)(a)(i)~~ of this section and which have not been disposed of  
29 pursuant to policies and procedures adopted under subdivision (4)(e) ~~(3)~~  
30 ~~(e)~~ of this section. The data base required under this subdivision shall  
31 be accessible by the public and searchable by vendor, by state entity  
1 agency, board, commission, or department, and by dollar amount.  
2 (b) The following shall be redacted or withheld from any contract  
3 before such contract is included in a data base pursuant to subdivision  
4 (4)(a) ~~(3)(a)~~ of this section:  
5 (i) The social security number or federal tax identification number  
6 of any individual or business;  
7 (ii) Protected health information as such term is defined under the  
8 federal Health Insurance Portability and Accountability Act of 1996, as  
9 such act existed on January 1, 2013;  
10 (iii) Any information which may be withheld from the public under  
11 section 84-712.05; or  
12 (iv) Any information that is confidential under state or federal  
13 law, rule, or regulation.  
14 (c) The following contracts shall be exempt from the requirements of  
15 subdivision (4)(a) ~~(3)(a)~~ of this section:  
16 (i) Contracts entered into by the Department of Health and Human  
17 Services that are letters of agreement for the purpose of providing  
18 specific services to a specifically named individual and his or her  
19 family;  
20 (ii) Contracts entered into by the University of Nebraska or any of  
21 the Nebraska state colleges for the purpose of providing specific  
22 services or financial assistance to a specifically named individual and  
23 his or her family;  
24 (iii) Contracts entered into by the Department of Veterans' Affairs  
25 under section 80-401 or 80-403 for the purpose of providing aid to a  
26 specifically named veteran and his or her family;  
27 (iv) Contracts entered into by the State Energy Office for the  
28 purpose of providing financing from the Dollar and Energy Saving Loan  
29 program; ~~and~~  
30 (v) Contracts of employment for employees of any agency, board,  
31 commission, or department of the state entity. The exemption provided in  
1 this subdivision shall not apply to contracts entered into by any agency,

2 ~~board, commission, or department of the state entity~~ to obtain the  
3 services of an independent contractor; ~~and~~ -  
4 (vi) Contracts entered into by the Nebraska Investment Finance  
5 Authority for the purpose of providing a specific service or financial  
6 assistance, including, but not limited to, a grant or loan, to a  
7 specifically named individual and his or her family.  
8 (d) No ~~agency, board, commission, or department of the state entity~~  
9 shall structure a contract to avoid any of the requirements of  
10 subdivision ~~(4)(a) (3)(a)~~ of this section.  
11 (e) The Department of Administrative Services shall adopt policies  
12 and procedures regarding the creation, maintenance, and disposal of  
13 records pursuant to section 84-1212.02 for the contracts contained in the  
14 data bases required under this section and the process by which ~~agencies,~~  
15 ~~boards, commissions, and departments of the state entities~~ provide copies  
16 of the contracts required under this section.  
17 ~~(5) 4) All agencies, boards, commissions, and departments of the~~  
18 ~~state entities~~ shall provide to the State Treasurer, at such times and in  
19 such form as designated by the State Treasurer, such information as is  
20 necessary to accomplish the purposes of the Taxpayer Transparency Act.  
21 ~~(6) 5) Nothing in this section requires the disclosure of information~~  
22 ~~which is considered confidential under state or federal law or is not a~~  
23 ~~public record under section 84-712.05.~~  
24 ~~(6)(a) For purposes of this section, expenditure of state funds~~  
25 ~~means all expenditures of appropriated or nonappropriated funds by an~~  
26 ~~agency, board, commission, or department of the state from the state~~  
27 ~~treasury in forms including, but not limited to:~~  
28 ~~(i) Grants;~~  
29 ~~(ii) Contracts;~~  
30 ~~(iii) Subcontracts;~~  
31 ~~(iv) State aid to political subdivisions; and~~  
1 ~~(v) Tax refunds or credits that may be disclosed pursuant to the~~  
2 ~~Nebraska Advantage Act, the Nebraska Advantage Microenterprise Tax Credit~~  
3 ~~Act, the Nebraska Advantage Research and Development Act, or the Nebraska~~  
4 ~~Advantage Rural Development Act.~~  
5 (b) ~~Expenditure of state funds does not include the transfer of~~  
6 ~~funds between two agencies, boards, commissions, or departments of the~~  
7 ~~state or payments of state or federal assistance to an individual.~~  
8 Sec. 5. Original sections 84-602 and 84-602.01, Reissue Revised  
9 Statutes of Nebraska, and section 84-602.02, Revised Statutes Supplement,  
10 2015, are repealed.

**LEGISLATIVE BILL 877.** Placed on General File with amendment.  
AM2104

1 1. On page 3, line 9, after "hundred" insert "fifty"; in line 12  
2 strike "commission" and insert "department and public works department";  
3 and in line 17 strike "commission" and insert "county".

(Signed) John Murante, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 434, 435, and 436 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 434, 435, and 436.

**MOTION(S) - Confirmation Report(s)**

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on pages 669 and 670:

Commission for the Blind and Visually Impaired

Chad Bell

Division of Behavioral Health - Department of Health and Human Services

Sheri Dawson, Director

Commission for the Blind and Visually Impaired

Michael D. Hansen

Voting in the affirmative, 36:

Baker	Davis	Howard	McCollister	Stinner
Bloomfield	Ebke	Hughes	Pansing Brooks	Sullivan
Bolz	Fox	Johnson	Riepe	Watermeier
Brasch	Friesen	Kintner	Scheer	Williams
Campbell	Garrett	Kolowski	Schnoor	
Cook	Hadley	Kolterman	Schumacher	
Craighead	Hansen	Krist	Seiler	
Crawford	Hilkemann	Lindstrom	Smith	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Haar, K.	McCoy
Groene	Harr, B.	Morfeld

Excused and not voting, 7:

Coash	Kuehn	Mello	Schilz
Gloor	Larson	Murante	

The appointments were confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 772.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1059.** Title read. Considered.

Committee AM2067, found on page 593, was offered.

Senator Schumacher offered the following amendment to the committee amendment:

FA89

Amend AM2067

Strike "two-thirds" in line 17 page 5 and replace that with "unanimous".

The Schumacher amendment lost with 12 ayes, 18 nays, 13 present and not voting, and 6 excused and not voting.

The committee amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 2 nays, 14 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 768.** Placed on General File with amendment. AM2058 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

Health and Human Services

**LEGISLATIVE BILL 869.** Placed on General File.

(Signed) Kathy Campbell, Chairperson

Appropriations

**LEGISLATIVE BILL 1092.** Placed on General File.

(Signed) Heath Mello, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 794.** Placed on General File.



**LEGISLATIVE BILL 817.** Placed on General File.

**LEGISLATIVE BILL 1050.** Placed on General File with amendment.  
AM2237

- 1 1. On page 2, lines 15 and 16; and page 3, lines 1 and 2, strike
- 2 "each partner who owns in the aggregate more than a fifty percent
- 3 interest" and insert "partners who own in the aggregate more than fifty
- 4 percent of the interests".
- 5 2. On page 2, line 19, strike "provisions" and insert "provision".

**LEGISLATIVE BILL 801.** Indefinitely postponed.

(Signed) Jim Scheer, Chairperson

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 447A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 447, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

#### **AMENDMENT(S) - Print in Journal**

Senator Lindstrom filed the following amendment to LB772:  
AM2196 is available in the Bill Room.

#### **NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Tuesday, March 1, 2016 1:30 p.m.

Pete Goldschmidt - Technical Advisory Committee for Statewide Assessment  
Randy Schmailzl - Nebraska Educational Telecommunications Commission

(Signed) Kate Sullivan, Chairperson

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 445.** Introduced by Davis, 43.

WHEREAS, Gideon Monette, a senior at Mullen High School, won the 2016 Class D State Wrestling Championship in the 182-pound division; and

WHEREAS, Gideon displayed outstanding determination, perseverance, and skill in winning the state championship; and

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

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

1. That the Legislature congratulates Gideon Monette on his state wrestling championship.
2. That a copy of this resolution be sent to Gideon Monette.

Laid over.

**LEGISLATIVE RESOLUTION 446.** Introduced by Schnoor, 15.

WHEREAS, Andrew J. Poppe of Fremont 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, Andrew 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Andrew built benches along the hiking trails of Fremont State Recreation Area; and

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

WHEREAS, Andrew, 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 Andrew J. Poppe on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Andrew J. Poppe.

Laid over.

#### **GENERAL FILE**

**LEGISLATIVE BILL 730.** Title read. Considered.

#### **SPEAKER HADLEY PRESIDING**

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 830.** Title read. Considered.

Committee AM2082, found on page 589, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 704.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 698.** Title read. Considered.

Committee AM1994, found on page 560, was offered.

Senator Campbell offered the following amendment to the committee amendment:

AM2255 is available in the Bill Room.

The Campbell amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1022.** Title read. Considered.

Committee AM2170, found on page 637, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 867A.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 867, One Hundred Fourth Legislature, Second Session, 2016.

**LEGISLATIVE BILL 770A.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, section 87; to reduce an appropriation to aid in carrying out the provisions of Legislative Bill 770, One Hundred Fourth Legislature, Second Session, 2016; to repeal the original section; and to declare an emergency.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 447.** Introduced by Ebke, 32.

WHEREAS, Elliot James Erdkamp of Exeter 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, Elliot 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his project, Elliot and several of his fellow members and leaders spent nearly 170 hours installing a handicapped-accessible sidewalk in Exeter's city park; and

WHEREAS, Elliot, 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 Elliot James Erdkamp on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Elliot James Erdkamp.

Laid over.

**LEGISLATIVE RESOLUTION 448.** Introduced by Ebke, 32.

WHEREAS, Broc Edward Mueller, a member of Troop 270 of Friend, 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, Broc 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his project, Broc finished the landscaping around Trinity Evangelical Lutheran Church in Cordova. Broc arranged funding for the project by

writing a grant and organized a group of Boy Scouts and adults to help with the project, which took nearly 100 hours to complete; and

WHEREAS, Broc, 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 Broc Edward Mueller on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Broc Edward Mueller.

Laid over.

#### **WITHDRAW - Cointroducer**

Senator Groene withdrew his name as cointroducer to LB803.

#### **VISITOR(S)**

Visitors to the Chamber were members of the Collegiate Farm Bureau, Nebraska College of Technical Agriculture and Southeast Community College; Kamryn Sannicks from Lincoln; members of Elkhorn Rural Public Power District from Battle Creek and Stanton; and 30 members of Leadership Lincoln County from North Platte.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

#### **ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Wednesday, February 24, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SECOND DAY - FEBRUARY 24, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 24, 2016

**PRAYER**

The prayer was offered by Pastor Justin Adams, "EPIC" Church, Lincoln.

**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 Larson, McCoy, and Schilz who were excused; and Senators Craighead, Davis, Groene, K. Haar, Kintner, Kuehn, Morfeld, Murante, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 683.** Placed on Select File.

**LEGISLATIVE BILL 746.** Placed on Select File with amendment.  
ER169 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Government, Military and Veterans Affairs

Room 1507

Thursday, March 3, 2016 1:30 p.m.

Polly Jordening - State Emergency Response Commission  
James J. Ziebarth - Nebraska Accountability and Disclosure Commission

Keith Deiml - State Emergency Response Commission  
 Kimberly Plouzek - State Emergency Response Commission  
 Brian Tessman - State Personnel Board  
 Edward A. Toner - Chief Information Officer  
 Jeffery T. Peetz - Nebraska Accountability and Disclosure Commission

(Signed) John Murante, Chairperson

**COMMITTEE REPORT(S)**  
 Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

J. Russell Derr - Public Employees Retirement Board

Aye: 5 Davis, Groene, Kolterman, Lindstrom, Mello. Nay: 0. Absent: 1 Kolowski. Present and not voting: 0.

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Keith Olson - Nebraska Investment Council

Aye: 5 Davis, Groene, Kolterman, Lindstrom, Mello. Nay: 0. Absent: 1 Kolowski. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 449.** Introduced by Stinner, 48.

WHEREAS, Mario Ybarra of the Scottsbluff High School wrestling team captured a first place finish at 126 pounds during the 2016 Class B Nebraska State Wrestling Championship; and

WHEREAS, with this first place finish, Mario Ybarra helped his team finish in the top five at state for the sixth straight year; 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 Mario Ybarra on his state wrestling championship.
2. That a copy of this resolution be sent to Mario Ybarra.



Laid over.

**SELECT FILE**

**LEGISLATIVE BILL 954.** ER162, found on page 569, was adopted.

Senator Krist offered the following amendment:

AM2279

1 1. Insert the following new section:

2 Sec. 2. Section 43-2,108.05, Revised Statutes Supplement, 2015, is  
3 amended to read:

4 43-2,108.05 (1) If the court orders the record of a juvenile sealed  
5 pursuant to section 43-2,108.04, the court shall:

6 (a) Order that all records, including any information or other data  
7 concerning any proceedings relating to the offense, including the arrest,  
8 taking into custody, petition, complaint, indictment, information, trial,  
9 hearing, adjudication, correctional supervision, dismissal, or other  
10 disposition or sentence, be deemed never to have occurred;

11 (b) Send notice of the order to seal the record (i) to the Nebraska  
12 Commission on Law Enforcement and Criminal Justice, (ii) if the record  
13 includes impoundment or prohibition to obtain a license or permit  
14 pursuant to section 43-287, to the Department of Motor Vehicles, (iii) if  
15 the juvenile whose record has been ordered sealed was a ward of the state  
16 at the time the proceeding was initiated or if the Department of Health  
17 and Human Services was a party in the proceeding, to such department, and  
18 (iv) to law enforcement agencies, county attorneys, and city attorneys  
19 referenced in the court record;

20 (c) Order all notified under subdivision (1)(b) of this section to  
21 seal all records pertaining to the offense;

22 (d) If the case was transferred from district court to juvenile  
23 court or was transferred under section 43-282, send notice of the order  
24 to seal the record to the transferring court; and

25 (e) Explain to the juvenile what sealing the record means verbally  
26 if the juvenile is present in the court at the time the court issues the  
27 sealing order or by written notice sent by regular mail to the juvenile's  
1 last-known address if the juvenile is not present in the court at the  
2 time the court issues the sealing order.

3 (2) The effect of having a record sealed under section 43-2,108.04  
4 is that thereafter no person is allowed to release any information  
5 concerning such record, except as provided by this section. After a  
6 record is sealed, the person whose record was sealed can respond to any  
7 public inquiry as if the offense resulting in such record never occurred.  
8 A government agency and any other public office or agency shall reply to  
9 any public inquiry that no information exists regarding a sealed record.  
10 Except as provided in subsection (3) of this section, an order to seal  
11 the record applies to every government agency and any other public office  
12 or agency that has a record relating to the offense, regardless of  
13 whether it receives notice of the hearing on the sealing of the record or  
14 a copy of the order. Upon the written request of a person whose record

15 has been sealed and the presentation of a copy of such order, a  
16 government agency or any other public office or agency shall seal all  
17 records pertaining to the offense.

18 (3) A sealed record is accessible to law enforcement officers,  
19 county attorneys, and city attorneys in the investigation, prosecution,  
20 and sentencing of crimes, to the sentencing judge in the sentencing of  
21 criminal defendants, to a judge making a determination whether to  
22 transfer a case to or from juvenile court, ~~and~~ to any attorney  
23 representing the subject of the sealed record, and to the Inspector  
24 General of Nebraska Child Welfare pursuant to an investigation conducted  
25 under the Office of Inspector General of Nebraska Child Welfare Act.  
26 Inspection of records that have been ordered sealed under section  
27 43-2,108.04 may be made by the following persons or for the following  
28 purposes:

29 (a) By the court or by any person allowed to inspect such records by  
30 an order of the court for good cause shown;

31 (b) By the court, city attorney, or county attorney for purposes of  
1 collection of any remaining parental support or obligation balances under  
2 section 43-290;

3 (c) By the Nebraska Probation System for purposes of juvenile intake  
4 services, for presentence and other probation investigations, and for the  
5 direct supervision of persons placed on probation and by the Department  
6 of Correctional Services, the Office of Juvenile Services, a juvenile  
7 assessment center, a criminal detention facility, a juvenile detention  
8 facility, or a staff secure juvenile facility, for an individual  
9 committed to it, placed with it, or under its care;

10 (d) By the Department of Health and Human Services for purposes of  
11 juvenile intake services, the preparation of case plans and reports, the  
12 preparation of evaluations, compliance with federal reporting  
13 requirements, or the supervision and protection of persons placed with  
14 the department or for licensing or certification purposes under sections  
15 71-1901 to 71-1906.01, the Child Care Licensing Act, or the Children's  
16 Residential Facilities and Placing Licensure Act;

17 (e) Upon application, by the person who is the subject of the sealed  
18 record and by persons authorized by the person who is the subject of the  
19 sealed record who are named in that application;

20 (f) At the request of a party in a civil action that is based on a  
21 case that has a sealed record, as needed for the civil action. The party  
22 also may copy the sealed record as needed for the civil action. The  
23 sealed record shall be used solely in the civil action and is otherwise  
24 confidential and subject to this section;

25 (g) By persons engaged in bona fide research, with the permission of  
26 the court, only if the research results in no disclosure of the person's  
27 identity and protects the confidentiality of the sealed record; or

28 (h) By a law enforcement agency if a person whose record has been  
29 sealed applies for employment with the law enforcement agency.

30 (4) Nothing in this section prohibits the Department of Health and  
31 Human Services from releasing information from sealed records in the  
1 performance of its duties with respect to the supervision and protection

2 of persons served by the department.

3 (5) In any application for employment, bonding, license, education,  
4 or other right or privilege, any appearance as a witness, or any other  
5 public inquiry, a person cannot be questioned with respect to any offense  
6 for which the record is sealed. If an inquiry is made in violation of  
7 this subsection, the person may respond as if the offense never occurred.

8 Applications for employment shall contain specific language that states  
9 that the applicant is not obligated to disclose a sealed record.

10 Employers shall not ask if an applicant has had a record sealed. The  
11 Department of Labor shall develop a link on the department's web site to  
12 inform employers that employers cannot ask if an applicant had a record  
13 sealed and that an application for employment shall contain specific  
14 language that states that the applicant is not obligated to disclose a  
15 sealed record.

16 (6) Any person who violates this section may be held in contempt of  
17 court.

18 2. Renumber the remaining sections and correct the repealer  
19 accordingly.

The Krist amendment was adopted with 31 ayes, 0 nays, 6 present and not  
voting, and 12 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1016.** Advanced to Enrollment and Review for  
Engrossment.

**LEGISLATIVE BILL 188.** Senator Watermeier asked unanimous consent  
to withdraw his amendment, AM2084, found on page 549, and replace it  
with his substitute amendment, AM2199. No objections. So ordered.

AM2199

1 1. In the Standing Committee amendments, AM374:

2 a. Strike amendment 1;

3 b. On page 1, line 8, after the second "or" insert "immediately";

4 and

5 c. Renumber the remaining amendments accordingly.

6 2. On page 3, strike lines 24 through 28 and reletter the remaining  
7 subdivisions accordingly.

8 3. On page 5, strike lines 26 through 30 and reletter the remaining  
9 subdivisions accordingly.

The Watermeier amendment was adopted with 31 ayes, 0 nays, 11 present  
and not voting, and 7 excused and not voting.

Senator Schumacher offered his amendment, AM2140, found on page 592.

Pending.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 919A.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 919, One Hundred Fourth Legislature, Second Session, 2016; and to state intent.

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 930.** Placed on General File with amendment. AM2280 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

Urban Affairs

**LEGISLATIVE BILL 857.** Placed on General File with amendment. AM2240

1 1. On page 2, line 4, strike "forty-five" and insert "forty-one".

**LEGISLATIVE BILL 1012.** Placed on General File with amendment. AM2253 is available in the Bill Room.

(Signed) Sue Crawford, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 188.** Senator Chambers offered the following motion:  
MO189  
Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

Voting in the affirmative, 2:

Cook            Haar, K.

Voting in the negative, 26:

Brasch	Fox	Hughes	Riepe	Watermeier
Coash	Friesen	Johnson	Scheer	Williams
Craighead	Garrett	Kolterman	Schnoor	
Crawford	Groene	Kuehn	Seiler	
Davis	Hadley	Lindstrom	Smith	
Ebke	Hilkemann	Murante	Stinner	

Present and not voting, 14:

Bloomfield	Chambers	Howard	McCollister	Schumacher
Bolz	Gloor	Kolowski	Morfeld	Sullivan
Campbell	Hansen	Krist	Pansing Brooks	

Excused and not voting, 7:

Baker	Kintner	McCoy	Schilz
Harr, B.	Larson	Mello	

The Chambers motion to bracket failed with 2 ayes, 26 nays, 14 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO190

Reconsider the vote taken to bracket.

#### **SENATOR SCHEER PRESIDING**

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

The Schumacher amendment, AM2140, found on page 592 and considered in this day's Journal, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Watermeier requested a roll call vote, in reverse order, on the Schumacher amendment.

Voting in the affirmative, 16:

Bolz	Cook	Howard	Morfeld
Campbell	Haar, K.	Kolowski	Pansing Brooks
Chambers	Hadley	Krist	Schumacher
Coash	Hansen	McCollister	Seiler

Voting in the negative, 21:

Brasch	Garrett	Kintner	Riepe	Watermeier
Davis	Groene	Kolterman	Scheer	
Ebke	Hilkemann	Kuehn	Schnoor	
Fox	Hughes	Lindstrom	Smith	
Friesen	Johnson	Murante	Stinner	

Present and not voting, 6:

Bloomfield	Gloor	Sullivan
Crawford	Harr, B.	Williams

Excused and not voting, 6:

Baker	Larson	Mello
Craighead	McCoy	Schilz

The Schumacher amendment lost with 16 ayes, 21 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO191

Recommit to the Judiciary Committee.

Pending.

### COMMITTEE REPORT(S)

Judiciary

**LEGISLATIVE BILL 1075.** Placed on General File.

**LEGISLATIVE BILL 1098.** Placed on General File.

**LEGISLATIVE BILL 744.** Placed on General File with amendment.

AM2142

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

2 Section 1. (1) The adoptive parent or parents and the birth parent

3 or parents of an adoptee may enter into a written agreement to permit

4 continuing communication and contact after the placement of an adoptee

5 between the adoptive parent or parents and the birth parent or parents in

6 private or agency adoptions for adoptees not in the custody of the

7 Department of Health and Human Services.

8 (2) The terms of a communication and contact agreement entered into

9 under this section may include provisions for (a) future contact or

10 communication between the birth parent or parents and the adoptee or the

11 adoptive parent or parents, or both, (b) sharing information about the

12 adoptee, or (c) other matters related to communication or contact agreed

13 to by the parties.

14 (3) If the adoptee is fourteen years of age or older at the time of  
15 placement, a communication and contact agreement under this section shall  
16 not be valid unless consented to in writing by the adoptee.

17 (4) A court may approve a communication and contact agreement  
18 entered into under this section by incorporating such agreement by  
19 reference and indicating the court's approval of such agreement in the  
20 decree of adoption. Enforceability of a communication and contact  
21 agreement is not contingent on court approval or its incorporation into  
22 the decree of adoption.

23 (5) Neither the existence of, nor the failure of any party to comply  
24 with the terms of, a communication and contact agreement entered into  
25 under this section shall be grounds for (a) setting aside an adoption  
26 decree, (b) revoking a written relinquishment of parental rights or  
27 written consent to adoption, (c) challenging the adoption on the basis of  
1 duress or coercion, or (d) challenging the adoption on the basis that the  
2 agreement retains some aspect of parental rights by the birth parent or  
3 parents.

4 (6) A communication and contact agreement entered into under this  
5 section may be enforced by a civil action. A court in which such civil  
6 action is filed may enforce, modify, or terminate a communication and  
7 contact agreement entered into under this section if the court finds that  
8 (a) enforcing, modifying, or terminating the communication and contact  
9 agreement is necessary to serve the best interests of the adoptee, (b)  
10 the party seeking to enforce, modify, or terminate the communication and  
11 contact agreement participated in, or attempted to participate in,  
12 mediation in good faith or participated in other appropriate dispute  
13 resolution proceedings in good faith to resolve the dispute prior to  
14 filing the petition, and (c) when seeking to modify or terminate the  
15 agreement, a material change in circumstances has arisen since the  
16 parties entered into the communication and contact agreement that  
17 justifies modifying or terminating the agreement.

18 (7) If the adoption was through an agency, the agency which accepted  
19 the relinquishment from the birth parent or parents shall be invited to  
20 participate in any mediation or other appropriate dispute resolution  
21 proceedings as provided in subsection 6 of this act.

22 (8) With any communication and contact agreement entered into under  
23 this section, the following shall appear on the communication and contact  
24 agreement: No adoption shall be set aside due to the failure of the  
25 adoptive parent or parents or the birth parent or parents to follow the  
26 terms of this agreement or a later order modifying or terminating this  
27 agreement. Disagreement between the parties or a subsequent civil action  
28 brought to enforce, modify, or terminate this agreement shall not affect  
29 the validity of the adoption and shall not serve as a basis for orders  
30 affecting the custody of the child. The court shall not act on a petition  
31 to enforce, modify, or terminate this agreement unless the petitioner has  
1 participated in, or attempted to participate in, mediation in good faith  
2 or participated in other appropriate dispute resolution proceedings in  
3 good faith to resolve the dispute prior to filing the petition.

4 (9) The court shall not award monetary damages as a result of the

5 filing of a civil action pursuant to subsection (6) of this section.

**LEGISLATIVE BILL 839.** Indefinitely postponed.

(Signed) Les Seiler, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 450.** Introduced by Johnson, 23.

WHEREAS, the David City High School wrestling team won the 2016 Class C State Wrestling Championship; and

WHEREAS, the David City Scouts showed outstanding determination, teamwork, and skill in winning the state championship for the second time in three years; and

WHEREAS, the Scouts won with 159 points to the second-place school's 97 points; and

WHEREAS, three individual champions, Trent Daro, Wyatt Phillips, and Melvin Hernandez, helped lead their team to victory.

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

1. That the Legislature congratulates the David City High School wrestling team on winning the 2016 Class C State Wrestling Championship.

2. That a copy of this resolution be sent to the David City High School wrestling team and Head Coach Tahner Thiem.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 831A.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 831, One Hundred Fourth Legislature, Second Session, 2016.

**AMENDMENT(S) - Print in Journal**

Senator Kolterman filed the following amendment to LB447:  
AM2282

(Amendments to Standing Committee amendments, AM1979)

- 1 1. On page 11, line 28, strike beginning with "A" through "employer"
- 2 and insert "A member hired on or after July 1, 2016, or a member who has
- 3 taken a refund or retirement and is rehired or hired by a separate
- 4 employer covered by the retirement system".
- 5 2. On page 13, strike beginning with "who" in line 21 through



6 "employer" in line 25 and insert "initially hired on or after July 1,  
 7 2016, or a member who has taken a refund or retirement and is rehired or  
 8 hired by a separate employer covered by the retirement system on or after  
 9 July 1, 2016, and has acquired the equivalent of five years of service or  
 10 more as a school employee under the retirement system or under contract  
 11 with an employer on or after July 1, 2016, and who has not retired prior  
 12 to July 1, 2016".  
 13 3. On page 14, line 13, strike "persons" and insert "members"; and  
 14 strike beginning with "persons" in line 23 through "employer" in line 24  
 15 and insert "members hired on or after July 1, 2016, or for a member who  
 16 has taken a refund or retirement and is rehired or hired by a separate  
 17 employer covered by the retirement system".

#### UNANIMOUS CONSENT - Time Change

Senator Campbell asked unanimous consent that the Health and Human Services Committee conduct its hearing on Thursday, February 25, 2016, at 1:30 p.m. instead of 1:00 p.m. No objections. So ordered.

#### MOTION - Recess

Senator Chambers moved to recess until 12:30 p.m.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 8 nays, and 21 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to recess.

Voting in the affirmative, 11:

Bloomfield	Cook	Howard	Schumacher
Chambers	Crawford	Krist	Williams
Coash	Harr, B.	McCollister	

Voting in the negative, 28:

Bolz	Garrett	Hughes	Lindstrom	Seiler
Brasch	Gloor	Johnson	Morfeld	Smith
Campbell	Groene	Kintner	Murante	Sullivan
Craighead	Hadley	Kolowski	Riepe	Watermeier
Fox	Hansen	Kolterman	Scheer	
Friesen	Hilkemann	Kuehn	Schnoor	

Present and not voting, 2:

Davis	Haar, K.
-------	----------

Excused and not voting, 8:

Baker	Larson	Mello	Schilz
Ebke	McCoy	Pansing Brooks	Stinner

The Chambers motion to recess failed with 11 ayes, 28 nays, 2 present and not voting, and 8 excused and not voting.

**VISITOR(S)**

Visitors to the Chamber were Gregg Spagnolo of the American Council of Engineering Companies National Board of Directors; members of UNO Political Science Nebraska Leadership Program from Omaha; and 8 sixth-through eighth-grade students and teachers of Norris Middle School from Omaha.

The Doctor of the Day was Dr. Dale Michels from Walton.

**MOTION - Adjournment**

Senator Friesen moved to adjourn until 9:00 a.m., Thursday, February 25, 2016.

Senator Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 36:

Bolz	Garrett	Hughes	McCollister	Smith
Campbell	Gloor	Johnson	Morfeld	Sullivan
Coash	Groene	Kintner	Murante	Watermeier
Cook	Haar, K.	Kolowski	Riepe	Williams
Crawford	Hadley	Kolterman	Scheer	
Davis	Hansen	Krist	Schnoor	
Fox	Harr, B.	Kuehn	Schumacher	
Friesen	Hilkemann	Lindstrom	Seiler	

Voting in the negative, 4:

Bloomfield	Brasch	Chambers	Craighead
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Present and not voting, 1:

Howard

Excused and not voting, 8:

Baker	Larson	Mello	Schilz
Ebke	McCoy	Pansing Brooks	Stinner

The Friesen motion to adjourn prevailed with 36 ayes, 4 nays, 1 present and not voting, and 8 excused and not voting, and at 12:04 p.m., the Legislature adjourned until 9:00 a.m., Thursday, February 25, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-THIRD DAY - FEBRUARY 25, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 25, 2016

**PRAYER**

The prayer was offered by Pastor Roger Criser, Harrison Street Baptist Church, La Vista.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Cook, Gloor, Larson, and McCoy who were excused; and Senators Campbell, K. Haar, Morfeld, Murante, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 332, line 7, after "Watermeier, 1" insert "; Krist, 10".  
The Journal for the ninth day was approved as corrected.

The Journal for the thirty-second day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

February 24, 2016

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 131, 136e, 270e, 275, 471e, 474, 474A, 665, 666, 667, 695, 699, 702, 737, 751e, 759e, 760, 761, 771, 775e, 853, and 876 were received in my office on February 18, 2016.

These bills were signed and delivered to the Secretary of State on February 24, 2016.

Sincerely,  
 (Signed) Pete Ricketts  
 Governor

**COMMITTEE REPORT(S)**  
 Judiciary

**LEGISLATIVE BILL 829.** Placed on General File with amendment.  
 AM2056

- 1 1. On page 5, line 4, after the first "disclose" insert "to a  
 2 designated recipient"; in line 24 after "fiduciary" insert "or a  
 3 designated recipient"; in line 25 after "fiduciary" insert "or a  
 4 designated recipient"; and in line 27 after "fiduciary's" insert "or  
 5 designated recipient's".  
 6 2. On page 11, line 31, after "fiduciary's" insert "or designated  
 7 recipient's".  
 8 3. On page 12, line 5, after "(3)" insert "in the case of a  
 9 fiduciary".

**LEGISLATIVE BILL 835.** Placed on General File with amendment.  
 AM2138 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 24, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Dwyer, Micheal  
 Nebraska State Volunteer Firefighters' Association  
 Klute, Anne M. N.  
 Associated Builders and Contractors, Inc.  
 Linehan, Katie  
 Educate Nebraska  
 McCabe, Lisa  
 CTIA - The Wireless Association  
 Meckler, Mark  
 Convention of States Action  
 Radcliffe, Walter H. of Radcliffe and Associates  
 University of Nebraska (Withdrawn 02/24/2016)

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**AMENDMENT(S) - Print in Journal**

Senator Smith filed the following amendment to LB938:

AM2301

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

3 Section 1. Sections 1 to 31 of this act shall be known and may be  
4 cited as the 911 Service System Act.

5 Sec. 2. The purpose of the 911 Service System Act is to establish  
6 the Public Service Commission as the statewide implementation and  
7 coordinating authority to plan, implement, coordinate, manage, maintain,  
8 and provide funding assistance for a 911 service system consistent and  
9 compatible with national public safety standards advanced by recognized  
10 standards and development organizations.

11 Sec. 3. It is the intent of the Legislature that:

12 (1) The commission plan, implement, coordinate, manage, maintain,  
13 and provide funding assistance for a cost-efficient 911 service system;

14 (2) The commission provide for the coordination of 911 service on a  
15 statewide basis;

16 (3) Local governing bodies be responsible for the dispatch and  
17 provision of emergency services;

18 (4) As part of the coordination of statewide 911 service, the  
19 commission secure stakeholder support and provide public education,  
20 training, standards enforcement, dispute resolution, and program  
21 evaluation for public safety answering points;

22 (5) The jurisdictions of the state, regional, and local governing  
23 bodies be clearly defined and aligned to produce the most efficient  
24 provision of 911 service, including next-generation 911 service  
25 capability;

26 (6) The commission adopt statewide uniform standards for technical  
27 support, training efficiency, and quality assurance for public safety  
1 answering points;

2 (7) The express authority granted to the commission to implement the  
3 911 Service System Act not be deemed to supersede or otherwise modify  
4 section 86-124 or to provide the commission with any additional authority  
5 not provided by law, including, but not limited to, regulatory authority  
6 over originating service providers; and

7 (8) Except as specifically provided in the 911 Service System Act,  
8 nothing in the 911 Service System Act be deemed to supersede or modify  
9 any commission authority provided by law or any commission order, rule,  
10 or regulation.

11 Sec. 4. For purposes of the 911 Service System Act, the definitions  
12 found in sections 5 to 24 of this act apply.

13 Sec. 5. Basic 911 service means an emergency telephone system which  
14 automatically connects a 911 call to a designated public safety answering  
15 point.

16 Sec. 6. Commission means the Public Service Commission.

17 Sec. 7. Emergency services means the provision through a public  
18 safety agency of firefighting, law enforcement, ambulance, emergency,  
19 medical, or other public emergency services, as determined by a local  
20 governing body, to respond to and manage emergency incidents.

21 Sec. 8. Enhanced-911 service has the same meaning as in section  
22 86-425.

23 Sec. 9. Enhanced wireless 911 service has the same meaning as in  
24 section 86-448.

25 Sec. 10. Interconnected voice over Internet protocol service means  
26 an interconnected voice over Internet protocol service as defined in 47  
27 C.F.R. part 9, as such regulations existed on January 1, 2016.

28 Sec. 11. Internet protocol means the method by which data is sent  
29 from one computer to another on the Internet or other networks.

30 Sec. 12. Internet protocol-enabled service means any service,  
31 capability, functionality, or application provided using Internet  
1 protocol, or any successor protocol, that enables a service user to send  
2 or receive a communication in Internet protocol format including, but not  
3 limited to, voice, data, or video.

4 Sec. 13. Local governing body means a county board, city council of  
5 a city, board of trustees of a village, board of directors of any rural  
6 or suburban fire protection district, or any governing body of an entity  
7 created pursuant to the Interlocal Cooperation Act or the Joint Public  
8 Agency Act.

9 Sec. 14. Network means (1) a legacy telecommunications network that  
10 supports basic 911 service and enhanced-911 service or (2) a managed  
11 Internet protocol network that is used for 911 calls, that can be shared  
12 by all public safety answering points, and that provides the Internet  
13 protocol transport infrastructure upon which independent application  
14 platforms and core functional processes can be deployed, including, but  
15 not limited to, those necessary for providing next-generation 911 service  
16 capability. A network may be constructed from a mix of dedicated and  
17 shared facilities and may be interconnected at local, regional, state,  
18 national, and international levels.

19 Sec. 15. Next-generation 911 means an Internet protocol-based  
20 system (1) comprised of networks, functional elements, and data bases  
21 that replicate basic 911 service and enhanced-911 service features and  
22 functions and provide additional capabilities and (2) designed to provide  
23 access to emergency services from all connected communications sources  
24 and to provide multimedia data capabilities for public safety answering  
25 points and other emergency services organizations.

26 Sec. 16. Next-generation 911 service means 911 service using in  
27 whole or in part next-generation 911.

28 Sec. 17. 911 call means any form of communication requesting any  
29 type of emergency services by contacting a public safety answering point,  
30 including voice or nonvoice communications as well as transmission of any

31 analog or digital data. 911 call includes a voice call, video call, text  
1 message, or data-only call.

2 Sec. 18. 911 service means the service a public safety answering  
3 point uses to receive and process 911 calls over a 911 service system.

4 Sec. 19. 911 service system means a coordinated system of  
5 technologies, software applications, data bases, customer-premise  
6 equipment components, and operations and management procedures used to  
7 provide 911 service through the operation of an efficient and effective  
8 network for accepting, processing, and delivering 911 calls to a public  
9 safety answering point, including, but not limited to, basic 911 service,  
10 enhanced-911 service, enhanced wireless 911 service, next-generation 911  
11 service, and any emerging technologies, networks, and systems that allow  
12 access to 911 service.

13 Sec. 20. Originating service provider means an entity that provides  
14 the capability for customers to originate 911 calls to public safety  
15 answering points.

16 Sec. 21. Public safety agency means an agency which provides  
17 emergency services.

18 Sec. 22. Public safety answering point means a local governmental  
19 entity responsible for receiving 911 calls and processing those calls  
20 according to a specific operational policy.

21 Sec. 23. Service user means any person who initiates a 911 call to  
22 receive emergency services.

23 Sec. 24. Stakeholder means a public safety answering point, a  
24 public safety agency, and any person, organization, agency of government,  
25 originating service provider, or other organization that has a vital  
26 interest in the 911 service system.

27 Sec. 25. The commission shall:

28 (1) Serve as the statewide coordinating authority for the  
29 implementation of the 911 service system;

30 (2) Be responsible for statewide planning, implementation,  
31 coordination, funding assistance, deployment, and management and  
1 maintenance of the 911 service system to ensure that coordinated 911  
2 service is provided to all residents of the state at a consistent level  
3 of service in a cost-effective manner;

4 (3) Be responsible for establishing mandatory and uniform technical  
5 and training standards applicable to public safety answering points and  
6 adopting and promulgating rules and regulations applicable to public  
7 safety answering points for quality assurance standards; and

8 (4) Be responsible for consulting with and seeking advice and  
9 assistance from stakeholders, including:

10 (a) Public safety answering points;

11 (b) Public safety agencies;

12 (c) Originating service providers, including at least one  
13 representative from each of the following: A wireline local exchange  
14 service provider, a wireless provider, and an interconnected voice over  
15 Internet protocol service provider;

16 (d) Municipal and county officials; and

17 (e) The Chief Information Officer.

18 Sec. 26. The commission shall appoint a state 911 director to  
19 manage the department established within the commission for the 911  
20 service system. The commission shall ensure that the department has all  
21 necessary staffing and resources. The commission may retain contracted  
22 experts or consultants who may be required for the administration of the  
23 911 Service System Act. The commission and the state 911 director shall  
24 establish an advisory committee to provide input on technical training,  
25 quality assurance, funding, and operation and maintenance of the 911  
26 service system. Advisory committee members shall be approved by the  
27 commission.

28 Sec. 27. (1) The commission and the state 911 director shall  
29 develop and prepare a plan for a 911 service system, to be approved by  
30 the commission, and to be implemented by the commission and the state 911  
31 director on or after July 1, 2018. The commission shall hold at least two  
1 public hearings on the plan: One hearing at least ninety days prior to  
2 the adoption of the plan; and one hearing at least thirty days prior to  
3 the adoption of the plan. The commission shall present the adopted plan  
4 to the Appropriations Committee of the Legislature and the Transportation  
5 and Telecommunications Committee of the Legislature no later than  
6 December 1, 2017. The state 911 director, with the approval of the  
7 commission, shall prepare and provide a report to the Appropriations  
8 Committee and the Transportation and Telecommunications Committee on the  
9 progress of the development of the plan no later than February 1, 2017.  
10 The report shall be submitted electronically.

11 (2) The plan adopted by the commission shall, at a minimum, detail  
12 the following:

13 (a) The costs associated with the implementation and estimated  
14 ongoing operation and maintenance of the 911 service system. The  
15 discussion of costs shall detail which costs the commission determines  
16 should be paid from the Enhanced Wireless 911 Fund and the 911 Service  
17 System Fund, which costs would be the obligation of local governing  
18 bodies, and how the proposed costs represent a cost-effective plan;

19 (b) Recommendations to the Legislature for cost recovery for the  
20 implementation, operation, and maintenance of the 911 service system;  
21 (c) The commission's proposal for carrying out its role as  
22 coordinator of the 911 service system;

23 (d) A recommendation of the number of public safety answering points  
24 that should be maintained in the state that are capable of next-  
25 generation 911 service; and

26 (e) Recommendations for any additional legislation required to  
27 implement the 911 service system.

28 Sec. 28. The 911 Service System Fund is created. The fund shall  
29 consist of money transferred from the Enhanced Wireless 911 Fund, any  
30 federal funds received for implementation and development of 911 service,  
31 and any other money designated for credit to the 911 Service System Fund.  
1 The fund shall be used for the costs of administering the fund and for  
2 the purposes specified in the 911 Service System Act. The fund shall not  
3 be subject to any fiscal-year limitation or lapse provision of unexpended  
4 balance at the end of any fiscal year or biennium. Any money in the fund



5 available for investment shall be invested by the state investment  
6 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
7 State Funds Investment Act.

8 Sec. 29. The Public Service Commission, consistent with requirements  
9 established by the Federal Communications Commission, shall require each  
10 public safety answering point receiving funding pursuant to the Enhanced  
11 Wireless 911 Services Act and the 911 Service System Act to obtain live  
12 call data from any wireless carrier operating within the jurisdiction of  
13 such public safety answering point. The Public Service Commission shall  
14 assist the public safety answering point in determining wireless carrier  
15 compliance with the wireless E-911 location accuracy requirements  
16 established by the Federal Communications Commission. The Public Service  
17 Commission shall, when requested by a public safety answering point,  
18 assist such public safety answering point in pursuing an enforcement  
19 proceeding with the Federal Communications Commission against any  
20 wireless carrier not in compliance with federal requirements.

21 Sec. 30. The express authority granted to the commission to  
22 implement the 911 Service System Act shall not be deemed to supersede or  
23 otherwise modify section 86-124 or to provide the commission with any  
24 additional authority not provided by law, including, but not limited to,  
25 regulatory authority over originating service providers.

26 Sec. 31. The 911 Service System Act terminates on June 30, 2018.

27 Sec. 32. Section 86-163, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 86-163 The commission shall file with the Clerk of the Legislature  
30 an annual report on or before September 30 of each year on the status of  
31 the Nebraska telecommunications industry. The report shall be submitted  
1 in electronic format. The report shall:

- 2 (1) Describe the quality of telecommunications service being  
3 provided to the citizens of Nebraska;
- 4 (2) Describe the availability of diverse and affordable  
5 telecommunications service to all of the people of Nebraska;
- 6 (3) Describe the level of telecommunications service rates;
- 7 (4) Describe the use and continued need for the Nebraska  
8 Telecommunications Universal Service Fund;
- 9 (5) Describe the availability and location of 911 service and E-911  
10 service as required by section 86-437;
- 11 (6) Describe the availability and location of wireless 911 service  
12 or enhanced wireless 911 service as required by section 86-460;
- 13 (7) Address the need for further legislation to achieve the purposes  
14 of the Nebraska Telecommunications Regulation Act; ~~and~~
- 15 (8) Address the funding level of the Nebraska Competitive Telephone  
16 Marketplace Fund and an accounting of commission expenses related to its  
17 duties under section 86-127; and -
- 18 (9) Assess the level of wireless location accuracy compliance for  
19 wireless carriers.

20 Sec. 33. Section 86-458, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 86-458 The commission shall hold a public hearing annually to

23 determine the amount of revenue necessary to carry out the Enhanced  
 24 Wireless 911 Services Act and the 911 Service System Act. After the  
 25 hearing, the commission shall determine the amount of money to be  
 26 deposited in the Enhanced Wireless 911 Fund for the following year and  
 27 shall set the surcharge subject to the limitation in section 86-457.

28 Sec. 34. Section 86-463, Reissue Revised Statutes of Nebraska, is  
 29 amended to read:

30 86-463 The Enhanced Wireless 911 Fund is created. The fund shall  
 31 consist of the surcharges credited to the fund, any money appropriated by  
 1 the Legislature, any federal funds received for wireless emergency  
 2 communication except as otherwise provided in section 28 of this act, and  
 3 any other funds designated for credit to the fund. Money in the fund  
 4 shall be used for the costs of administering the fund and the purposes  
 5 specified in section 86-465 unless otherwise directed by federal law with  
 6 respect to any federal funds. Money shall be transferred from the fund to  
 7 the 911 Service System Fund at the direction of the Legislature. The  
 8 costs of administering the Enhanced Wireless 911 Fund ~~fund~~ shall be kept  
 9 to a minimum. The money in the Enhanced Wireless 911 Fund ~~fund~~ shall not  
 10 be subject to any fiscal-year limitation or lapse provision of unexpended  
 11 balance at the end of any fiscal year or biennium. ~~Interest accruing to~~  
 12 ~~the fund from invested fund balances may be transferred to the General~~  
 13 ~~Fund at the direction of the Legislature through June 30, 2010.~~ Any money  
 14 in the Enhanced Wireless 911 Fund available for investment shall be  
 15 invested by the state investment officer pursuant to the Nebraska Capital  
 16 Expansion Act and the Nebraska State Funds Investment Act.  
 17 Sec. 35. Original sections 86-163, 86-458, and 86-463, Reissue  
 18 Revised Statutes of Nebraska, are repealed.

### COMMITTEE REPORT(S)

#### Enrollment and Review

**LEGISLATIVE BILL 772.** Placed on Select File.

**LEGISLATIVE BILL 1059.** Placed on Select File with amendment.

ER170

1 1. On page 1, strike beginning with "municipalities" in line 1  
 2 through line 5 and insert "municipalities; to amend sections 18-2119,  
 3 18-2701, 18-2703, and 18-2714, Reissue Revised Statutes of Nebraska, and  
 4 section 18-2705, Revised Statutes Supplement, 2015; to require certain  
 5 disclosures under the Community Development Law and the Local Option  
 6 Municipal Economic Development Act; to provide for redeveloper duties; to  
 7 define and redefine terms; to provide for workforce housing plan and  
 8 economic development program disclosures; to harmonize provisions; to  
 9 provide severability; and to repeal the original sections."

**LEGISLATIVE BILL 730.** Placed on Select File.

**LEGISLATIVE BILL 830.** Placed on Select File with amendment.

ER171

1 1. On page 1, strike beginning with "state" in line 1 through line 3  
2 and insert "employment law; to amend section 81-1328, Reissue Revised  
3 Statutes of Nebraska, and section 48-604, Revised Statutes Cumulative  
4 Supplement, 2014; to redefine employment under the Employment  
Security  
5 Law; to change provisions relating to vacation leave and to authorize  
6 payment for unused vacation leave for state employees as prescribed; and  
7 to repeal the original sections."

**LEGISLATIVE BILL 704.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 451.** Introduced by Stinner, 48.

WHEREAS, Quentin Munoz, a member of Troop 17 of Gering, 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, Quentin 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, 13 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, Quentin, 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 Quentin Munoz on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Quentin Munoz.

Laid over.

**LEGISLATIVE RESOLUTION 452.** Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to establish a study group to examine issues surrounding the potential need to provide financial assistance for home accessibility modifications for people with disabilities, including the elderly. The issues addressed by this study group shall include, but not be limited to, the following:

(1) The feasibility of the State of Nebraska providing some form of financial assistance for home accessibility modifications for people with disabilities, including the elderly;

(2) A comparison of possible methods for providing such financial assistance, including home accessibility modification tax credits, grant programs, or low-interest or zero-interest loans;

(3) A comparison of other states' programs that provide financial assistance for home accessibility modifications;

(4) Recommendations regarding individuals' eligibility for such financial assistance;

(5) Recommendations regarding the types of modifications which could be eligible for such financial assistance;

(6) An analysis and comparison of the potential costs, to both the State of Nebraska and individuals, of financial assistance for home accessibility modifications versus institutional care; and

(7) An analysis of the potential implications of providing financial assistance for home accessibility modifications, such as implications for health, safety, personal independence, employment, and the state budget and economy.

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

1. That the Revenue 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 on or before December 1, 2017.

Referred to the Executive Board.

**SELECT FILE**

**LEGISLATIVE BILL 188.** Senator Chambers renewed his motion, MO191, found on page 710, to recommit to the Judiciary Committee.

Senator Chambers offered the following motion:

MO192

Bracket until April 20, 2016.

Senator Watermeier offered the following motion:

MO193

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Senator Watermeier requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 31:

Baker	Fox	Hughes	Murante	Sullivan
Bloomfield	Friesen	Johnson	Riepe	Watermeier
Brasch	Garrett	Kintner	Scheer	Williams
Coash	Groene	Kolterman	Schilz	
Craighead	Hadley	Kuehn	Schnoor	
Crawford	Harr, B.	Lindstrom	Smith	
Ebke	Hilkemann	Mello	Stinner	

Voting in the negative, 9:

Campbell	Haar, K.	Krist	Pansing Brooks Seiler
Chambers	Kolowski	Morfeld	Schumacher

Present and not voting, 4:

Bolz	Davis	Hansen	McCollister
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Excused and not voting, 5:

Cook	Gloor	Howard	Larson	McCoy
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The Watermeier motion to invoke cloture failed with 31 ayes, 9 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

### **COMMITTEE REPORT(S)** Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Charles Ward - Board of Educational Lands and Funds

Aye: 8 Baker, Groene, Kolowski, Krist, Morfeld, Pansing Brooks, Schnoor, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Colleen Adam - Coordinating Commission for Postsecondary Education

Aye: 8 Baker, Groene, Kolowski, Krist, Morfeld, Pansing Brooks, Schnoor, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Ronald Hunter - Coordinating Commission for Postsecondary Education

Aye: 8 Baker, Groene, Kolowski, Krist, Morfeld, Pansing Brooks, Schnoor, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kate Sullivan, Chairperson

**COMMITTEE REPORT(S)**  
Executive Board

**LEGISLATIVE BILL 987.** Placed on General File with amendment.

AM2161

1 1. On page 3, line 10, strike "and" and insert "or"; in line 11  
2 strike the first "and" and insert "or"; and in line 13 after the period  
3 insert "The executive board shall appoint a chairperson and vice-  
4 chairperson of the committee.".

(Signed) Bob Krist, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 453.** Introduced by Stinner, 48.

WHEREAS, Grady Sherrell, a member of Troop 17 of Gering, 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, Grady 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, 13 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, Grady, 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 Grady Sherrell on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Grady Sherrell.

Laid over.

#### AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB188:

AM2312

1 1. In the Standing Committee amendments, AM374, on page 1, lines 7  
2 and 8, strike "amounting to, a" and insert "constituting, a Class I,  
3 Class II, or Class III".

4 2. On page 4, line 1; and page 6, line 3, after "personnel" insert  
5 "for conduct chargeable as, or constituting, a Class I, Class II, or  
6 Class III felony".

Senator Coash filed the following amendment to LB934:

AM2276

(Amendments to Standing Committee amendments, AM2190)

1 1. Insert the following new sections:

2 Section 1. Section 28-101, Revised Statutes Supplement, 2015, is  
3 amended to read:

4 28-101 Sections 28-101 to ~~28-468, 28-470~~ to 28-1357, 28-1418.01, and  
5 28-1429.03 and sections 5 and 6 of this act shall be known and may be  
6 cited as the Nebraska Criminal Code.

7 Sec. 2. Section 28-348, Revised Statutes Cumulative Supplement,  
8 2014, is amended to read:

9 28-348 Sections 28-348 to 28-387 and sections 5 and 6 of this act  
10 shall be known and may be cited as the Adult Protective Services Act.

11 Sec. 3. Section 28-350, Revised Statutes Cumulative Supplement,  
12 2014, is amended to read:

13 28-350 For purposes of the Adult Protective Services Act, unless the  
14 context otherwise requires, the definitions found in sections 28-351 to  
15 28-371 and sections 5 and 6 of this act shall be used.

16 Sec. 4. Section 28-358, Revised Statutes Cumulative Supplement,  
17 2014, is amended to read:

18 28-358 Exploitation means the wrongful or unauthorized taking,

19 withholding, appropriation, conversion, control, or use of money, funds,  
 20 securities, assets, or any other ~~of~~ property of a vulnerable adult or  
 21 senior adult by any person by means of undue influence, breach of a  
 22 fiduciary relationship, deception, ~~or~~ extortion, intimidation, force or  
 23 threat of force, isolation, or ~~by~~ any unlawful means or by the breach of  
 24 a fiduciary duty by the guardian, conservator, agent under a power of  
 25 attorney, trustee, or any other fiduciary of a vulnerable adult or senior  
 26 adult.

1 Sec. 5. Isolation means intentional acts (1) committed for the  
 2 purpose of preventing, and which do prevent, a vulnerable adult or senior  
 3 adult from having contact with family, friends, or concerned persons; (2)  
 4 committed to prevent a vulnerable adult or senior adult from receiving  
 5 his or her mail or telephone calls; (3) of physical or chemical restraint  
 6 of a vulnerable adult or senior adult committed for the purpose of  
 7 preventing contact with visitors, family, friends, or other concerned  
 8 persons; or (4) which restrict, place, or confine a vulnerable adult or  
 9 senior adult in a restricted area for the purposes of social deprivation  
 10 or preventing contact with family, friends, visitors, or other concerned  
 11 persons, but not including medical isolation prescribed by a licensed  
 12 physician caring for the vulnerable adult or senior adult. Isolation does  
 13 not include (1) medical isolation prescribed by a licensed physician  
 14 caring for the vulnerable adult or senior adult; (2) action taken in  
 15 compliance with a harassment protection order issued pursuant to section  
 16 28-311.09, a valid foreign harassment protection order recognized under  
 17 section 28-311.10, an order issued pursuant to section 42-924, an ex  
 18 parte order issued pursuant to section 42-925, an order excluding a  
 19 person from certain premises issued pursuant to section 42-357, a valid  
 20 foreign protection order recognized pursuant to section 42-931; or (3)  
 21 action authorized by an administrator of a nursing home pursuant to  
 22 section 71-6021.

23 Sec. 6. Senior adult means any person sixty-five years of age or  
 24 older.

25 Sec. 7. Section 28-371, Reissue Revised Statutes of Nebraska, is  
 26 amended to read:

27 28-371 Vulnerable adult ~~means shall mean~~ any person eighteen years  
 28 of age or older who has a substantial mental or functional impairment or  
 29 for whom a guardian or conservator has been appointed under the Nebraska  
 30 Probate Code.

31 Sec. 8. Section 28-374, Revised Statutes Cumulative Supplement,  
 1 2014, is amended to read:

2 28-374 (1) The department shall investigate each case of alleged  
 3 abuse, neglect, or exploitation of a vulnerable adult and shall provide  
 4 such adult protective services as are necessary and appropriate under the  
 5 circumstances.

6 (2) In each case of alleged abuse, neglect, or exploitation, the  
 7 department may make a request for further assistance from the appropriate  
 8 law enforcement agency or initiate such action as may be appropriate  
 9 under the circumstances.

10 (3) The department shall make a written report or case summary to



11 the appropriate law enforcement agency and to the registry of all  
12 reported cases of abuse, neglect, or exploitation and action taken.  
13 (4) The department shall deliver a written report or case summary to  
14 the appropriate county attorney if the investigation indicates a  
15 reasonable cause to believe that a violation of section 28-386 has  
16 occurred.

17 Sec. 9. Section 28-386, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 28-386 (1) A person commits knowing and intentional abuse, neglect,  
20 or exploitation of a vulnerable adult or senior adult if he or she  
21 through a knowing and intentional act causes or permits a vulnerable  
22 adult or senior adult to be:

- 23 (a) Physically injured;
- 24 (b) Unreasonably confined;
- 25 (c) Sexually abused;
- 26 (d) Exploited;
- 27 (e) Cruelly punished;
- 28 (f) Neglected; or
- 29 (g) Sexually exploited.

30 (2) Knowing and intentional abuse, neglect, or exploitation of a  
31 vulnerable adult or senior adult is a Class IIIA felony.

1 Sec. 10. Section 29-110, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3 29-110 (1) Except as otherwise provided by law, no person shall be  
4 prosecuted for any felony unless the indictment is found by a grand jury  
5 within three years next after the offense has been done or committed or  
6 unless a complaint for the same is filed before the magistrate within  
7 three years next after the offense has been done or committed and a  
8 warrant for the arrest of the defendant has been issued.

9 (2) Except as otherwise provided by law, no person shall be  
10 prosecuted, tried, or punished for any misdemeanor or other indictable  
11 offense below the grade of felony or for any fine or forfeiture under any  
12 penal statute unless the suit, information, or indictment for such  
13 offense is instituted or found within one year and six months from the  
14 time of committing the offense or incurring the fine or forfeiture or  
15 within one year for any offense the punishment of which is restricted by  
16 a fine not exceeding one hundred dollars and to imprisonment not  
17 exceeding three months.

18 (3) Except as otherwise provided by law, no person shall be  
19 prosecuted for kidnapping under section 28-313, false imprisonment under  
20 section 28-314 or 28-315, child abuse under section 28-707, pandering  
21 under section 28-802, debauching a minor under section 28-805, or an  
22 offense under section 28-813, 28-813.01, or 28-1463.03 when the victim is  
23 under sixteen years of age at the time of the offense (a) unless the  
24 indictment for such offense is found by a grand jury within seven years  
25 next after the offense has been committed or within seven years next  
26 after the victim's sixteenth birthday, whichever is later, or (b) unless  
27 a complaint for such offense is filed before the magistrate within seven  
28 years next after the offense has been committed or within seven years

29 next after the victim's sixteenth birthday, whichever is later, and a  
30 warrant for the arrest of the defendant has been issued.

31 (4) No person shall be prosecuted for a violation of the Securities  
1 Act of Nebraska under section 8-1117 unless the indictment for such  
2 offense is found by a grand jury within five years next after the offense  
3 has been done or committed or unless a complaint for such offense is  
4 filed before the magistrate within five years next after the offense has  
5 been done or committed and a warrant for the arrest of the defendant has  
6 been issued.

7 (5) No person shall be prosecuted for criminal impersonation under  
8 section 28-638, identity theft under section 28-639, or identity fraud  
9 under section 28-640 unless the indictment for such offense is found by a  
10 grand jury within five years next after the offense has been done or  
11 committed or unless a complaint for such offense is filed before the  
12 magistrate within five years next after the offense has been done or  
13 committed and a warrant for the arrest of the defendant has been issued.

14 (6) No person shall be prosecuted for a violation of section 68-1017  
15 if the aggregate value of all funds and other benefits obtained or  
16 attempted to be obtained is five hundred dollars or more unless the  
17 indictment for such offense is found by a grand jury within five years  
18 next after the offense has been done or committed or unless a complaint  
19 for such offense is filed before the magistrate within five years next  
20 after the offense has been done or committed and a warrant for the arrest  
21 of the defendant has been issued.

22 (7) No person shall be prosecuted for knowing and intentional abuse,  
23 neglect, or exploitation of a vulnerable adult or senior adult under  
24 section 28-386 unless the indictment for such offense is found by a grand  
25 jury within six years next after the offense has been done or committed  
26 or unless a complaint for such offense is filed before the magistrate  
27 within six years next after the offense has been done or committed and a  
28 warrant for the arrest of the defendant has been issued.

29 (8 ~~7~~) There shall not be any time limitations for prosecution or  
30 punishment for treason, murder, arson, forgery, sexual assault in the  
31 first or second degree under section 28-319 or 28-320, sexual assault of  
1 a child in the second or third degree under section 28-320.01, incest  
2 under section 28-703, or sexual assault of a child in the first degree  
3 under section 28-319.01; nor shall there be any time limitations for  
4 prosecution or punishment for sexual assault in the third degree under  
5 section 28-320 when the victim is under sixteen years of age at the time  
6 of the offense.

7 (9 ~~8~~) The time limitations prescribed in this section shall include  
8 all inchoate offenses pursuant to the Nebraska Criminal Code and  
9 compounding a felony pursuant to section 28-301.

10 (10 ~~9~~) The time limitations prescribed in this section shall not  
11 extend to any person fleeing from justice.

12 (11 ~~10~~) When any suit, information, or indictment for any crime or  
13 misdemeanor is limited by any statute to be brought or exhibited within  
14 any other time than is limited by this section, then the suit,  
15 information, or indictment shall be brought or exhibited within the time

16 limited by such statute.

17 (~~12 44~~) If any suit, information, or indictment is quashed or the  
18 proceedings set aside or reversed on writ of error, the time during the  
19 pendency of such suit, information, or indictment so quashed, set aside,  
20 or reversed shall not be reckoned within this statute so as to bar any  
21 new suit, information, or indictment for the same offense.

22 (~~13 42~~) The changes made to this section by Laws 2004, LB 943, shall  
23 apply to offenses committed prior to April 16, 2004, for which the  
24 statute of limitations has not expired as of such date and to offenses  
25 committed on or after such date.

26 (~~14 43~~) The changes made to this section by Laws 2005, LB 713, shall  
27 apply to offenses committed prior to September 4, 2005, for which the  
28 statute of limitations has not expired as of such date and to offenses  
29 committed on or after such date.

30 (~~15 44~~) The changes made to this section by Laws 2009, LB 97, and  
31 Laws 2006, LB 1199, shall apply to offenses committed prior to May 21,  
1 2009, for which the statute of limitations has not expired as of such  
2 date and to offenses committed on or after such date.

3 (~~16 45~~) The changes made to this section by Laws 2010, LB809, shall  
4 apply to offenses committed prior to July 15, 2010, for which the statute  
5 of limitations has not expired as of such date and to offenses committed  
6 on or after such date.

7 (17) The changes made to this section by this legislative bill shall  
8 apply to offenses committed prior to the effective date of this act for  
9 which the statute of limitations has not expired as of such date and to  
10 offenses committed on or after such date.

11 2. On page 1, lines 19 and 20; page 2, lines 2 and 3 and 11 and 12;  
12 and page 3, lines 9 and 10, strike "section 30-2222, 30-2619, or 30-2636"  
13 and insert "the Nebraska Probate Code".

14 3. Renumber the remaining sections and correct internal references  
15 and the repealer accordingly.

#### COMMITTEE REPORT(S)

Transportation and Telecommunications

**LEGISLATIVE BILL 994.** Placed on General File.

**LEGISLATIVE BILL 716.** Placed on General File with amendment.

AM2134

1 1. On page 3, line 11, strike "signal" and insert "device".  
2 2. On page 4, line 28, after "highway" insert "when indicated by a  
3 traffic control device"; and strike beginning with "A" in line 30 through  
4 the period in line 31.

**LEGISLATIVE BILL 973.** Placed on General File with amendment.

AM2001

1 1. On page 2, line 17, after "(2)" insert "(a)"; and after line 31  
2 insert the following new subdivision:  
3 "(b) Any person, firm, or corporation, or any employee thereof

4 violating any provisions of this subsection shall be guilty of a Class II  
5 misdemeanor."  
6 2. On page 3, strike lines 1 through 3; and in line 6 strike  
7 "subsection (3)" and insert "subdivision (2)(b)".

**LEGISLATIVE BILL 900.** Placed on General File with amendment.  
AM1957 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

**PRESIDENT FOLEY PRESIDING**

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 437 and 438 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 437 and 438.

**GENERAL FILE**

**LEGISLATIVE BILL 447.** Title read. Considered.

Committee AM1979, found on page 644, was offered.

Senator Kolterman offered his amendment, AM2282, found on page 712, to the committee amendment.

The Kolterman amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Mello withdrew his amendment, AM1815, found on page 172.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 447A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 897.** Title read. Considered.

Committee AM1968, found on page 636, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

**COMMITTEE REPORT(S)**  
Natural Resources

**LEGISLATIVE BILL 712.** Placed on General File.

**LEGISLATIVE BILL 902.** Placed on General File with amendment.  
AM2287

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 66-202, Revised Statutes Supplement, 2015, is  
4 amended to read:  
5 66-202 For purposes of the Nebraska Clean-burning Motor Fuel  
6 Development Act:  
7 (1) Flex-fuel dispenser means a fuel dispenser that is certified by  
8 the manufacturer for use with ethanol blended fuels containing at least  
9 fifteen percent by volume ethanol;  
10 (2) Motor vehicle means a motor vehicle originally designed by the  
11 manufacturer to operate lawfully and principally on highways, roads, and  
12 streets;  
13 (3) Qualified clean-burning motor vehicle fuel means a hydrogen fuel  
14 cell, compressed natural gas, liquefied natural gas, liquefied petroleum  
15 gas, or gasoline containing at least fifteen percent by volume ethanol;  
16 and  
17 (4) Qualified clean-burning motor vehicle fuel property means:  
18 (a) New equipment that:  
19 (i) Is installed:  
20 (A) By a certified installer;  
21 (B) On a motor vehicle registered pursuant to the Motor Vehicle  
22 Registration Act; and  
23 (C) To convert a motor vehicle propelled by gasoline or diesel fuel  
24 to be propelled by a qualified clean-burning motor vehicle fuel as part  
25 of a dedicated, bi-fuel, or dual-fuel system;  
26 (ii) Is approved by the United States Environmental Protection  
27 Agency under 40 C.F.R. part 85, subpart F, and 40 C.F.R. part 86, subpart  
1 S, as such subparts existed on January 1, 2015; and  
2 (iii) Has not been used to modify or retrofit any other motor  
3 vehicle propelled by gasoline or diesel fuel;  
4 (b) With respect to the portion of the basis of a motor vehicle that  
5 was originally equipped to be propelled by a qualified clean-burning  
6 motor vehicle fuel other than ethanol, the portion of the basis that is  
7 attributable to the:

- 8 (i) Storage of the qualified clean-burning motor vehicle fuel;  
9 (ii) Delivery of the qualified clean-burning motor vehicle fuel to  
10 the motor vehicle's engine; and  
11 (iii) Exhaust of gases from the combustion of the qualified clean-  
12 burning motor vehicle fuel; or  
13 (c) New property that:  
14 (i) Is directly related to the dispensing of ethanol-blended fuels  
15 containing at least fifteen percent by volume ethanol or the compression  
16 and delivery of natural gas from a private home or residence for  
17 noncommercial purposes into the fuel tank of a motor vehicle propelled by  
18 compressed natural gas; and  
19 (ii) Has not been previously installed or used at another location  
20 to refuel motor vehicles powered by natural gas.

21 Sec. 2. Section 66-203, Revised Statutes Supplement, 2015, is  
22 amended to read:

- 23 66-203 (1) The State Energy Office shall offer a rebate for  
24 qualified clean-burning motor vehicle fuel property.  
25 (2)(a) The rebate for qualified clean-burning motor vehicle fuel  
26 property as defined in subdivisions (4)(a) and (b) of section 66-202 is  
27 the lesser of fifty percent of the cost of the qualified clean-burning  
28 motor vehicle fuel property or four thousand five hundred dollars for  
29 each motor vehicle.  
30 (b) A qualified clean-burning motor vehicle fuel property is not  
31 eligible for a rebate under this section if the person or entity applying  
1 for the rebate has claimed another rebate or grant for the same motor  
2 vehicle under any other state rebate or grant program.  
3 (3) The rebate for qualified clean-burning motor vehicle fuel  
4 property as defined in subdivision (4)(c) of section 66-202 is the lesser  
5 of fifty percent of the cost of the qualified clean-burning motor vehicle  
6 fuel property or two thousand five hundred dollars for each qualified  
7 clean-burning motor vehicle fuel property.  
8 (4) No qualified clean-burning motor vehicle fuel property shall  
9 qualify for more than one rebate under this section.

10 Sec. 3. Section 66-204, Revised Statutes Supplement, 2015, is  
11 amended to read:

- 12 66-204 (1) The Clean-burning Motor Fuel Development Fund is created.  
13 The fund shall consist of grants, private contributions, and all other  
14 sources.  
15 (2) The fund shall be used by the State Energy Office to provide  
16 rebates under the Nebraska Clean-burning Motor Fuel Development Act up to  
17 the amount transferred under subsection (3) of this section. Up to ten  
18 percent of the money in the fund may be used by the State Energy Office  
19 for administrative costs. No more than thirty-five percent of the money  
20 in the fund annually shall be used as rebates for flex-fuel dispensers  
21 and conversions of motor vehicles to allow the use of gasoline containing  
22 at least fifteen percent by volume ethanol.  
23 (3) Within five days after August 30, 2015, the State Treasurer  
24 shall transfer five hundred thousand dollars from the General Fund to the  
25 Clean-burning Motor Fuel Development Fund to carry out the Nebraska

26 Clean-burning Motor Fuel Development Act.  
27 (4) Any money in the fund available for investment shall be invested  
28 by the state investment officer pursuant to the Nebraska Capital  
29 Expansion Act and the Nebraska State Funds Investment Act.  
30 Sec. 4. Original sections 66-202, 66-203, and 66-204, Revised  
31 Statutes Supplement, 2015, are repealed.

**LEGISLATIVE BILL 1070.** Indefinitely postponed.

**LEGISLATIVE BILL 1100.** Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 698.** Placed on Select File with amendment.

ER172

1 1. In the Campbell amendment, AM2255:

2 a. On page 9, line 24, strike "21" and insert "22"; and

3 b. On page 13, line 25, strike "1 to 14, 17 to 27" and insert "1, 2,  
4 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, 17, 18, 19, 20, 21, 22, 23,  
5 24, 25, 26, and 27".

6 2. On page 1, line 1, after the semicolon insert "to amend sections  
7 71-516.01, 71-516.02, and 71-516.03, Reissue Revised Statutes of  
8 Nebraska, section 71-516.04, Revised Statutes Cumulative Supplement,  
9 2014, and sections 68-901, 71-401, and 71-403, Revised Statutes  
10 Supplement, 2015;" in line 2 strike "and" and after "penalty" insert "  
11 to adopt the Assisting Caregiver Transitions Act; to require that certain  
12 providers be subject to a national criminal history record information  
13 check as prescribed; to define and redefine terms; to provide for a  
14 memory care endorsement under the Health Care Facility Licensure Act; to  
15 change provisions of the Alzheimer's Special Care Disclosure Act as  
16 prescribed; to harmonize provisions; to provide an operative date; to  
17 repeal the original sections; and to declare an emergency".

**LEGISLATIVE BILL 1022.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 954.** Placed on Final Reading.

ST61

The following changes, required to be reported for publication in the  
Journal, have been made:

1. On page 1, line 2; and page 11, line 24, "43-2,108.05," has been  
inserted after "43-2,108,".

**LEGISLATIVE BILL 1016.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator B. Harr filed the following amendment to LB828:  
AM1864 is available in the Bill Room.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 454.** Introduced by Campbell, 25.

WHEREAS, My'Kah Knowlin, a freshman at Lincoln High School, has achieved national recognition for exemplary volunteer service by receiving a 2016 Prudential Spirit of Community Award; and

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

WHEREAS, My'Kah earned this honor by creating a network of student role models and mentors at nine schools throughout Nebraska to help stop bullying and support victims; and

WHEREAS, this is the third year that My'Kah has been nationally recognized by Prudential for her dedication to helping others; and

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

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

1. That the Legislature congratulates My'Kah Knowlin for receiving a 2016 Prudential Spirit of Community Award.

2. That a copy of this resolution be sent to My'Kah Knowlin.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 371.** Title read. Considered.

Committee AM1268, found on page 1244, First Session, 2015, was offered.

Pending.



**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 914A.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 914, One Hundred Fourth Legislature, Second Session, 2016.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 455.** Introduced by Haar, K., 21; Mello, 5.

WHEREAS, climate change presents serious, diverse, and ongoing issues for Nebraska. Many sectors are impacted, including water resources, agriculture, health care, energy generation and use, ecosystems, forestry, rural and urban communities, and insurance. Nebraska's life-giving water and soil resources will be subject to new stresses and risks. The impacts of climate change are projected to become far more serious for future generations; and

WHEREAS, the 2014 report by the University of Nebraska-Lincoln (UNL) entitled "Understanding and Assessing Climate Change: Implications for Nebraska" provides a compilation of the scientific basis for understanding the impacts of climate change for our state; and

WHEREAS, stakeholder roundtables on the impacts of climate change representing the various sectors impacted by climate change were conducted in 2015 as a followup to the UNL report; and

WHEREAS, both the UNL report and the report from the stakeholder roundtables recommended the creation of a climate action plan. As the UNL report stated, "Action now is preferable and more cost effective than reaction later"; and

WHEREAS, the 2015 Nebraska Rural Poll found that 61 percent of rural Nebraskans agree or strongly agree that the state should develop a plan to address the impacts of climate change; and

WHEREAS, an effective plan is needed both to reduce the potential negative impacts of climate change and to enable the state and its communities to take advantage of opportunities from adaptation and mitigation strategies, including attracting new businesses and investment to Nebraska.

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

1. The Legislature calls for the Executive Board of the Legislative Council to appoint a special committee to examine issues related to the impacts of climate change on the State of Nebraska and its residents, including assessments of vulnerability, risks, and economic impacts. The committee shall also examine opportunities, including methods of producing

food, generating power, or protecting land and water that can be used to adapt and mitigate the impacts of climate change and that will provide jobs and economic benefits to Nebraskans. The committee shall consist of the following members:

(a) The chairperson of the Agriculture Committee of the Legislature or his or her designee;

(b) The chairperson of the Appropriations Committee of the Legislature or his or her designee;

(c) The chairperson of the Health and Human Services Committee of the Legislature or his or her designee;

(d) The chairperson of the Education Committee of the Legislature or his or her designee;

(e) The chairperson of the Natural Resources Committee of the Legislature or his or her designee; and

(f) Two at-large members of the Legislature appointed by the Executive Board of the Legislative Council.

2. The committee members shall select a chairperson and vice-chairperson from the membership of the committee.

3. The committee shall gather, share, examine, and analyze data and information related to the impacts of climate change on the State of Nebraska and its resources and people.

4. The committee shall examine laws, policies, and planning efforts related to climate change in other states, and current laws, programs, and policies in the State of Nebraska that are related to climate change.

5. The committee shall examine funding opportunities including grant programs and opportunities to work with state agencies, political subdivisions, and educational institutions.

6. The committee shall establish a framework for a plan for the State of Nebraska related to the impacts of climate change on Nebraskans that includes:

(a) Measurable goals for addressing the negative impacts of climate change and opportunities to benefit Nebraskans, including strategies for adaptation and mitigation; and

(b) Recommendations for new policies and changes to policies and programs that support such goals based on the information and data collected and generated, as well as funding needs and recommendations for legislation.

7. The committee shall seek information and encourage participation from state agencies, political subdivisions, educational institutions, academic experts, advocacy organizations, and members of the public in exploring methods to address issues of climate change as well as opportunities to adapt, mitigate, and create resiliency related to climate change. The committee may conduct one or more public hearings to gather such information.

8. The committee shall submit a framework for a climate plan together with its findings and recommendations to the Legislature on or before December 31, 2016.

Laid over.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR455 was referred to the Reference Committee.

**AMENDMENT(S) - Print in Journal**

Senator Kolterman filed the following amendment to LB975:  
AM2308

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

3 Section 1. Sections 1 to 7 of this act shall be known and may be  
4 cited as the Child Placement Services Preservation Act.

5 Sec. 2. The Legislature finds and declares that:

6 (1) The State of Nebraska has a critical need to find and retain  
7 safe, loving, and supportive homes for children, especially because the  
8 number of children needing foster care and adoption placement outnumber  
9 the homes available for placement;

10 (2) In order to serve the best interests of the children of this  
11 state, the State of Nebraska has a longstanding public-private  
12 partnership with a diverse group of faith-based and non-faith-based  
13 organizations that work side by side to find and retain safe, loving, and  
14 supportive homes for children. Significantly, faith-based organizations  
15 have a lengthy history of providing child placement services which  
16 predates government involvement;

17 (3) Having as many qualified child-placing agencies in Nebraska as  
18 possible is a substantial benefit to the children of Nebraska who are in  
19 need of these placement services and to all of the citizens of Nebraska  
20 because the more qualified agencies taking part in this process there  
21 are, the greater the likelihood that permanent placement can be achieved  
22 for each child; and

23 (4) In order to preserve the support that child-placing agencies  
24 offer children and families, the government should not take adverse  
25 action against child-placing agencies based on their sincerely held  
26 religious beliefs.

27 Sec. 3. For purposes of the Child Placement Services Preservation  
1 Act:

2 (1) Adverse action includes, but is not limited to, denying a child-  
3 placing agency's application for funding, refusing to renew an agency's  
4 funding, canceling an agency's funding, declining to enter into a  
5 contract with an agency, refusing to renew a contract with an agency,  
6 canceling a contract with an agency, denying issuance of a license to an  
7 agency, refusing to renew an agency's license, canceling an agency's  
8 license, taking an enforcement action against an agency, treating an  
9 agency less favorably than similarly situated agencies in regard to  
10 participation in a government program, or taking any other action that  
11 materially alters the terms or conditions of an agency's funding,  
12 contract, or license;

13 (2) Child placement service means arranging the placement of  
14 children with foster care and adoptive parents, including placement,  
15 promoting foster care and adoption, and recruiting, screening, and  
16 training the foster care and adoptive parents;  
17 (3) Child-placing agency or agency has the same meaning as in  
18 section 71-1926;  
19 (4) Department means the Department of Health and Human Services;  
20 and  
21 (5) State includes the state, its agencies, and its political  
22 subdivisions.  
23 Sec. 4. (1) To the fullest extent permitted by state and federal  
24 law, a child-placing agency shall not be required to provide or  
25 facilitate any child placement service if the service conflicts with, or  
26 provide or facilitate any child placement service under circumstances  
27 that conflict with, the child-placing agency's sincerely held religious  
28 beliefs.  
29 (2) If a child-placing agency declines to provide or facilitate any  
30 child placement service under subsection (1) of this section, the child-  
31 placing agency shall promptly provide the person seeking such service  
1 with at least one of the following:  
2 (a) Contact information for another child-placing agency that is  
3 capable of providing the declined service;  
4 (b) A list of other child-placing agencies capable of providing the  
5 declined service which includes contact information for such agencies; or  
6 (c) A link to a web page on the department's web site that includes  
7 a list of other child-placing agencies capable of providing the declined  
8 service and contact information for the agencies.  
9 Sec. 5. To the fullest extent permitted by state and federal law,  
10 the state shall not take an adverse action against a child-placing agency  
11 because the agency declines to provide or facilitate a child placement  
12 service that conflicts with the child-placing agency's sincerely held  
13 religious beliefs.  
14 Sec. 6. A child-placing agency aggrieved by a violation of section  
15 5 of this act may assert that violation as a defense in any  
16 administrative or judicial proceeding.  
17 Sec. 7. The Child Placement Services Preservation Act shall be  
18 construed liberally so as to effectuate its purposes.  
19 Sec. 8. If any section in this act or any part of any section is  
20 declared invalid or unconstitutional, the declaration shall not affect  
21 the validity or constitutionality of the remaining portions.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Garrett - LB947

Smith- LB884

Baker, Campbell, Kolowski, Kolterman, McCollister, Schilz - LB1109

**VISITOR(S)**

Visitors to the Chamber were 15 members of the Nebraska Utility Contractors Association; members of Scottsbluff/Gering United Chamber, Leadership Scotts Bluff, and Box Butte Leadership; 40 fourth-grade students from David City; 15 members of the American Association of University Women from Omaha and Lincoln; and 60 fourth-grade students, teachers, and sponsors from Ashland-Greenwood Elementary.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Murante, the Legislature adjourned until 10:00 a.m., Monday, February 29, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FOURTH DAY - FEBRUARY 29, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 29, 2016

**PRAYER**

The prayer was offered by Senator Crawford.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Campbell who was excused; and Senators Kuehn, Lindstrom, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-third day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 447.** Placed on Select File with amendment.  
ER174 is available in the Bill Room.

**LEGISLATIVE BILL 447A.** Placed on Select File.

**LEGISLATIVE BILL 897.** Placed on Select File with amendment.  
ER173

1 1. On page 1, line 1, after the first semicolon insert "to amend  
2 section 10-1103, Reissue Revised Statutes of Nebraska;"; in line 3 strike  
3 "and"; and in line 4 after "Statutes" insert "; and to repeal the  
4 original section".

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 1037.** Placed on General File.

(Signed) Mike Gloor, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 440, 441, and 442 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 440, 441, and 442.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 19.**

A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend section 71-5306, Reissue Revised Statutes of Nebraska; to change provisions relating to certification of laboratories as prescribed; and to repeal the original section.

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

Voting in the affirmative, 41:

Baker	Ebke	Hilkemann	McCoy	Smith
Bloomfield	Friesen	Howard	Mello	Stinner
Bolz	Garrett	Hughes	Murante	Sullivan
Brasch	Gloor	Johnson	Pansing Brooks	Watermeier
Coash	Groene	Kolowski	Scheer	Williams
Cook	Haar, K.	Kolterman	Schilz	
Craighead	Hadley	Krist	Schnoor	
Crawford	Hansen	Larson	Schumacher	
Davis	Harr, B.	McCollister	Seiler	

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Fox	Kintner	Riepe
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Excused and not voting, 4:



Campbell      Kuehn      Lindstrom      Morfeld

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

**LEGISLATIVE BILL 53.**

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,100, Revised Statutes Supplement, 2015; to provide for issuance of one license plate for passenger cars as prescribed; to provide a fee; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 44:

Baker	Ebke	Hilkemann	Larson	Schnoor
Bloomfield	Fox	Howard	Lindstrom	Schumacher
Bolz	Garrett	Hughes	McCollister	Seiler
Brasch	Gloor	Johnson	McCoy	Smith
Coash	Groene	Kintner	Mello	Stinner
Cook	Haar, K.	Kolowski	Murante	Sullivan
Craighead	Hadley	Kolterman	Riepe	Watermeier
Crawford	Hansen	Krist	Scheer	Williams
Davis	Harr, B.	Kuehn	Schilz	

Voting in the negative, 0.

Present and not voting, 3:

Chambers      Friesen      Pansing Brooks

Excused and not voting, 2:

Campbell      Morfeld

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

**LEGISLATIVE BILL 221.**

A BILL FOR AN ACT relating to landlords and tenants; to amend sections 25-21,220, 69-2303, 76-1414, 76-1431, 76-1441, and 76-1446, Reissue Revised Statutes of Nebraska; to change provisions relating to forcible entry and detainer and the Uniform Residential Landlord and Tenant Act; to provide for disposition of personal property upon the death of a tenant; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Ebke	Hilkemann	McCollister	Seiler
Bloomfield	Fox	Howard	McCoy	Smith
Bolz	Friesen	Hughes	Mello	Stinner
Brasch	Garrett	Johnson	Murante	Sullivan
Chambers	Gloor	Kintner	Pansing Brooks	Watermeier
Coash	Groene	Kolterman	Riepe	Williams
Cook	Haar, K.	Krist	Scheer	
Craighead	Hadley	Kuehn	Schilz	
Crawford	Hansen	Larson	Schnoor	
Davis	Harr, B.	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 2:

Campbell      Morfeld

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

**LEGISLATIVE BILL 295.**

A BILL FOR AN ACT relating to municipalities; to amend sections 16-901 and 17-1001, Reissue Revised Statutes of Nebraska; to require notice and opportunity for comment regarding zoning ordinances affecting extraterritorial zoning jurisdiction for certain municipalities; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Fox	Howard	McCollister	Seiler
Bolz	Friesen	Hughes	McCoy	Smith
Brasch	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Murante	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	
Davis	Harr, B.	Larson	Schnoor	
Ebke	Hilkemann	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

Campbell Morfeld

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

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB311 with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 311.** With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-469, 60-493, 60-495, and 60-4,120.01, Reissue Revised Statutes of Nebraska, sections 60-479, 60-484, 60-4,113, 60-4,115, 60-4,117, 60-4,127, 60-4,142, 60-4,149, 60-4,150, 60-4,168, 60-4,181, and 75-362, Revised Statutes Cumulative Supplement, 2014, and sections 60-462, 60-463, 60-4,123, 60-4,124, and 60-4,144, Revised Statutes Supplement, 2015; to change provisions relating to the Motor Vehicle Operator's License Act; to provide procedures for defective payments under the act; to define and redefine terms; to change provisions relating to CLP-commercial learners' permits, commercial drivers' licenses, and commercial motor vehicles; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 45:

Baker	Ebke	Harr, B.	Larson	Schilz
Bolz	Fox	Howard	Lindstrom	Schnoor
Brasch	Friesen	Hughes	McCollister	Schumacher
Chambers	Garrett	Johnson	McCoy	Seiler
Coash	Gloor	Kintner	Mello	Smith
Cook	Groene	Kolowski	Murante	Stinner
Craighead	Haar, K.	Kolterman	Pansing Brooks	Sullivan
Crawford	Hadley	Krist	Riepe	Watermeier
Davis	Hansen	Kuehn	Scheer	Williams

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Hilkemann

Excused and not voting, 2:

Campbell Morfeld

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 328.**

A BILL FOR AN ACT relating to the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act; to amend sections 81-15,237, 81-15,247, and 81-15,248.01, Reissue Revised Statutes of Nebraska; to change provisions relating to use of professionals and fees; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Ebke	Hilkemann	McCollister	Seiler
Bloomfield	Fox	Howard	McCoy	Smith
Bolz	Friesen	Johnson	Mello	Stinner
Brasch	Garrett	Kintner	Murante	Sullivan
Chambers	Gloor	Kolowski	Pansing Brooks	Watermeier
Coash	Groene	Kolterman	Riepe	Williams
Cook	Haar, K.	Krist	Scheer	
Craighead	Hadley	Kuehn	Schilz	
Crawford	Hansen	Larson	Schnoor	
Davis	Harr, B.	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Hughes

Excused and not voting, 2:

Campbell Morfeld

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

#### **LEGISLATIVE BILL 378.**

A BILL FOR AN ACT relating to public improvements; to amend section 16-697.02, Reissue Revised Statutes of Nebraska; to change requirements for electoral approval of borrowing money by a first-class city for parks, recreational facilities, and public grounds; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Ebke	Howard	McCollister	Schumacher
Bloomfield	Fox	Hughes	McCoy	Seiler
Bolz	Friesen	Johnson	Mello	Smith
Brasch	Garrett	Kintner	Morfeld	Stinner
Chambers	Gloor	Kolowski	Murante	Sullivan
Coash	Groene	Kolterman	Pansing Brooks	Watermeier
Cook	Haar, K.	Krist	Riepe	Williams
Craighead	Hadley	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	
Davis	Hilkemann	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Hansen

Excused and not voting, 1:

Campbell

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

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 19, 53, 221, 295, 311, 328, and 378.

#### **SELECT FILE**

**LEGISLATIVE BILL 676.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 798.** ER165, found on page 589, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 778.** ER163, found on page 589, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 864.** ER164, found on page 589, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 700.** ER167, found on page 602, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 703.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 729.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 758.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 840.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 921.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 735.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 811.** ER166, found on page 604, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 929.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 776.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 807.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1035.** ER168, found on page 623, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 734.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 718.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 753.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 786.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 859.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 898.** Advanced to Enrollment and Review for Engrossment.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 418.** Read. Considered.

Senator McCollister moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

LR418 was adopted with 26 ayes, 7 nays, 15 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE RESOLUTION 413.** Read. Considered.

LR413 was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE RESOLUTION 403.** Read. Considered.

Committee AM2162, found on page 638, was adopted with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

LR403, as amended, was adopted with 30 ayes, 4 nays, 12 present and not voting, and 3 excused and not voting.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 456.** Introduced by Bolz, 29.

WHEREAS, "We the People: The Citizen and the Constitution" is a nationally acclaimed civic education program that promotes civic responsibility and gives students the opportunity to learn about democracy and the history and principles of our nation's constitutional government; and

WHEREAS, the Lincoln Southeast High School "We the People" team won the 2016 Nebraska state competition; and

WHEREAS, this victory is the result of the dedication and hard work of the Lincoln Southeast team members, Jade Anderson, Kenna Bancroft, Foster Collins, Andrew Goldsmith, Brianna Griffin, Marco Gutierrez, Morgan Heil, Sean Hollibaugh, Emily Johnson, McKynna Kelly, Tommy Le, Kelsey Linzell, Slate Mathes, Chris Morton, Katie Nimic, and Greta Solomon; and

WHEREAS, the Lincoln Southeast team will go to Washington, D.C. to compete in the 2016 National Finals.

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

1. That the Legislature congratulates the Lincoln Southeast High School "We the People" team and their teacher, Zach Wojtowicz, on winning the 2016 Nebraska state competition.



2. That a copy of this resolution be sent to the Lincoln Southeast team and Zach Wojtowicz.

Laid over.

**LEGISLATIVE RESOLUTION 457.** Introduced by Scheer, 19; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Chambers, 11; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, the University of Nebraska Women's Volleyball Team won the 2015 NCAA Division I Women's Volleyball Championship; and

WHEREAS, the Huskers won the national championship by sweeping the University of Texas in the championship game; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the amazing students of the University of Nebraska.

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

1. That the Legislature congratulates the University of Nebraska Women's Volleyball Team for their outstanding season and for winning the 2015 NCAA Division I Women's Volleyball Championship.

2. That a copy of this resolution be sent to the University of Nebraska Women's Volleyball Team and Coach John Cook.

Laid over.

#### **AMENDMENT(S) - Print in Journal**

Senator Coash filed the following amendment to LB894:  
AM2321

(Amendments to Standing Committee amendments, AM1962)

1 1. On page 14, lines 7 through 19, strike the new matter and  
2 reinstate the stricken matter; strike lines 21 and 22; in line 23 strike  
3 "(b)" and insert "(a)"; in line 24 strike "(c)" and insert "(b)"; in line  
4 25 strike "(d)" and insert "(c)"; in line 26 after the semicolon insert  
5 "or"; strike line 27; and in line 28 strike "(f)" and insert "(d)".

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 29, 2016, at 10:40 a.m. were the following: LBs 19, 53, 221, 295, 311e, 328, and 378.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**COMMITTEE REPORT(S)**  
General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Edwin Bergstraesser - State Electrical Board  
Cory L. Mueller - State Electrical Board

Aye: 8 Coash, Hansen, Hughes, Kolterman, Larson, McCollister, Riepe, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Patrick Drickey - Nebraska Arts Council  
Kathryn LeBaron - Nebraska Arts Council  
Sherry McClymont - Nebraska Arts Council  
Harvey Varenhorst - Nebraska Arts Council

Aye: 8 Coash, Hansen, Hughes, Kolterman, Larson, McCollister, Riepe, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tyson Larson, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 371.** Committee AM1268, found on page 1244, First Session, 2015, and considered on page 736, was renewed.

Senator Sullivan moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Sullivan requested a roll call vote on the committee amendment.

Voting in the affirmative, 19:

Baker	Cook	Haar, K.	Krist	Schumacher
Bolz	Crawford	Hadley	Mello	Seiler
Chambers	Davis	Howard	Morfeld	Sullivan
Coash	Gloor	Kolowski	Pansing Brooks	

Voting in the negative, 12:

Brasch	Fox	Johnson	McCoy
Craighead	Hilkemann	Kintner	Riepe
Ebke	Hughes	McCollister	Williams

Present and not voting, 12:

Bloomfield	Groene	Lindstrom	Smith
Friesen	Hansen	Murante	Stinner
Garrett	Kuehn	Schnoor	Watermeier

Absent and not voting, 1:

Schilz

Excused and not voting, 5:

Campbell	Harr, B.	Kolterman	Larson	Scheer
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The committee amendment lost with 19 ayes, 12 nays, 12 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

#### **COMMITTEE REPORT(S)**

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Mary K. Gerdes - State Highway Commission

Aye: 8 Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

#### **COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 1068.** Indefinitely postponed.

(Signed) Jim Smith, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Crawford filed the following amendment to LB1059:  
AM2323

(Amendments to Standing Committee amendments, AM2067)

- 1 1. On page 2, line 24, after the semicolon insert "and"; strike lines 25 through 27; and in line 28 strike "(iv)" and insert "(iii)".
- 3 2. On page 6, line 31, after the semicolon insert "and".
- 4 3. On page 7, strike lines 1 through 3; and in line 4 strike "(d)" and insert "(c)".

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Watermeier - LB768  
Davis - LB871  
Krist - LB707  
Davis - LB768  
Garrett - LB990

**VISITOR(S)**

Visitors to the Chamber were 24 fifth- through twelfth-grade students and sponsors from Palmer; 50 fourth-grade students from Arlington; and members of Open World Delegates from Ukraine.

The Doctor of the Day was Dr. Wolfgang Rodriguez from Omaha.

**ADJOURNMENT**

At 12:09 p.m., on a motion by Senator Hansen, the Legislature adjourned until 9:00 a.m., Tuesday, March 1, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-FIFTH DAY - MARCH 1, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 1, 2016

**PRAYER**

The prayer was offered by Senator Riepe.

**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 Baker, Campbell, Mello, and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 676.** Placed on Final Reading.  
**LEGISLATIVE BILL 700.** Placed on Final Reading.  
**LEGISLATIVE BILL 703.** Placed on Final Reading.  
**LEGISLATIVE BILL 729.** Placed on Final Reading.  
**LEGISLATIVE BILL 778.** Placed on Final Reading.  
**LEGISLATIVE BILL 798.** Placed on Final Reading.  
**LEGISLATIVE BILL 864.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT**

Enrollment and Review

**Correctly Enrolled**

The following resolution was correctly enrolled: LR403.

(Signed) Matt Hansen, Chairperson

## ENROLLED RESOLUTION

**LEGISLATIVE RESOLUTION 403.** Introduced by Hansen, 26; Murante, 49.

WHEREAS, the election equipment used as of January 1, 2016, to facilitate Nebraska elections contains outdated technology and data storage that is either hard to repair or replace or no longer available. The equipment was purchased by the Secretary of State between 2004 and 2006 with federal dollars granted to the State of Nebraska by the federal government pursuant to the federal Help America Vote Act of 2002, Public Law 107-252. The equipment is approaching or past the estimated lifecycle of the equipment; and

WHEREAS, state and federal laws require voting assistance machines be available in all precincts so any voter may cast a ballot independently and privately, but the age and condition of the existing equipment make its availability to voters in future elections questionable; and

WHEREAS, the cost to replace the election equipment will be significant and no federal dollars are expected to be available to assist states with the purchase. Furthermore, uncertainty exists whether this cost will fall to the State of Nebraska or to the individual Nebraska counties.

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

1. The Executive Board of the Legislative Council shall appoint the Election Technology Committee as a special committee of the Legislature. The committee shall have seven members, including the chairperson of the Appropriations Committee of the Legislature or his or her designee and the chairperson of the Government, Military and Veterans Affairs Committee of the Legislature.

2. The chairperson of the Government, Military and Veterans Affairs Committee shall serve as the chairperson of the Election Technology Committee. The Election Technology Committee shall elect a vice-chairperson from among the members of the committee. The legal counsel, committee clerk, and other staff of the Government, Military and Veterans Affairs Committee shall serve as staff for the Election Technology Committee.

3. The Election Technology Committee shall study the longevity of the technology used by election commissioners and county clerks to conduct elections as of January 1, 2016, and the feasibility of updating or replacing the technology. The study shall include, but not be limited to, a review of:

(a) The condition of the hardware used by election commissioners and county clerks to allow voters to mark ballots and to tabulate ballots;

(b) The availability of repair parts for such hardware;

(c) The hardware and software and other methods of voting used by other states or otherwise available as of January 1, 2016, to comply with Title III, section 301, of the federal Help America Vote Act of 2002, as such section existed on January 1, 2016;

(d) The cost to acquire hardware and software or use other methods of voting;

(e) The infrastructure and technology necessary to support such hardware and software or other methods of voting;

(f) The cost to purchase and implement such necessary infrastructure and technology; and

(g) The cost of long-term maintenance of such hardware and software or use of such voting methods.

4. The Election Technology Committee shall study options for acquiring hardware and software or implementing other methods of voting, including, but not limited to:

(a) The state contracting for all necessary equipment at state expense to be distributed to the counties for elections;

(b) The state contracting for all necessary equipment to be distributed to counties for a fee to cover part or all of the cost;

(c) Ninety-three counties purchasing the necessary equipment separately with county funds;

(d) The merits of purchasing all necessary equipment in one fiscal year; and

(e) The merits of purchasing all necessary equipment on a rolling timeline.

5. The Election Technology Committee shall consult with and request information, testimony, or research from:

(a) The Secretary of State;

(b) The election commissioner from each county with a population of more than one hundred thousand inhabitants;

(c) At least three election commissioners or county clerks from other counties;

(d) A representative of the Nebraska Association of County Officials;

(e) Individuals with disabilities, including at least one individual with a vision impairment and one individual with a physical disability;

(f) At least one representative of organizations advocating for individuals with disabilities;

(g) At least one representative of organizations advocating for the voting rights of citizens; and

(h) Representatives from election technology and equipment manufacturers.

6. The Election Technology Committee shall electronically issue a report with its findings and recommendations to the Legislature no later than December 15, 2016.

#### **COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 694.** Placed on General File.

(Signed) John Murante, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 443, 444, 445, 446, 447, and 448 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 443, 444, 445, 446, 447, and 448.

**ANNOUNCEMENT(S)**

The Chair announced the birthdays of Senator Sullivan and Senator Bolz.

**MOTION(S) - Confirmation Report(s)**

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 704:

Public Employees Retirement Board  
J. Russell Derr

Voting in the affirmative, 38:

Bloomfield	Fox	Howard	Lindstrom	Schumacher
Bolz	Garrett	Hughes	McCollister	Smith
Brasch	Gloor	Johnson	McCoy	Stinner
Chambers	Groene	Kintner	Morfeld	Sullivan
Cook	Haar, K.	Kolowski	Murante	Watermeier
Craighead	Hansen	Kolterman	Riepe	Williams
Crawford	Harr, B.	Krist	Scheer	
Ebke	Hilkemann	Kuehn	Schnoor	

Voting in the negative, 0.

Present and not voting, 7:

Coash	Friesen	Larson	Seiler
Davis	Hadley	Schilz	

Excused and not voting, 4:

Baker	Campbell	Mello	Pansing Brooks
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The appointment was confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.



Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 704:

Nebraska Investment Council  
Keith Olson

Voting in the affirmative, 40:

Bloomfield	Ebke	Howard	Lindstrom	Schilz
Bolz	Friesen	Hughes	McCollister	Schnoor
Brasch	Garrett	Johnson	McCoy	Schumacher
Chambers	Gloor	Kintner	Morfeld	Smith
Cook	Haar, K.	Kolowski	Murante	Stinner
Craighead	Hansen	Kolterman	Pansing Brooks	Sullivan
Crawford	Harr, B.	Krist	Riepe	Watermeier
Davis	Hilkemann	Kuehn	Scheer	Williams

Voting in the negative, 0.

Present and not voting, 6:

Coash	Groene	Larson
Fox	Hadley	Seiler

Excused and not voting, 3:

Baker	Campbell	Mello
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The appointment was confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 725:

Board of Educational Lands and Funds  
Charles Ward

Voting in the affirmative, 38:

Bloomfield	Friesen	Hilkemann	Kuehn	Schnoor
Bolz	Garrett	Howard	Lindstrom	Schumacher
Brasch	Gloor	Hughes	McCollister	Stinner
Chambers	Groene	Johnson	McCoy	Sullivan
Cook	Haar, K.	Kintner	Mello	Watermeier
Craighead	Hadley	Kolowski	Riepe	Williams
Crawford	Hansen	Kolterman	Scheer	
Ebke	Harr, B.	Krist	Schilz	

Voting in the negative, 0.

Present and not voting, 9:

Coash	Fox	Morfeld	Pansing Brooks Smith
Davis	Larson	Murante	Seiler

Excused and not voting, 2:

Baker            Campbell

The appointment was confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 726:

Coordinating Commission for Postsecondary Education  
Colleen Adam

Voting in the affirmative, 36:

Baker	Ebke	Harr, B.	McCoy	Smith
Bloomfield	Fox	Hilkemann	Mello	Sullivan
Bolz	Friesen	Howard	Murante	Watermeier
Brasch	Garrett	Hughes	Pansing Brooks	Williams
Cook	Gloor	Krist	Riepe	
Craighead	Haar, K.	Kuehn	Schnoor	
Crawford	Hadley	Lindstrom	Schumacher	
Davis	Hansen	McCollister	Seiler	

Voting in the negative, 0.

Present and not voting, 12:

Chambers	Johnson	Kolterman	Scheer
Coash	Kintner	Larson	Schilz
Groene	Kolowski	Morfeld	Stinner

Excused and not voting, 1:

Campbell

The appointment was confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 726:

Coordinating Commission for Postsecondary Education  
Ronald Hunter

Voting in the affirmative, 36:

Baker	Davis	Hadley	Kuehn	Stinner
Bloomfield	Ebke	Hansen	McCollister	Sullivan
Bolz	Fox	Hilkemann	McCoy	Watermeier
Brasch	Friesen	Howard	Pansing Brooks	Williams
Chambers	Garrett	Hughes	Schilz	
Cook	Gloor	Kintner	Schnoor	
Craighead	Groene	Kolowski	Schumacher	
Crawford	Haar, K.	Kolterman	Seiler	

Voting in the negative, 0.

Present and not voting, 12:

Coash	Krist	Mello	Riepe
Harr, B.	Larson	Morfeld	Scheer
Johnson	Lindstrom	Murante	Smith

Excused and not voting, 1:

Campbell

The appointment was confirmed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

### **BILLS ON FINAL READING**

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB954 with 46 ayes, 1 nay, and 2 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 954.** With Emergency Clause.

A BILL FOR AN ACT relating to the Office of Inspector General of Nebraska Child Welfare Act; to amend sections 43-2,108, 43-2,108.05, 43-4318, 43-4319, 43-4321, 43-4324, and 43-4326, Revised Statutes Supplement, 2015; to change provisions relating to access to records; to change provisions relating to investigations by the Inspector General; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 49:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Not voting, 0.

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1016.**

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend section 50-1203, Revised Statutes Supplement, 2015; to redefine a term; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 49:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Not voting, 0.

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

#### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBS 954 and 1016.

#### GENERAL FILE

**LEGISLATIVE BILL 371.** Senator Hansen offered the following motion:  
MO194

Reconsider the vote taken on AM1268.

Senator Hansen asked unanimous consent to withdraw his motion, MO194, to reconsider. No objections. So ordered.

Senator Sullivan moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Sullivan requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Baker	Cook	Hadley	Krist	Sullivan
Bolz	Crawford	Hansen	Mello	
Campbell	Davis	Harr, B.	Morfeld	
Chambers	Gloor	Howard	Pansing Brooks	
Coash	Haar, K.	Kolowski	Schumacher	

Voting in the negative, 21:

Bloomfield	Friesen	Kintner	McCoy	Williams
Brasch	Garrett	Kolterman	Riepe	
Craighead	Hilkemann	Kuehn	Scheer	
Ebke	Hughes	Lindstrom	Schilz	
Fox	Johnson	McCollister	Seiler	

Present and not voting, 6:

Groene	Schnoor	Stinner
Murante	Smith	Watermeier

Excused and not voting, 1:

Larson

Failed to advance to Enrollment and Review Initial with 21 ayes, 21 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

#### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 403, 413, and 418.

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR455	Executive Board

(Signed) Bob Krist, Chairperson  
Executive Board

#### COMMITTEE REPORT(S) Transportation and Telecommunications

**LEGISLATIVE BILL 1077.** Placed on General File.

(Signed) Jim Smith, Chairperson  
Natural Resources

**LEGISLATIVE BILL 1019.** Placed on General File.

**LEGISLATIVE BILL 1082.** Placed on General File with amendment.  
AM2292

1 1. Strike original section 5.

2 2. On page 2, line 3, after "57-923" insert "and section 4 of this act".

4 3. On page 3, line 6; page 4, line 17; page 5, lines 8 and 9; page 5 6, line 10; page 7, lines 3, 7, and 25; page 9, line 15; page 10, line 1; 6 page 11, lines 1, 20, 26, and 30; page 12, lines 2, 5, 10 and 11, 13, and 7 27; page 13, lines 8, 15, and 25; page 14, line 28; page 15, lines 3, 12, 8 18, and 29; page 16, lines 1 and 7; page 18, lines 3, 9, 15, 19, 25, 26, 9 and 28; and page 19, lines 1, 6, 15, and 29, strike "sections 4 and 5" 10 and insert "section 4".

11 4. On page 6, line 13, after "II" insert "commercial"; in line 14 12 strike "certification and"; in line 18 strike "require" and insert 13 "conduct"; and in line 19 after "on" insert "Class II commercial" 14 "underground injection well".

15 5. On page 8, line 17, after "a" insert "Class II"; in lines 19 and  
16 20 after "village" insert "and natural resources district"; in line 22  
17 after "II" insert "commercial"; and strike from "or" in line 23 through  
18 "well" in line 24.  
19 6. Renumber the remaining sections accordingly.

(Signed) Ken Schilz, Chairperson

#### **COMMITTEE REPORT(S)**

##### Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Roger Figard - Board of Public Roads Classifications and Standards  
John F. Krager III - Board of Public Roads Classifications and Standards  
David Wacker - Board of Public Roads Classifications and Standards  
Timothy W. Weander - Board of Public Roads Classifications and Standards

Aye: 8 Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 1, 2016, at 9:33 a.m. were the following: LBs 954e and 1016.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 458.** Introduced by Johnson, 23; Kolterman, 24; Stinner, 48; Williams, 36.

WHEREAS, the National Historic Preservation Act (P.L. 89-665) was signed into law by President Lyndon B. Johnson on October 15, 1966, thereby establishing the framework for inventorying and preserving America's historic buildings, districts, landscapes, and archeological sites; and

WHEREAS, the Nebraska Legislature accepted the provisions of the National Historic Preservation Act the following year and selected the Nebraska State Historical Society to fulfill the state's responsibilities under the Act; and

WHEREAS, this partnership has allowed Nebraska's preservation program to identify and address the needs specific to our state, including a state income tax credit, a property tax valuation incentive for owners of historic properties that are rehabilitated, and investment in "main street" communities and urban centers; and

WHEREAS, this state and federal partnership has since expanded to include local governments and tribal initiatives in historic preservation; and

WHEREAS, the Nebraska State Historical Society today maintains a statewide comprehensive survey and inventory representing all of Nebraska's 93 counties and over 92,000 places significant in Nebraska prehistory and history; and

WHEREAS, the National Register of Historic Places, also created by the National Historic Preservation Act, contains more than 1,000 historic properties and districts in Nebraska; and

WHEREAS, the Nebraska State Historical Society has developed an effective and efficient means to avoid or mitigate the impacts of federal projects on Nebraska's historic places; and

WHEREAS, federal historic tax credits have resulted in the rehabilitation of hundreds of historic buildings for a diversity of housing and commercial uses in downtowns and older neighborhoods in Nebraska communities large and small; and

WHEREAS, community development, diversity, heritage tourism, and local pride of place are critical components of the state program; and

WHEREAS, the State of Nebraska joins with thousands of public, private, and nonprofit sector partners in commemorating the 50th anniversary of the National Historic Preservation Act throughout 2016 under the banner of "Preservation50" to celebrate the first five decades of the nation's preservation program and to ensure a strong future for historic preservation efforts.

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

1. That the Legislature hereby acknowledges the national, state, local, and tribal partnerships established by the National Historic Preservation Act during the year of the 50th anniversary of its passage.

2. That a copy of this resolution be sent to the United States Secretary of the Interior, the Director of the National Park Service, the Preservation50 Advisory Committee, the Advisory Council on Historic Preservation, and the Nebraska State Historical Society, as an expression of the Legislature's appreciation for the significance of the Act and its many benefits for the people of the State of Nebraska.

Laid over.



**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 746A.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 746, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 735.** Placed on Final Reading.  
**LEGISLATIVE BILL 758.** Placed on Final Reading.  
**LEGISLATIVE BILL 811.** Placed on Final Reading.  
**LEGISLATIVE BILL 840.** Placed on Final Reading.  
**LEGISLATIVE BILL 921.** Placed on Final Reading.  
**LEGISLATIVE BILL 929.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 919.** Title read. Considered.

Committee AM2171, found on page 643, was offered.

**SENATOR KRIST PRESIDING**

The committee amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 919A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 83.** Title read. Considered.

Committee AM2191, found on page 677, was offered.

Pending.

**COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 908.** Placed on General File.**LEGISLATIVE BILL 549.** Placed on General File with amendment.

AM2239

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

2 sections:

3 Section 1. Sections 1 to 9 of this act shall be known and may be4 cited as the Health Care Transformation Act.5 Sec. 2. It is the intent of the Legislature that the Legislature,6 the Governor with support of state agencies, and a wide array of public7 and private health care stakeholders collaborate to transform Nebraska's8 health care system, utilizing the Building Blocks of Health Care which9 set forth a fifteen-year vision for health care for Nebraskans with the10 goal of strengthening Nebraska's health care system to (1) improve the11 experience of care for health care consumers and patients, including, but12 not limited to, quality and satisfaction, (2) improve the health of13 Nebraskans, and (3) reduce the per capita cost of health care in14 Nebraska.15 Sec. 3. The Legislature finds that (1) health care services delivery16 processes, such as patient-centered medical homes and similar17 initiatives, are transforming the delivery of primary medical care18 services to a team-based, patient-centered method of delivering health19 care services, (2) this team-based, patient-centered method of delivering20 health care services is used in primary health care settings and certain21 specialty care clinics and needs to be coordinated with other medical,22 dental, and behavioral health care providers, public health entities, and23 other community-based support services, (3) the triple aim of the use of24 patient-centered medical homes is to improve patient experience and25 individual health outcomes while improving population health and26 containing health care costs through appropriate use of services, and (4)27 this unprecedented systemwide transformation of health care services1 delivery processes necessitates the cooperation and collaboration of2 federal and state governmental entities along with health care providers,3 insurers, and self-insured businesses as purchasers of health care4 services and health insurance, among others.5 Sec. 4. For purposes of the Health Care Transformation Act:6 (1) Advisory commission means the Health Care Transformation7 Advisory Commission created pursuant to section 6 of this act;8 (2) Building Blocks of Health Care include:9 (a) Ensuring that all Nebraskans have access to health care10 coverage, including parity for mental health care coverage, by optimizing11 public and private funding;12 (b) Supporting effective models of health care delivery, financing,13 and payments, including patient-centered medical homes, accountable care14 organizations, or other models of health care delivery that improve15 patient care and health and reduce per-patient cost, including, but not

16 limited to, developing innovative health insurance opportunities,  
17 transparent health care pricing, payment models that link reimbursement  
18 to patient outcomes, integrated care systems, and coordinated team-based  
19 care;  
20 (c)(i) Ensuring public transparency of health care quality and  
21 patient safety relating to all providers and facilities, (ii) ensuring  
22 that consumers have a choice of health care provider based on cost,  
23 quality, access, and value, and (iii) transitioning the assessment of  
24 quality of care from claims-based measures to outcomes-based measures;  
25 (d) Establishing and supporting a robust, de-identified statewide  
26 data base for the collection and analysis of health data and health care  
27 delivery data, including all payers, all patient outcomes, and an entity  
28 to oversee such data collection;  
29 (e) Utilizing health-based interventions to address factors that  
30 influence health outcomes of populations, emphasize public health and  
31 disease prevention, and reduce the burden of chronic disease;  
1 (f) Promoting personal responsibility for wellness that improves  
2 personal and public health literacy of Nebraskans, includes culturally  
3 competent patient education, and provides incentives for personal health  
4 improvement;  
5 (g) Addressing health care workforce shortages by developing  
6 strategies to attract health care workers to medically underserved areas,  
7 evaluating new categories of health care team members, and developing  
8 statewide telehealth and Internet-capable care; and  
9 (h) Coordinating statewide health planning to establish a center of  
10 health care data, create a profile of health care in the state, establish  
11 statewide goals for health care quality, monitor the effectiveness of  
12 population health outcomes, recommend changes to state health care laws,  
13 rules, and regulations, and reduce health care disparities;  
14 (3) Insurer means any insurance company as defined in section 44-103  
15 or health maintenance organization as defined in section 44-32,105  
16 authorized to transact health insurance business in the state; and  
17 (4) Patient-centered medical home means a health care services  
18 delivery model in which a patient establishes an ongoing relationship  
19 with a primary care provider-directed team to provide comprehensive,  
20 accessible, and continuous evidence-based primary and preventive health  
21 care and to coordinate the patient's health care needs across the health  
22 care system in order to improve quality, safety, access, and health  
23 outcomes in a cost-effective manner.  
24 Sec. 5. (1) The Program of Health Care Transformation is hereby  
25 created within the Department of Health and Human Services. The program  
26 shall be administered by the Division of Public Health of the department.  
27 (2) The division, in consultation with the advisory commission,  
28 shall:  
29 (a) Assist residents of Nebraska in obtaining high quality health  
30 care and assist health care providers in transforming their services to  
31 provide high quality, patient-centered care in an atmosphere of continual  
1 safety and quality improvement, including, but not limited to, providing  
2 or facilitating learning opportunities for health care providers, public

3 health entities, behavioral health service providers, and community  
4 health care workers on:  
5 (i) Patient-centered care;  
6 (ii) Care coordination;  
7 (iii) Chronic care initiatives;  
8 (iv) Patient-centered medical homes; and  
9 (v) Other similar initiatives;  
10 (b) Identify statewide and regional opportunities to meet changing  
11 health care needs due to changing demographics, changing technology, and  
12 changing business models in the provision of health care services;  
13 (c) Establish liaison with other state agencies to ensure that the  
14 programs of the division and the Office of Rural Health are appropriately  
15 coordinated with the Program of Health Care Transformation;  
16 (d) Assist in the collaboration of various data-sharing systems or  
17 programs to enable the analysis of public health data and to evaluate the  
18 effectiveness of programs and demonstration projects;  
19 (e) Develop and approve standards and measures for patient-centered  
20 medical homes in Nebraska, taking into account the work begun by the  
21 members of the Legislature and stakeholders in the Participation  
22 Agreement to recognize and reform payment structures to support Patient-  
23 Centered Medical Home, signed on December 18, 2013, and as revised;  
24 (f) Provide a forum for discussion and collaboration among  
25 stakeholders, health care providers, insurers, consumers, public health  
26 systems, self-insured businesses, and others to take advantage of changes  
27 in the health care landscape and federal health care programs in order to  
28 improve the provision of health care for the residents of Nebraska and to  
29 advance safety and quality improvement initiatives and the transformation  
30 and integration of health care services. Since the transformation of  
31 health care services and reform of the insurance mechanisms involved in  
1 payment of services are intricately linked, this forum may be provided in  
2 cooperation with discussion forums of the Department of Insurance for  
3 insurers and self-insured businesses; and  
4 (g) Provide support staff to the advisory commission.  
5 (3) The department may seek outside funds and grants and may  
6 collaborate with other resources for education and transformation  
7 activities.  
8 (4) The division shall submit an annual report to the Governor and  
9 electronically to the Legislature regarding the activities of the  
10 advisory commission.  
11 Sec. 6. (1) The Health Care Transformation Advisory Commission is  
12 created. The advisory commission shall consist of the following members:  
13 (a) The chairperson of the Health and Human Services Committee of  
14 the Legislature or his or her designee as a nonvoting member;  
15 (b) The Director of Public Health of the Division of Public Health  
16 of the Department of Health and Human Services or his or her designee;  
17 (c) The Director of Medicaid and Long-Term Care of the Division of  
18 Medicaid and Long-Term Care of the Department of Health and Human  
19 Services or his or her designee;  
20 (d) One representative of the Office of Rural Health of the

- 21 Department of Health and Human Services, designated by the Governor;  
22 (e) One representative from the benefits section of the personnel  
23 division of the Department of Administrative Services, designated by the  
24 Governor;  
25 (f) One representative from the Department of Insurance, designated  
26 by the Governor;  
27 (g) One representative of each accredited medical school located in  
28 the state;  
29 (h) One representative of a local public health department as  
30 defined in section 71-1626;  
31 (i) One physician providing primary care in a patient-centered  
1 medical home practicing in an urban area of the state;  
2 (j) One physician providing primary care in a patient-centered  
3 medical home practicing in a rural area of the state;  
4 (k) One pediatrician providing primary care in a patient-centered  
5 medical home practicing in the state;  
6 (l) One representative of a profession licensed under the Uniform  
7 Credentialing Act, other than a physician, providing care in a patient-  
8 centered medical home in the state;  
9 (m) One representative from a self-insured business with more than  
10 two hundred fifty employees;  
11 (n) One representative from a self-insured business with two hundred  
12 fifty or fewer employees;  
13 (o) One representative of each insurer that insures more than five  
14 percent of the residents of Nebraska;  
15 (p) One member of the public who is a consumer of health care  
16 services in the state; and  
17 (q) Three members with knowledge of or interest in health care  
18 workforce, health education, and health care consumer advocacy, as  
19 determined by the Governor.  
20 (2) The members designated in subdivisions (1)(g) through (q) of  
21 this section shall be appointed by the Governor with the advice and  
22 consent of the Legislature, shall serve staggered terms of three years,  
23 may be reappointed, and shall be reimbursed from the Health Care  
24 Transformation Cash Fund for their actual and necessary expenses as  
25 provided in sections 81-1174 to 81-1177.  
26 (3) For administrative purposes, the advisory committee shall be  
27 located within the Division of Public Health of the Department of Health  
28 and Human Services. The division shall provide staffing and technical  
29 assistance for the advisory committee.  
30 Sec. 7. The advisory commission shall:  
31 (1) Develop the recommendations for implementing the Building Blocks  
1 of Health Care;  
2 (2) Review health information technology and data coordination in  
3 Nebraska to: (a) Ensure continuous quality improvement in clinical  
4 settings; (b) ensure that scientific evidence and clinical expertise  
5 guide coverage decisions about new and emerging technologies; (c) enhance  
6 health information technology systems statewide; (d) develop consumer-  
7 facing, cost-transparent opportunities; (e) examine opportunities to

8 develop an all-payer claims database and health care analytic hub; (f)  
9 review progress in the use of electronic health records and invest in the  
10 expansion of a statewide, interoperable electronic health record system  
11 for all providers; and (g) examine and analyze trends in the commercial  
12 health care coverage market, including changes in premiums and benefit  
13 levels, market concentration, spending, and retention;  
14 (3) Advise the Department of Health and Human Services, the  
15 Legislature, and the Governor regarding aspects of transformation of the  
16 health care system;  
17 (4) Advise the department regarding policies and programs in the  
18 development and implementation of a statewide transformation in primary  
19 health care services and the integration of related health care services  
20 in Nebraska, including behavioral health services and dental health  
21 services, in the education and training of health care providers in  
22 Nebraska with regard to team-based, patient-centered primary care, in the  
23 regulation of health care providers and health care facilities in  
24 Nebraska to assure they are consistent with new delivery transformation,  
25 and in any other matters relating to health care transformation;  
26 (5) Serve as an advocate for transformation in health care issues  
27 and related payment mechanisms;  
28 (6) Advise the Program of Health Care Transformation on the  
29 development of a set of common health outcome measures, standards for  
30 evaluation of patient-centered medical homes in Nebraska, and common  
31 payment structures taking into consideration the work begun by members of  
1 the Legislature and stakeholders in the Participation Agreement to  
2 recognize and reform payment structures to support Patient-Centered  
3 Medical Home, signed on December 18, 2013, and as revised;  
4 (7) Advise the Program of Health Care Transformation on identifying  
5 statewide and regional opportunities to meet changing health care needs  
6 due to changing demographics, changing technology, and changing business  
7 models in the provision of health care services;  
8 (8) Advise the Program of Health Care Transformation on developing  
9 collaborations with stakeholders, health care providers, insurers,  
10 consumers, public health systems, self-insured businesses, and others to  
11 take advantage of changes in the health care landscape and federal health  
12 care programs in order to improve the provision of health care services  
13 for the residents of Nebraska and to assist in the transformation of  
14 primary health care services and integration of related services;  
15 (9) Maintain liaison with all agencies, groups, and organizations  
16 concerned with transforming health care in order to facilitate  
17 integration of efforts and commonality of goals;  
18 (10) Advise the department regarding the intent, goals, and  
19 implementation of the Health Care Transformation Act; and  
20 (11) Report annually by December 15 to the Governor and  
21 electronically to the Legislature on its progress and recommendations for  
22 implementing the strategies and framework utilizing the Building Blocks  
23 of Health Care.  
24 Sec. 8. The advisory commission shall hire a coordinator and may  
25 hire consultants, evaluators, and other personnel it deems necessary to

26 assist the advisory commission in carrying out its powers and duties  
 27 under the Health Care Transformation Act. The advisory commission may  
 28 organize committees as it deems necessary. Members of the committees may  
 29 be members of the advisory commission or may be appointed, with the  
 30 approval of the majority of the advisory commission, from individuals  
 31 with knowledge of the committee's subject matter, professional expertise  
 1 to assist the committee in completing its assigned responsibilities, and  
 2 the ability to collaborate within the committee and with the advisory  
 3 commission to carry out the powers and duties of the advisory commission.  
 4 Sec. 9. The Health Care Transformation Cash Fund is created. The  
 5 fund shall include money appropriated by the Legislature and any grant  
 6 funds and donations. The fund shall be used for the implementation and  
 7 administration of the Health Care Transformation Act. Any money in the  
 8 fund available for investment shall be invested by the state investment  
 9 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 10 State Funds Investment Act.  
 11 It is the intent of the Legislature to appropriate one hundred fifty  
 12 thousand dollars from the General Fund for each of the initial two fiscal  
 13 years to the Department of Health and Human Services to enable the  
 14 Division of Public Health of the department to carry out the duties and  
 15 purposes of the Health Care Transformation Act which may include  
 16 expenditures for personnel.

**LEGISLATIVE BILL 1081.** Placed on General File with amendment.  
AM2180

1 1. On page 5, line 7, after the second comma, insert "for the low-  
 2 income home energy assistance program administered by the State of  
 3 Nebraska pursuant to the federal Energy Policy Act of 2005, 42 U.S.C.  
 4 8621 to 8630,"; and in line 27 after "years" insert "and such exclusion  
 5 shall only be made if the exclusion is permissible under federal law for  
 6 each program referenced in this section. No such exclusion shall be made  
 7 for such income on or after December 31, 2022".

(Signed) Kathy Campbell, Chairperson

Judiciary

**LEGISLATIVE BILL 673.** Placed on General File with amendment.  
AM2244

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 43-272.01, Revised Statutes Supplement, 2015, is  
 4 amended to read:  
 5 43-272.01 (1) A guardian ad litem as provided for in subsections (2)  
 6 and (3) of section 43-272 shall be appointed when a child is removed from  
 7 his or her surroundings pursuant to subdivision (2) or (3) of section  
 8 43-248, subsection (2) of section 43-250, or section 43-251. If a county  
 9 has a guardian ad litem division created under section 2 of this act, the  
 10 court shall appoint the guardian ad litem division unless a conflict of

11 interest exists. If removal has not occurred, a guardian ad litem shall  
12 be appointed at the commencement of all cases brought under subdivision  
13 (3)(a) or (7) of section 43-247 and section 28-707.

14 (2) In the course of discharging duties as guardian ad litem, the  
15 person so appointed shall consider, but not be limited to, the criteria  
16 provided in this subsection. The guardian ad litem:

17 (a) Is appointed to stand in lieu of a parent for a protected  
18 juvenile who is the subject of a juvenile court petition, shall be  
19 present at all hearings before the court in such matter unless expressly  
20 excused by the court, and may enter into such stipulations and agreements  
21 concerning adjudication and disposition deemed by him or her to be in the  
22 juvenile's best interests;

23 (b) Is not appointed to defend the parents or other custodian of the  
24 protected juvenile but shall defend the legal and social interests of  
25 such juvenile. Social interests shall be defined generally as the usual  
26 and reasonable expectations of society for the appropriate parental  
27 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 2  
26 of this act. If a county creates a guardian ad litem division, guardian  
27 ad litem appointments shall be made first from the guardian ad litem  
28 division and if a conflict exists, the court may appoint a guardian ad  
29 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. 2. (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. 3. 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  
 24 determine reasonable number of billing hours and amount of expenses. ~~The~~  
 25 court upon hearing the application shall fix reasonable fees. The county  
 26 board of the county wherein the proceedings were had shall allow the  
 27 account, bill, or claim presented by any attorney or guardian ad litem  
 28 for services performed under section 43-272 in the amount determined by  
 29 the court. No such account, bill, or claim shall be allowed by the county  
 30 board until the amount thereof shall have been determined by the court.

31 Sec. 4. Original section 43-273, Reissue Revised Statutes of  
 1 Nebraska, and section 43-272.01, Revised Statutes Supplement, 2015, are  
 2 repealed.

**LEGISLATIVE BILL 843.** Placed on General File with amendment.  
 AM2335

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

2 sections:

3 Section 1. Section 28-801, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 28-801 (1) Except as provided in subsection (5) of this section, any  
6 person who performs, offers, or agrees to perform any act of sexual  
7 contact or sexual penetration, as those terms are defined in section  
8 28-318, with any person not his or her spouse, in exchange for money or  
9 other thing of value, commits prostitution.

10 (2) Any person convicted of violating subsection (1) of this section  
11 shall be punished as follows:

12 (a) If such person has had no prior convictions or has had one prior  
13 conviction, such person shall be guilty of a Class II misdemeanor. If the  
14 court places such person on probation, such order of probation shall  
15 include, as one of its conditions, that such person shall satisfactorily  
16 attend and complete an appropriate mental health and substance abuse  
17 assessment conducted by a licensed mental health professional or  
18 substance abuse professional authorized to complete such assessment; and

19 (b) If such person has had two or more prior convictions, such  
20 person shall be guilty of a Class I misdemeanor. If the court places such  
21 person on probation, such order of probation shall include, as one of its  
22 conditions, that such person shall satisfactorily attend and complete an  
23 appropriate mental health and substance abuse assessment conducted by a  
24 licensed mental health professional or substance abuse professional  
25 authorized to complete such assessment.

26 (3) It is an affirmative defense to prosecution under this section  
27 that such person was a trafficking victim as defined in section 28-830.

1 (4) For purposes of this section, prior conviction means any  
2 conviction on or after July 14, 2006, for violation of subsection (1) of  
3 this section or any conviction on or after July 14, 2006, for violation  
4 of a city or village ordinance relating to prostitution.

5 (5) If the law enforcement officer determines, after a reasonable  
6 detention for investigative purposes, that a person suspected of or  
7 charged with a violation of subsection (1) of this section is (a) a  
8 person engaging in those acts as a direct result of being a trafficking  
9 victim as defined in section 28-830, such person shall be immune from  
10 prosecution for a prostitution offense or (b) a person under eighteen  
11 years of age, such person shall be immune from prosecution for a  
12 prostitution offense under this section and shall be subject to temporary  
13 custody under section 43-248 and further disposition under the Nebraska  
14 Juvenile Code. A law enforcement officer who takes a person under  
15 eighteen years of age into custody under this section shall immediately  
16 report an allegation of a violation of section 28-831 to the Department  
17 of Health and Human Services which shall commence an investigation within  
18 twenty-four hours under the Child Protection and Family Safety Act.

19 Sec. 2. Section 81-2010.03, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 ~~81-2010.03~~ (1) The full out-of-pocket cost or expense that may be  
22 charged to a sexual assault victim in connection with a forensic medical  
23 examination shall be paid from the Sexual Assault Payment Program Cash

24 Fund. A report of a forensic medical examination shall not be remitted to  
25 the patient or his or her insurance for payment for by the Nebraska State  
26 Patrol if the patrol is the primary investigating law enforcement agency  
27 investigating the reported sexual assault.

28 (2) Except as provided under section 81-2010, all forensic DNA tests  
29 shall be performed by a laboratory which is accredited by the American  
30 Society of Crime Laboratory Directors/ ~~LAB~~ Laboratory Accreditation  
31 Board ~~or the National Forensic Science Technology Center~~ or by any other  
1 national accrediting body or public agency which has requirements that  
2 are substantially equivalent to or more comprehensive than those of the  
3 society ~~or center~~.

4 (3) The full out-of-pocket cost or expense to be paid from the  
5 Sexual Assault Payment Program Cash Fund for a forensic medical  
6 examination described in subsection (1) of this section shall include:

7 (a) An examiner's fee for:

8 (i) Examination of physical trauma;

9 (ii) Determination of penetration or force;

10 (iii) Patient interview; and

11 (iv) Collection and evaluation of evidence;

12 (b) An examination facility fee for the:

13 (i) Emergency room, clinic room, office room, or child advocacy  
14 center; and

15 (ii) Pelvic tray and other medically required supplies; and

16 (c) The laboratory fees for collection and processing of specimens  
17 for criminal evidence, the determination of the presence of any sexually  
18 transmitted disease, and pregnancy testing.

19 (4) There is established within the Department of Justice, under the  
20 direction of the Attorney General, the position of administrator for the  
21 Sexual Assault Payment Program. The purpose of the program and the  
22 responsibilities of the administrator shall be to coordinate the  
23 distribution of forensic medical examination kits to health care  
24 providers at no cost to the providers, oversee forensic medical  
25 examination training throughout the state, and coordinate payments from  
26 the Sexual Assault Payment Program Cash Fund.

27 (5) The Sexual Assault Payment Program Cash Fund is created. The  
28 fund shall be administered by the commission. The fund shall consist of  
29 any money appropriated to it by the Legislature and any money received by  
30 the commission for the program, including federal and other public and  
31 private funds. The fund shall be used for the payment of the full out-of-  
1 pocket costs or expenses for forensic medical examinations pursuant to  
2 subsection (3) of this section, for the purpose set forth in subsection  
3 (4) of this section, and for the purchase of forensic medical examination  
4 kits. The fund shall be used to pay only those charges determined by the  
5 commission to be reasonable and fair. The fund shall be used to pay up to  
6 two hundred dollars for the examiner's fee and up to three hundred  
7 dollars for the examination facility fee. The examiner and facility shall  
8 provide additional documentation as determined by the commission for  
9 payment of charges in excess of such amounts. The fund may also be used  
10 to facilitate programs that reduce or prevent the crimes of domestic

11 violence, dating violence, sexual assault, stalking, child abuse, child  
12 sexual assault, human trafficking, labor trafficking, or sex trafficking  
13 or that enhance the safety of victims of such crimes. Any money in the  
14 fund available for investment shall be invested by the state investment  
15 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
16 State Funds Investment Act.

17 Sec. 3. Section 81-1415, Revised Statutes Supplement, 2015, is  
18 amended to read:

19 81-1415 As used in sections 81-1415 to 81-1426.01 and section 2 of  
20 this act, unless the context otherwise requires: Commission means the  
21 Nebraska Commission on Law Enforcement and Criminal Justice.

22 Sec. 4. Section 81-1416, Revised Statutes Supplement, 2015, is  
23 amended to read:

24 81-1416 There is hereby created the Nebraska Commission on Law  
25 Enforcement and Criminal Justice. The commission shall educate the  
26 community at large to the problems encountered by law enforcement  
27 authorities, promote respect for law and encourage community involvement  
28 in the administration of criminal justice. The commission shall be an  
29 agency of the state, and the exercise by the commission of the powers  
30 conferred by the provisions of sections 81-1415 to 81-1426.01 and section  
31 2 of this act shall be deemed to be an essential governmental function of  
1 the state.

2 Sec. 5. Section 81-1423, Revised Statutes Supplement, 2015, is  
3 amended to read:

4 81-1423 The commission shall have authority to:

5 (1) Adopt and promulgate rules and regulations for its organization  
6 and internal management and rules and regulations governing the exercise  
7 of its powers and the fulfillment of its purposes under sections 81-1415  
8 to 81-1426.01 and section 2 of this act;

9 (2) Delegate to one or more of its members such powers and duties as  
10 it may deem proper;

11 (3) Coordinate and jointly pursue its activities with the Governor's  
12 Policy Research Office;

13 (4) Appoint and abolish such advisory committees as may be necessary  
14 for the performance of its functions and delegate appropriate powers and  
15 duties to them;

16 (5) Plan improvements in the administration of criminal justice and  
17 promote their implementation;

18 (6) Make or encourage studies of any aspect of the administration of  
19 criminal justice;

20 (7) Conduct research and stimulate research by public and private  
21 agencies which shall be designed to improve the administration of  
22 criminal justice;

23 (8) Coordinate activities relating to the administration of criminal  
24 justice among agencies of state and local government;

25 (9) Cooperate with the federal and other state authorities  
26 concerning the administration of criminal justice;

27 (10) Accept and administer loans, grants, and donations from the  
28 United States, its agencies, the State of Nebraska, its agencies, and

29 other sources, public and private, for carrying out any of its functions,  
30 except that no communications equipment shall be acquired and no approval  
31 for acquisition of communications equipment shall be granted without  
1 receiving the written approval of the Director of Communications of the  
2 office of Chief Information Officer;

3 (11) Enter into contracts, leases, and agreements necessary,  
4 convenient, or desirable for carrying out its purposes and the powers  
5 granted under sections 81-1415 to 81-1426.01 and section 2 of this act  
6 with agencies of state or local government, corporations, or persons;

7 (12) Acquire, hold, and dispose of personal property in the exercise  
8 of its powers;

9 (13) Conduct random annual audits of criminal justice agencies to  
10 verify the accuracy and completeness of criminal history record  
11 information maintained by such agencies and to determine compliance with  
12 laws and regulations dealing with the dissemination, security, and  
13 privacy of criminal history information;

14 (14) Do all things necessary to carry out its purposes and for the  
15 exercise of the powers granted in sections 81-1415 to 81-1426.01 and  
16 section 2 of this act, except that no activities or transfers or  
17 expenditures of funds available to the commission shall be inconsistent  
18 with legislative policy as reflected in substantive legislation,  
19 legislative intent legislation, or appropriations legislation;

20 (15) Exercise budgetary and administrative control over the Crime  
21 Victim's Reparations Committee and the Jail Standards Board; and

22 (16) Do all things necessary to carry out sections 81-1843 to  
23 81-1851.

24 Sec. 6. Sections 2, 3, 4, 5, 8, and 9 of this act become operative  
25 on July 1, 2017. The other sections of this act become operative on their  
26 effective date.

27 Sec. 7. Original section 28-801, Revised Statutes Cumulative  
28 Supplement, 2014, is repealed.

29 Sec. 8. Original section 81-2010.03, Reissue Revised Statutes of  
30 Nebraska, and sections 81-1415, 81-1416, and 81-1423, Revised Statutes  
31 Supplement, 2015, are repealed.

1 Sec. 9. The following sections are outright repealed: Sections  
2 13-607 and 13-608, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 910.** Placed on General File with amendment.  
AM2328

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

3 Section 1. Section 47-901, Revised Statutes Supplement, 2015, is  
4 amended to read:

5 47-901 Sections 47-901 to 47-918 and section 4 of this act shall be  
6 known and may be cited as the Office of Inspector General of the Nebraska  
7 Correctional System Act.

8 Sec. 2. Section 47-903, Revised Statutes Supplement, 2015, is  
9 amended to read:

10 47-903 For purposes of the Office of Inspector General of the

11 Nebraska Correctional System Act, the following definitions apply:  
12 (1) Administrator means a person charged with administration of a  
13 program, an office, or a division of the department or administration of  
14 a private agency;  
15 (2) Department means the Department of Correctional Services;  
16 (3) Director means the Director of Correctional Services;  
17 (4) Inspector General means the Inspector General of the Nebraska  
18 Correctional System appointed under section 47-904;  
19 (5) Malfeasance means a wrongful act that the actor has no legal  
20 right to do or any wrongful conduct that affects, interrupts, or  
21 interferes with performance of an official duty;  
22 (6) Management means supervision of subordinate employees;  
23 (7) Misfeasance means the improper performance of some act that a  
24 person may lawfully do;  
25 (8) Obstruction means hindering an investigation, preventing an  
26 investigation from progressing, stopping or delaying the progress of an  
27 investigation, or making the progress of an investigation difficult or  
1 slow;  
2 (9) Office means the office of Inspector General of the Nebraska  
3 Correctional System and includes the Inspector General and other  
4 employees of the office;  
5 (10) Private agency means an entity that contracts with the  
6 department or contracts to provide services to another entity that  
7 contracts with the department; ~~and~~  
8 (11) Record means any recording in written, audio, electronic  
9 transmission, or computer storage form, including, but not limited to, a  
10 draft, memorandum, note, report, computer printout, notation, or message,  
11 and includes, but is not limited to, medical records, mental health  
12 records, case files, clinical records, financial records, and  
13 administrative records; ~~and~~ -  
14 (12) Office of Parole Administration means the office created  
15 pursuant to section 83-1,100.  
16 Sec. 3. Section 47-908, Revised Statutes Supplement, 2015, is  
17 amended to read:  
18 47-908 All employees of the department, all employees of the Office  
19 of Parole Administration, and all owners, operators, managers,  
20 supervisors, and employees of private agencies shall cooperate with the  
21 office. Cooperation includes, but is not limited to, the following:  
22 (1) Provision of full access to and production of records and  
23 information. Providing access to and producing records and information  
24 for the office is not a violation of confidentiality provisions under any  
25 statute, rule, or regulation if done in good faith for purposes of an  
26 investigation under the Office of Inspector General of the Nebraska  
27 Correctional System Act;  
28 (2) Fair and honest disclosure of records and information reasonably  
29 requested by the office in the course of an investigation under the act;  
30 (3) Encouraging employees to fully comply with reasonable requests  
31 of the office in the course of an investigation under the act;  
1 (4) Prohibition of retaliation by owners, operators, or managers

2 against employees for providing records or information or filing or  
3 otherwise making a complaint to the office;

4 (5) Not requiring employees to gain supervisory approval prior to  
5 filing a complaint with or providing records or information to the  
6 office;

7 (6) Provision of complete and truthful answers to questions posed by  
8 the office in the course of an investigation; and

9 (7) Not willfully interfering with or obstructing the investigation.

10 Sec. 4. The Office of Parole Administration shall provide the  
11 Public Counsel and the Inspector General with direct computer access to  
12 all computerized records, reports, and documents maintained by the office  
13 in connection with administration of the Nebraska parole system, except  
14 that access for the Public Counsel and the Inspector General to a  
15 parolee's medical or mental health records shall be subject to the  
16 parolee's consent.

17 Sec. 5. Section 68-1017.02, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 68-1017.02 (1)(a) The Department of Health and Human Services shall  
20 apply for and utilize to the maximum extent possible, within limits  
21 established by the Legislature, any and all appropriate options available  
22 to the state under the federal Supplemental Nutrition Assistance Program  
23 and regulations adopted under such program to maximize the number of  
24 Nebraska residents being served under such program within such limits.  
25 The department shall seek to maximize federal funding for such program  
26 and minimize the utilization of General Funds for such program and shall  
27 employ the personnel necessary to determine the options available to the  
28 state and issue the report to the Legislature required by subdivision (b)  
29 of this subsection.

30 (b) The department shall submit electronically an annual report to  
31 the Health and Human Services Committee of the Legislature by December 1  
1 on efforts by the department to carry out the provisions of this  
2 subsection. Such report shall provide the committee with all necessary  
3 and appropriate information to enable the committee to conduct a  
4 meaningful evaluation of such efforts. Such information shall include,  
5 but not be limited to, a clear description of various options available  
6 to the state under the federal Supplemental Nutrition Assistance Program,  
7 the department's evaluation of and any action taken by the department  
8 with respect to such options, the number of persons being served under  
9 such program, and any and all costs and expenditures associated with such  
10 program.

11 (c) The Health and Human Services Committee of the Legislature,  
12 after receipt and evaluation of the report required in subdivision (b) of  
13 this subsection, shall issue recommendations to the department on any  
14 further action necessary by the department to meet the requirements of  
15 this section.

16 (2)(a) The department shall develop a state outreach plan to promote  
17 access by eligible persons to benefits of the Supplemental Nutrition  
18 Assistance Program. The plan shall meet the criteria established by the  
19 Food and Nutrition Service of the United States Department of Agriculture



20 for approval of state outreach plans. The Department of Health and Human  
21 Services may apply for and accept gifts, grants, and donations to develop  
22 and implement the state outreach plan.

23 (b) For purposes of developing and implementing the state outreach  
24 plan, the department shall partner with one or more counties or nonprofit  
25 organizations. If the department enters into a contract with a nonprofit  
26 organization relating to the state outreach plan, the contract may  
27 specify that the nonprofit organization is responsible for seeking  
28 sufficient gifts, grants, or donations necessary for the development and  
29 implementation of the state outreach plan and may additionally specify  
30 that any costs to the department associated with the award and management  
31 of the contract or the implementation or administration of the state  
1 outreach plan shall be paid out of private or federal funds received for  
2 development and implementation of the state outreach plan.

3 (c) The department shall submit the state outreach plan to the Food  
4 and Nutrition Service of the United States Department of Agriculture for  
5 approval on or before August 1, 2011, and shall request any federal  
6 matching funds that may be available upon approval of the state outreach  
7 plan. It is the intent of the Legislature that the State of Nebraska and  
8 the Department of Health and Human Services use any additional public or  
9 private funds to offset costs associated with increased caseload  
10 resulting from the implementation of the state outreach plan.

11 (d) The department shall be exempt from implementing or  
12 administering a state outreach plan under this subsection, but not from  
13 developing such a plan, if it does not receive private or federal funds  
14 sufficient to cover the department's costs associated with the  
15 implementation and administration of the plan, including any costs  
16 associated with increased caseload resulting from the implementation of  
17 the plan.

18 (3)(a)(i) On or before October 1, 2011, the department shall create  
19 a TANF-funded program or policy that, in compliance with federal law,  
20 establishes categorical eligibility for federal food assistance benefits  
21 pursuant to the Supplemental Nutrition Assistance Program to maximize the  
22 number of Nebraska residents being served under such program in a manner  
23 that does not increase the current gross income eligibility limit.

24 (ii) Such TANF-funded program or policy shall eliminate all asset  
25 limits for eligibility for federal food assistance benefits, except that  
26 the total of liquid assets which includes cash on hand and funds in  
27 personal checking and savings accounts, money market accounts, and share  
28 accounts shall not exceed twenty-five thousand dollars pursuant to the  
29 Supplemental Nutrition Assistance Program, as allowed under federal law  
30 and under 7 C.F.R. 273.2(j)(2).

31 (iii) This subsection becomes effective only if the department  
1 receives funds pursuant to federal participation that may be used to  
2 implement this subsection.

3 (b) For purposes of this subsection:

4 (i) Federal law means the federal Food and Nutrition Act of 2008, 7  
5 U.S.C. 2011 et seq., and regulations adopted under the act; and

6 (ii) TANF means the federal Temporary Assistance for Needy Families

7 program established in 42 U.S.C. 601 et seq.

8 ~~(4) The (4)(a) Within the limits specified in this subsection, the~~  
9 State of Nebraska opts out of the provision of the federal Personal  
10 Responsibility and Work Opportunity Reconciliation Act of 1996, as such  
11 act existed on January 1, 2009, that eliminates eligibility for the  
12 Supplemental Nutrition Assistance Program for any person convicted of a  
13 felony involving the possession, use, or distribution of a controlled  
14 substance.

15 ~~(b) A person shall be ineligible for Supplemental Nutrition~~  
16 ~~Assistance Program benefits under this subsection if he or she (i) has~~  
17 ~~had three or more felony convictions for the possession or use of a~~  
18 ~~controlled substance or (ii) has been convicted of a felony involving the~~  
19 ~~sale or distribution of a controlled substance or the intent to sell or~~  
20 ~~distribute a controlled substance. A person with one or two felony~~  
21 ~~convictions for the possession or use of a controlled substance shall~~  
22 ~~only be eligible to receive Supplemental Nutrition Assistance Program~~  
23 ~~benefits under this subsection if he or she is participating in or has~~  
24 ~~completed a state licensed or nationally accredited substance abuse~~  
25 ~~treatment program since the date of conviction. The determination of such~~  
26 ~~participation or completion shall be made by the treatment provider~~  
27 ~~administering the program.~~

28 Sec. 6. Section 81-161.03, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 81-161.03 The materiel division may, by written order, permit  
31 purchases, contracts, or leases to be made by any using agency directly  
1 with the vendor or supplier whenever it appears to the satisfaction of  
2 the materiel division that, because of the unique nature of the personal  
3 property, the price in connection therewith, the quantity to be  
4 purchased, the location of the using agency, the time of the use of the  
5 personal property, or any other circumstance, the interests of the state  
6 will be served better by purchasing or contracting direct than through  
7 the materiel division.

8 Such permission shall be revocable and shall be operative for a  
9 period not exceeding twelve months from the date of issue. Using agencies  
10 receiving such permission shall report their acts and expenditures under  
11 such orders to the materiel division in writing and furnish such agent  
12 with proper evidence that competition has been secured at such time and  
13 covering such period as may be required by the materiel division.

14 The materiel division shall adopt and promulgate rules and  
15 regulations establishing criteria which must be met by any agency seeking  
16 direct market purchase authorization. Purchases for miscellaneous needs  
17 may be made directly by any agency without prior approval from the  
18 materiel division for purchases of less than ten thousand dollars if the  
19 agency has completed a certification program as prescribed by the  
20 materiel division.

21 The Department of Correctional Services may purchase raw materials,  
22 supplies, component parts, and equipment perishables directly for  
23 industries established pursuant to section 83-183, whether such purchases  
24 are made to fill specific orders or for general inventories. Any such

25 purchase shall not exceed ~~fifty twenty five~~ thousand dollars. The  
26 department shall comply with the bidding process of the materiel division  
27 and shall be subject to audit by the materiel division for such  
28 purchases.

29 Sec. 7. Section 81-1185, Revised Statutes Supplement, 2015, is  
30 amended to read:

31 81-1185 For purposes of the State Government Recycling Management  
1 Act, state government recyclable material means any product or material  
2 that has reached the end of its useful life, is obsolete, or is no longer  
3 needed by state government and for which there are readily available  
4 markets to take the material. State government recyclable material  
5 includes paper, paperboard, aluminum and other metals, yard waste, glass,  
6 tires, oil, and plastics. State government recyclable material does not  
7 include cans or other containers recycled under section 83-915.01, or  
8 material used in the production of goods or the provision of services by  
9 the correctional industries program of the Department of Correctional  
10 Services.

11 Sec. 8. Section 83-150, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 83-150 All funds received by the Department of Correctional Services  
14 under sections 83-144 to 83-152 and from the recycling of material used  
15 in the production of goods or the provision of services by the  
16 department's correctional industries program shall be remitted to the  
17 State Treasurer for credit to the Correctional Industries Revolving Fund,  
18 which fund is hereby created. The fund shall be administered by the  
19 Director of Correctional Services. The fund (1) shall be used to pay all  
20 proper expenses incident to the administration of sections 83-144 to  
21 83-152 and (2) may be used to carry out section 83-186.01, except that  
22 transfers from the fund to the General Fund may be made at the direction  
23 of the Legislature. Any money in the Correctional Industries Revolving  
24 Fund available for investment shall be invested by the state investment  
25 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
26 State Funds Investment Act.

27 Sec. 9. Section 83-1,101, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 83-1,101 ~~The Director of Correctional Services with the consent of~~  
30 ~~the Board of Parole shall appoint a Parole Administrator. The Parole~~  
31 ~~Administrator, who shall be a person with appropriate experience and~~  
1 ~~training, including, but not limited to, familiarity with the~~  
2 ~~implementation of evidence-based processes for utilizing risk and needs~~  
3 ~~assessments to measure criminal risk factors and specific individual~~  
4 ~~needs in the field of corrections, or with training in relevant~~  
5 ~~disciplines at a recognized university.~~

6 Sec. 10. Section 83-4,114, Revised Statutes Supplement, 2015, is  
7 amended to read:

8 83-4,114 (1) There shall be no corporal punishment or disciplinary  
9 restrictions on diet.

10 (2) Disciplinary restrictions on clothing, bedding, mail,

11 visitations, use of toilets, washbowls, or scheduled showers shall be

12 imposed only for abuse of such privilege or facility and only as  
13 authorized by written directives, guidance documents, and operational  
14 manuals.

15 (3) No person shall be placed in solitary confinement.

16 (4) The director shall issue an annual report on or before September  
17 15 to the Governor and the Clerk of the Legislature. The report to the  
18 Clerk of the Legislature shall be issued electronically. For all inmates  
19 who were held in restrictive housing during the prior year, the report  
20 shall contain the race, gender, age, and length of time each inmate has  
21 continuously been held in restrictive housing. The report shall also  
22 contain:

23 (a) The number of inmates held in restrictive housing;

24 (b) The reason or reasons each inmate was held in restrictive  
25 housing;

26 (c) The number of inmates held in restrictive housing who have been  
27 diagnosed with a mental illness or behavioral disorder as defined in  
28 section 71-907 and the type of mental illness or behavioral disorder by  
29 inmate;

30 (d) The number of inmates who were released from restrictive housing  
31 directly to parole or into the general public and the reason for such  
1 release;

2 (e) The number of inmates who were placed in restrictive housing for  
3 his or her own safety and the underlying circumstances for each  
4 placement;

5 (f) To the extent reasonably ascertainable, comparable statistics  
6 for the nation and each of the states that border Nebraska pertaining to  
7 subdivisions (4)(a) through (e) of this section; and

8 (g) The mean and median length of time for all inmates held in  
9 restrictive housing.

10 (5)(a) There is hereby established within the department a long-term  
11 restrictive housing work group. The work group shall consist of:

12 (i) The director and all deputy directors. The director shall serve  
13 as the chairperson of the work group;

14 ~~(ii) The director of health services within the department;~~

15 ~~(ii)~~ ~~iii~~ The behavioral health administrator within the department;

16 ~~(iii)~~ ~~iv~~ Two employees of the department who currently work with  
17 inmates held in restrictive housing;

18 ~~(iv)~~ ~~v~~ Additional department staff as designated by the director;

19 and

20 ~~(v)~~ ~~vi~~ Four members as follows appointed by the Governor:

21 (A) Two representatives from a nonprofit prisoners' rights advocacy  
22 group, including at least one former inmate; and

23 (B) Two mental health professionals independent from the department  
24 with particular knowledge of prisons and conditions of confinement.

25 (b) The work group shall advise the department on policies and  
26 procedures related to the proper treatment and care of offenders in long-  
27 term restrictive housing.

28 (c) The director shall convene the work group's first meeting no  
29 later than September 15, 2015, and the work group shall meet at least

30 semiannually thereafter. The chairperson shall schedule and convene the  
31 work group's meetings.

1 (d) The director shall provide the work group with quarterly updates  
2 on the department's policies related to the work group's subject matter.  
3 Sec. 11. Original sections 81-161.03, 83-150, and 83-1,101, Reissue  
4 Revised Statutes of Nebraska, section 68-1017.02, Revised Statutes  
5 Cumulative Supplement, 2014, and sections 47-901, 47-903, 47-908,  
6 81-1185, and 83-4,114, Revised Statutes Supplement, 2015, are repealed.  
7 Sec. 12. Since an emergency exists, this act takes effect when  
8 passed and approved according to law.

**LEGISLATIVE BILL 890.** Indefinitely postponed.

(Signed) Les Seiler, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 718.** Placed on Final Reading.  
**LEGISLATIVE BILL 734.** Placed on Final Reading.  
**LEGISLATIVE BILL 753.** Placed on Final Reading.  
**LEGISLATIVE BILL 776.** Placed on Final Reading.  
**LEGISLATIVE BILL 786.** Placed on Final Reading.  
**LEGISLATIVE BILL 807.** Placed on Final Reading.  
**LEGISLATIVE BILL 859.** Placed on Final Reading.  
**LEGISLATIVE BILL 898.** Placed on Final Reading.  
**LEGISLATIVE BILL 1035.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Executive Board

Room 2102

Tuesday, March 8, 2016 12:00 p.m.

LR455

(Signed) Bob Krist, Chairperson

**COMMITTEE REPORT(S)**

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Margaret Propp - Commission for the Deaf and Hard of Hearing  
Peter Seiler - Commission for the Deaf and Hard of Hearing

Aye: 7 Baker, Campbell, Crawford, Fox, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Kristin Huber - Foster Care Advisory Committee

Aye: 7 Baker, Campbell, Crawford, Fox, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Kintner filed the following amendment to LB83:

FA90

Amend AM2191

Page 1, line 11 strike 2 and replace it with 13.

**VISITOR(S)**

Visitors to the Chamber were 53 fourth-grade students from Cottonwood Elementary, Omaha; 29 twelfth-grade students and teachers from Hartington-Newcastle; and 200 social work students and faculty from Chadron State College, Creighton University, Nebraska Wesleyan University of Lincoln and Omaha, Union College, University of Nebraska at Kearney, and UNO Grace Abbott School of Social Work.

The Doctor of the Day was Dr. Daniel Rosenquist from Columbus.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Wednesday, March 2, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-SIXTH DAY - MARCH 2, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 2, 2016

**PRAYER**

The prayer was offered by Senator Kolterman.

**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 Bolz, Davis, Gloor, Groene, K. Haar, Hansen, Mello, Murante, Pansing Brooks, Schilz, Smith, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 919.** Placed on Select File with amendment.  
ER175

1 1. On page 1, line 4, strike "court programs" and insert "courts";  
2 and in line 5 strike "programs" and insert "courts".

**LEGISLATIVE BILL 919A.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

March 1, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Commission on Problem Gambling:

Mark Canada, 5301 Skyeloch, Hastings, NE 68901  
Susan Lutz, 2101 W. Eisenhower Avenue, Norfolk, NE 68701

Contingent upon your approval, the following individual is being appointed to the Nebraska Commission on Problem Gambling:

James D. Patterson, 1102 Overland Trail, Papillion, NE 68046

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

March 1, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Lisa May, 1008 13 Avenue, Kearney, NE 68845

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.



Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

March 1, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the State Board of Health:

Wayne Stuber, 3708 Farnam, Omaha, NE 68131  
Douglas Vander Broek, DC, 6511 Shenandoah Drive, Lincoln, NE 68510  
Debra Parsow, 812 South 67 Street, Omaha, NE 68106  
Diane Jackson, 240 West A Avenue, #3, Red Cloud, NE 68970  
Jim Trebbein, 15906 Military Road, Bennington, NE 68007

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Michael Hansen, 3670 Regency Place, Columbus, NE 68601

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 851A.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 851, One Hundred Fourth Legislature, Second Session, 2016.

**MOTION(S) - Confirmation Report(s)**

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 754:

State Electrical Board  
Edwin Bergstraesser  
Cory L. Mueller

Voting in the affirmative, 27:

Baker	Ebke	Hughes	McCoy	Stinner
Bloomfield	Fox	Johnson	Morfeld	Watermeier
Brasch	Friesen	Kolowski	Riepe	Williams
Campbell	Garrett	Krist	Scheer	
Cook	Harr, B.	Larson	Schumacher	
Crawford	Hilkemann	McCollister	Seiler	

Voting in the negative, 0.

Present and not voting, 10:

Chambers	Craighead	Howard	Kolterman	Lindstrom
Coash	Hadley	Kintner	Kuehn	Schnoor

Excused and not voting, 12:

Bolz	Groene	Mello	Schilz
Davis	Haar, K.	Murante	Smith
Gloor	Hansen	Pansing Brooks	Sullivan

The appointments were confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 754:

Nebraska Arts Council  
Patrick Drickey  
Kathryn LeBaron  
Sherry McClymont  
Harvey Varenhorst

Voting in the affirmative, 27:

Baker	Davis	Johnson	Larson	Stinner
Bloomfield	Ebke	Kintner	McCollister	Watermeier
Brasch	Fox	Kolowski	McCoy	Williams
Campbell	Garrett	Kolterman	Riepe	
Chambers	Harr, B.	Krist	Schumacher	
Cook	Hilkemann	Kuehn	Seiler	

Voting in the negative, 0.

Present and not voting, 10:

Coash	Crawford	Howard	Lindstrom	Scheer
Craighead	Friesen	Hughes	Morfeld	Schnoor

Excused and not voting, 12:

Bolz	Haar, K.	Mello	Schilz
Gloor	Hadley	Murante	Smith
Groene	Hansen	Pansing Brooks	Sullivan

The appointments were confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Senator Brasch moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 755:

State Highway Commission  
Mary K. Gerdes

Voting in the affirmative, 31:

Baker	Davis	Hughes	McCoy	Sullivan
Bloomfield	Ebke	Kintner	Pansing Brooks	Watermeier
Brasch	Fox	Kolowski	Riepe	Williams
Campbell	Friesen	Kolterman	Scheer	
Chambers	Garrett	Krist	Schumacher	
Cook	Harr, B.	Kuehn	Seiler	
Craighead	Hilkemann	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 8:

Coash	Howard	Larson	Morfeld
Crawford	Johnson	Lindstrom	Schnoor

Excused and not voting, 10:

Bolz	Groene	Hadley	Mello	Schilz
Gloor	Haar, K.	Hansen	Murante	Smith

The appointment was confirmed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 746A.** 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 83.** Committee AM2191, found on page 677 and considered on page 769, was renewed.

Senator Kintner withdrew his amendment, FA90, found on page 790.

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

Senator Cook moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

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

Voting in the affirmative, 30:

Baker	Crawford	Harr, B.	Krist	Pansing Brooks
Bolz	Davis	Hilkemann	Larson	Scheer
Campbell	Fox	Howard	Lindstrom	Schnoor
Chambers	Gloor	Johnson	McCollister	Seiler
Cook	Haar, K.	Kolowski	Mello	Stinner
Craighead	Hansen	Kolterman	Morfeld	Sullivan

Voting in the negative, 10:

Brasch	Groene	Kintner	McCoy	Schumacher
Friesen	Hughes	Kuehn	Riepe	Smith

Present and not voting, 4:

Bloomfield	Ebke	Watermeier	Williams
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Excused and not voting, 5:

Coash	Garrett	Hadley	Murante	Schilz
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The motion to cease debate prevailed with 30 ayes, 10 nays, 4 present and not voting, and 5 excused and not voting.

The committee amendment was adopted with 27 ayes, 10 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Brasch offered the following amendment:  
AM2383

(Amendments to Standing Committee amendments, AM2191)

- 1 1. On page 1, line 7, strike "individual", show as stricken, and
- 2 insert "woman"; and in line 8 strike "individuals", show as stricken, and
- 3 insert "women".

#### **SENATOR SCHEER PRESIDING**

Senator Brasch withdrew her amendment.

Pending.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 934A.** 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 934, One Hundred Fourth Legislature, Second Session, 2016.

#### **COMMITTEE REPORT(S)** Nebraska Retirement Systems

**LEGISLATIVE BILL 467.** Placed on General File with amendment.  
AM2351 is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 977.** Placed on General File with amendment.  
AM2318 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 83.** Considered.

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

Senator Pansing Brooks moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 7 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 710.** Title read. Considered.

Committee AM1846, found on page 638, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 722.** Title read. Considered.

Committee AM2126, found on page 681, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 4 nays, 11 present and not voting, and 5 excused and not voting.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Canada, Mark - Nebraska Commission on Problem Gambling - General Affairs

Hansen, Michael - State Board of Health - Health and Human Services

Jackson, Diane - State Board of Health - Health and Human Services

Lutz, Susan - Nebraska Commission on Problem Gambling - General Affairs

May, Lisa - Nebraska Educational Telecommunications Commission - Education

Parsow, Debra - State Board of Health - Health and Human Services

Patterson, James D. - Nebraska Commission on Problem Gambling - General Affairs

Stuberg, Wayne - State Board of Health - Health and Human Services

Trebbein, Jim - State Board of Health - Health and Human Services

Vander Broek, Douglas - State Board of Health - Health and Human Services

(Signed) Bob Krist, Chairperson  
Executive Board

#### **AMENDMENT(S) - Print in Journal**

Senator Fox filed the following amendment to LB698:  
AM2359

(Amendments to AM2255)

1 1. Insert the following new sections:

2 Sec. 28. Section 81-2201, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 81-2201 Sections 81-2201 to 81-2227 ~~81-2228~~ shall be known and may  
5 be cited as the Nebraska Community Aging Services Act.  
6 Sec. 29. Section 81-2213, Reissue Revised Statutes of Nebraska, is  
7 amended to read:  
8 81-2213 The department shall have the following powers and duties:  
9 (1) To develop, approve, and submit to the Governor a two-year,  
10 three-year, or four-year state plan on aging, as determined by the  
11 department, for purposes of administering grant funds allocated to the  
12 state under the federal Older Americans Act of 1965, as such act existed  
13 on January 1, 2016, as now or hereafter amended, or administering state  
14 funds allocated to the Nebraska Community Aging Services Act;  
15 (2) To cooperate with similar departments, commissions, or councils  
16 in the federal government and in other states;  
17 (3) To adopt and promulgate rules, regulations, and bylaws governing  
18 its procedure and activities and as necessary to carry out the policies  
19 of the department and the policies prescribed by the Administration on  
20 Aging pursuant to the federal Older Americans Act of 1965, as such act  
21 existed on January 1, 2016, as now or hereafter amended;  
22 (4) To create committees to aid in the discharge of its powers and  
23 duties;  
24 (5) To cooperate with and assist other state and local governmental  
25 agencies and officials on matters relating to services for older  
26 individuals;  
1 (6) To divide the state into planning-and-service areas as provided  
2 in section 71-807 for behavioral health regions, except that Regions 3  
3 and 5 may each be divided into two planning-and-service areas with  
4 boundaries as established by the department for planning-and-service  
5 areas in existence in those regions on July 1, 1982;  
6 (7) To establish minimum standards for program operations and to  
7 adopt and promulgate rules and regulations for the performance of area  
8 agencies on aging and for any services provided by such area agencies on  
9 aging which are funded in whole or in part under the Nebraska Community  
10 Aging Services Act or the federal Older Americans Act of 1965, as such  
11 federal act existed on January 1, 2016, as now or hereafter amended;  
12 (8) To require the submission of a two-year, three-year, or four-  
13 year ~~one-year and a five-year~~ area plan and budget by each area agency on  
14 aging or agency seeking designation as an area agency on aging. Such  
15 plans and budgets shall be submitted sixty days prior to the start of  
16 each fiscal year in accordance with the uniform area plan format and  
17 other instructions issued by the department;  
18 (9) To review and approve a two-year, three-year, or four-year ~~one-~~  
19 ~~year and a five-year~~ area plan and budget for the support of each area  
20 agency on aging and the provision of eligible activities and services as  
21 defined in section 81-2222;  
22 (10) To adopt and submit electronically to the Legislature a  
23 community aging services budget;  
24 (11) To review the performance of each area agency on aging and,  
25 based on the department-approved area plan and budget, to determine the  
26 continued designation or the withdrawal of the designation of an area

27 agency on aging receiving or requesting resources through the state or  
28 under the Nebraska Community Aging Services Act or the federal Older  
29 Americans Act of 1965, as such federal act existed on January 1, 2016 ;  
30 as now or hereafter amended. After consultation with the director of the  
31 area agency on aging and the governing unit of the area agency on aging,  
1 the department may withdraw a designation when it can be shown that  
2 federal or state laws, rules, or regulations have not been complied with,  
3 state or federal funds are not being expended for the purposes for which  
4 they were intended, or older individuals are not receiving appropriate  
5 services within available resources. Withdrawal of a designation may be  
6 appealed to the department. Upon withdrawal of a designation, the  
7 department may temporarily perform all or part of the functions and  
8 responsibilities of the area agency on aging, may designate another  
9 agency to perform such functions and responsibilities identified by the  
10 department until the designation of a new area agency on aging, and, when  
11 deemed necessary, may temporarily deliver services to assure continuity;  
12 (12) To conduct continuing studies and analyses of the problems  
13 faced by older individuals within the state and develop such  
14 recommendations for administrative or legislative action as appear  
15 necessary;  
16 (13) To develop grants and plans, enter into contracts, accept  
17 gifts, grants, and federal funds, and do all things necessary and proper  
18 to discharge these powers and duties;  
19 (14) To accept and administer any other programs or resources  
20 delegated, designated, assigned, or awarded to the department from public  
21 or private sources; and  
22 (15) Such other powers and duties necessary to effectively implement  
23 the Nebraska Community Aging Services Act.  
24 Sec. 30. Section 81-2218, Reissue Revised Statutes of Nebraska, is  
25 amended to read:  
26 81-2218 The governing unit of the designated area agency on aging  
27 shall:  
28 (1) In accordance with section 81-2219, employ a qualified  
29 administrator to serve as the chief executive officer for the  
30 administration of the agency and employ adequate staff for carrying out  
31 the area program plan;  
1 (2) Approve and submit ~~an a one year and a five year~~ area plan and  
2 budget to the department ~~pursuant to section 81-2213 by July 1 of each~~  
3 ~~year~~. The plan shall comply with the requirements of the Nebraska  
4 Community Aging Services Act and the federal Older Americans Act of 1965,  
5 as such federal act existed on January 1, 2016 , as now or hereafter  
6 amended;  
7 (3) Approve such contracts and agreements as are necessary to carry  
8 out the functions of the agency; and  
9 (4) Establish and consult with an area advisory council on needs,  
10 services, and policies affecting older individuals in the area. The  
11 advisory council for the area agency on aging shall establish bylaws  
12 which specify the role and functions of the council, number of members,  
13 selection of members, term of membership, and frequency of meetings.



14 Sec. 31. Section 81-2220, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 81-2220 An area agency on aging shall:

17 (1) Monitor, evaluate, and comment on policies, programs, hearings,  
18 and community actions which affect older individuals;

19 (2) Conduct public hearings, studies, and assessments on the needs  
20 of older individuals living in the planning-and-service area;

21 (3) Represent the interests of older individuals to public officials  
22 and to public and private agencies or organizations;

23 (4) Cooperate, coordinate, and plan with other agencies,  
24 organizations, or individuals to promote benefits and opportunities for  
25 older individuals consistent with the goals of the Nebraska Community  
26 Aging Services Act and the federal Older Americans Act of 1965, as such  
27 federal act existed on January 1, 2016, as now or hereafter amended;

28 (5) Develop ~~an a one-year and a five-year~~ area plan and budget  
29 pursuant to section 81-2213 for a comprehensive, coordinated program of  
30 community aging services needed by older individuals of the area and  
31 consistent with the requirements of the Nebraska Community Aging Services  
1 Act and the federal Older Americans Act of 1965, as such federal act  
2 existed on January 1, 2016, as now or hereafter amended;

3 (6) Monitor and evaluate the activities of service providers to  
4 ensure that the services being provided comply with the terms of the  
5 grant or contract. When a provider is found to be in breach of the terms  
6 of its grant or contract, the area agency on aging shall enforce the  
7 terms of the grant or contract;

8 (7) Comply with rules, regulations, and requirements of the  
9 department which have been developed in consultation with the area  
10 agencies on aging for client and fiscal information and provide to the  
11 department information necessary for federal and state reporting, program  
12 evaluation, program management, fiscal control, and research needs; and

13 (8) Provide technical assistance to service providers as needed,  
14 prepare written monitoring reports, and provide written reports of onsite  
15 assessments of all service providers funded by the area agency on aging  
16 according to the rules and regulations promulgated by the department.

17 Sec. 32. Section 81-2221, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 81-2221 ~~The one-year and the five-year area plan and budget adopted~~  
20 pursuant to section 81-2220 shall contain at least the following:

21 (1) Provisions required by the Nebraska Community Aging Services Act  
22 and the federal Older Americans Act of 1965, as such federal act existed  
23 on January 1, 2016, as now or hereafter amended; and

24 (2) A detailed statement of the manner in which the area agency on  
25 aging develops, administers, and supports the comprehensive, coordinated  
26 program of community aging services throughout the area.

27 The department may require minimum service levels for the area and  
28 establish minimum standards for activities which carry out the  
29 requirements of the Nebraska Community Aging Services Act and the federal  
30 Older Americans Act of 1965, as such federal act existed on January 1,  
31 2016, as now or hereafter amended.

1 Sec. 33. Section 81-2235, Reissue Revised Statutes of Nebraska, is  
 2 amended to read:  
 3 81-2235 (1) Each care management unit may be reimbursed by the  
 4 Department of Health and Human Services for costs not paid for by the  
 5 individual or through other reimbursement specified in section 81-2234.  
 6 Reimbursement by the department shall be based on actual casework time  
 7 units expended on all care management services provided and shall include  
 8 expenses for personnel, administration and planning, client eligibility  
 9 review, contractual services, and necessary support services and other  
 10 necessary actual and indirect costs. Standardized rates of reimbursement  
 11 shall be adopted and promulgated by the department and shall be adjusted  
 12 at least every three years.  
 13 (2) Appropriations for reimbursement by the department for services  
 14 provided under sections 81-2229 to 81-2235 and for the costs of the  
 15 department to administer the program shall be appropriated separately  
 16 from funds appropriated under the Nebraska Community Aging Services Act.  
 17 ~~(3) Funds appropriated under this section shall not be used to~~  
 18 ~~replace funds appropriated under the Nebraska Community Aging Services~~  
 19 ~~Act and granted to the area agencies on aging prior to August 30, 1987,~~  
 20 ~~and used to provide case management or care management services in their~~  
 21 ~~planning and service area, except that such funds may be replaced by non-~~  
 22 ~~Nebraska Community Aging Services funds that are obtained subsequent to~~  
 23 ~~August 30, 1987, as allowed under rules and regulations adopted and~~  
 24 ~~promulgated by the Department of Health and Human Services.~~  
 25 Sec. 37. The following section is outright repealed: Section  
 26 81-2228, Reissue Revised Statutes of Nebraska.  
 27 2. On page 4, line 10, after "Rights" insert "Act"; and strike  
 28 beginning with "Home" in line 10 through "Act" in line 11 and insert  
 29 "act".  
 30 3. On page 8, strike beginning with "health" in line 4 through  
 31 "30-3401" in line 5 and insert "power of attorney for health care as  
 1 defined in section 30-3402".  
 2 4. Amend the operative date and repealer sections so that the  
 3 sections added by this amendment become operative three calendar months  
 4 after adjournment of this legislative session.  
 5 5. Renumber the remaining sections accordingly.

#### UNANIMOUS CONSENT - Add Cointroducer(s)

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

Hansen - LB947

#### VISITOR(S)

Visitors to the Chamber were 25 students and teachers from the Career Academy of Lincoln; Clint Howard from Hollywood, CA; 40 seventh- and

eighth-grade students from Adams Central Jr. High School, Hastings; and 9 twelfth-grade students and teacher from Arcadia High School.

The Doctor of the Day was Dr. Kip Anderson from Columbus.

**ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Thursday, March 3, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SEVENTH DAY - MARCH 3, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 3, 2016

**PRAYER**

The prayer was offered by Pastor Steve Lund, Christ the Servant Lutheran Church, Norfolk.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Murante who was excused; and Senators Kolterman, Kuehn, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 746A.** Placed on Select File.

**LEGISLATIVE BILL 83.** Placed on Select File with amendment.

ER176

1 1. On page 1, strike beginning with "the" in line 1 through  
2 "provisions" in line 4 and insert "wages and sex discrimination; to amend  
3 section 48-1220, Reissue Revised Statutes of Nebraska; to redefine a  
4 term".

**LEGISLATIVE BILL 710.** Placed on Select File with amendment.

ER177

1 1. On page 1, line 3, after the semicolon insert "to provide  
2 severability;".

(Signed) Matt Hansen, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 2, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Lautenbaugh, Scott  
Nebraska Premium Tobacco  
Melotz, Shawn  
Papio Valley Preservation Association, Inc.  
Prenda, Amy  
Nebraska Cable Communications Association (Withdrawn 02/28/2016)

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**MOTION(S) - Confirmation Report(s)**

Senator Smith moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 767:

Board of Public Roads Classifications and Standards  
Roger Figard  
John F. Krager III  
David Wacker  
Timothy W. Weander

Voting in the affirmative, 38:

Baker	Crawford	Haar, K.	Kintner	Schnoor
Bloomfield	Davis	Hadley	Kolowski	Schumacher
Bolz	Ebke	Hansen	Krist	Seiler
Brasch	Fox	Harr, B.	Larson	Smith
Campbell	Friesen	Hilkemann	McCoy	Watermeier
Coash	Garrett	Howard	Pansing Brooks	Williams
Cook	Gloor	Hughes	Scheer	
Craighead	Groene	Johnson	Schilz	

Voting in the negative, 0.

Present and not voting, 7:

Chambers	McCollister	Morfeld	Stinner
Lindstrom	Mello	Riepe	

Excused and not voting, 4:

Kolterman	Kuehn	Murante	Sullivan
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The appointments were confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 790:

Commission for the Deaf and Hard of Hearing  
 Margaret Propp  
 Peter Seiler

Voting in the affirmative, 33:

Baker	Craighead	Hadley	Larson	Schumacher
Bloomfield	Crawford	Hansen	Lindstrom	Smith
Bolz	Davis	Harr, B.	McCoy	Sullivan
Brasch	Ebke	Howard	Pansing Brooks	Watermeier
Campbell	Fox	Johnson	Riepe	Williams
Coash	Gloor	Kolowski	Schilz	
Cook	Haar, K.	Krist	Schnoor	

Voting in the negative, 0.

Present and not voting, 13:

Chambers	Groene	Kintner	Morfeld	Stinner
Friesen	Hilkemann	McCollister	Scheer	
Garrett	Hughes	Mello	Seiler	

Excused and not voting, 3:

Kolterman	Kuehn	Murante
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The appointments were confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 790:

Foster Care Advisory Committee  
Kristin Huber

Voting in the affirmative, 36:

Baker	Crawford	Harr, B.	Larson	Smith
Bloomfield	Davis	Hilkemann	McCoy	Sullivan
Bolz	Ebke	Howard	Pansing Brooks	Watermeier
Brasch	Fox	Johnson	Riepe	Williams
Campbell	Garrett	Kintner	Schilz	
Coash	Gloor	Kolowski	Schnoor	
Cook	Haar, K.	Krist	Schumacher	
Craighead	Hadley	Kuehn	Seiler	

Voting in the negative, 0.

Present and not voting, 11:

Chambers	Hansen	McCollister	Scheer
Friesen	Hughes	Mello	Stinner
Groene	Lindstrom	Morfeld	

Excused and not voting, 2:

Kolterman      Murante

The appointment was confirmed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 676.** With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Supplement, 2015; to revise powers of state-chartered banks, building and loan associations, and credit unions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 45:



Baker	Crawford	Hansen	Kuehn	Scheer
Bloomfield	Davis	Harr, B.	Larson	Schilz
Bolz	Ebke	Hilkemann	Lindstrom	Schnoor
Brasch	Fox	Howard	McCollister	Schumacher
Campbell	Friesen	Hughes	McCoy	Seiler
Chambers	Garrett	Johnson	Mello	Smith
Coash	Gloor	Kintner	Morfeld	Sullivan
Cook	Haar, K.	Kolowski	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 2:

Groene           Stinner

Excused and not voting, 2:

Kolterman       Murante

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

#### **LEGISLATIVE BILL 700.**

A BILL FOR AN ACT relating to cities; to amend section 14-407, Reissue Revised Statutes of Nebraska, and section 19-4029.01, Revised Statutes Supplement, 2015; to require notice to neighborhood associations for actions relating to zoning and business improvement districts; and to repeal the original sections.

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

Voting in the affirmative, 45:

Baker	Davis	Hansen	Kuehn	Scheer
Bloomfield	Ebke	Harr, B.	Larson	Schilz
Bolz	Fox	Hilkemann	Lindstrom	Schnoor
Brasch	Friesen	Howard	McCollister	Seiler
Campbell	Garrett	Hughes	McCoy	Smith
Chambers	Gloor	Johnson	Mello	Stinner
Coash	Groene	Kintner	Morfeld	Sullivan
Cook	Haar, K.	Kolowski	Pansing Brooks	Watermeier
Crawford	Hadley	Krist	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 2:

Craighead Schumacher

Excused and not voting, 2:

Kolterman Murante

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

**LEGISLATIVE BILL 703.**

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-207 and 17-555, Revised Statutes Supplement, 2015; to change provisions relating to nuisances; and to repeal the original sections.

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

Voting in the affirmative, 45:

Baker	Crawford	Hadley	Krist	Scheer
Bloomfield	Davis	Hansen	Kuehn	Schilz
Bolz	Ebke	Harr, B.	Larson	Schnoor
Brasch	Fox	Hilkemann	Lindstrom	Schumacher
Campbell	Friesen	Howard	McCollister	Seiler
Chambers	Garrett	Hughes	McCoy	Smith
Coash	Gloor	Johnson	Mello	Stinner
Cook	Groene	Kintner	Pansing Brooks	Watermeier
Craighead	Haar, K.	Kolowski	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 2:

Morfeld Sullivan

Excused and not voting, 2:

Kolterman Murante

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

**LEGISLATIVE BILL 718.**

A BILL FOR AN ACT relating to veterans aid; to amend section 80-411, Reissue Revised Statutes of Nebraska; to change requirements for submitting an application for a waiver of college tuition and fees; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Hilkemann	McCollister	Seiler
Bolz	Fox	Howard	McCoy	Smith
Brasch	Friesen	Hughes	Mello	Stinner
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Pansing Brooks	Watermeier
Coash	Groene	Kolowski	Riepe	Williams
Cook	Haar, K.	Krist	Scheer	
Craighead	Hadley	Kuehn	Schilz	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Kolterman Murante

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

**LEGISLATIVE BILL 729.** With Emergency Clause.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2201 and 76-2221, Revised Statutes Supplement, 2015; to provide an exemption for persons retained by a county to assist in the assessment of real property for taxation purposes; to eliminate a moratorium on enforcement of the act by the Real Property Appraiser Board involving certain mass appraisals; to harmonize provisions; to repeal the original sections; to outright repeal section 76-2251, Revised Statutes Supplement, 2015; and to declare an emergency.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Murante

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

#### **LEGISLATIVE BILL 734.**

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-502, Reissue Revised Statutes of Nebraska; to change provisions relating to residency; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Murante

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

**LEGISLATIVE BILL 735.**

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,290, Revised Statutes Cumulative Supplement, 2014; to provide a length limit exception for an articulated bus vehicle operated by a transit authority as prescribed; and to repeal the original section.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Murante

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

**LEGISLATIVE BILL 753.**

A BILL FOR AN ACT relating to the Military Code; to amend section 55-161, Reissue Revised Statutes of Nebraska; to change provisions relating to absence from employment for military purposes; and to repeal the original section.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Murante

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB758 with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 758.**

A BILL FOR AN ACT relating to insurance; to amend section 21-104, Reissue Revised Statutes of Nebraska, and section 44-8216, Revised Statutes Cumulative Supplement, 2014; to prohibit limited liability companies from operating as insurers; to change provisions relating to special purpose financial captive insurers; and to repeal the original sections.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Murante

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB776 with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 776.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2704.24 and 77-2791, Reissue Revised Statutes of Nebraska, sections 77-2712.03, 77-2793, and 77-3508, Revised Statutes Cumulative Supplement, 2014, and section 77-2716, Revised Statutes Supplement, 2015; to change provisions relating to a sales tax exemption for food, the streamlined sales and use tax agreement, income tax adjustments, income tax overpayments, claims for credit or refund, and homestead exemptions; to provide operative dates; and to repeal the original sections.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Murante

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

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB778 with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 778.**

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-2701, 8-2734, 45-334, 45-335, 45-346, and 45-348, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Money Transmitters Act and the Nebraska Installment Sales Act; to eliminate obsolete provisions; to define a term; to change provisions relating to change in control; to harmonize provisions; to repeal the original sections; and to outright repeal section 8-2748, Revised Statutes Cumulative Supplement, 2014.

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

Voting in the affirmative, 48:



Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Murante

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 786.**

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-605, Revised Statutes Cumulative Supplement, 2014; to change requirements for completion of death certificates and cremation permits; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Sullivan

Excused and not voting, 1:

Murante

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB798 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 798.**

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-2,239, 81-2,240, 81-2,244.01, 81-2,245.01, 81-2,248, 81-2,251.01, 81-2,251.06, 81-2,257, 81-2,259, 81-2,272.01, 81-2,272.24, and 81-2,277, Reissue Revised Statutes of Nebraska; to redefine terms and eliminate definitions; to update references to federal law; to change provisions relating to potentially hazardous food; to provide compliance requirements for salvage operations; to repeal adoption of and eliminate references to the Food Salvage Code; to eliminate provisions relating to a reduced oxygen packaging method and the use of linens and cloth napkins; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-2,246.01, 81-2,247, 81-2,254.01, 81-2,258, 81-2,272.25, 81-2,272.27, and 81-2,272.34, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Murante

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 807.**

A BILL FOR AN ACT relating to county attorneys; to amend section 23-1201, Reissue Revised Statutes of Nebraska; to change a provision relating to quarterly reports of criminal cases by county attorneys; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Groene	Kolowski	Pansing Brooks	Watermeier
Coash	Haar, K.	Kolterman	Riepe	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Gloor

Excused and not voting, 1:

Murante

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

**LEGISLATIVE BILL 811.**

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-370, Reissue Revised Statutes of Nebraska; to change provisions relating to motor vehicle registration; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 47:

Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	
Davis	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Baker

Excused and not voting, 1:

Murante

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

**LEGISLATIVE BILL 840.**

A BILL FOR AN ACT relating to the Health Carrier External Review Act; to amend sections 44-1305 and 44-1307, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the time allowed for certain internal grievances; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Groene	Kolowski	Pansing Brooks	Watermeier
Coash	Haar, K.	Kolterman	Riepe	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Gloor

Excused and not voting, 1:

Murante

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

**LEGISLATIVE BILL 859.** With Emergency Clause.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-140 and 38-1,124, Reissue Revised Statutes of Nebraska; to change provisions relating to cease and desist orders; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Groene	Kolowski	Pansing Brooks	Watermeier
Coash	Haar, K.	Kolterman	Riepe	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Gloor

Excused and not voting, 1:

Murante

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

**LEGISLATIVE BILL 864.**

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-327, 16-902, and 17-1002, Reissue Revised Statutes of Nebraska; to change provisions relating to a city or village requesting additional extraterritorial zoning jurisdiction; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Murante

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

**LEGISLATIVE BILL 898.**

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend sections 38-1001, 38-1004, and 38-1075, Reissue Revised Statutes of Nebraska; to define a term; to exempt certain persons from credentialing requirements; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 42:

Bloomfield	Fox	Howard	McCollister	Seiler
Bolz	Friesen	Hughes	McCoy	Smith
Brasch	Garrett	Johnson	Mello	Stinner
Campbell	Gloor	Kintner	Morfeld	Sullivan
Chambers	Groene	Kolowski	Riepe	Watermeier
Coash	Haar, K.	Kolterman	Scheer	Williams
Cook	Hadley	Krist	Schilz	
Crawford	Hansen	Kuehn	Schnoor	
Davis	Hilkemann	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Baker	Ebke	Lindstrom
Craighead	Harr, B.	Pansing Brooks

Excused and not voting, 1:

Murante

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

**LEGISLATIVE BILL 921.**

A BILL FOR AN ACT relating to agriculture; to eliminate provisions relating to organic food; and to outright repeal sections 81-2,233, 81-2,234, and 81-2,235, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Murante

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

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB929 with 40 ayes, 1 nay, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 929.** With Emergency Clause.

A BILL FOR AN ACT relating to transportation; to amend sections 60-119.01, 60-628.01, and 75-392, Revised Statutes Cumulative Supplement, 2014, and sections 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 60-501, 75-363, 75-364, 75-366, and 75-393, Revised Statutes Supplement, 2015; to adopt and update references to certain federal provisions relating to low-speed vehicles, handicapped or disabled parking permits, the International Registration Plan, operators' licenses, persons handling source documents, hazardous materials, motor carrier regulations and their enforcement, and the unified carrier registration plan and agreement; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:



Baker	Davis	Harr, B.	Larson	Schumacher
Bloomfield	Ebke	Hilkemann	Lindstrom	Seiler
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	Mello	Stinner
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Pansing Brooks	Watermeier
Coash	Groene	Kolowski	Riepe	Williams
Cook	Haar, K.	Kolterman	Scheer	
Craighead	Hadley	Krist	Schilz	
Crawford	Hansen	Kuehn	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

McCoy            Murante

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1035.**

A BILL FOR AN ACT relating to the Secretary of State; to amend sections 52-1308, 52-1318, 52-1601, 52-1602, and 52-1603, Reissue Revised Statutes of Nebraska, and section 52-1312, Revised Statutes Supplement, 2015; to redefine farm product and to change provisions relating to the central filing system and the master lien list; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Ebke	Hilkemann	Lindstrom	Seiler
Bloomfield	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	Mello	Stinner
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Pansing Brooks	Watermeier
Coash	Groene	Kolowski	Riepe	Williams
Cook	Haar, K.	Kolterman	Scheer	
Craighead	Hadley	Krist	Schilz	
Crawford	Hansen	Kuehn	Schnoor	
Davis	Harr, B.	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Bolz

Excused and not voting, 2:

McCoy            Murante

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

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 676, 700, 703, 718, 729, 734, 735, 753, 758, 776, 778, 786, 798, 807, 811, 840, 859, 864, 898, 921, 929, and 1035.

**SENATOR SCHEER PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 857.** Title read. Considered.

Committee AM2240, found on page 708, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 886.** Placed on General File.

**LEGISLATIVE BILL 949.** Indefinitely postponed.

(Signed) Mike Gloor, Chairperson

Judiciary

**LEGISLATIVE BILL 757.** Placed on General File.

**LEGISLATIVE BILL 885.** Placed on General File.

**LEGISLATIVE BILL 1010.** Placed on General File.

**LEGISLATIVE BILL 1055.** Placed on General File with amendment.  
AM2257

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

2 sections:

3 Section 1. Section 29-1401, Revised Statutes Cumulative Supplement,

4 2014, is amended to read:

5 29-1401 (1) The district courts are hereby vested with power to call  
6 grand juries.

7 (2) A grand jury may be called and summoned in the manner provided  
8 by law on such day of a regular term of the district court in each year  
9 in each county of the state as the district court may direct and at such  
10 other times and upon such notice as the district court may deem  
11 necessary.

12 (3) District courts shall call a grand jury in each case that a  
13 petition meets the requirements of section 32-628, includes a recital as  
14 to the reason for requesting the convening of the grand jury and a  
15 specific reference to the statute or statutes which are alleged to have  
16 been violated, and is signed not more than ninety days prior to the date  
17 of filing under section 29-1401.02 by not less than ten percent of the  
18 registered voters of the county who cast votes for the office of Governor  
19 in such county at the most recent general election held for such office.

20 (4) District courts shall call a grand jury in each case upon  
21 certification by the county coroner or coroner's physician that a person  
22 has died while being apprehended by or while in the custody of a law  
23 enforcement officer or detention personnel. In each case subject to this  
24 subsection:

25 (a) Law enforcement personnel from the jurisdiction in which the  
26 death occurred shall immediately secure the scene, preserve all evidence,  
27 and investigate the matter as in any other homicide. The case shall be  
1 treated as an open, ongoing matter until all evidence, reports, and other  
2 relevant material which has been assembled are transferred to a  
3 prosecuting attorney selected pursuant to subdivision (b) of this  
4 subsection; and

5 (b) The county attorney or a member of his or her staff shall be the  
6 prosecuting attorney. Except as provided in subdivision (d) of this  
7 subsection, the prosecuting attorney shall, as soon as practicable,  
8 select a team of three peace officers trained to investigate homicides.  
9 At least two of such investigators shall be from agencies other than the  
10 agency under which the death occurred. The team shall examine all  
11 evidence concerning the cause of death and present the findings of its  
12 investigation to the prosecuting attorney.

13 (c) A grand jury shall be impaneled within thirty days after the  
14 certification by the county coroner or coroner's physician, unless the  
15 court extends such time period upon the showing of a compelling reason;  
16 and -

17 (d) In those cases in which the death has been certified by a  
18 licensed practicing physician to be from natural causes, the county  
19 attorney or a member of his or her staff may present such finding to a  
20 grand jury without selecting a three-member team of peace officers to  
21 investigate.

22 Sec. 2. Section 29-1404, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 29-1404 (1) Except as provided in subsection (2) of this section,  
25 when ~~When~~ the foreperson ~~foreman~~ shall be appointed, an oath or

26 affirmation shall be administered to him or her in the following words:  
27 Saving yourself and fellow jurors, you, as ~~foreperson foreman~~ of this  
28 grand inquest, shall diligently inquire and true presentment make, of all  
29 such matters and things as shall be given you in charge or otherwise come  
30 to your knowledge, touching the present service. The counsel of the  
31 state, your own and your fellows, you shall keep secret, unless called on  
1 in a court of justice to make disclosures. You shall present no person  
2 through malice, hatred, or ill will, nor shall you leave any person  
3 unrepresented through fear, favor, or affection, or for any reward or hope  
4 thereof; but in all your presentments you shall present the truth, the  
5 whole truth, and nothing but the truth, according to the best of your  
6 skill and understanding.

7 (2) For grand juries impaneled pursuant to subsection (4) of section  
8 29-1401, when the foreperson shall be appointed, an oath or affirmation  
9 shall be administered to him or her in the following words: Saving  
10 yourself and fellow jurors, you, as foreperson of this grand inquest,  
11 shall diligently inquire and true presentment make, of all such matters  
12 and things as shall be given you in charge or otherwise come to your  
13 knowledge, touching the present service. The counsel of the state, your  
14 own and your fellows, you shall keep secret during the course of the  
15 impaneled grand jury's investigation and deliberations, unless called on  
16 in a court of justice to make disclosures. You shall present no person  
17 through malice, hatred, or ill will, nor shall you leave any person  
18 unrepresented through fear, favor, or affection, or for any reward or hope  
19 thereof; but in all your presentments you shall present the truth, the  
20 whole truth, and nothing but the truth, according to the best of your  
21 skill and understanding.

22 Sec. 3. Section 29-1406, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 29-1406 (1) The grand jury, after being sworn, shall be charged as  
25 to their duty by the judge, who shall call their attention particularly  
26 to the obligation of secrecy which their oaths impose, and to such  
27 offenses as he or she is by law required to specially charge.

28 (2) Upon impanelment of each grand jury, the court shall give to  
29 such grand jury adequate and reasonable written notice of and shall  
30 assure that the grand jury reasonably understands the nature of:

31 (a) Its duty to inquire into offenses against the criminal laws of  
1 the State of Nebraska alleged to have been committed or, in the case of a  
2 grand jury impaneled pursuant to subsection (4) of section 29-1401, its  
3 duty to inquire into offenses against the criminal laws of the State of  
4 Nebraska regarding the death of a person who has died while being  
5 apprehended or while in the custody of a law enforcement officer or  
6 detention personnel;

7 (b) Its right to call and interrogate witnesses;

8 (c) Its right to request the production of documents or other  
9 evidence;

10 (d) The subject matter of the investigation and the criminal  
11 statutes or other statutes involved, if these are known at the time the  
12 grand jury is impaneled;

13 (e) The duty of the grand jury by an affirmative vote of twelve or  
14 more members of the grand jury to determine, based on the evidence  
15 presented before it, whether or not there is probable cause for finding  
16 indictments and to determine the violations to be included in any such  
17 indictments; ~~and~~

18 (f) The requirement that the grand jury may not return an indictment  
19 in cases of perjury unless at least two witnesses to the same fact  
20 present evidence establishing probable cause to return such an  
21 indictment; and -

22 (g) In the case of a grand jury impaneled pursuant to subsection (4)  
23 of section 29-1401, if the grand jury returns a no true bill:

24 (i) The grand jury shall create a grand jury report with the  
25 assistance of the prosecuting attorney. The grand jury report shall  
26 briefly provide an explanation of the grand jury's findings and any  
27 recommendations the grand jury determines to be appropriate based upon  
28 the grand jury's investigation and deliberations; and

29 (ii) The no true bill and the grand jury report shall be filed with  
30 the court, where they shall be available for public review, along with  
31 the grand jury transcript provided for in subdivision (2)(b) of section  
1 29-1407.01.

2 Sec. 4. Section 29-1407.01, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 29-1407.01 (1) A certified or authorized reporter shall be present  
5 at all grand jury sessions. All grand jury proceedings and testimony from  
6 commencement to adjournment shall be reported.

7 (2)(a) Except as provided in subdivision (2)(b) of this section, the  
8 reporter's notes and any transcripts which may be prepared shall be  
9 preserved, sealed, and filed with the court. No release or destruction of  
10 the notes or transcripts shall occur without prior court approval.

11 (b) In the case of a grand jury impaneled pursuant to subsection (4)  
12 of section 29-1401, a transcript, including any exhibits of the grand  
13 jury proceedings, shall be prepared at court expense and shall be filed  
14 with the court where it shall be available for public review. Such  
15 transcript shall not include the names of grand jurors or their  
16 deliberations.

17 (3 ~~2~~) Upon application by the prosecutor, or by any witness after  
18 notice to the prosecutor, the court, for good cause, may enter an order  
19 to furnish to that witness a transcript of his or her own grand jury  
20 testimony, or minutes, reports, or exhibits relating thereto.

21 (4 ~~3~~) Any witness summoned to testify before a grand jury, or an  
22 attorney for such witness with the witness's written approval, shall be  
23 entitled, prior to testifying, to examine and copy at the witness's  
24 expense any statement in the possession of the prosecuting attorney or  
25 the grand jury which such witness has made that relates to the subject  
26 matter under inquiry by the grand jury. If a witness is proceeding in  
27 forma pauperis, he or she shall be furnished, upon request, a copy of  
28 such transcript and shall not pay a fee.

29 Sec. 5. Section 29-1420, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 29-1420 (1) Except as provided in subdivision (2)(g) of section  
 1 29-1406, the The report of the grand jury shall not be made public except  
 2 when the report is filed, including indictments, or when required by  
 3 statute or except that all of the report or a portion thereof may be  
 4 released if the judge of the district court finds that such a release  
 5 will exonerate a person or persons who have requested such a release.  
 6 (2) A district judge under whose direction a grand jury has been  
 7 impaneled may, upon good cause shown, transfer to a court of competent  
 8 jurisdiction in another county or jurisdiction any evidence gathered by  
 9 the grand jury that offenses have been committed in such other county or  
 10 jurisdiction.  
 11 Sec. 6. Original sections 29-1404, 29-1406, 29-1407.01, and  
 12 29-1420, Reissue Revised Statutes of Nebraska, and section 29-1401,  
 13 Revised Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Les Seiler, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 459.** Introduced by Larson, 40.

WHEREAS, Drew Loberg of Randolph High School won the 2016 Class D State Wrestling Championship in the 152-pound division; and

WHEREAS, this was the first time Drew has won a state wrestling championship, having taken second place in the 2014 and 2015 championships; and

WHEREAS, Drew finished the season with an impressive record of 48-1; 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 Drew Loberg on his state wrestling championship.

2. That a copy of this resolution be sent to Drew Loberg and Randolph High School Head Wrestling Coach Mark Lech.

Laid over.

**LEGISLATIVE RESOLUTION 460.** Introduced by Larson, 40.

WHEREAS, Jason Hahlbeck of O'Neill High School won the 2016 Class C State Wrestling Championship in the 220-pound division; and

WHEREAS, this is the first time Jason has medaled at the state wrestling championship; and

WHEREAS, Jason finished his wrestling season with an impressive record of 38-4; and

WHEREAS, Jason was one of two wrestlers from the O'Neill High School wrestling team to win first place in the 2016 state championship; and

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

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

1. That the Legislature congratulates Jason Hahlbeck on his state wrestling championship.

2. That a copy of this resolution be sent to Jason Hahlbeck and O'Neill High School Head Wrestling Coach Bryan Corkle.

Laid over.

**LEGISLATIVE RESOLUTION 461.** Introduced by Larson, 40.

WHEREAS, Bailey Thompson of O'Neill High School won the 2016 Class C State Wrestling Championship in the 182-pound division; and

WHEREAS, this was the first time Bailey has won a state wrestling championship, having taken fourth place in the 2015 championship; and

WHEREAS, Bailey finished his wrestling season with an impressive record of 45-3; and

WHEREAS, Bailey was one of two wrestlers from the O'Neill High School wrestling team to win first place in the 2016 championship; and

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

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

1. That the Legislature congratulates Bailey Thompson on his state wrestling championship.

2. That a copy of this resolution be sent to Bailey Thompson and O'Neill High School Head Wrestling Coach Bryan Corkle.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Crawford filed the following amendment to LB704:  
AM2274 is available in the Bill Room.

Senator B. Harr filed the following amendment to LB830:  
AM2314

(Amendments to Standing Committee amendments, AM2082)

- 1 1. On page 16, line 10, after the period insert "In determining
- 2 whether a state employee's request to use vacation leave is reasonable,
- 3 the employing agency shall consider the amount of vacation leave
- 4 requested, the number of days remaining prior to forfeiture during which
- 5 the state employee may take vacation leave, the amount of notice given to

6 the employing agency prior to the requested vacation leave, any effects  
 7 on public safety, and other relevant factors.".

### GENERAL FILE

**LEGISLATIVE BILL 344.** Senator Schnoor offered the following motion:  
 MO195

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Schnoor withdrew his motion to indefinitely postpone.

Title read. Considered.

Committee AM2112, found on page 628, was offered.

Senator McCoy offered the following amendment to the committee amendment:

AM2403

(Amendments to Standing Committee amendments, AM2112)

1 1. On page 1, strike beginning with "two-thirds" in line 18 through  
 2 "district" in line 19 and insert "a majority of registered voters of the  
 3 district at an election in accordance with the Election Act called by the  
 4 board of directors and held in conjunction with a statewide primary or  
 5 general election".

Pending.

### COMMITTEE REPORT(S)

#### Appropriations

**LEGISLATIVE BILL 1093.** Placed on General File with amendment.

AM2391

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

2 sections:

3 Section 1. Section 81-1210.01, Reissue Revised Statutes of Nebraska,  
 4 is amended to read:

5 81-1210.01 For purposes of sections 81-1210.01 to 81-1210.03:

6 (1) Department means the Department of Economic Development;

7 (2) Internship means employment of a student in a professional or

8 technical position for a limited period of time, by a business in

9 Nebraska, in which the student (a) gains valuable work experience, (b)

10 increases knowledge that assists with career decisionmaking, and (c)

11 assists the business in accelerating short-term business objectives; and

12 (3) Student means any person who:

13 (a) Is enrolled full-time in a college, university, or other

14 institution of higher education ~~in Nebraska; or~~

15 ~~(b) Has residency in Nebraska and is enrolled full time in a~~

16 ~~college, university, or other institution of higher education in a state~~

17 ~~other than Nebraska; or~~



18 (b e) Applies for an internship within six months following  
19 graduation from (i) a college, university, or other institution of higher  
20 education in Nebraska or (ii) a college, university, or other institution  
21 of higher education in a state other than Nebraska if such person had  
22 residency in Nebraska during his or her enrollment in such college,  
23 university, or institution.

24 Sec. 2. Section 81-12,160, Revised Statutes Supplement, 2015, is  
25 amended to read:

26 81-12,160 (1) The department shall establish a financial assistance  
27 program to provide financial assistance to businesses operating in  
1 Nebraska that employ no more than five hundred employees or to  
2 individuals that have a prototype of a product or process for the  
3 purposes of commercializing such product or process. The applicant shall  
4 submit a feasibility study stating the potential sales and profit  
5 projections for the product or process.

6 (2) The department shall create a program with the following  
7 provisions to support commercialization of a product or process:

8 (a) Commercialization infrastructure documentation, including market  
9 assessments and start-up strategic planning;

10 (b) Promotion, marketing, advertising, and consulting;

11 (c) Management and business planning support;

12 (d) Linking companies and entrepreneurs to mentors;

13 (e) Preparing companies and entrepreneurs to acquire venture  
14 capital; and

15 (f) Linking companies to sources of capital.

16 (3) Funds shall be matched by nonstate funds equal to fifty percent  
17 of the funds requested. Matching funds may be from any nonstate source,  
18 including private foundations, federal or local government sources,  
19 quasi-governmental entities, or commercial lending institutions, or any  
20 other funds whose source does not include funds appropriated by the  
21 Legislature.

22 (4) The department shall not provide more than five hundred thousand  
23 dollars to any one project. Each year the department shall award at least  
24 two million dollars but not more than four million dollars under this  
25 section. The department may award up to four million dollars per year for  
26 financial assistance under this section.

27 (5) Financial assistance provided under this section shall be  
28 expended within twenty-four months after the date of the awarding  
29 decision.

30 (6) To carry out this section, the department shall contract with  
31 one statewide venture development organization that is incorporated in  
1 the State of Nebraska and exempt for federal tax purposes under section  
2 501(c)(3) of the Internal Revenue Code.

3 Sec. 3. Section 81-12,162, Revised Statutes Supplement, 2015, is  
4 amended to read:

5 81-12,162 (1) The department shall establish a small business  
6 investment program. The program:

7 (a) Shall provide grants to microloan delivery or microloan  
8 technical assistance organizations to:

- 9 (i) Better assure that Nebraska's microenterprises are able to  
10 realize their full potential to create jobs, enhance entrepreneurial  
11 skills and activity, and increase low-income households' capacity to  
12 become self-sufficient;
- 13 (ii) Provide funding to foster the creation of microenterprises;
- 14 (iii) Establish the department as the coordinating office for the  
15 facilitation of microlending and microenterprise development;
- 16 (iv) Facilitate the development of a permanent, statewide  
17 infrastructure of microlending support organizations to serve Nebraska's  
18 microenterprise and self-employment sectors;
- 19 (v) Enable the department to provide grants to community-based  
20 microenterprise development organizations in order to encourage the  
21 development and growth of microenterprises throughout Nebraska; and
- 22 (vi) Enable the department to engage in contractual relationships  
23 with statewide microlending support organizations which have the capacity  
24 to leverage additional nonstate funds for microenterprise lending.  
25 To the maximum extent possible, the selection process should assure  
26 that the distribution of such financial assistance provides equitable  
27 access to the benefits of the Business Innovation Act by all geographic  
28 areas of the state; and
- 29 (b) May identify and coordinate other state and federal sources of  
30 funds which may be available to the department to enhance the state's  
31 ability to facilitate financial assistance pursuant to the program.
- 1 (2) To establish the criteria for making an award to a microloan  
2 delivery or microloan technical assistance organization, the department  
3 shall consider:
- 4 (a) The plan for providing business development services and  
5 microloans to microenterprises;
- 6 (b) The scope of services to be provided by the microloan delivery  
7 or microloan technical assistance organization;
- 8 (c) The plan for coordinating the services and loans provided by the  
9 microloan delivery or microloan technical assistance organization with  
10 commercial lending institutions;
- 11 (d) The geographic representation of all regions of the state,  
12 including both urban and rural communities and neighborhoods;
- 13 (e) The ability of the microloan delivery or microloan technical  
14 assistance organization to provide for business development in areas of  
15 chronic economic distress and low-income regions of the state;
- 16 (f) The ability of the microloan delivery or microloan technical  
17 assistance organization to provide business training and technical  
18 assistance to microenterprise clients;
- 19 (g) The ability of the microloan delivery or microloan technical  
20 assistance organization to monitor and provide financial oversight of  
21 recipients of microloans; and
- 22 (h) Sources and sufficiency of operating funds for the  
23 microenterprise development organization.
- 24 (3) Awards made by the department to a microloan delivery or  
25 microloan technical assistance organization may be used to:
- 26 (a) Satisfy matching fund requirements for other federal or private

27 grants;

28 (b) Establish a revolving loan fund from which the microloan  
 29 delivery or microloan technical assistance organization may make loans to  
 30 microenterprises;

31 (c) Establish a guaranty fund from which the microloan delivery or  
 1 microloan technical assistance organization may guarantee loans made by  
 2 commercial lending institutions to microenterprises;

3 (d) Provide funding for the operating costs of a microloan delivery  
 4 or microloan technical assistance organization not to exceed twenty  
 5 percent; and

6 (e) Provide grants to establish loan-loss reserve funds to match  
 7 loan capital borrowed from other sources, including federal  
 8 microenterprise loan programs.

9 (4) Any award of financial assistance to a microloan delivery or  
 10 microloan technical assistance organization shall meet the following  
 11 qualifications:

12 (a) Funds shall be matched by nonstate funds equivalent in money or  
 13 in-kind contributions or a combination of both equal to thirty-five  
 14 percent of the grant funds requested. Such matching funds may be from any  
 15 nonstate source, including private foundations, federal or local  
 16 government sources, quasi-governmental entities, or commercial lending  
 17 institutions, or any other funds whose source does not include funds  
 18 appropriated by the Legislature;

19 (b) Microloan funds shall be disbursed in microloans which do not  
 20 exceed one hundred thousand dollars or used to capitalize loan-loss  
 21 reserve funds for such loans; and

22 (c) A minimum of fifty percent of the microloan funds shall be used  
 23 by a microenterprise development assistance ~~organization organizations~~  
 24 for small business technical assistance.

25 The department ~~shall may~~ contract with ~~a one or more~~ statewide  
 26 microenterprise development assistance ~~organization organizations~~ to  
 27 carry out this section.

28 (5) For fiscal year 2016-17, the department shall award at least one  
 29 million two hundred fifty thousand dollars but not more than two million  
 30 dollars under this section. For fiscal year 2017-18 and each fiscal year  
 31 thereafter, the department shall award at least one million five hundred  
 1 thousand dollars but not more than two million dollars under this section  
 2 ~~Each year the department shall award at least one million dollars but not~~  
 3 ~~more than two million dollars under this section.~~

4 Sec. 4. The Board of Regents of the University of Nebraska approved  
 5 the creation of the Nebraska Innovation Campus in 2009. The objective of  
 6 the Nebraska Innovation Campus is to leverage the research and talent of  
 7 the University of Nebraska to produce economic development for the State  
 8 of Nebraska. The Board of Regents subsequently created the Nebraska  
 9 Innovation Campus Development Corporation whose function is to provide  
 10 strategic direction and oversight over the development of the Nebraska  
 11 Innovation Campus.  
 12 The Legislature finds that innovation is increasingly important in  
 13 the creation of new companies and the success of established ones. The

14 Legislature acknowledges the importance of achieving the objective of the  
 15 Nebraska Innovation Campus which will require a long-term strategy and  
 16 may require continuing state support.  
 17 The Legislature determines that quantifiable measurements and  
 18 benchmarks are required to track and evaluate the performance of the  
 19 Nebraska Innovation Campus and its development corporation.  
 20 The following measurements regarding the Nebraska Innovation Campus  
 21 shall be reported to the Legislature by the Board of Regents, to the  
 22 extent the information is not confidential information of a private  
 23 sector company:  
 24 (1) The percentage of investments by the state and university  
 25 compared to private sector investments;  
 26 (2) The number of square feet of construction;  
 27 (3) The number of private sector companies located on Nebraska  
 28 Innovation Campus;  
 29 (4) The number of private sector jobs located on Nebraska Innovation  
 30 Campus;  
 31 (5) The amount of private sector research funding to the university  
 1 attributable to Nebraska Innovation Campus;  
 2 (6) The number of internships or other employment opportunities  
 3 provided by private sector companies at Nebraska Innovation Campus to  
 4 university students;  
 5 (7) The percentage of facilities leased by private sector companies;  
 6 (8) The number of new businesses started or supported at Nebraska  
 7 Innovation Campus;  
 8 (9) The number of conferences and participants at Nebraska  
 9 Innovation Campus; and  
 10 (10) The background and credentials of the appointments to the  
 11 Nebraska Innovation Campus Development Corporation Board of Directors.  
 12 The report shall be submitted electronically to the Clerk of the  
 13 Legislature by December 1 of each year.  
 14 Sec. 5. Original section 81-1210.01, Reissue Revised Statutes of  
 15 Nebraska, and sections 81-12,160 and 81-12,162, Revised Statutes  
 16 Supplement, 2015, are repealed.  
 17 Sec. 6. Since an emergency exists, this act takes effect when passed  
 18 and approved according to law.

(Signed) Heath Mello, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 938.** Placed on General File with amendment.  
AM2356

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Sections 1 to 30 of this act shall be known and may be  
 4 cited as the 911 Service System Act.  
 5 Sec. 2. The purpose of the 911 Service System Act is to establish  
 6 the Public Service Commission as the statewide implementation and

7 coordinating authority to plan, implement, coordinate, manage, maintain,  
8 and provide funding assistance for a 911 service system consistent and  
9 compatible with national public safety standards advanced by recognized  
10 standards and development organizations.

11 Sec. 3. It is the intent of the Legislature that:

12 (1) The commission plan, implement, coordinate, manage, maintain,  
13 and provide funding assistance for a cost-efficient 911 service system;

14 (2) The commission provide for the coordination of 911 service on a  
15 statewide basis;

16 (3) Local governing bodies be responsible for the dispatch and  
17 provision of emergency services;

18 (4) As part of the coordination of statewide 911 service, the  
19 commission secure stakeholder support and provide public education,  
20 training, standards enforcement, dispute resolution, and program  
21 evaluation for public safety answering points;

22 (5) The jurisdictions of the state, regional, and local governing  
23 bodies be clearly defined and aligned to produce the most efficient  
24 provision of 911 service, including next-generation 911 service  
25 capability;

26 (6) The commission adopt statewide uniform standards for technical  
27 support, training efficiency, and quality assurance for public safety  
1 answering points;

2 (7) The express authority granted to the commission to implement the  
3 911 Service System Act not be deemed to supersede or otherwise modify  
4 section 86-124 or to provide the commission with any additional authority  
5 not provided by law existing on the effective date of this act,  
6 including, but not limited to, regulatory authority over originating  
7 service providers; and

8 (8) Except as specifically provided in the 911 Service System Act,  
9 nothing in the 911 Service System Act be deemed to supersede or modify  
10 any commission authority provided by law or any commission order, rule,  
11 or regulation existing on the effective date of this act.

12 Sec. 4. For purposes of the 911 Service System Act, the definitions  
13 found in sections 5 to 24 of this act apply.

14 Sec. 5. Basic 911 service means an emergency telephone system which  
15 automatically connects a 911 call to a designated public safety answering  
16 point.

17 Sec. 6. Commission means the Public Service Commission.

18 Sec. 7. Emergency services means the provision through a public  
19 safety agency of firefighting, law enforcement, ambulance, emergency,  
20 medical, or other public emergency services, as determined by a local  
21 governing body, to respond to and manage emergency incidents.

22 Sec. 8. Enhanced-911 service has the same meaning as in section  
23 86-425.

24 Sec. 9. Enhanced wireless 911 service has the same meaning as in  
25 section 86-448.

26 Sec. 10. Interconnected voice over Internet protocol service means  
27 an interconnected voice over Internet protocol service as defined in 47  
28 C.F.R. part 9, as such regulations existed on January 1, 2016.

- 29 Sec. 11. Internet protocol means the method by which data is sent  
30 from one computer to another on the Internet or other networks.
- 31 Sec. 12. Internet protocol-enabled service means any service,  
1 capability, functionality, or application provided using Internet  
2 protocol, or any successor protocol, that enables a service user to send  
3 or receive a communication in Internet protocol format including, but not  
4 limited to, voice, data, or video.
- 5 Sec. 13. Local governing body means a county board, city council of  
6 a city, board of trustees of a village, board of directors of any rural  
7 or suburban fire protection district, or any governing body of an entity  
8 created pursuant to the Interlocal Cooperation Act or the Joint Public  
9 Agency Act.
- 10 Sec. 14. Network means (1) a legacy telecommunications network that  
11 supports basic 911 service and enhanced-911 service or (2) a managed  
12 Internet protocol network that is used for 911 calls, that can be shared  
13 by all public safety answering points, and that provides the Internet  
14 protocol transport infrastructure upon which independent application  
15 platforms and core functional processes can be deployed, including, but  
16 not limited to, those necessary for providing next-generation 911 service  
17 capability. A network may be constructed from a mix of dedicated and  
18 shared facilities and may be interconnected at local, regional, state,  
19 national, and international levels.
- 20 Sec. 15. Next-generation 911 means an Internet protocol-based  
21 system (1) comprised of networks, functional elements, and data bases  
22 that replicate basic 911 service and enhanced-911 service features and  
23 functions and provide additional capabilities and (2) designed to provide  
24 access to emergency services from all connected communications sources  
25 and to provide multimedia data capabilities for public safety answering  
26 points and other emergency services organizations.
- 27 Sec. 16. Next-generation 911 service means 911 service using in  
28 whole or in part next-generation 911.
- 29 Sec. 17. 911 call means any form of communication requesting any  
30 type of emergency services by contacting a public safety answering point,  
31 including voice or nonvoice communications as well as transmission of any  
1 analog or digital data. 911 call includes a voice call, video call, text  
2 message, or data-only call.
- 3 Sec. 18. 911 service means the service a public safety answering  
4 point uses to receive and process 911 calls over a 911 service system.
- 5 Sec. 19. 911 service system means a coordinated system of  
6 technologies, software applications, data bases, customer-premise  
7 equipment components, and operations and management procedures used to  
8 provide 911 service through the operation of an efficient and effective  
9 network for accepting, processing, and delivering 911 calls to a public  
10 safety answering point, including, but not limited to, basic 911 service,  
11 enhanced-911 service, enhanced wireless 911 service, next-generation 911  
12 service, and any emerging technologies, networks, and systems that allow  
13 access to 911 service.
- 14 Sec. 20. Originating service provider means an entity that provides  
15 the capability for customers to originate 911 calls to public safety

16 answering points.  
17 Sec. 21. Public safety agency means an agency which provides  
18 emergency services.  
19 Sec. 22. Public safety answering point means a local governmental  
20 entity responsible for receiving 911 calls and processing those calls  
21 according to a specific operational policy.  
22 Sec. 23. Service user means any person who initiates a 911 call to  
23 receive emergency services.  
24 Sec. 24. Stakeholder means a public safety answering point, a  
25 public safety agency, and any person, organization, agency of government,  
26 originating service provider, or other organization that has a vital  
27 interest in the 911 service system.  
28 Sec. 25. The commission shall:  
29 (1) Serve as the statewide coordinating authority for the  
30 implementation of the 911 service system;  
31 (2) Be responsible for statewide planning, implementation,  
1 coordination, funding assistance, deployment, and management and  
2 maintenance of the 911 service system to ensure that coordinated 911  
3 service is provided to all residents of the state at a consistent level  
4 of service in a cost-effective manner;  
5 (3) Be responsible for establishing mandatory and uniform technical  
6 and training standards applicable to public safety answering points and  
7 adopting and promulgating rules and regulations applicable to public  
8 safety answering points for quality assurance standards; and  
9 (4) Be responsible for consulting with and seeking advice and  
10 assistance from stakeholders, including:  
11 (a) Public safety answering points;  
12 (b) Public safety agencies;  
13 (c) Originating service providers, including at least one  
14 representative from each of the following: A wireline local exchange  
15 service provider, a wireless provider, and an interconnected voice over  
16 Internet protocol service provider;  
17 (d) Municipal and county officials; and  
18 (e) The Chief Information Officer.  
19 Sec. 26. The commission shall appoint a state 911 director to  
20 manage the department established within the commission for the 911  
21 service system. The commission shall ensure that the department has all  
22 necessary staffing and resources. The commission may retain contracted  
23 experts or consultants who may be required for the administration of the  
24 911 Service System Act. The commission and the state 911 director shall  
25 establish an advisory committee to provide input on technical training,  
26 quality assurance, funding, and operation and maintenance of the 911  
27 service system. Advisory committee members shall be approved by the  
28 commission.  
29 Sec. 27. (1) The commission and the state 911 director shall  
30 develop and prepare a plan for a 911 service system, to be approved by  
31 the commission, and to be implemented by the commission and the state 911  
1 director on or after July 1, 2018. The commission shall hold at least two  
2 public hearings on the plan: One hearing at least ninety days prior to

3 the adoption of the plan; and one hearing at least thirty days prior to  
4 the adoption of the plan. The commission shall present the adopted plan  
5 to the Appropriations Committee of the Legislature and the Transportation  
6 and Telecommunications Committee of the Legislature no later than  
7 December 1, 2017. The state 911 director, with the approval of the  
8 commission, shall prepare and provide a report to the Appropriations  
9 Committee and the Transportation and Telecommunications Committee on the  
10 progress of the development of the plan no later than February 1, 2017.  
11 The report shall be submitted electronically.  
12 (2) The plan adopted by the commission shall, at a minimum, detail  
13 the following:  
14 (a) The costs associated with the implementation and estimated  
15 ongoing operation and maintenance of the 911 service system. The  
16 discussion of costs shall detail which costs the commission determines  
17 should be paid from the Enhanced Wireless 911 Fund and the 911 Service  
18 System Fund, which costs would be the obligation of local governing  
19 bodies, and how the proposed costs represent a cost-effective plan;  
20 (b) Recommendations to the Legislature for cost recovery for the  
21 implementation, operation, and maintenance of the 911 service system;  
22 (c) The commission's proposal for carrying out its role as  
23 coordinator of the 911 service system;  
24 (d) A recommendation of the number of public safety answering points  
25 that should be maintained in the state that are capable of next-  
26 generation 911 service; and  
27 (e) Recommendations for any additional legislation required to  
28 implement the 911 service system.  
29 Sec. 28. The 911 Service System Fund is created. The fund shall  
30 consist of money transferred from the Enhanced Wireless 911 Fund, any  
31 federal funds received for implementation and development of 911 service,  
1 and any other money designated for credit to the 911 Service System Fund.  
2 The fund shall be used for the costs of administering the fund and for  
3 the purposes specified in the 911 Service System Act. The fund shall not  
4 be subject to any fiscal-year limitation or lapse provision of unexpended  
5 balance at the end of any fiscal year or biennium. Any money in the fund  
6 available for investment shall be invested by the state investment  
7 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
8 State Funds Investment Act.  
9 Sec. 29. The express authority granted to the commission to  
10 implement the 911 Service System Act shall not be deemed to supersede or  
11 otherwise modify section 86-124 or to provide the commission with any  
12 additional authority not provided by law existing on the effective date  
13 of this act, including, but not limited to, regulatory authority over  
14 originating service providers.  
15 Sec. 30. The 911 Service System Act terminates on June 30, 2018.  
16 Sec. 31. Section 86-163, Reissue Revised Statutes of Nebraska, is  
17 amended to read:  
18 86-163 The commission shall file with the Clerk of the Legislature  
19 an annual report on or before September 30 of each year on the status of  
20 the Nebraska telecommunications industry. The report shall be submitted



21 in electronic format. The report shall:

22 (1) Describe the quality of telecommunications service being  
23 provided to the citizens of Nebraska;

24 (2) Describe the availability of diverse and affordable  
25 telecommunications service to all of the people of Nebraska;

26 (3) Describe the level of telecommunications service rates;

27 (4) Describe the use and continued need for the Nebraska

28 Telecommunications Universal Service Fund;

29 (5) Describe the availability and location of 911 service and E-911  
30 service as required by section 86-437;

31 (6) Describe the availability and location of wireless 911 service  
1 or enhanced wireless 911 service as required by section 86-460;

2 (7) Address the need for further legislation to achieve the purposes  
3 of the Nebraska Telecommunications Regulation Act; ~~and~~

4 (8) Address the funding level of the Nebraska Competitive Telephone  
5 Marketplace Fund and an accounting of commission expenses related to its

6 duties under section 86-127; and -

7 (9) Assess, based on information provided by public safety answering  
8 points, the level of wireless E-911 location accuracy compliance for  
9 wireless carriers.

10 Sec. 32. Section 86-458, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 86-458 The commission shall hold a public hearing annually to  
13 determine the amount of revenue necessary to carry out the Enhanced  
14 Wireless 911 Services Act and the 911 Service System Act. After the  
15 hearing, the commission shall determine the amount of money to be  
16 deposited in the Enhanced Wireless 911 Fund for the following year and  
17 shall set the surcharge subject to the limitation in section 86-457.

18 Sec. 33. Section 86-463, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 86-463 The Enhanced Wireless 911 Fund is created. The fund shall  
21 consist of the surcharges credited to the fund, any money appropriated by  
22 the Legislature, any federal funds received for wireless emergency  
23 communication except as otherwise provided in section 28 of this act, and  
24 any other funds designated for credit to the fund. Money in the fund  
25 shall be used for the costs of administering the fund and the purposes  
26 specified in section 86-465 unless otherwise directed by federal law with  
27 respect to any federal funds. Money shall be transferred from the fund to  
28 the 911 Service System Fund at the direction of the Legislature. The  
29 costs of administering the Enhanced Wireless 911 Fund fund shall be kept  
30 to a minimum. The money in the Enhanced Wireless 911 Fund fund shall not  
31 be subject to any fiscal-year limitation or lapse provision of unexpended  
1 balance at the end of any fiscal year or biennium. ~~Interest accruing to~~  
2 ~~the fund from invested fund balances may be transferred to the General~~  
3 ~~Fund at the direction of the Legislature through June 30, 2010.~~ Any money  
4 in the Enhanced Wireless 911 Fund available for investment shall be  
5 invested by the state investment officer pursuant to the Nebraska Capital  
6 Expansion Act and the Nebraska State Funds Investment Act.

7 Sec. 34. Original sections 86-163, 86-458, and 86-463, Reissue

8 Revised Statutes of Nebraska, are repealed.

9 Sec. 35. Since an emergency exists, this act takes effect when  
10 passed and approved according to law.

(Signed) Jim Smith, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 462.** Introduced by Hadley, 37.

WHEREAS, Canada and the United States share a rich and vibrant history, founded on the values of freedom, the rule of law, and democracy, as well as a commitment to security and defense partnerships both in North America and abroad; and

WHEREAS, Canada and the State of Nebraska enjoy robust and flourishing ties based upon culture, sport, education, agriculture, innovation, and a mutual appreciation for the beauty and bounty of our prairies and plains; and

WHEREAS, both Canada, celebrating 150 years of Confederation, and the State of Nebraska, celebrating 150 years of Statehood, will observe historic milestones in the year 2017; and

WHEREAS, Canada is the largest customer of the United States, with a combined \$760 billion in goods and services traded between the two nations, and there are nearly nine million jobs in the United States that depend on trade and investment with our nation's northern neighbor; and

WHEREAS, Canada is the leading export market for the State of Nebraska, with a combined \$2.4 billion in merchandise trade between Nebraska and Canada, which is part of the broader trade and investment relationship with Canada that supports 57,400 Nebraska jobs; and

WHEREAS, the people of the State of Nebraska and Canada are closely connected through family ties, travel, and tourism, with Canadians spending \$21 million during 85,600 visits to Nebraska in 2013.

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

1. That the Legislature acknowledges the long and rich history of friendship and commerce between the State of Nebraska and the neighboring nation of Canada by proclaiming March 15, 2016, Canada Day at the Nebraska State Capitol.

2. That a copy of this resolution be sent to the Consul General of Canada in Minneapolis, Minnesota, the Ambassador of Canada to the United States of America, and the Secretary of the State of Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 463.** Introduced by Campbell, 25.

PURPOSE: The purpose of this interim study is to examine ways to improve the coverage of hearing aid costs for Nebraska families. The study

committee shall coordinate with the Commission for the Deaf and Hard of Hearing and work with interested stakeholders to identify the areas of concern, conduct necessary research, and explore various ways to address the needs identified. The issues addressed by this interim study shall include, but not be limited to:

- (1) How other states cover hearing aid costs;
- (2) Whether hearing aid coverage should be included as an essential health benefit under the federal Patient Protection and Affordable Care Act;
- (3) An examination of health insurance coverage options for persons requiring hearing aids; and
- (4) Recommendations on how to improve the services being provided by the hearing aid banks.

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

1. That the Health and Human Services 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 464.** Introduced by Groene, 42; Bloomfield, 17; Brasch, 16; Craighead, 6; Davis, 43; Ebke, 32; Fox, 7; Friesen, 34; Harr, B., 8; Hughes, 44; Johnson, 23; Kintner, 2; Krist, 10; Kuehn, 38; Lindstrom, 18; McCollister, 20; Murante, 49; Scheer, 19; Schnoor, 15; Schumacher, 22; Sullivan, 41; Watermeier, 1.

PURPOSE: The purpose of this interim study is to examine the effects of the use of tax-increment financing (TIF) by municipalities pursuant to Article VIII, section 12, of the Constitution of Nebraska and section 18-2147 of the Revised Statutes of Nebraska. The issues addressed by this interim study shall include, but not be limited to:

- (1) An examination of how the use of TIF affects the property tax base of local taxing entities;
- (2) An examination of how the use of TIF affects state spending under the Tax Equity and Educational Opportunities Support Act;
- (3) An examination of whether TIF has been used under the Community Development Law more broadly or extensively than the Legislature intended; and
- (4) Recommendations as to whether there should be state oversight or a state approval process for municipalities' TIF projects.

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

1. That the Revenue 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 Campbell filed the following amendment to LB746:  
AM2381 is available in the Bill Room.

Senator Kolterman filed the following amendment to LB447:  
AM2344

(Amendments to E&R amendments, ER174)

- 1 1. Strike original section 46 and insert the following new section:
- 2 Sec. 48. The Class V Retirement System Payment Processing Fund is
- 3 created for the purpose of transferring funds as specified in section
- 4 79-986 and for paying expenses associated with the transfer of such
- 5 funds. The fund shall consist of the amounts transferred from the
- 6 custodial bank that holds the assets of a retirement system provided for
- 7 under the Class V School Employees Retirement Act to make payments for
- 8 purposes specified in the Class V School Employees Retirement Act and to
- 9 pay administrative expenses incurred under this section by the Public
- 10 Employees Retirement Board. The fund shall reside with the Nebraska
- 11 Public Employees Retirement Systems for the sole purpose of conducting
- 12 the transactions necessary to implement this section. Any money in the
- 13 fund available for investment shall be invested by the state investment
- 14 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 15 State Funds Investment Act.
- 16 The Nebraska Public Employees Retirement Systems, Public Employees
- 17 Retirement Board, State Treasurer, Nebraska Investment Council, and
- 18 employees of each of such agencies shall not have responsibility to
- 19 review or verify the accuracy of the requests for transfer of funds for
- 20 payments and shall not be liable for any claims, suits, losses, damages,
- 21 fees, and costs related to the payment of such benefits, refunds, and
- 22 expenses.
- 23 2. On page 1, line 7, after "on" insert "or after"; and strike lines
- 24 11 through 18 and insert the following new subsection:
- 25 (2) Each political subdivision which offers such a defined benefit
- 26 plan shall conduct an experience study at least once every four years to
- 1 review the actuarial assumptions used to determine funding needs for its
- 2 defined benefit plan. Each such political subdivision shall
- 3 electronically file a copy of the most recent actuarial experience study
- 4 with the committee by October 15, 2016, and shall electronically file a
- 5 copy of each study completed pursuant to this subsection by the next
- 6 October 15 after completion of the study.
- 7 3. On page 13, strike beginning with the second comma in line 28
- 8 through "2016" in line 29.
- 9 4. On page 14, line 18, strike "and".

- 10 5. On page 19, line 11, strike beginning with "employed" through  
 11 "system" and insert "for a retirement system provided for under the Class  
 12 V School Employees Retirement Act"; in lines 18 and 19, 23, and 30 and  
 13 31, strike beginning with "Class" through "system" and insert "retirement  
 14 system provided for under the Class V School Employees Retirement Act";  
 15 and strike beginning with "the" in line 24 through "retirement" in line  
 16 25 and insert "such".
- 17 6. On page 25, line 17, strike "34, and" and insert "and 34"; and in  
 18 line 18 strike "46".
- 19 7. On page 40, line 19, strike "and" and show as stricken; and in  
 20 line 20 after the second comma insert "and".
- 21 8. On page 55, line 28, after "between" insert "the date the annuity  
 22 begins and"; and in line 29 strike beginning with "sixtieth" through  
 23 "her".
- 24 9. On page 58, lines 15 and 27; page 59, lines 8 and 20; and page  
 25 60, line 2, strike "adjustment", show as stricken, and insert  
 26 "adjustments".
- 27 10. On page 61, line 19, strike "board's", show as stricken, and  
 28 insert "board of trustees".
- 29 11. On page 88, line 11, strike the first "a" and insert "an  
 30 electronic"; in line 25 after "the" insert "retirement system provided  
 31 for under the"; and in line 26 strike the first "System" and insert  
 1 "Act".
- 2 12. Renumber sections 47 and 48 as sections 46 and 47, respectively.

Senator Krist filed the following amendment to LB830:  
 AM2290

(Amendments to Standing Committee amendments, AM2082)

- 1 1. On page 16, line 10, after the period insert "This subsection  
 2 shall not apply to state employees who are exempt from the State  
 3 Personnel System pursuant to subdivisions (1)(a) through (s) of section  
 4 81-1316".

### PRESENTED TO THE GOVERNOR

Presented to the Governor on March 3, 2016, at 11:07 a.m. were the following: LBs 676e, 700, 703, 718, 729e, 734, 735, 753, 758, 776, 778, 786, 798, 807, 811, 840, 859e, 864, 898, 921, 929e, and 1035.

(Signed) Jamie Leishman  
 Clerk of the Legislature's Office

**COMMITTEE REPORT(S)**

## Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Pete Goldschmidt - Technical Advisory Committee for Statewide Assessment

Aye: 7 Baker, Groene, Kolowski, Krist, Pansing Brooks, Schnoor, Sullivan.  
Nay: 0. Absent: 1 Morfeld. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Randy Schmailzl - Nebraska Educational Telecommunications Commission

Aye: 7 Baker, Groene, Kolowski, Krist, Pansing Brooks, Schnoor, Sullivan.  
Nay: 0. Absent: 1 Morfeld. Present and not voting: 0.

(Signed) Kate Sullivan, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Mello - LB83

Bloomfield, Ebke, Fox, Groene, Hilkemann, Schilz - LB768  
Baker, Coash, Kintner, Kolterman, Lindstrom, Scheer - LB768  
Friesen, Hughes, Johnson, Kuehn, Murante, Williams - LB768

**VISITOR(S)**

Visitors to the Chamber were 23 students and teachers from the Career Academy of Lincoln; 12 students from home schools across the state; Nate Lore from Lincoln; members of the Nebraska Academy of Nutrition and Dietetics; 21 fourth-grade students and teachers from Immanuel Lutheran, Columbus; Mariclaire, Merrilee, and Kristin Prill from Kearney; and 20 fourth-grade students and teacher from St. John's School, Seward.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Schumacher, the Legislature adjourned until 10:00 a.m., Monday, March 7, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-EIGHTH DAY - MARCH 7, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 7, 2016

**PRAYER**

The prayer was offered by Reverend Michael Davis, Elgin United Methodist Church, Elgin.

**ROLL CALL**

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

The roll was called and all members were present except Senators Kuehn and Schilz who were excused; and Senators Bolz, Larson, McCollister, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-seventh day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 722.** Placed on Select File.

**LEGISLATIVE BILL 857.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

March 4, 2016

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 19, 53, 221, 295, 311e, 328, and 378 were received in my office on February 29, 2016.

These bills were signed on March 3, 2016, and delivered to the Secretary of State on March 4, 2016.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 449 and 450 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 449 and 450.

**SELECT FILE**

**LEGISLATIVE BILL 683.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 746.** ER169, found on page 703, was adopted.

Senator Campbell offered her amendment, AM2381, found on page 844.

The Campbell amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 746A.** Senator Campbell offered the following amendment:

AM2424

1 1. Insert the following new section:

2 Sec. 2. There is hereby appropriated (1) \$130,000 from the Health

3 Care Cash Fund for FY2016-17 and (2) \$190,000 from the General Fund for



4 FY2017-18 to the Foster Care Review Office, for Program 353, to aid in  
5 carrying out the provisions of Legislative Bill 746, One Hundred Fourth  
6 Legislature, Second Session, 2016.  
7 Total expenditures for permanent and temporary salaries and per  
8 diems from funds appropriated in this section shall not exceed \$98,903  
9 for FY2016-17 or \$98,903 for FY2017-18.

10 2. Renumber the remaining section accordingly.

The Campbell amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 772.** Senator Lindstrom offered his amendment, AM2196, found on page 697.

The Lindstrom amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1059.** ER170, found on page 722, was adopted.

Senator Crawford offered her amendment, AM2323, found on page 756.

The Crawford amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 730.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 830.** ER171, found on page 723, was adopted.

Senator B. Harr offered his amendment, AM2314, found on page 831.

The B. Harr amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Krist offered his amendment, AM2290, found on page 845.

Senator Krist offered the following amendment to his amendment:

FA91

Amend AM2290

In line 3 strike "(a) through (s)" and insert (G) and (H).

The Krist amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

The Krist amendment, AM2290, as amended, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 704.** Senator Crawford offered her amendment, AM2274, found on page 831.

The Crawford amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 698.** ER172, found on page 735, was adopted.

Senator Fox offered her amendment, AM2359, found on page 798.

The Fox amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 447.** ER174, found on page 743, was adopted.

Senator Kolterman offered his amendment, AM2344, found on page 844.

The Kolterman amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 447A.** Advanced to Enrollment and Review for Engrossment.

#### GENERAL FILE

**LEGISLATIVE BILL 344.** Senator McCoy renewed his amendment, AM2403, found on page 832, to the committee amendment.

Pending.

#### COMMITTEE REPORT(S)

Business and Labor

**LEGISLATIVE BILL 841.** Placed on General File.

**LEGISLATIVE BILL 828.** Placed on General File with amendment. AM2390 is available in the Bill Room.

**LEGISLATIVE BILL 1029.** Placed on General File with amendment.

AM2228

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

2 sections:

3 Section 1. Sections 1 to 7 of this act shall be known and may be

4 cited as the Sector Partnership Program Act.

5 Sec. 2. (1) The Legislature finds and declares that sector

6 partnerships are a proven strategy for engaging employers in key

7 industries, helping workers train for and access good jobs, and

8 coordinating education, training, and workforce development activities in

9 response to industry needs.

10 (2) It is the intent of the Legislature and the purpose of the

11 Sector Partnership Program Act to support local sector partnerships that

12 will close skill gaps in high-demand sectors of business and industry. By

13 conducting labor availability and skills gap studies, the Sector

14 Partnership Program will connect education and training providers with

15 employers and will ensure that the state's workforce and economic

16 development activities align with the needs of employers in the state's

17 key industries.

18 Sec. 3. For purposes of the Sector Partnership Program Act:

19 (1) Department means the Department of Labor;

20 (2) Local area means a workforce development area authorized by the

21 federal Workforce Innovation and Opportunity Act and established in

22 Nebraska;

23 (3) Local sector partnership or partnership means a workforce

24 collaborative that organizes key stakeholders in a particular sector of

25 business or industry in a local area into a working group that focuses on

26 the shared goals and human resources needs of such sector;

27 (4) Local workforce development board means a local workforce

1 development board authorized by the federal Workforce Innovation and

2 Opportunity Act and established in Nebraska; and

3 (5) Nebraska Workforce Development Board means the state workforce

4 development board authorized by the federal Workforce Investment and

5 Opportunity Act and established in Nebraska.

6 Sec. 4. (1) The Sector Partnership Program is created. The program

7 shall be administered by the Department of Labor in conjunction with the

8 Department of Economic Development. In establishing and administering the

9 program, the Department of Labor shall consult with the Nebraska

10 Workforce Development Board, the Department of Economic Development, and

11 the State Department of Education.

12 (2) The Department of Labor, in conjunction with the Department of

13 Economic Development shall:

14 (a) Establish a study process to conduct labor availability and

15 skills gap studies;

16 (b) Determine the laborshed areas of the state; and

17 (c) Complete labor availability and skills gap studies for all

18 laborshed areas of the state on a rotating basis as determined by the

19 Department of Labor.

20 (3) The Department of Labor and the Department of Economic

21 Development may contract with other entities to conduct additional labor  
22 availability, skills gap, and sector partnership studies.

23 (4) The Department of Labor, in conjunction with the Department of  
24 Economic Development shall provide technical assistance to local sector  
25 partnerships and persons interested in forming partnerships. Technical  
26 assistance may include providing: (a) Direction and counseling on forming  
27 and sustaining partnerships; (b) professional development and capacity  
28 building through academies, toolkits, and peer sharing networks; (c)  
29 customized labor market and economic analysis; and (d) information on  
30 career pathways, worker training resources, skill standards, and  
31 industry-based certifications.

1 (5) Except to the extent otherwise provided in state or federal law,  
2 all completed labor availability and skills gap studies shall be public  
3 information.

4 Sec. 5. (1) The Sector Partnership Program Fund is created. The  
5 fund shall be administered by the Department of Labor. The fund shall be  
6 used to pursue sector partnership activities, including, but not limited  
7 to, labor availability and skills gap studies by the Department of Labor  
8 and the Department of Economic Development pursuant to the Sector  
9 Partnership Program Act. The fund may also be used for administrative  
10 costs of the Department of Labor and the Department of Economic  
11 Development associated with sector partnership activities.

12 (2) The fund shall consist of such money as is: (a) Transferred to  
13 the fund from the Job Training Cash Fund and the Nebraska Training and  
14 Support Cash Fund; (b) otherwise appropriated to the fund by the  
15 Legislature; (c) donated as gifts, bequests, or other contributions to  
16 the fund from public or private entities; and (d) made available by any  
17 department or agency of the United States if so directed by such  
18 department or agency. Any money in the fund available for investment  
19 shall be invested by the state investment officer pursuant to the  
20 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
21 Act.

22 Sec. 6. On or before July 31 of each year, the department shall  
23 provide an annual report to the Governor and the Business and Labor  
24 Committee of the Legislature. The report submitted to the Legislature  
25 shall be submitted electronically. The report shall detail the process  
26 and results of the labor availability and skills gap studies.

27 Sec. 7. The department may adopt and promulgate rules and  
28 regulations to carry out the Sector Partnership Program Act.

29 Sec. 8. Section 48-622.02, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31 48-622.02 (1) Until July 1, 2015:

1 (a) There is in the state treasury a special fund to be known as the  
2 Nebraska Training and Support Trust Fund. Any money in the fund available  
3 for investment shall be invested by the state investment officer pursuant  
4 to the Nebraska Capital Expansion Act and the Nebraska State Funds  
5 Investment Act. All money deposited or paid into the fund is hereby  
6 appropriated and made available to the commissioner. No expenditures  
7 shall be made from the fund without the written authorization of the

8 Governor upon the recommendation of the commissioner. Any interest earned  
9 on money in the State Unemployment Insurance Trust Fund shall be credited  
10 to the Nebraska Training and Support Trust Fund;

11 (b) Money in the Nebraska Training and Support Trust Fund shall be  
12 used for (i) administrative costs of establishing, assessing, collecting,  
13 and maintaining state unemployment insurance tax liability and payments,  
14 (ii) administrative costs of creating, operating, maintaining, and  
15 dissolving the State Unemployment Insurance Trust Fund and the Nebraska  
16 Training and Support Trust Fund, (iii) support of public and private job  
17 training programs designed to train, retrain, or upgrade work skills of  
18 existing Nebraska workers of for-profit and not-for-profit businesses,  
19 (iv) recruitment of workers to Nebraska, (v) training new employees of  
20 expanding Nebraska businesses, (vi) the costs of creating a common web  
21 portal for the attraction of businesses and workers to Nebraska, and  
22 (vii) payment of unemployment insurance benefits if solvency of the  
23 state's account in the Unemployment Trust Fund and of the State  
24 Unemployment Insurance Trust Fund so require; and

25 (c) There is within the Nebraska Training and Support Trust Fund a  
26 separate account to be known as the Administrative Costs Reserve Account.  
27 Money shall be allocated from the Nebraska Training and Support Trust  
28 Fund to the Administrative Costs Reserve Account in amounts sufficient to  
29 pay the anticipated administrative costs identified in subdivision (1)(b)  
30 of this section.

31 (2) On and after July 1, 2015:

1 (a) The Nebraska Training and Support Cash Fund is created. Any  
2 money in the fund available for investment shall be invested by the state  
3 investment officer pursuant to the Nebraska Capital Expansion Act and the  
4 Nebraska State Funds Investment Act. On July 1, 2015, the State Treasurer  
5 shall transfer any money in the Nebraska Training and Support Trust Fund  
6 to the Nebraska Training and Support Cash Fund. No expenditures shall be  
7 made from the Nebraska Training and Support Cash Fund without the written  
8 authorization of the Governor upon the recommendation of the  
9 commissioner. Any interest earned on money in the State Unemployment  
10 Insurance Trust Fund shall be credited to the Nebraska Training and  
11 Support Cash Fund;

12 (b) Money in the Nebraska Training and Support Cash Fund shall be  
13 used for (i) administrative costs of establishing, assessing, collecting,  
14 and maintaining state unemployment insurance tax liability and payments,  
15 (ii) administrative costs of creating, operating, maintaining, and  
16 dissolving the State Unemployment Insurance Trust Fund and the Nebraska  
17 Training and Support Cash Fund, (iii) support of public and private job  
18 training programs designed to train, retrain, or upgrade work skills of  
19 existing Nebraska workers of for-profit and not-for-profit businesses,  
20 (iv) recruitment of workers to Nebraska, (v) training new employees of  
21 expanding Nebraska businesses, (vi) the costs of creating a common web  
22 portal for the attraction of businesses and workers to Nebraska, (vii)  
23 developing and conducting labor availability and skills gap studies  
24 pursuant to the Sector Partnership Program Act, for which money may be  
25 transferred to the Sector Partnership Program Fund as directed by the

26 Legislature, and ~~(viii vii)~~ payment of unemployment insurance benefits if  
 27 solvency of the state's account in the Unemployment Trust Fund and of the  
 28 State Unemployment Insurance Trust Fund so require; ~~and~~

29 (c) The Administrative Costs Reserve Account is created within the  
 30 Nebraska Training and Support Cash Fund. Money shall be allocated from  
 31 the Nebraska Training and Support Cash Fund to the Administrative Costs  
 1 Reserve Account in amounts sufficient to pay the anticipated  
 2 administrative costs identified in subdivision (2)(b) of this section;  
 3 and -

4 (d) The State Treasurer shall transfer two hundred fifty thousand  
 5 dollars from the Nebraska Training and Support Cash Fund to the Sector  
 6 Partnership Program Fund no later than July 15, 2016.

7 Sec. 9. Section 81-1201.21, Revised Statutes Supplement, 2015, is  
 8 amended to read:

9 81-1201.21 (1) There is hereby created the Job Training Cash Fund.  
 10 The fund shall be under the direction of the Department of Economic  
 11 Development. Money may be transferred to the fund pursuant to subdivision  
 12 (1)(b)(iii) of section 48-621 and from the Cash Reserve Fund at the  
 13 direction of the Legislature. The department shall establish a subaccount  
 14 for all money transferred from the Cash Reserve Fund to the Job Training  
 15 Cash Fund on or after July 1, 2005.

16 (2) The money in the Job Training Cash Fund or the subaccount  
 17 established in subsection (1) of this section shall be used (a) to  
 18 provide reimbursements for job training activities, including employee  
 19 assessment, preemployment training, on-the-job training, training  
 20 equipment costs, and other reasonable costs related to helping industry  
 21 and business locate or expand in Nebraska, (b) to provide upgrade skills  
 22 training of the existing labor force necessary to adapt to new technology  
 23 or the introduction of new product lines, (c) to provide grants pursuant  
 24 to section 81-1210.02, ~~or~~ (d) as provided in section 79-2308, or (e) as  
 25 provided in section 5 of this act. The department shall give a preference  
 26 to job training activities carried out in whole or in part within an  
 27 enterprise zone designated pursuant to the Enterprise Zone Act.

28 (3) The department shall establish a subaccount within the fund to  
 29 provide training grants for training employees and potential employees of  
 30 businesses that (a) employ twenty-five or fewer employees on the  
 31 application date, (b) employ, or train for potential employment,  
 1 residents of rural areas of Nebraska, or (c) are located in or employ, or  
 2 train for potential employment, residents of high-poverty areas as  
 3 defined in section 81-1203. The department shall calculate the amount of  
 4 prior year investment income earnings accruing to the fund and allocate  
 5 such amount to the subaccount for training grants under this subsection.  
 6 The subaccount shall also be used as provided in the Teleworker Job  
 7 Creation Act and as provided in section 81-1210.02. The department shall  
 8 give a preference to training grants for businesses located in whole or  
 9 in part within an enterprise zone designated pursuant to the Enterprise  
 10 Zone Act.

11 (4) The State Treasurer shall transfer:

12 (a) Two ~~two~~ hundred fifty thousand dollars from the Job Training

13 Cash Fund to the General Fund no later than July 15 of 2015 and 2016;  
14 and -  
15 (b) Two hundred fifty thousand dollars from the Job Training Cash  
16 Fund to the Sector Partnership Program Fund on or before July 15, 2016.  
17 (5) Any money in the Job Training Cash Fund available for investment  
18 shall be invested by the state investment officer pursuant to the  
19 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
20 Act.  
21 Sec. 10. Original section 48-622.02, Revised Statutes Cumulative  
22 Supplement, 2014, and section 81-1201.21, Revised Statutes Supplement,  
23 2015, are repealed.  
24 Sec. 11. Since an emergency exists, this act takes effect when  
25 passed and approved according to law.

**LEGISLATIVE BILL 1110.** Placed on General File with amendment.  
AM2294 is available in the Bill Room.

(Signed) Burke Harr, Chairperson

Revenue

**LEGISLATIVE BILL 756.** Placed on General File with amendment.  
AM2375

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 77-2716, Revised Statutes Supplement, 2015, is  
4 amended to read:  
5 77-2716 (1) The following adjustments to federal adjusted gross  
6 income or, for corporations and fiduciaries, federal taxable income shall  
7 be made for interest or dividends received:  
8 (a) There shall be subtracted interest or dividends received by the  
9 owner of obligations of the United States and its territories and  
10 possessions or of any authority, commission, or instrumentality of the  
11 United States to the extent includable in gross income for federal income  
12 tax purposes but exempt from state income taxes under the laws of the  
13 United States;  
14 (b) There shall be subtracted that portion of the total dividends  
15 and other income received from a regulated investment company which is  
16 attributable to obligations described in subdivision (a) of this  
17 subsection as reported to the recipient by the regulated investment  
18 company;  
19 (c) There shall be added interest or dividends received by the owner  
20 of obligations of the District of Columbia, other states of the United  
21 States, or their political subdivisions, authorities, commissions, or  
22 instrumentalities to the extent excluded in the computation of gross  
23 income for federal income tax purposes except that such interest or  
24 dividends shall not be added if received by a corporation which is a  
25 regulated investment company;  
26 (d) There shall be added that portion of the total dividends and

27 other income received from a regulated investment company which is  
1 attributable to obligations described in subdivision (c) of this  
2 subsection and excluded for federal income tax purposes as reported to  
3 the recipient by the regulated investment company; and  
4 (e)(i) Any amount subtracted under this subsection shall be reduced  
5 by any interest on indebtedness incurred to carry the obligations or  
6 securities described in this subsection or the investment in the  
7 regulated investment company and by any expenses incurred in the  
8 production of interest or dividend income described in this subsection to  
9 the extent that such expenses, including amortizable bond premiums, are  
10 deductible in determining federal taxable income.

11 (ii) Any amount added under this subsection shall be reduced by any  
12 expenses incurred in the production of such income to the extent  
13 disallowed in the computation of federal taxable income.

14 (2) There shall be allowed a net operating loss derived from or  
15 connected with Nebraska sources computed under rules and regulations  
16 adopted and promulgated by the Tax Commissioner consistent, to the extent  
17 possible under the Nebraska Revenue Act of 1967, with the laws of the  
18 United States. For a resident individual, estate, or trust, the net  
19 operating loss computed on the federal income tax return shall be  
20 adjusted by the modifications contained in this section. For a  
21 nonresident individual, estate, or trust or for a partial-year resident  
22 individual, the net operating loss computed on the federal return shall  
23 be adjusted by the modifications contained in this section and any  
24 carryovers or carrybacks shall be limited to the portion of the loss  
25 derived from or connected with Nebraska sources.

26 (3) There shall be subtracted from federal adjusted gross income for  
27 all taxable years beginning on or after January 1, 1987, the amount of  
28 any state income tax refund to the extent such refund was deducted under  
29 the Internal Revenue Code, was not allowed in the computation of the tax  
30 due under the Nebraska Revenue Act of 1967, and is included in federal  
31 adjusted gross income.

1 (4) Federal adjusted gross income, or, for a fiduciary, federal  
2 taxable income shall be modified to exclude the portion of the income or  
3 loss received from a small business corporation with an election in  
4 effect under subchapter S of the Internal Revenue Code or from a limited  
5 liability company organized pursuant to the Nebraska Uniform Limited  
6 Liability Company Act that is not derived from or connected with Nebraska  
7 sources as determined in section 77-2734.01.

8 (5) There shall be subtracted from federal adjusted gross income or,  
9 for corporations and fiduciaries, federal taxable income dividends  
10 received or deemed to be received from corporations which are not subject  
11 to the Internal Revenue Code.

12 (6) There shall be subtracted from federal taxable income a portion  
13 of the income earned by a corporation subject to the Internal Revenue  
14 Code of 1986 that is actually taxed by a foreign country or one of its  
15 political subdivisions at a rate in excess of the maximum federal tax  
16 rate for corporations. The taxpayer may make the computation for each  
17 foreign country or for groups of foreign countries. The portion of the



18 taxes that may be deducted shall be computed in the following manner:

19 (a) The amount of federal taxable income from operations within a  
20 foreign taxing jurisdiction shall be reduced by the amount of taxes  
21 actually paid to the foreign jurisdiction that are not deductible solely  
22 because the foreign tax credit was elected on the federal income tax  
23 return;  
24 (b) The amount of after-tax income shall be divided by one minus the  
25 maximum tax rate for corporations in the Internal Revenue Code; and  
26 (c) The result of the calculation in subdivision (b) of this  
27 subsection shall be subtracted from the amount of federal taxable income  
28 used in subdivision (a) of this subsection. The result of such  
29 calculation, if greater than zero, shall be subtracted from federal  
30 taxable income.

31 (7) Federal adjusted gross income shall be modified to exclude any  
1 amount repaid by the taxpayer for which a reduction in federal tax is  
2 allowed under section 1341(a)(5) of the Internal Revenue Code.

3 (8)(a) Federal adjusted gross income or, for corporations and  
4 fiduciaries, federal taxable income shall be reduced, to the extent  
5 included, by income from interest, earnings, and state contributions  
6 received from the Nebraska educational savings plan trust created in  
7 sections 85-1801 to 85-1814 and the achieving a better life experience  
8 program as provided in sections 77-1401 to 77-1409.

9 (b) Federal adjusted gross income or, for corporations and  
10 fiduciaries, federal taxable income shall be reduced by any contributions  
11 as a participant in the Nebraska educational savings plan trust or in the  
12 achieving a better life experience program as provided in sections  
13 77-1401 to 77-1409, to the extent not deducted for federal income tax  
14 purposes, but not to exceed five thousand dollars per married filing  
15 separate return or ten thousand dollars for any other return. With  
16 respect to a qualified rollover within the meaning of section 529 of the  
17 Internal Revenue Code from another state's plan, any interest, earnings,  
18 and state contributions received from the other state's educational  
19 savings plan which is qualified under section 529 of the code shall  
20 qualify for the reduction provided in this subdivision. For contributions  
21 by a custodian of a custodial account including rollovers from another  
22 custodial account, the reduction shall only apply to funds added to the  
23 custodial account after January 1, 2014.

24 (c) Federal adjusted gross income or, for corporations and  
25 fiduciaries, federal taxable income shall be increased by the amount  
26 resulting from the cancellation of a participation agreement refunded to  
27 the taxpayer as a participant in the Nebraska educational savings plan  
28 trust to the extent previously deducted as a contribution to the trust or  
29 in the achieving a better life experience program as provided in sections  
30 77-1401 to 77-1409, if applicable.

31 (9)(a) For income tax returns filed after September 10, 2001, for  
1 taxable years beginning or deemed to begin before January 1, 2006, under  
2 the Internal Revenue Code of 1986, as amended, federal adjusted gross  
3 income or, for corporations and fiduciaries, federal taxable income shall  
4 be increased by eighty-five percent of any amount of any federal bonus

5 depreciation received under the federal Job Creation and Worker  
6 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,  
7 under section 168(k) or section 1400L of the Internal Revenue Code of  
8 1986, as amended, for assets placed in service after September 10, 2001,  
9 and before December 31, 2005.

10 (b) For a partnership, limited liability company, cooperative,  
11 including any cooperative exempt from income taxes under section 521 of  
12 the Internal Revenue Code of 1986, as amended, limited cooperative  
13 association, subchapter S corporation, or joint venture, the increase  
14 shall be distributed to the partners, members, shareholders, patrons, or  
15 beneficiaries in the same manner as income is distributed for use against  
16 their income tax liabilities.

17 (c) For a corporation with a unitary business having activity both  
18 inside and outside the state, the increase shall be apportioned to  
19 Nebraska in the same manner as income is apportioned to the state by  
20 section 77-2734.05.

21 (d) The amount of bonus depreciation added to federal adjusted gross  
22 income or, for corporations and fiduciaries, federal taxable income by  
23 this subsection shall be subtracted in a later taxable year. Twenty  
24 percent of the total amount of bonus depreciation added back by this  
25 subsection for tax years beginning or deemed to begin before January 1,  
26 2003, under the Internal Revenue Code of 1986, as amended, may be  
27 subtracted in the first taxable year beginning or deemed to begin on or  
28 after January 1, 2005, under the Internal Revenue Code of 1986, as  
29 amended, and twenty percent in each of the next four following taxable  
30 years. Twenty percent of the total amount of bonus depreciation added  
31 back by this subsection for tax years beginning or deemed to begin on or  
1 after January 1, 2003, may be subtracted in the first taxable year  
2 beginning or deemed to begin on or after January 1, 2006, under the  
3 Internal Revenue Code of 1986, as amended, and twenty percent in each of  
4 the next four following taxable years.

5 (10) For taxable years beginning or deemed to begin on or after  
6 January 1, 2003, and before January 1, 2006, under the Internal Revenue  
7 Code of 1986, as amended, federal adjusted gross income or, for  
8 corporations and fiduciaries, federal taxable income shall be increased  
9 by the amount of any capital investment that is expensed under section  
10 179 of the Internal Revenue Code of 1986, as amended, that is in excess  
11 of twenty-five thousand dollars that is allowed under the federal Jobs  
12 and Growth Tax Act of 2003. Twenty percent of the total amount of  
13 expensing added back by this subsection for tax years beginning or deemed  
14 to begin on or after January 1, 2003, may be subtracted in the first  
15 taxable year beginning or deemed to begin on or after January 1, 2006,  
16 under the Internal Revenue Code of 1986, as amended, and twenty percent  
17 in each of the next four following tax years.

18 (11)(a) For taxable years beginning or deemed to begin before  
19 January 1, 2018, under the Internal Revenue Code of 1986, as amended,  
20 federal Federal adjusted gross income shall be reduced by contributions,  
21 up to two thousand dollars per married filing jointly return or one  
22 thousand dollars for any other return, and any investment earnings made

23 as a participant in the Nebraska long-term care savings plan under the  
24 Long-Term Care Savings Plan Act, to the extent not deducted for federal  
25 income tax purposes.

26 (b) For taxable years beginning or deemed to begin before January 1,  
27 2018, under the Internal Revenue Code of 1986, as amended, federal  
28 ~~Federal~~ adjusted gross income shall be increased by the withdrawals made  
29 as a participant in the Nebraska long-term care savings plan under the  
30 act by a person who is not a qualified individual or for any reason other  
31 than transfer of funds to a spouse, long-term care expenses, long-term  
1 care insurance premiums, or death of the participant, including  
2 withdrawals made by reason of cancellation of the participation agreement  
3 ~~or termination of the plan~~, to the extent previously deducted as a  
4 contribution or as investment earnings.

5 (12) There shall be added to federal adjusted gross income for  
6 individuals, estates, and trusts any amount taken as a credit for  
7 franchise tax paid by a financial institution under sections 77-3801 to  
8 77-3807 as allowed by subsection (5) of section 77-2715.07.

9 (13) For taxable years beginning or deemed to begin on or after  
10 January 1, 2015, under the Internal Revenue Code of 1986, as amended,  
11 federal adjusted gross income shall be reduced by the amount received as  
12 benefits under the federal Social Security Act which are included in the  
13 federal adjusted gross income if:

14 (a) For taxpayers filing a married filing joint return, federal  
15 adjusted gross income is fifty-eight thousand dollars or less; or  
16 (b) For taxpayers filing any other return, federal adjusted gross  
17 income is forty-three thousand dollars or less.

18 (14) For taxable years beginning or deemed to begin on or after  
19 January 1, 2015, under the Internal Revenue Code of 1986, as amended, an  
20 individual may make a one-time election within two calendar years after  
21 the date of his or her retirement from the military to exclude income  
22 received as a military retirement benefit by the individual to the extent  
23 included in federal adjusted gross income and as provided in this  
24 subsection. The individual may elect to exclude forty percent of his or  
25 her military retirement benefit income for seven consecutive taxable  
26 years beginning with the year in which the election is made or may elect  
27 to exclude fifteen percent of his or her military retirement benefit  
28 income for all taxable years beginning with the year in which he or she  
29 turns sixty-seven years of age. For purposes of this subsection, military  
30 retirement benefit means retirement benefits that are periodic payments  
31 attributable to service in the uniformed services of the United States  
1 for personal services performed by an individual prior to his or her  
2 retirement.

3 Sec. 2. Section 77-6101, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 77-6101 Sections 77-6101 to 77-6105 and section 4 of this act shall  
6 be known and may be cited as the Long-Term Care Savings Plan Act.

7 Sec. 3. Section 77-6105, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 77-6105 A qualified individual as defined in subdivision (4)(a) of

10 section 77-6102 may make withdrawals as a participant in the Nebraska  
 11 long-term care savings plan to pay or reimburse long-term care expenses.  
 12 A qualified individual as defined in subdivision (4)(b) of section  
 13 77-6102 may make withdrawals to pay or reimburse long-term care insurance  
 14 premiums. Any participant who is not a qualified individual or who makes  
 15 a withdrawal for any reason other than transfer of funds to a spouse,  
 16 long-term care expenses, long-term care insurance premiums, ~~or~~ death of  
 17 the participant, or termination of the Long-Term Care Savings Plan Act  
 18 shall be subject to a ten-percent penalty on the amount withdrawn. The  
 19 State Treasurer shall collect the penalty.  
 20 Sec. 4. The Long-Term Care Savings Plan Act terminates on January 1,  
 21 2018. Any participant in the Nebraska long-term care savings plan on the  
 22 termination date shall be entitled to receive the full balance of his or  
 23 her account on such date.  
 24 Sec. 5. Original sections 77-6101 and 77-6105, Reissue Revised  
 25 Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement,  
 26 2015, are repealed.

**LEGISLATIVE BILL 913.** Placed on General File with amendment.  
 AM2374

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Sections 1 to 5 of this act shall be known and may be  
 4 cited as the Facilitating Business Rapid Response to State Declared  
 5 Disasters Act.  
 6 Sec. 2. For purposes of the Facilitating Business Rapid Response to  
 7 State Declared Disasters Act:  
 8 (1) Declared state disaster or emergency means a disaster or  
 9 emergency event (a) for which a Governor's state of emergency  
 10 proclamation has been issued or (b) that the President of the United  
 11 States has declared to be a major disaster or emergency;  
 12 (2) Disaster period means the period of time that begins ten days  
 13 before the Governor's proclamation of a state of emergency or the  
 14 declaration by the President of the United States of a major disaster or  
 15 emergency, whichever occurs first, and extending for a period of sixty  
 16 calendar days following the end of the period specified in the  
 17 proclamation or declaration or sixty calendar days after the proclamation  
 18 or declaration if no end is provided. The Governor may extend the  
 19 disaster period as warranted;  
 20 (3) Infrastructure means real and personal property, including  
 21 buildings, offices, power lines, cable lines, poles, communication lines,  
 22 pipes, structures, equipment, and related support facilities, owned or  
 23 used by a public utility, communications network, broadband or Internet  
 24 service provider, cable or video service provider, natural gas  
 25 distribution system, or water pipeline that provides service to more than  
 26 one customer or person;  
 27 (4)(a) Out-of-state business means a business entity:  
 1 (i) That does not have a presence in the state;  
 2 (ii) That does not conduct business in the state;

3 (iii) That has no registrations, tax filings, or nexus in the state  
4 before the declared state disaster or emergency; and  
5 (iv) Whose assistance in repairing, renovating, installing, or  
6 building infrastructure or rendering services or other business  
7 activities related to a declared state disaster or emergency is requested  
8 by the state, a county, city, village, or other political subdivision of  
9 the state, or a registered business that owns or uses infrastructure.  
10 (b) Out-of-state business includes a business entity that is  
11 affiliated with a registered business solely through common ownership as  
12 long as that business entity does not have any registrations, tax  
13 filings, or nexus in the state before the declared state disaster or  
14 emergency. For purposes of this section, a prior registration as an out-  
15 of-state business for a declared state disaster or emergency shall not be  
16 considered a registration in this state;  
17 (5) Out-of-state employee means a nonresident individual who does  
18 not work in the state except for disaster or emergency related work  
19 during a disaster period; and  
20 (6) Registered business means a business entity that is registered  
21 or licensed to do business in the state before the declared state  
22 disaster or emergency.  
23 Sec. 3. (1) An out-of-state business that conducts operations  
24 within the state for purposes of assisting in repairing, renovating,  
25 installing, or building infrastructure or rendering services or other  
26 business activities related to a declared state disaster or emergency  
27 during the disaster period shall not be considered to have established a  
28 level of presence that would subject the out-of-state business or any of  
29 its out-of-state employees to any of the following state or local  
30 employment, licensing, or registration requirements:  
31 (a) Registration with the Secretary of State;  
1 (b) Withholding or income tax registration, filing, or remitting  
2 requirements; and  
3 (c) Sales, use, or ad valorem tax on equipment brought into the  
4 state temporarily for use or consumption during the disaster period if  
5 such equipment does not remain in the state after the disaster period.  
6 (2) An out-of-state employee shall not be considered to have  
7 established residency or a presence in the state that would require that  
8 person or that person's employer to file and pay income taxes, to be  
9 subjected to tax withholdings, or to file and pay any other state or  
10 local income or withholding tax or fee for work repairing, renovating,  
11 installing, or building infrastructure or rendering services or other  
12 business activities during the disaster period.  
13 (3) After the conclusion of a disaster period, an out-of-state  
14 business or out-of-state employee that remains in the state is fully  
15 subject to the state or local employment, licensing, or registration  
16 requirements listed in this section or that were otherwise suspended  
17 under the Facilitating Business Rapid Response to State Declared  
18 Disasters Act during the disaster period.  
19 Sec. 4. (1) An out-of-state business shall provide notification to  
20 the Department of Revenue within ten days after entry to the state during

21 a disaster period that the out-of-state business is in the state for  
 22 purposes of responding to the declared state disaster or emergency. The  
 23 out-of-state business shall provide to the department information related  
 24 to the out-of-state business including, but not limited to, the  
 25 following:  
 26 (a) Name;  
 27 (b) State of domicile;  
 28 (c) Principal business address;  
 29 (d) Federal employer identification number;  
 30 (e) The date when the out-of-state business entered the state; and  
 31 (f) Contact information while the out-of-state business is in this  
 1 state.  
 2 (2) A registered business shall provide the notification required in  
 3 subsection (1) of this section for an affiliate of the registered  
 4 business that enters the state as an out-of-state business. The  
 5 notification under this subsection shall also include contact information  
 6 for the registered business in the state.  
 7 Sec. 5. The Facilitating Business Rapid Response to State Declared  
 8 Disasters Act shall not grant exemptions authorized by the act to any  
 9 out-of-state business performing work pursuant to a request for bid or  
 10 request for proposals by a state agency or political subdivision.

(Signed) Mike Gloor, Chairperson

Health and Human Services

**LEGISLATIVE BILL 1011.** Placed on General File.

**LEGISLATIVE BILL 1034.** Placed on General File with amendment.  
 AM2230

1 1. Insert the following new section:  
 2 Sec. 5. Since an emergency exists, this act takes effect when  
 3 passed and approved according to law.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE RESOLUTION 381.** Placed on General File.

**LEGISLATIVE RESOLUTION 35.** Placed on General File with  
 amendment.  
 AM2281

1 1. Strike the original provisions and insert the following new  
 2 provisions:  
 3 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED  
 4 FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:  
 5 1. The Legislature of the State of Nebraska hereby applies to  
 6 Congress, under the provisions of Article V of the Constitution of the

7 United States, for the calling of a convention of the states limited to  
 8 proposing amendments to the Constitution of the United States that impose  
 9 fiscal restraints on the federal government, limit the power and  
 10 jurisdiction of the federal government, and limit the terms of office for  
 11 its officials and for members of Congress.

12 2. The Clerk of the Legislature shall transmit copies of this  
 13 application to the President and Secretary of the United States Senate,  
 14 to the Speaker and Clerk of the United States House of Representatives,  
 15 to the members of the Senate and House of Representatives from this  
 16 state, and to the presiding officers of each of the legislative houses in  
 17 the several states, requesting their cooperation.

18 3. This application constitutes a continuing application in  
 19 accordance with Article V of the Constitution of the United States until  
 20 the legislatures of at least two-thirds of the several states have made  
 21 applications on the same subject.

(Signed) John Murante, Chairperson

Business and Labor

**LEGISLATIVE BILL 981.** Placed on General File with amendment.  
 AM2405

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

3 Section 1. The following sum of money, or so much thereof as may be  
 4 required, is hereby appropriated from the General Fund or from other  
 5 funds as indicated in the state treasury, not otherwise appropriated, for  
 6 the payment of a claim arising out of miscellaneous items of indebtedness  
 7 owing by the State of Nebraska.

8 \$261,862.00 for Miscellaneous Claim Number 2016-15438, against the  
 9 State of Nebraska, pay to Cathy A. Dill, Dodge County Treasurer, 435  
 10 North Park Avenue Street, P.O. Box 999, Fremont, NE 68026-0999, out of  
 11 the General Fund.

12 The claim included in this section shall be paid through Program 536  
 13 in Agency 65.

14 For informational purposes only, the appropriation contained in this  
 15 section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
17 <u>GENERAL FUND</u>	<u>\$261,862.00</u>
18 <u>CASH FUND</u>	<u>\$-0-</u>
19 <u>REVOLVING FUND</u>	<u>\$-0-</u>
20 <u>TOTAL</u>	<u>\$261,862.00</u>

21 Sec. 2. The following sums of money, or so much thereof as may be  
 22 required, are hereby appropriated from the General Fund or from other  
 23 funds as indicated in the state treasury, not otherwise appropriated, for  
 24 the payment of tort claims which have been settled by the State Claims  
 25 Board and approved by the district court, which have been settled by the  
 26 Attorney General in the district court, or in which court judgments have  
 27 been entered and which require the approval of the Legislature for

1 payment.  
 2 \$800,000.00 for Tort Claim Number 2010-03980 and Tort Claim Number  
 3 2010-03981, against the State of Nebraska, pay to Roy Segelberg and  
 4 Catherine Segelberg and James Martin Davis, Attn: James Martin Davis,  
 5 1623 Farnam Street, Suite 500, Farnam Plaza Building, Omaha, NE 68102,  
 6 out of the Roads Operations Cash Fund.  
 7 \$84,675.14 for Tort Claim Number 2015-14421, against the State of  
 8 Nebraska, pay to Cottingham and Butler Claims Services, 800 Main Street,  
 9 Dubuque, IA 52001-6822, out of the Roads Operations Cash Fund.  
 10 \$243,098.57 for Tort Claim Number 2016-15417, against the State of  
 11 Nebraska, pay to Nebraska Applesseed Center for Law, 941 O Street, Suite  
 12 920, Lincoln, NE 68508-3608, out of the General Fund.  
 13 \$115,336.81 for Tort Claim Number 2016-15418, against the State of  
 14 Nebraska, pay to Husch Blackwell, LLP, 13330 California Street, Suite  
 15 200, Omaha, NE 68154-5241, out of the General Fund.  
 16 \$185,000.00 for Tort Claim Number 2016-15658, against the State of  
 17 Nebraska, pay to the American Civil Liberties Union of Nebraska, 134  
 18 South 13th Street, Suite 1010, Lincoln, NE 68508, out of the General  
 19 Fund.

20 The claims included in this section shall be paid through Program  
 21 591 in Agency 65.

22 For informational purposes only, the appropriations contained in  
 23 this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$543,435.38</u>
<u>CASH FUND</u>	<u>\$884,675.14</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$1,428,110.52</u>

29 Sec. 3. The following sums of money, or so much thereof as may be  
 30 required, are hereby appropriated from the General Fund or from other  
 1 funds as indicated in the state treasury, not otherwise appropriated, for  
 2 the payment of workers' compensation claims which have been settled by  
 3 the Attorney General in the Nebraska Workers' Compensation Court or in  
 4 which court judgments have been entered and which require the approval of  
 5 the Legislature for payment.

6 \$115,000.00 for a workers' compensation claim, pay to Timothy S.  
 7 Dowd and Theresa Dunson, Dowd, Howard and Corrigan, LLC, 1411 Harney  
 8 Street, Suite 100, Omaha, NE 68102, out of the Workers' Compensation  
 9 Claims Revolving Fund.

10 \$275,000.00 for a workers' compensation claim, pay to Amanda Jajoo  
 11 and Justin High, High and Younes, 6919 Dodge Street, Omaha, NE 68132, out  
 12 of the Workers' Compensation Claims Revolving Fund.

13 The claims included in this section shall be paid through Program  
 14 593 in Agency 65.

15 For informational purposes only, the appropriations contained in  
 16 this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$-0-</u>
<u>CASH FUND</u>	<u>\$-0-</u>



20 REVOLVING FUND \$390,000.00  
 21 TOTAL \$390,000.00

22 Sec. 4. The following sum of money, or so much thereof as may be  
 23 required, is hereby appropriated from the General Fund or from other  
 24 funds as indicated in the state treasury, not otherwise appropriated, for  
 25 the payment of a tort claim which has been settled by the State Claims  
 26 Board and approved by the district court, which has been settled by the  
 27 Attorney General in the district court, or in which a court judgment has  
 28 been entered and which require the approval of the Legislature for  
 29 payment.

30 \$400,000.00 for Tort Claim Number 2014-13466, against the State of  
 1 Nebraska, pay as follows:

2 \$219,785.00 pay to Pahlke Lawgroup Trust Account and Elizabeth  
 3 Gorden, 2425 Circle Drive, Suite 200, Scottsbluff, NE 69361, out of the  
 4 State Insurance Fund; and  
 5 \$180,215.00 pay to Pacific Life and Annuity Services, Inc., Little,  
 6 Meyers and Associates, Ltd., 2651 Observatory Avenue, Cincinnati, OH  
 7 45208, out of the State Insurance Fund.

8 The claim included in this section shall be paid through Program 594  
 9 in Agency 65.

10 For informational purposes only, the appropriation contained in this  
 11 section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
13 <u>GENERAL FUND</u>	<u>\$-0-</u>
14 <u>CASH FUND</u>	<u>\$-0-</u>
15 <u>REVOLVING FUND</u>	<u>\$400,000.00</u>
16 <u>TOTAL</u>	<u>\$400,000.00</u>

17 Sec. 5. The Director of Administrative Services is hereby  
 18 authorized and directed to draw his or her warrants upon the funds in the  
 19 state treasury enumerated in this act, in favor of the several  
 20 beneficiaries named in this act for the amount set opposite their  
 21 respective names, upon the presentation of proper vouchers therefor. The  
 22 several amounts appropriated in this act shall be in full payment of any  
 23 and all claims, rights, causes of action, damages, and demands of every  
 24 character and kind owing by or against the State of Nebraska, its  
 25 officers, agents, and employees, and their successors and assigns with  
 26 respect to each of the beneficiaries respectively in whose favor the  
 27 appropriations are made. The director shall not deliver any warrant for  
 28 any items appropriated in this act until a receipt and release in full,  
 29 releasing the State of Nebraska, its officers, employees, and agents, and  
 30 their successors and assigns, has been filed by each of the beneficiaries  
 1 respectively. Upon presentation of the warrants, the State Treasurer is  
 2 hereby directed to pay the same out of money in the General Fund or out  
 3 of money in other funds indicated in this act not otherwise appropriated.

4 Sec. 6. The following requests were filed by state agencies seeking  
 5 permission to write off certain accounts. The State Claims Board reviewed  
 6 and approved the following requests:

7 \$2,487.34 for Request Number 2016-15184, made by the Military  
 8 Department.

9 \$151.00 for Request Number 2016-15316, made by the Supreme Court.  
 10 \$248,168.09 for Request Number 2016-15415, made by the Department of  
 11 Roads.  
 12 \$1,800.00 for Request Number 2016-15416, made by the State Fire  
 13 Marshal.  
 14 \$1,590,534.29 for Request Number 2016-15421, made by the Department  
 15 of Health and Human Services.  
 16 \$7,907.85 for Request Number 2016-15422, made by the Department of  
 17 Insurance.  
 18 \$10,480.50 for Request Number 2016-15437, made by the State  
 19 Department of Education.  
 20 \$5,246.61 for Request Number 2016-15636, made by the Game and Parks  
 21 Commission.  
 22 Sec. 7. Since an emergency exists, this act takes effect when  
 23 passed and approved according to law.

(Signed) Burke Harr, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 732.** Placed on General File.

**LEGISLATIVE BILL 783.** Placed on General File with amendment.  
 AM2357 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

**COMMITTEE REPORT(S)**  
 Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Mark M. Bulger - Commission for the Blind and Visually Impaired

Aye: 7 Baker, Campbell, Crawford, Fox, Howard, Kolterman, Riepe. Nay:  
 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Mary J. Kent - Nebraska Rural Health Advisory Commission  
 Laeth Nasir - Nebraska Rural Health Advisory Commission  
 Michael A. Sitorius - Nebraska Rural Health Advisory Commission

Aye: 7 Baker, Campbell, Crawford, Fox, Howard, Kolterman, Riepe. Nay:  
 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 900A.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 900, One Hundred Fourth Legislature, Second Session, 2016.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 465.** Introduced by McCollister, 20; Bloomfield, 17; Fox, 7; Garrett, 3; McCoy, 39; Murante, 49; Smith, 14.

WHEREAS, the Nebraska Library Association has named Donna D'Ottavio from the Emerson Public Library, Gary Brown from the Valley Public Library, Mikayla Mancuso from the Gretna Public Library, Alysen Hansen from the Sump Memorial Library in Papillion, Sarah Ulsher from the Millard Branch of the Omaha Public Library, and Cyndi Mattson from the W. Dale Clark Library in Omaha as outstanding library volunteers; and

WHEREAS, this award is given to outstanding individuals who have shown a strong desire to give back to their communities and who have given generously of their time through many years of volunteer library service; and

WHEREAS, these individuals will be recognized at the Nebraska Library Association's Advocacy Day; and

WHEREAS, the Nebraska Library Association supports and promotes all libraries, library media centers, and library services in the state. The Nebraska Library Association is dedicated to advancing the professional development of its members, advocating for libraries, and ensuring open access to information for all citizens.

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

1. That the Legislature congratulates Donna D'Ottavio, Gary Brown, Mikayla Mancuso, Alysen Hansen, Sarah Ulsher, and Cyndi Mattson for being named outstanding volunteers by the Nebraska Library Association.

2. That a copy of this resolution be sent to Donna D'Ottavio, Gary Brown, Mikayla Mancuso, Alysen Hansen, Sarah Ulsher, Cyndi Mattson, and the Nebraska Library Association.

Laid over.

**LEGISLATIVE RESOLUTION 466.** Introduced by Stinner, 48.

WHEREAS, Austin Garcia, Roger Martinez, Conner Muhr, and Adam Zamarripa, members of Troop 17 of Gering, have 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 there are many ways 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 their scouting experience, Austin, Roger, Conner, and Adam have been tested on and recognized for various 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 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, Austin, Roger, Conner, and Adam, through their hard work and perseverance, have 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 Austin Garcia, Roger Martinez, Conner Muhr, and Adam Zamarripa on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Austin Garcia, Roger Martinez, Conner Muhr, and Adam Zamarripa.

Laid over.

**LEGISLATIVE RESOLUTION 467.** Introduced by McCoy, 39; Hilkemann, 4.

WHEREAS, the Elkhorn South High School girls' basketball team won the 2016 Class B Girls' State Basketball Championship; and

WHEREAS, the Elkhorn South Storm defeated Waverly High School in the championship game by a score of 43-33; and

WHEREAS, this victory gave the Elkhorn South Storm girls' basketball team their first state championship; and

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

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

1. That the Legislature congratulates the Elkhorn South High School girls' basketball team on winning the 2016 Class B Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Elkhorn South High School girls' basketball team and Coach Terry Graver.

Laid over.

### ATTORNEY GENERAL'S OPINION

#### Opinion 16-005

SUBJECT: Whether the Nebraska Legislature may permit the University of Nebraska and the Nebraska State College System to contract for their own credit cards, charge cards, or debit cards, without utilizing the Nebraska State Treasurer's contract for such services.

REQUESTED BY: Senator John Murante

WRITTEN BY: Douglas J. Peterson, Attorney General  
Natalee J. Hart, Assistant Attorney General

You are the Chairperson of the Government, Military and Veterans Affairs Committee of the Nebraska State Legislature. Before your committee is a bill, 2016 LB 955, which would allow the University of Nebraska and the Nebraska State College System to contract for credit cards, charge cards, or debit cards without utilizing the contract for those services entered into by the Nebraska State Treasurer and the Director of the Department of Administrative Services for all state agencies.

You have requested an opinion from the Attorney General's Office regarding several questions relating to 2016 LB 955, as follows:

- (1) Can the Legislature remove by statute a core function that is an inherent constitutional authority of the State Treasurer?
- (2) Is the custody of state funds and the supervision of the State's relationships with state and national banks an inherent constitutional authority of the State Treasurer?
- (3) Do the contracts that provide for the receipt of state funds through the processing of credit card transactions fall within the State Treasurer (sic) constitutional authority to supervise the State's relationship with state and national banks?
- (4) Do the provisions of LB 955 which allow the University of Nebraska and the Nebraska State College System to enter into credit card processing contracts for the purpose of receiving payment of state funds without the involvement of the State Treasurer violate the inherent constitutional authority of the State Treasurer?

(5) Is LB 955 unconstitutional?

2016 LB 955 seeks to amend Neb. Rev. Stat. § 81-118.01(5) to specifically exclude the University of Nebraska and the Nebraska State College System from the requirement that all state agencies utilize the contract entered into by the State Treasurer and the Director of the Department of Administrative Services with a third-party merchant for credit card, charge card, and debit card processing services.<sup>1</sup> The University of Nebraska and the Nebraska State College System would be permitted to participate in the State Treasurer's contract for such services, at their discretion, but would also be permitted to seek such services and enter into separate contracts for credit card processing services. 2016 LB 955, § 1. We will respond to your fourth question first, as the analysis relating to that question will encompass the remainder of your questions.

**Question 4. Do the provisions of LB 955 which allow the University of Nebraska and the Nebraska State College System to enter into credit card processing contracts for the purpose of receiving payment of state funds without the involvement of the State Treasurer violate the inherent constitutional authority of the State Treasurer?**

The answer to your fourth question is grounded in several prior opinions of this office. Neb. Const. art. IV, § 1 establishes the executive officers of the state as the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and other heads of executive departments, and provides that "[o]fficers in the executive department of the state shall perform such duties as may be provided by law." The duties of each of these offices is not further defined in the Constitution. On several occasions, this office has had occasion to address the topic of a constitutional officer's "core functions" inherent in Neb. Const. art. IV, § 1. In Op. Att'y Gen. 93012 (March 4, 1993), a lengthy discussion was had regarding the core functions of constitutional officers in general, and the auditor in particular. That opinion dealt with a bill that purported to remove the authority of the State Auditor of Public Accounts to audit the books of the Nebraska Legislature, transferring that authority to the Legislature. Ultimately, that bill was determined to be unconstitutional based upon the separation of powers doctrine. However, the "core functions" of the auditor were also at issue. We have stated that "the law" as referred to in Neb. Const. art. IV, § 1 refers not only to statutory law, but common law and the inherent functions of the constitutional officers. Op. Att'y Gen. No. 93012 at 6. These common law and inherent functions comprise the "core functions" of the constitutional officers.

The core functions of the State Treasurer have previously been determined to be

[T]he duty to receive and keep all money of the State not expressly required to be received and kept by some other officer. Neb. Rev. Stat. § 84-602(1) (1994); Neb. Rev. Stat. 1866, c. 4, § 18. Moreover, since

1891, the State Treasurer has had authority to deposit the funds of the State in his keeping in state and national banks. Neb. Rev. Stat. § 77-2301 (1996), 1891 Neb. Laws, c. 50, § 1, 9. 347. It is also generally accepted that the Treasurer of a state has, by law, the custody of the monies of the State. 81A C.J.S. States § 135. Based upon those historical duties of the State Treasurer, it seems to us that the core functions of that office would clearly include maintaining custody of state funds. Arguably, those core functions would also include general supervision of [the] State's relationships with state and national banks.

Op. Att'y Gen. No. 98006 (January 21, 1998) at 6. See also Op. Att'y Gen. No. 10007 (March 18, 2010), Op. Att'y Gen. No. 15-010 (August 10, 2015).

The core functions of a constitutional office, including that of the State Treasurer, "may not be removed by legislative enactment." Op. Att'y Gen. No. 93012 at 10.

"[T]he Legislature cannot relieve or preclude any executive officer from the performance of a duty enjoined on him by the Constitution, or, as otherwise expressed, it cannot take away from a constitutional officer the powers or duties given him by the Constitution; or vest such powers or functions in any other department or officer (footnotes omitted)." 16 C.J.S. § 130, page 545 (1956).

Therefore, in addition to the inability of the Legislature to abolish the office entirely or to excessively diminish its statutory responsibilities when no duties of any significance remain, it is also impermissible to take away any of the duties constitutionally established for the office.

Op. Att'y Gen. No. 93012 at 10, quoting Op. Att'y Gen. No. 214 (March 4, 1982). "[T]he Nebraska Supreme Court has repeatedly recognized the principal that the legislature may not transfer duties vested under the Constitution in one officer or entity to another officer, body or jurisdiction." Op. Att'y Gen. No. 93012 at 14 (emphasis omitted) (citations omitted). "[T]he duties of a constitutional officer may be added to by statute, but none, as they were known at common law, may be taken away." Id. at 15 (quoting *People ex. rel. Walsh v. Board of Commissioners of Cook County*, 74 N.W.2d 503, 507, 508 (Ill. 1947). See also *State ex. rel. Spire v. Beermann*, 235 Neb. 384, 399, 455 N.W.2d 749, 757 (1990) (if the Legislature could transfer one constitutional duty from a constitutional governing board, it could transfer all such duties, and the constitutional provision establishing that board would become nugatory); *Rivett Lumber & Coal Co. of Benson v. Chicago & N.W. Ry. Co.*, 102 Neb. 492, 167 N.W. 570 (1918).

Even when a duty has been prescribed by statute, if it is founded on one of the constitutional officer's core functions, that duty may not be revoked. The Minnesota Supreme Court, in ruling on that state's legislative attempt to remove most responsibilities from the state treasurer and transfer them to a

statutorily created officer, under a constitutional provision nearly identical to that found in the Nebraska Constitution, held that the legislature could not strip the state treasurer of all its core functions.

Functions relating to the receipt, care, and disbursement of state monies define the treasurer position and separate it from the other executive offices of state government established in our constitution. . . .

Although the prescribed-by-law provision of Article V [of the Minnesota Constitution] affords the legislature the power, in light of public health and welfare concerns, to modify the duties of the state executive officers, it does not authorize legislation . . . that strips such an office of all its independent core functions. The [constitution] implicitly places a limitation on the power of the legislature, under Section 4 of Article V, to prescribe the duties of such offices. The limitation is implicit in the specific titles the drafters gave to the individual offices.

That is not to say that the legislature could not name officials to perform some of the core functions of an executive office; core functions of such offices can be shared with statutory officials. The limitation implicit in Section 1 of Article V serves only to prevent the legislature from abolishing all of the independent functions inherent in an executive office.

State ex rel. Mattson v. Kiedrowski, 391 N.W.2d 777, 781-782 (Minn. 1986).

Further, the court in Mattson looked to an Arizona decision, which stated that "the legislature should have known that it could not denude the office of its inherent powers and duties, even though they had been prescribed by statute, and leave the office as an empty shell." State ex rel. Mattson v. Kiedrowski, 391 N.W. 2d at 781 (quoting Hudson v. Kelly, 263 P.2d 362, 368 (Ariz. 1953)). See also Fergus v. Russel, 110 N.W.130 (Ill. 1915) (the state legislature could revoke some duties that had been legislatively conferred upon constitutional officers, but could not remove those which were inherent in the offices under the common law.)

It is clear that the Legislature may not entirely remove any one of the State Treasurer's core functions, including establishing a banking relationship on behalf of the State of Nebraska and all of its agencies. As a contract for credit card services inherently involves establishing a banking relationship with one or more merchant banks, the credit card contracts are a part of the Treasurer's duties to establish banking relationships for the State of Nebraska.<sup>2</sup> However, what is not entirely clear is whether any of those duties may be diminished by the Legislature. Allowing the University and the State College System to enter into their own credit card processing contracts would not entirely remove a function from the State Treasurer, but would reduce the Treasurer's duties in that regard.

We previously have opined that under the current statutory language, the



University of Nebraska is required to abide by the contract entered into by the State Treasurer for credit card services.<sup>3</sup> In determining whether Neb. Rev. Stat. §§ 13-609 and 81-118.01, generally authorizing governmental subdivisions and state agencies to accept credit card payments, applied to the University of Nebraska, we determined that the University was a state agency subject to the requirements of Neb. Rev. Stat. § 81-118.01, which 2016 LB 955 seeks to amend. We stated that

[t]he general government of the University vested in the Board of Regents under the Nebraska Constitution may only be exercised in such a way as to preserve the Treasurer's general authority over the custody of state funds and the supervision of the State's relationship with state and national banks. Therefore, the credit card provisions of [1997] LB 70 appear acceptable under the [Board of Regents of the University of Nebraska v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1997)] case because they involve the Treasurer's general supervision of matters related to the State's business with banks. On the other hand, it remains clear under Exon that the Treasurer's authority with respect to state funds and general supervision of the State's relationship with banks cannot be used to intrude upon the authority of [the] Board of Regents in the general government of the University.

Op. Att'y Gen. 98006 at 6-7.

The answer as to whether the Legislature may diminish any of the constitutional duties of a constitutional officer such as the State Treasurer has not been taken up by the Nebraska Supreme Court. While it is not clear how the Nebraska courts would rule on this topic, we believe the better answer in this matter to be that the Legislature may not diminish the State Treasurer's "core functions," and allowing the University and State College System to enter into their own contracts for credit card processing would do just that.

The Utah Supreme Court has taken up a similar question to the one you have presented to this office. Utah's constitutional provision provides that its treasurer "shall be the custodian of public moneys, and . . . shall perform such other duties as may be provided by law." *Preece v. Rampton*, 492 P.2d 1355, 1356 (Utah 1972). "While the Constitution provides that additional duties may be imposed . . . the language cannot be tortured into meaning that any of the duties and responsibilities which they had at the time [the constitution was adopted] can be diminished." *Id.* The Utah Supreme Court distinguished between ministerial duties, such as the typing out of warrants, which can be assigned to other state officers; and discretionary functions, such as verifying the correctness of accounts before they are paid, which cannot be taken away from the constitutional officer. *Id.* at 1357. Establishing banking relationships for the state of Nebraska, including making a determination as to the third-party merchant bank which is to be awarded a contract with the State of Nebraska for credit card payment processing, is a discretionary function. We do not believe that this function

can be transferred, even in part, to another state agency.

Our opinion that the Nebraska Supreme Court would determine that 2016 LB 955 is unconstitutional is also based upon our reading of Board of Regents of the University of Nebraska v. Exon, 199 Neb. 146, 256 N.W.2d 330 (1977). In this case, the Board of Regents of the University of Nebraska asked the Court to rule on whether acts of the Legislature were in contravention to the constitutional authority of the Board of Regents as found in art. VII, § 10 of the Nebraska Constitution. The Nebraska Supreme Court stated that "although the Legislature may add to or subtract from the powers and duties of the Regents, the general government of the University must remain vested in the Board of Regents and powers or duties that should remain in the Regents cannot be delegated to other officers or agencies." Id. at 149, 256 N.W.2d at 333. We believe this reasoning may be applied equally to any officer vested with constitutional authority. The Legislature may not delegate any of the core functions of a constitutional officer to any other office. This would include the responsibilities of the State Treasurer to establish banking relationships on behalf of the State of Nebraska and enter into credit card processing contracts for the State.

For these reasons, we believe that 2016 LB 955 improperly infringes upon the constitutional authority of the Nebraska State Treasurer.

**Question 1. Can the Legislature remove by statute a core function that is an inherent constitutional authority of the State Treasurer?**

As explained in our response to question four, the Legislature cannot deprive a constitutional office of any of its "core functions." The Legislature may not remove all or part of the State Treasurer's function of establishing and maintaining banking relationships, including contracting with credit card providers, for funds for which the Treasurer is responsible to maintain. See Op. Att'y Gen. No. 98006 at 6. See also Op. Att'y Gen. No. 10007, Op. Att'y Gen. No. 15-010.

**Question 2. Is the custody of state funds and the supervision of the State's relationships with state and national banks an inherent constitutional authority of the State Treasurer?**

As previously stated by this office in prior opinions, yes, the supervision of the State's relationship with state and national banks is one of the State Treasurer's "core functions" granted to it by the Nebraska Constitution and the common law. Op. Att'y Gen. No. 98006 at 6. See also Op. Att'y Gen. No. 10007, Op. Att'y Gen. No. 15-010.

**Question 3. Do the contracts that provide for the receipt of state funds through the processing of credit card transactions fall within the State Treasurer's constitutional authority to supervise the State's relationship with state and national banks?**

As we explained above, the contracts that are entered into by the State Treasurer and the Director of the Department of Administrative Services for credit cards, charge cards, or debit cards, pursuant to Neb. Rev. Stat. § 81-118.01, fall within the State Treasurer's responsibility to supervise the State's relationship with state and national banks. In order to contract for these services, there must be a banking relationship established between the State of Nebraska and the merchant bank which issues the card.

**Question 5. Is LB 955 unconstitutional?**

In the context of opinion requests from members of the Legislature, we have stated in the past that a general question on the constitutionality of proposed legislation will necessarily result in a general response from this office. Op. Att'y Gen. No. 98040 (September 11, 1998), Op. Att'y Gen. No. 94023 (March 23, 1994). We will address two potential constitutional problems with this proposed legislation, but have no indication from you as to whether you believe there could be other potential constitutional impediments to this legislation. In terms of whether 2016 LB 955 interferes upon the State Treasurer's constitutional "core functions," as discussed herein, we believe 2016 LB 955 to be an unconstitutional infringement thereupon.

We also have concerns about whether 2016 LB 955 would constitute unconstitutional special legislation. As we believe this bill to be an unconstitutional infringement upon the State Treasurer's core duties, we will not discuss whether this bill is special legislation at length. However, we do believe 2016 LB 955 creates an arbitrary classification of two state agencies, with no reasonable distinction which would allow only these two state agencies to enter into their own contracts for credit card services.

Under Neb. Const. art. III, § 18, a legislative act constitutes special legislation if (1) it creates an arbitrary and unreasonable method of classification, or (2) it creates a permanently closed class. *Gourley v. Nebraska Methodist Health System, Inc.*, 265 Neb. 918, 663 N.W.2d 43 (2003). With respect to what constitutes an arbitrary and unreasonable classification, the Nebraska Supreme Court has stated "[a] legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to objects to be classified." *Gourley v. Nebraska Methodist Health System, Inc.*, 265 Neb. 918, 938, 663 N.W.2d 43, 65 (2003) (citations omitted). Ultimately, "the analysis under a special legislation inquiry focuses on the Legislature's purpose in creating the class and asks if there is a substantial difference of circumstances to suggest the expediency of diverse legislation." *Id.* at 939, 663 N.W.2d at 66.

While the University of Nebraska and the State College System may argue that they are different from all other state agencies, having more autonomy due to their constitutionally created governing bodies, and

providing differing services from all other state agencies, we do not believe that is sufficient to separate them for the purposes of a credit card contract relating to the expenditure of state funds. In this regard there are other constitutionally created state offices which could argue they are not substantially different from the University of Nebraska and the State College System for purposes of establishing their own credit card processing. We do not believe that allowing the University of Nebraska and the State College System to contract for credit card processing, separate from the contract entered into by the State Treasurer, passes the test of a "substantial difference of situation or circumstance" under *Gourley*. For these reasons, we believe 2016 LB 955 to be unconstitutional special legislation.

### Conclusion

For the reasons found herein, we believe 2016 LB 955 to be an unconstitutional infringement upon the State Treasurer's core functions. We do not believe that the State Treasurer's duties to supervise the state's banking relationships, which includes entering into contracts for credit card processing services, can be eliminated or diminished by legislative enactment. We also believe 2016 LB 955 to be unconstitutional special legislation as to the University of Nebraska and the State College System.

<sup>1</sup> For convenience, we will refer to this grouping of services as "credit card processing services." All references to credit cards and credit card processing also refer to charge cards and debit cards and processing thereof.

<sup>2</sup> See *Op. Att'y Gen. 98006* at 6. See also *State ex rel. State Ry. Comm'n v. Ramsey*, 151 Neb. 333, 338, 37 N.W.2d 502, 506 (1949) ("[a] Constitution is intended to meet and be applied to any conditions and circumstances as they arise in the course of the progress of the community. The terms and provisions of constitutions are constantly expanded and enlarged by construction to meet the advancing affairs of men. While the powers granted thereby do not change, they do apply in different periods to all things to which they are in their nature applicable."

<sup>3</sup> You have only asked us to opine as to the constitutionality of this bill as it relates to "state funds." As is discussed in *Op. Att'y Gen. No. 98006* at 8-12 and *Board of Regents of the University of Nebraska v. Exon*, 199 Neb. 146 (1977), the University has other funds, which are not "state funds," and for which it is permitted to establish its own banking relationship. We will not discuss those funds herein.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Natalee J. Hart  
Assistant Attorney General

pc. Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

02-611-29

**AMENDMENT(S) - Print in Journal**

Senator Schumacher filed the following amendment to LB1022:  
AM2398

(Amendments to Standing Committee amendments, AM2170)

1 1. Strike amendment 6.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Chambers - LB1000

Davis, Groene, Kolowski, Kolterman - LB447

**VISITOR(S)**

Visitors to the Chamber were 14 members of Project Everlast from District 42; 39 fourth-grade students, teachers, and sponsors from Montclair Elementary, Omaha; and 27 twelfth-grade students, teacher, and sponsors from Burwell.

**RECESS**

At 11:59 a.m., on a motion by Senator Sullivan, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Coash presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Kuehn and Schilz who were excused; and Senators Bolz, Craighead, and Watermeier who were excused until they arrive.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 938A.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 938, One Hundred Fourth Legislature, Second Session, 2016.

**GENERAL FILE**

**LEGISLATIVE BILL 344.** The McCoy amendment, AM2403, found on page 832 and considered in this day's Journal, to the committee amendment, was renewed.

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

Senator Hansen moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The motion to cease debate prevailed with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

Senator McCoy requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Bloomfield	Davis	Kintner	Mello	Seiler
Brasch	Ebke	Kolterman	Murante	Sullivan
Coash	Fox	Larson	Scheer	Watermeier
Cook	Garrett	Lindstrom	Schnoor	
Craighead	Groene	McCoy	Schumacher	

Voting in the negative, 16:

Baker	Haar, K.	Hughes	Morfeld
Campbell	Hadley	Kolowski	Pansing Brooks
Chambers	Harr, B.	Krist	Stinner
Gloor	Hilkemann	McCollister	Williams

Present and not voting, 7:

Bolz	Friesen	Johnson	Smith
Crawford	Hansen	Riepe	

Excused and not voting, 3:

Howard      Kuehn      Schilz

The McCoy amendment lost with 23 ayes, 16 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Kolowski offered the following amendment to the committee amendment:

AM2415

(Amendments to Standing Committee amendments, AM2112)

1 1. On page 1, line 19, strike "and such" and insert "except that the  
 2 levy on such general obligation bonds shall not exceed one cent on each  
 3 one hundred dollars of taxable valuation annually on all of the taxable  
 4 property within the district without approval by a majority of registered  
 5 voters of the district at an election in accordance with the Election Act  
 6 called by the board of directors and held in conjunction with a statewide  
 7 primary or general election. Such".

Senator Kolowski moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Kolowski requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 28:

Baker	Crawford	Harr, B.	Krist	Smith
Bolz	Friesen	Hilkemann	McCollister	Stinner
Campbell	Gloor	Hughes	Mello	Sullivan
Chambers	Haar, K.	Johnson	Morfeld	Williams
Coash	Hadley	Kolowski	Pansing Brooks	
Cook	Hansen	Kolterman	Seiler	

Voting in the negative, 3:

Bloomfield      Groene      Kintner

Present and not voting, 14:

Brasch	Ebke	Lindstrom	Riepe	Schumacher
Craighead	Fox	McCoy	Scheer	Watermeier
Davis	Garrett	Murante	Schnoor	

Excused and not voting, 4:

Howard      Kuehn      Larson      Schilz

The Kolowski amendment was adopted with 28 ayes, 3 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Committee AM2112, found on page 628 and considered on page 832, as amended, was renewed.

The committee amendment, as amended, was adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

Senator Schnoor offered the following amendment:

AM2446

(Amendments to Standing Committee amendments, AM2112)

1 1. On page 2, lines 25 and 31, strike "2025" and insert "2023".

Senator Kintner offered the following amendment to the Schnoor amendment:

FA92

Amend AM2446

Strike 2023 and insert 2021.

### **SPEAKER HADLEY PRESIDING**

Senator Kolowski offered the following motion:

MO196

Unanimous consent to bracket until April 20, 2016.

No objection. So ordered.

### **COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 842.** Placed on General File.

**LEGISLATIVE BILL 750.** Placed on General File with amendment.

AM2378

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

2 sections:

3 Section 1. Section 38-101, Revised Statutes Supplement, 2015, is

4 amended to read:

5 38-101 Sections 38-101 to 38-1,141 and section 2 of this act and the

6 following practice acts shall be known and may be cited as the Uniform

7 Credentialing Act:

8 (1) The Advanced Practice Registered Nurse Practice Act;

9 (2) The Alcohol and Drug Counseling Practice Act;

10 (3) The Athletic Training Practice Act;

11 (4) The Audiology and Speech-Language Pathology Practice Act;

12 (5) The Certified Nurse Midwifery Practice Act;

13 (6) The Certified Registered Nurse Anesthetist Practice Act;



14 (7) The Chiropractic Practice Act;  
15 (8) The Clinical Nurse Specialist Practice Act;  
16 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and  
17 Body Art Practice Act;  
18 (10) The Dentistry Practice Act;  
19 (11) The Emergency Medical Services Practice Act;  
20 (12) The Environmental Health Specialists Practice Act;  
21 (13) The Funeral Directing and Embalming Practice Act;  
22 (14) The Genetic Counseling Practice Act;  
23 (15) The Hearing Instrument Specialists Practice Act;  
24 (16) The Licensed Practical Nurse-Certified Practice Act;  
25 (17) The Massage Therapy Practice Act;  
26 (18) The Medical Nutrition Therapy Practice Act;  
27 (19) The Medical Radiography Practice Act;  
1 (20) The Medicine and Surgery Practice Act;  
2 (21) The Mental Health Practice Act;  
3 (22) The Nurse Practice Act;  
4 (23) The Nurse Practitioner Practice Act;  
5 (24) The Nursing Home Administrator Practice Act;  
6 (25) The Occupational Therapy Practice Act;  
7 (26) The Optometry Practice Act;  
8 (27) The Perfusion Practice Act;  
9 (28) The Pharmacy Practice Act;  
10 (29) The Physical Therapy Practice Act;  
11 (30) The Podiatry Practice Act;  
12 (31) The Psychology Practice Act;  
13 (32) The Respiratory Care Practice Act;  
14 (33) The Veterinary Medicine and Surgery Practice Act; and  
15 (34) The Water Well Standards and Contractors' Practice Act.  
16 If there is any conflict between any provision of sections 38-101 to  
17 38-1,139 and 38-1,141 and any provision of a practice act, the provision  
18 of the practice act shall prevail.  
19 The Revisor of Statutes shall assign the Uniform Credentialing Act,  
20 including the practice acts enumerated in subdivisions (1) through (33)  
21 of this section, to articles within Chapter 38.  
22 Sec. 2. An individual or a business credentialed pursuant to the  
23 Uniform Credentialing Act shall not discriminate or retaliate against any  
24 person who has initiated or participated in the making of a report under  
25 the act to the department. Such person may maintain an action for any  
26 type of relief, including injunctive and declarative relief, permitted by  
27 law.  
28 Sec. 3. Section 38-175, Reissue Revised Statutes of Nebraska, is  
29 amended to read:  
30 38-175 (1) The department may contract to provide a Licensee  
31 Assistance Program to credential holders regulated by the department. The  
1 program shall be limited to providing education, referral assistance, and  
2 monitoring of compliance with treatment for abuse of, dependence on, or  
3 active addiction to alcohol, any controlled substance, or any mind-  
4 altering substance and shall be limited to voluntary participation by

5 credential holders.

6 (2)(a) Participation in the program shall be confidential, except  
7 that if any evaluation by the program determines that the abuse,  
8 dependence, or active addiction may be of a nature which constitutes a  
9 danger to the public health and safety by the person's continued practice  
10 or if the person fails to comply with any term or condition of a  
11 treatment plan, the program shall report the same to the director.

12 (b) Participation in the program shall not preclude the  
13 investigation of alleged statutory violations which could result in  
14 disciplinary action against the person's credential or criminal action  
15 against the person.

16 (3) Any report from any person or from the program to the department  
17 indicating that a credential holder is suffering from abuse of,  
18 dependence on, or active addiction to alcohol, any controlled substance,  
19 or any mind-altering substance that impairs the ability to practice the  
20 profession shall be treated as a complaint against such credential and  
21 shall subject such credential holder to discipline under sections 38-186  
22 to 38-1,100.

23 (4) No person who makes such a report to the program or from the  
24 program to the department shall be liable in damages to any person for  
25 slander, libel, defamation of character, breach of any privileged  
26 communication, or other criminal or civil action of any nature, whether  
27 direct or derivative, for making such report or providing information to  
28 the program or department in accordance with this section. The identity  
29 of any person making such a report or providing information leading to  
30 the making of a report shall be confidential.

31 (5) Any person who contacts the department for information on or  
1 assistance in obtaining referral or treatment of himself or herself or  
2 any other person credentialed by the department for abuse of, dependence  
3 on, or active addiction to alcohol, any controlled substance, or any  
4 mind-altering substance that impairs the ability to practice the  
5 profession shall be referred to the program. Such inquiries shall not be  
6 used by the department as the basis for investigation for disciplinary  
7 action, except that such limitation shall not apply to complaints or any  
8 other reports or inquiries made to the department concerning persons who  
9 may be suffering from abuse of, dependence on, or active addiction to  
10 alcohol, any controlled substance, or any mind-altering substance that  
11 impairs the ability to practice the profession or when a complaint has  
12 been filed or an investigation or disciplinary or other administrative  
13 proceeding is in process.

14 Sec. 4. Section 38-1,106, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 38-1,106 (1) Reports under sections 38-1,129 to 38-1,136,  
17 complaints, and investigational records of the department shall not be  
18 public records, shall not be subject to subpoena or discovery, and shall  
19 be inadmissible in evidence in any legal proceeding of any kind or  
20 character except a contested case before the department. Such reports,  
21 complaints, or records shall be a public record if made part of the  
22 record of a contested case before the department. No person, including,

23 but not limited to, department employees and members of a board, having  
24 access to such reports, complaints, or investigational records shall  
25 disclose such information in violation of this section, except that the  
26 department may exchange such information with law enforcement and other  
27 state licensing agencies as necessary and appropriate in the discharge of  
28 the department's duties and only under circumstances to ensure against  
29 unauthorized access to such information. Violation of this subsection is  
30 a Class I misdemeanor.

31 (2) Investigational records, reports, and files pertaining to an  
1 application for a credential shall not be a public record until action is  
2 taken to grant or deny the application and may be withheld from  
3 disclosure thereafter under section 84-712.05.

4 (3) The identity of any person making a report, providing  
5 information leading to the making of a report, or otherwise providing  
6 information to the department, a board, or the Attorney General included  
7 in such reports, complaints, or investigational records shall be  
8 confidential whether or not the record of the investigation becomes a  
9 public record.

10 Sec. 5. Section 38-1,121, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 38-1,121 A complaint submitted to the department regarding a  
13 credential holder subject to section 38-1,119 and the identity of any  
14 person making the complaint or providing information leading to the  
15 making of the complaint shall be confidential. Such persons ~~A person~~  
16 ~~making such a complaint~~ shall be immune from criminal or civil liability  
17 of any nature, whether direct or derivative, for filing a complaint or  
18 for disclosure of documents, records, or other information to the  
19 department.

20 Sec. 6. Section 38-1,126, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

22 38-1,126 (1) A report made to the department under section 38-1,124  
23 or 38-1,125 shall be confidential. The identity of any person making such  
24 report or providing information leading to the making of such report  
25 shall be confidential.

26 (2) Any person making such a report to the department, except a  
27 person who is self-reporting, shall be completely immune from criminal or  
28 civil liability of any nature, whether direct or derivative, for filing a  
29 report or for disclosure of documents, records, or other information to  
30 the department under section 38-1,124 or 38-1,125.

31 (3) Persons who are members of committees established under the  
1 Health Care Quality Improvement Act, the Patient Safety Improvement Act,  
2 or section 25-12,123 or witnesses before such committees shall not be  
3 required to report under section 38-1,124 or 38-1,125. Any person who is  
4 a witness before such a committee shall not be excused from reporting  
5 matters of first-hand knowledge that would otherwise be reportable under  
6 section 38-1,124 or 38-1,125 only because he or she attended or testified  
7 before such committee.

8 (4) Documents from original sources shall not be construed as immune  
9 from discovery or use in actions under section 38-1,125.

10 Sec. 7. Section 38-1,129, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 38-1,129 Unless such knowledge or information is based on  
13 confidential medical records protected by the confidentiality provisions  
14 of the federal Public Health Services Act, 42 U.S.C. 290dd-2, and federal  
15 administrative rules and regulations, as such act and rules and  
16 regulations existed on January 1, 2007:

17 (1) Any insurer having knowledge of any violation of any of the  
18 Uniform Credentialing Act governing the profession of the person being  
19 reported whether or not such person is credentialed shall report the  
20 facts of such violation as known to such insurer to the department; and

21 (2) All insurers shall cooperate with the department and provide  
22 such information as requested by the department concerning any possible  
23 violations by any person required to be credentialed whether or not such  
24 person is credentialed.

25 The identity of any person making such report on behalf of an  
26 insurer or providing information leading to the making of such report  
27 shall be confidential.

28 Sec. 8. Section 38-1,130, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 38-1,130 Any insurer shall report to the department, on a form and  
31 in the manner specified by the department by rule and regulation, any  
1 facts known to the insurer, including, but not limited to, the identity  
2 of the credential holder and consumer, when the insurer:

3 (1) Has reasonable grounds to believe that a person required to be  
4 credentialed has committed a violation of the provisions of the Uniform  
5 Credentialing Act governing the profession of such person whether or not  
6 such person is credentialed;

7 (2) Has made payment due to an adverse judgment, settlement, or  
8 award resulting from a professional liability claim against the insurer,  
9 a health care facility or health care service as defined in the Health  
10 Care Facility Licensure Act, or a person required to be credentialed  
11 whether or not such person is credentialed, including settlements made  
12 prior to suit in which the consumer releases any professional liability  
13 claim against the insurer, health care facility or health care service,  
14 or person required to be credentialed, arising out of the acts or  
15 omissions of such person;

16 (3) Takes an adverse action affecting the coverage provided by the  
17 insurer to a person required to be credentialed, whether or not such  
18 person is credentialed, due to alleged incompetence, negligence,  
19 unethical or unprofessional conduct, or physical, mental, or chemical  
20 impairment. For purposes of this section, adverse action does not include  
21 raising rates for professional liability coverage unless it is based upon  
22 grounds that would be reportable and no prior report has been made to the  
23 department; or

24 (4) Has been requested by the department to provide information.

25 The identity of any person making such report on behalf of an  
26 insurer or providing information leading to the making of such report  
27 shall be confidential.

28 Sec. 9. Section 38-1,134, Reissue Revised Statutes of Nebraska, is  
 29 amended to read:  
 30 38-1,134 To the extent that reports made under section 38-1,129 or  
 31 38-1,130 contain or relate to privileged communications between consumer  
 1 and credential holder, such reports shall be treated by the department as  
 2 privileged communications and shall be considered to be part of the  
 3 investigational records of the department. Such reports may not be  
 4 obtained by legal discovery proceedings or otherwise disclosed unless the  
 5 privilege is waived by the consumer involved or the reports are made part  
 6 of the record in a contested case under section 38-186, in which case  
 7 such reports shall only be disclosed to the extent they are made a part  
 8 of such record. The identity of any person making such report or  
 9 providing information leading to the making of such report shall be  
 10 confidential.

11 Sec. 10. Section 71-445, Reissue Revised Statutes of Nebraska, is  
 12 amended to read:  
 13 71-445 (1) A health care facility or health care service shall not  
 14 discriminate or retaliate against a person residing in, served by, or  
 15 employed at such facility or service who has initiated or participated in  
 16 any proceeding authorized by the Health Care Facility Licensure Act or  
 17 who has presented a complaint or provided information to the  
 18 administrator of such facility or service or the Department of Health and  
 19 Human Services. Such person may maintain an action for any type of  
 20 relief, including injunctive and declaratory relief, permitted by law.  
 21 (2) A health care facility licensed pursuant to the Health Care  
 22 Facility Licensure Act shall not discriminate or retaliate against any  
 23 person who has initiated or participated in the making of a report under  
 24 the Uniform Credentialing Act to the department. Such person may maintain  
 25 an action for any type of relief, including injunctive and declaratory  
 26 relief, permitted by law.  
 27 Sec. 11. Original sections 38-175, 38-1,106, 38-1,121, 38-1,129,  
 28 38-1,130, 38-1,134, and 71-445, Reissue Revised Statutes of Nebraska,  
 29 section 38-1,126, Revised Statutes Cumulative Supplement, 2014, and  
 30 section 38-101, Revised Statutes Supplement, 2015, are repealed.

**LEGISLATIVE BILL 816.** Placed on General File with amendment.  
 AM2336

1 1. On page 3, line 5, strike "and potential".

**LEGISLATIVE BILL 939.** Placed on General File with amendment.  
 AM2221

1 1. Insert the following new section:  
 2 Sec. 10. Section 71-7611, Revised Statutes Supplement, 2015, is  
 3 amended to read:  
 4 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
 5 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
 6 on or before July 15, 2014, (b) sixty million three hundred fifty  
 7 thousand dollars on or before July 15, 2015, (c) sixty million three  
 8 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty

9 million three hundred fifty thousand dollars on or before July 15, 2017,  
 10 (e) sixty million three hundred fifty thousand dollars on or before July  
 11 15, 2018, and (f) sixty million one hundred thousand dollars on or before  
 12 every July 15 thereafter from the Nebraska Medicaid Intergovernmental  
 13 Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska  
 14 Health Care Cash Fund, except that such amount shall be reduced by the  
 15 amount of the unobligated balance in the Nebraska Health Care Cash Fund  
 16 at the time the transfer is made. The state investment officer upon  
 17 consultation with the Nebraska Investment Council shall advise the State  
 18 Treasurer on the amounts to be transferred from the Nebraska Medicaid  
 19 Intergovernmental Trust Fund and from the Nebraska Tobacco Settlement  
 20 Trust Fund under this section in order to sustain such transfers in  
 21 perpetuity. The state investment officer shall report electronically to  
 22 the Legislature on or before October 1 of every even-numbered year on the  
 23 sustainability of such transfers. The Nebraska Health Care Cash Fund  
 24 shall also include money received pursuant to section 77-2602. Except as  
 25 otherwise provided by law, no more than the amounts specified in this  
 26 subsection may be appropriated or transferred from the Nebraska Health  
 27 Care Cash Fund in any fiscal year.

1 It is the intent of the Legislature that no additional programs are  
 2 funded through the Nebraska Health Care Cash Fund until funding for all  
 3 programs with an appropriation from the fund during FY2012-13 are  
 4 restored to their FY2012-13 levels.

5 (2) The Legislature may transfer money from the Nebraska Health Care  
 6 Cash Fund to carry out the purposes of the Nebraska Early Childhood  
 7 Advantage Act.

8 ~~(3)~~ Any money in the Nebraska Health Care Cash Fund available for  
 9 investment shall be invested by the state investment officer pursuant to  
 10 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 11 Investment Act.

12 ~~(4)~~ ~~3~~ The University of Nebraska and postsecondary educational  
 13 institutions having colleges of medicine in Nebraska and their affiliated  
 14 research hospitals in Nebraska, as a condition of receiving any funds  
 15 appropriated or transferred from the Nebraska Health Care Cash Fund,  
 16 shall not discriminate against any person on the basis of sexual  
 17 orientation.

18 ~~(5)~~ ~~4~~ The State Treasurer shall transfer fifty thousand dollars on  
 19 or before July 15, 2016, from the Nebraska Health Care Cash Fund to the  
 20 Board of Regents of the University of Nebraska for the University of  
 21 Nebraska Medical Center. It is the intent of the Legislature that these  
 22 funds be used by the College of Public Health for workforce training.

23 2. On page 2, strike beginning with "any" in line 4 through  
 24 "programs" in line 5 and insert "the Department of Health and Human  
 25 Services"; in line 6 after "~~(2)~~" insert "(a)"; and in line 8 strike  
 26 "(a)".

27 3. On page 3, line 7, strike "or"; in line 9 after "services" insert  
 28 ".".

29 (v) Programs established pursuant to section 79-1104; or

30 (vi) Programs established pursuant to subdivision (4) of section

31 79-2104"; strike beginning with "Departments" in line 10 through  
 1 "jointly" in line 11 and insert "The department may"; and in line 12  
 2 strike "departments" and insert "department".  
 3 4. On page 4, line 4, strike "A" and insert "The"; in line 5 insert  
 4 "and" after the second comma; strike beginning with the third comma in  
 5 line 5 through "entities" in line 6; in line 9 strike "a" and insert  
 6 "the"; in line 14 strike "Departments administering home-visiting  
 7 programs" and insert "The department"; and in line 29 strike beginning  
 8 with "December" through "a" and insert "July 1, 2019, and annually  
 9 thereafter, the".  
 10 5. On page 5, line 10, strike "departments have" and insert  
 11 "department has".  
 12 6. On page 6, line 25, after "act" insert an underscored comma.  
 13 7. Renumber the remaining section and correct the repealer  
 14 accordingly.

**LEGISLATIVE BILL 952.** Placed on General File with amendment.  
 AM2358

1 1. Strike original section 1 and renumber the remaining sections  
 2 accordingly.

(Signed) Kathy Campbell, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
 Nebraska Retirement Systems

Room 1525

Thursday, March 31, 2016 8:00 a.m.

Pamela E. Lancaster - Public Employees Retirement Board  
 Presentation of the Nebraska Investment Council Annual Report to the  
 Nebraska Retirement Systems Committee pursuant to section 72-1243(2)  
 Presentation of the Nebraska Public Employees Retirement Systems Annual  
 Report to the Nebraska Retirement Systems Committee pursuant to  
 section 84-1503(3)

(Signed) Mark Kolterman, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 468.** Introduced by Garrett, 3;  
 Crawford, 45.

WHEREAS, Joey Walther and Colton Patrick, sophomores at Bellevue  
 East High School and members of Future Business Leaders of America  
 (FBLA), have been holding seminars at local schools to educate young  
 Nebraskans about the importance of saving money, the job market, and how  
 the economy affects their lives; and

WHEREAS, according to the Financial Industry Regulatory Authority, 56 percent of people in the United States have no "rainy day" fund; and

WHEREAS, ING Direct and Capital One found that 87 percent of teenagers say they know little to nothing about managing money; and

WHEREAS, teaching young Nebraskans about personal finance and giving them the proper tools for money management is key to their future success; and

WHEREAS, Joey and Colton have named their educational program "Project BEECON" (Business and Economic Education Community Outreach) and will be competing with their program in an annual FBLA competition in April.

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

1. That the Legislature commends Joey Walther and Colton Patrick for educating young Nebraskans about the economy and the importance of saving money.

2. That the Legislature sends Joey Walther and Colton Patrick well wishes on Project BEECON and wishes them success in their future endeavors.

3. That a copy of this resolution be sent to Joey Walther and Colton Patrick.

Laid over.

#### **AMENDMENT(S) - Print in Journal**

Senator Baker filed the following amendment to LB722:  
AM2435

(Amendments to Standing Committee amendments, AM2126)

1 1. On page 2, line 29; and page 3, line 11, strike "A" and insert

2 "Beginning on January 1, 2017, a".

3 2. On page 3, line 7, strike "An" and insert "Beginning on January

4 1, 2017, an".

#### **MESSAGE(S) FROM THE GOVERNOR**

March 7, 2016

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 954e and 1016 were received in my office on March 1, 2016.

These bills were signed and delivered to the Secretary of State on March 7, 2016.



Sincerely,  
(Signed) Pete Ricketts  
Governor

#### **GENERAL FILE**

**LEGISLATIVE BILL 1009.** Title read. Considered.

Committee AM1960, found on page 522, was offered.

#### **SENATOR SCHEER PRESIDING**

The committee amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 934.** Title read. Considered.

Committee AM2190, found on page 644, was offered.

Senator Coash offered his amendment, AM2276, found on page 727, to the committee amendment.

The Coash amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 934A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 469.** Introduced by Hadley, 37.

WHEREAS, the Kearney Catholic High School girls' basketball team won the 2016 Class C-1 Girls' State Basketball Championship; and

WHEREAS, the Kearney Catholic Stars defeated Lincoln Christian High School in the championship game by a score of 39-37; and

WHEREAS, this victory would not have been possible without the remarkable skill and teamwork of Michelle Messbarger, Annie Trettel, Jordan Streit, Olivia Micek, Brooke Eschenbrenner, Kylie Thiele, Ashlynn

Schmaderer, Jaedyn Bosshamer, Morgan Thiele, Gabby Baack, Maddie Squiers, Katelyn Long, Anna Squiers, Madison Shoemaker, and Kayla Lee; and

WHEREAS, the Kearney Catholic Stars' victory was also thanks to the leadership and commitment of Head Coach Rick Petri, Assistant Coaches Dwaine Schmitt, Tim Thiele, and Allie Exstrom, and Volunteer Assistant Coach Hope ReRucha; 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 Kearney Catholic High School girls' basketball team on winning the 2016 Class C-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Kearney Catholic Stars and Head Coach Rick Petri.

Laid over.

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 1067.** Placed on General File.

(Signed) Kate Sullivan, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Crawford - LB768

Brasch - LB768

Pansing Brooks - LB706

**VISITOR(S)**

Visitors to the Chamber were 50 fourth-grade students from Rockwell Elementary, Omaha; and members of USSTRATCOM Fellows Program with the University of Nebraska, Omaha.

**ADJOURNMENT**

At 4:46 p.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Tuesday, March 8, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-NINTH DAY - MARCH 8, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 8, 2016

**PRAYER**

The prayer was offered by Chaplain Brian High, First Baptist Church, Tekamah.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Kuehn who was excused; and Senators Campbell, Craighead, Hansen, Howard, Kolowski, Larson, Mello, and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-eighth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 451, 453, 454, 456, and 457 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 451, 453, 454, 456, and 457.

**GENERAL FILE**

**LEGISLATIVE BILL 817.** Title read. Considered.

**SENATOR KRIST PRESIDING**

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1109.** Senator Chambers offered the following motion:

MO197

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

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

Senator Chambers requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 5:

Cook	Davis	Ebke	Groene	McCoy
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Voting in the negative, 34:

Baker	Garrett	Hughes	Mello	Schumacher
Bolz	Gloor	Johnson	Morfeld	Seiler
Campbell	Haar, K.	Kintner	Murante	Smith
Coash	Hadley	Kolowski	Riepe	Stinner
Craighead	Hansen	Kolterman	Scheer	Watermeier
Fox	Harr, B.	Larson	Schilz	Williams
Friesen	Hilkemann	Lindstrom	Schnoor	

Present and not voting, 8:

Bloomfield	Chambers	Howard	McCollister
Brasch	Crawford	Krist	Sullivan

Excused and not voting, 2:

Kuehn	Pansing Brooks
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The Chambers motion to indefinitely postpone failed with 5 ayes, 34 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO198

Reconsider the vote taken to indefinitely postpone.

**SPEAKER HADLEY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 5:

Chambers      Davis              Ebke              Groene              McCoy

Voting in the negative, 32:

Baker	Hadley	Kolterman	Murante	Smith
Bolz	Hansen	Krist	Riepe	Stinner
Coash	Harr, B.	Larson	Scheer	Watermeier
Friesen	Hilkemann	Lindstrom	Schilz	Williams
Garrett	Hughes	McCollister	Schnoor	
Gloor	Johnson	Mello	Schumacher	
Haar, K.	Kintner	Morfeld	Seiler	

Present and not voting, 7:

Bloomfield	Crawford	Howard	Sullivan
Brasch	Fox	Kolowski	

Excused and not voting, 5:

Campbell	Cook	Craighead	Kuehn	Pansing Brooks
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The Chambers motion to reconsider failed with 5 ayes, 32 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Title read. Considered.

#### **SENATOR SCHEER PRESIDING**

Senator Chambers offered the following motion:

MO199

Recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers withdrew his motion.

Pending.

#### **COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 774.** Placed on General File with amendment.  
AM2422 is available in the Bill Room.

**LEGISLATIVE BILL 1051.** Placed on General File with amendment.

AM2309

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

2 sections:

3 Section 1. Section 77-5715, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 77-5715 (1) For a tier 2, tier 3, tier 4, or tier 5 project,

6 qualified business means any business engaged in:

7 (a) The conducting of research, development, or testing for

8 scientific, agricultural, animal husbandry, food product, or industrial

9 purposes;

10 (b) The performance of data processing, data analysis, or

11 telecommunication, insurance, or financial services. For purposes of this

12 subdivision, financial services includes only financial services provided

13 by any financial institution subject to tax under Chapter 77, article 38,

14 or any person or entity licensed by the Department of Banking and Finance

15 or the federal Securities and Exchange Commission and telecommunication

16 services includes community antenna television service, Internet access,

17 satellite ground station, call center, or telemarketing. For purposes of

18 this subdivision, data analysis means the process of extracting,

19 compiling, and modeling raw data for purposes of obtaining constructive

20 information that can be applied to formulating conclusions, predicting

21 outcomes, or supporting decisions in business, scientific, and social

22 science settings;

23 (c) The assembly, fabrication, manufacture, or processing of

24 tangible personal property;

25 (d) The administrative management of the taxpayer's activities,

26 including headquarter facilities relating to such activities or the

27 administrative management of any of the activities of any business entity

1 or entities in which the taxpayer or a group of its shareholders holds

2 any direct or indirect ownership interest of at least ten percent,

3 including headquarter facilities relating to such activities;

4 (e) The storage, warehousing, distribution, transportation, or sale

5 of tangible personal property;

6 (f) The sale of tangible personal property if the taxpayer derives

7 at least seventy-five percent or more of the sales or revenue

8 attributable to such activities relating to the project from sales to

9 consumers who are not related persons and are located outside the state;

10 (g) The sale of software development services, computer systems

11 design, product testing services, or guidance or surveillance systems

12 design services or the licensing of technology if the taxpayer derives at

13 least seventy-five percent of the sales or revenue attributable to such

14 activities relating to the project from sales or licensing either to

15 customers who are not related persons and located outside the state or to

16 the United States Government, including sales of such services, systems,

17 or products delivered by providing the customer with software or access

18 to software over the Internet or by other electronic means, regardless of

19 whether the software or data accessed by customers is stored on a

20 computer owned by the applicant, the customer, or a third party and

21 regardless of whether the computer storing the software or data is  
22 located at the project;

23 (h) The research, development, and maintenance of an Internet web  
24 portal. For purposes of this subdivision, Internet web portal means an  
25 Internet site that allows users to access, search, and navigate the  
26 Internet;

27 (i) The research, development, and maintenance of a data center;

28 (j) The production of electricity by using one or more sources of  
29 renewable energy to produce electricity for sale. For purposes of this  
30 subdivision, sources of renewable energy includes, but is not limited to,  
31 wind, solar, geothermal, hydroelectric, biomass, and transmutation of  
1 elements; or

2 (k) Any combination of the activities listed in this subsection.

3 (2) For a tier 1 project, qualified business means any business  
4 engaged in:

5 (a) The conducting of research, development, or testing for  
6 scientific, agricultural, animal husbandry, food product, or industrial  
7 purposes;

8 (b) The assembly, fabrication, manufacture, or processing of  
9 tangible personal property;

10 (c) The sale of software development services, computer systems  
11 design, product testing services, or guidance or surveillance systems  
12 design services or the licensing of technology if the taxpayer derives at  
13 least seventy-five percent of the sales or revenue attributable to such  
14 activities relating to the project from sales or licensing either to  
15 customers who are not related persons and are located outside the state  
16 or to the United States Government, including sales of such services,  
17 systems, or products delivered by providing the customer with software or  
18 access to software over the Internet or by other electronic means,  
19 regardless of whether the software or data accessed by customers is  
20 stored on a computer owned by the applicant, the customer, or a third  
21 party and regardless of whether the computer storing the software or data  
22 is located at the project; or

23 (d) Any combination of activities listed in this subsection.

24 (3) For a tier 6 project, qualified business means any business  
25 except a business excluded by subsection (4) of this section.

26 (4) Except for business activity described in subdivision (1)(f) of  
27 this section, qualified business does not include any business activity  
28 in which eighty percent or more of the total sales are sales to the  
29 ultimate consumer of (a) food prepared for immediate consumption or (b)  
30 tangible personal property which is not assembled, fabricated,  
31 manufactured, or processed by the taxpayer or used by the purchaser in  
1 any of the activities listed in subsection (1) or (2) of this section.

2 Sec. 2. Original section 77-5715, Revised Statutes Cumulative  
3 Supplement, 2014, is repealed.

(Signed) Mike Gloor, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 910A.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 910, One Hundred Fourth Legislature, Second Session, 2016.

**AMENDMENT(S) - Print in Journal**

Senator Garrett filed the following amendment to LB768:  
AM2350

(Amendments to Standing Committee amendments, AM2058)

- 1 1. On page 7, strike beginning with "and" in line 7 through "weight"
- 2 in line 9, show as stricken, and insert "trailers, and semitrailers,
- 3 except motor vehicles, trailers, and semitrailers registered under
- 4 section 60-3,198".
- 5 2. On page 9, line 11, strike "when it is designed" and insert
- 6 "beginning January 1, 2017"; in line 22 strike "A" and insert "Beginning
- 7 January 1, 2017, a"; and in line 27 after "tons" insert "or a commercial
- 8 truck or truck-tractor with a gross weight of five tons or over".

Senator Chambers filed the following amendment to LB673:  
AM2449

(Amendments to Standing Committee amendments, AM2244)

- 1 1. On page 1, line 11, after "exists" insert "or the court
- 2 determines that an appointment outside of the guardian ad litem division
- 3 would be more appropriate to serve the child's best interests".
- 4 2. On page 3, line 28, strike "and if" and insert "unless"; and
- 5 strike beginning with the underscored comma in line 28 through "division"
- 6 in line 29 and insert "or the court determines that an appointment
- 7 outside of the guardian ad litem division would be more appropriate to
- 8 serve the child's best interests".
- 9 3. On page 4, line 31, after "experience" insert "as a guardian ad
- 10 litem for children, including both trial and appellate practice
- 11 experience".
- 12 4. On page 5, lines 18, after "appointed" insert "outside of the
- 13 guardian ad litem division"; and in lines 20 through 25 strike the new
- 14 matter and reinstate the stricken matter.

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Schilz has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.



**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Davis, Groene - LB817

McCoy, Riepe, Schnoor, Smith, Stinner - LB768

Kolowski, Larson - LB768

**VISITOR(S)**

Visitors to the Chamber were Anna Holmquist from Lincoln; members from the Bellevue Chamber of Commerce; 22 members of Girl Scouts Spirit of Nebraska; Senator Krist's sister, niece, and friend, Kate and Teresa Malmberg, and Jace Noble from Papillion; and Rod, Sheila, Karen, and Kayla Livesay from Mount Sterling, IA.

**RECESS**

At 12:03 p.m., on a motion by Senator Bloomfield, 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 Senator Kuehn who was excused; and Senators Bolz, Fox, Hansen, Hughes, Krist, McCollister, Mello, Morfeld, Pansing Brooks, Schilz, Schnoor, and Watermeier who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 1109.** Considered.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

Baker	Gloor	Johnson	Morfeld	Smith
Bolz	Haar, K.	Kintner	Murante	Stinner
Campbell	Hadley	Kolowski	Pansing Brooks	Watermeier
Coash	Hansen	Kolterman	Scheer	Williams
Craighead	Harr, B.	Larson	Schilz	
Fox	Hilkemann	Lindstrom	Schnoor	
Friesen	Howard	McCollister	Schumacher	
Garrett	Hughes	Mello	Seiler	

Voting in the negative, 1:

McCoy

Present and not voting, 10:

Bloomfield	Chambers	Crawford	Ebke	Riepe
Brasch	Cook	Davis	Groene	Sullivan

Excused and not voting, 2:

Krist            Kuehn

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 794.** Title read. Considered.

**SENATOR SCHEER PRESIDING**

Senator Chambers offered the following motion:

MO200

Indefinitely postpone.

Senator Chambers withdrew his motion.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 707.** Placed on General File.

**LEGISLATIVE BILL 815.** Placed on General File.

**LEGISLATIVE BILL 971.** Placed on General File.

**LEGISLATIVE BILL 847.** Placed on General File with amendment.  
AM2273

- 1 1. Strike original section 42 and insert the following new section:
- 2 Sec. 42. The following section is outright repealed: Section 72-247,
- 3 Reissue Revised Statutes of Nebraska.
- 4 2. On page 6, line 5, strike "seventy" and reinstate the stricken
- 5 "sixty-five".
- 6 3. On page 11, line 4, strike "immediately" and show as stricken.

(Signed) Les Seiler, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to LB1109:  
FA93

Page 6, line 25 strike the period and insert "which input shall be taken into consideration by the Board of Regents prior to the hiring of the priority candidate."

**GENERAL FILE**

**LEGISLATIVE BILL 867.** Title read. Considered.

**SENATOR COASH PRESIDING**

Committee AM1976, found on page 665, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Watermeier offered the following amendment:  
AM2380

- 1 1. On page 6, line 28, after "84-907" insert "and the review process
- 2 required under section 84-905.01".

The Watermeier amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 867A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 894.** Title read. Considered.

Committee AM1962, found on page 544, was offered.

Senator Coash withdrew his amendments, AM2053 and AM2321, found on pages 543 and 753.

Senator Krist offered the following amendment to the committee amendment:

AM2456

(Amendments to Standing Committee amendments, AM1962)

1 1. Insert the following new section:

2 Sec. 16. Section 43-3503, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 43-3503 (1) It is the intent of the Legislature to encourage

5 counties to develop a continuum of alternatives to detention ~~nonsecure~~

6 ~~detention services~~ for the purpose of enhancing, developing, and

7 expanding the availability of such services to juveniles requiring

8 alternatives to detention ~~nonsecure detention~~.

9 (2) A county may enhance, develop, or expand alternatives to

10 detention ~~nonsecure detention services~~ as needed with private or public

11 providers. Grants from the Commission Grant Program and aid from the

12 Community-based Juvenile Services Aid Program under the Juvenile Services

13 Act and the federal Juvenile Justice and Delinquency Prevention Act of

14 1974 may be used to fund alternatives to detention ~~nonsecure detention~~

15 ~~services~~. Each county shall routinely review services provided by

16 contract providers and modify services as needed.

17 2. On page 13, lines 14 and 15, strike "least restrict" and insert

18 "cause the least restriction of".

19 3. On page 14, lines 2 through 4, strike the new matter and

20 reinstate the stricken matter; and in lines 7 through 30 strike the new

21 matter and reinstate the stricken matter.

22 4. On page 15, line 6, strike the new matter and reinstate the

23 stricken matter; and in line 7, strike "(3)" and insert "(1), (2),";

24 reinstate the stricken "(3)(b)", and insert ", or (4)" before the first

25 "of".

26 5. On page 23, lines 20 and 22, strike "facilities", show as

1 stricken, and insert "programs, services, facilities, and providers"; and

2 in line 22 after "with" insert "the".

3 6. Renumber the remaining sections and correct the repealer

4 accordingly.

The Krist amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

**COMMITTEE REPORT(S)**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 678.** Placed on General File with amendment.  
AM2431

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

3 Section 1. Section 81-885, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 81-885 Sections 81-885 to 81-885.55 and section 3 of this act shall  
6 be known and may be cited as the Nebraska Real Estate License Act.

7 Sec. 2. Section 81-885.01, Revised Statutes Supplement, 2015, is  
8 amended to read:

9 81-885.01 For purposes of the Nebraska Real Estate License Act,  
10 unless the context otherwise requires:

11 (1) Real estate means and includes condominiums and leaseholds, as  
12 well as any other interest or estate in land, whether corporeal,  
13 incorporeal, freehold, or nonfreehold, and whether the real estate is  
14 situated in this state or elsewhere;

15 (2) Broker means any person who, for any form of compensation or  
16 consideration or with the intent or expectation of receiving the same  
17 from another, negotiates or attempts to negotiate the listing, sale,  
18 purchase, exchange, rent, lease, or option for any real estate or  
19 improvements thereon, or assists in procuring prospects or holds himself  
20 or herself out as a referral agent for the purpose of securing prospects  
21 for the listing, sale, purchase, exchange, renting, leasing, or optioning  
22 of any real estate or collects rents or attempts to collect rents, gives  
23 a broker's price opinion or comparative market analysis, or holds himself  
24 or herself out as engaged in any of the foregoing. Broker also includes  
25 any person: (a) Employed, by or on behalf of the owner or owners of lots  
26 or other parcels of real estate, for any form of compensation or  
27 consideration to sell such real estate or any part thereof in lots or  
1 parcels or make other disposition thereof; (b) who auctions, offers,  
2 attempts, or agrees to auction real estate; or (c) who buys or offers to  
3 buy or sell or otherwise deals in options to buy real estate;

4 (3) Associate broker means a person who has a broker's license and  
5 who is employed by another broker to participate in any activity  
6 described in subdivision (2) of this section;

7 (4) Designated broker means an individual holding a broker's license  
8 who has full authority to conduct the real estate activities of a real  
9 estate business. In a sole proprietorship, the owner, or broker  
10 identified by the owner, shall be the designated broker. In the event the  
11 owner identifies the designated broker, the owner shall file a statement  
12 with the commission subordinating to the designated broker full authority  
13 to conduct the real estate activities of the sole proprietorship. In a  
14 partnership, limited liability company, or corporation, the partners,  
15 limited liability company members, or board of directors shall identify  
16 the designated broker for its real estate business by filing a statement  
17 with the commission subordinating to the designated broker full authority

18 to conduct the real estate activities of the partnership, limited  
19 liability company, or corporation. The designated broker shall also be  
20 responsible for supervising the real estate activities of any associate  
21 brokers or salespersons;

22 (5) Inactive broker means an associate broker whose license has been  
23 returned to the commission by the licensee's broker, a broker who has  
24 requested the commission to place the license on inactive status, a new  
25 licensee who has failed to designate an employing broker or have the  
26 license issued as an individual broker, or a broker whose license has  
27 been placed on inactive status under statute, rule, or regulation;

28 (6) Salesperson means any person, other than an associate broker,  
29 who is employed by a broker to participate in any activity described in  
30 subdivision (2) of this section;

31 (7) Inactive salesperson means a salesperson whose license has been  
1 returned to the commission by the licensee's broker, a salesperson who  
2 has requested the commission to place the license on inactive status, a  
3 new licensee who has failed to designate an employing broker, or a  
4 salesperson whose license has been placed on inactive status under  
5 statute, rule, or regulation;

6 (8) Person means and includes individuals, corporations,  
7 partnerships, and limited liability companies, except that when referring  
8 to a person licensed under the act, it means an individual;

9 (9) Team means two or more persons licensed by the commission who  
10 (a) work under the supervision of the same broker, (b) work together on  
11 real estate transactions to provide real estate brokerage services, (c)  
12 represent themselves to the public as being part of a team, and (d) are  
13 designated by a team name;

14 (10) Team leader means any person licensed by the commission and  
15 appointed or recognized by his or her broker as the leader for his or her  
16 team;

17 (11 9) Subdivision or subdivided land means any real estate offered  
18 for sale and which has been registered under the Interstate Land Sales  
19 Full Disclosure Act, ~~82 Stat. 590 and following~~, 15 U.S.C. 1701 et seq.  
20 and following, as such act existed on January 1, 1973, or real estate  
21 located out of this state which is divided or proposed to be divided into  
22 twenty-five or more lots, parcels, or units;

23 (12 10) Subdivider means any person who causes land to be subdivided  
24 into a subdivision for himself, herself, or others or who undertakes to  
25 develop a subdivision but does not include a public agency or officer  
26 authorized by law to create subdivisions;

27 (13 11) Purchaser means a person who acquires or attempts to acquire  
28 or succeeds to an interest in land;

29 (14 12) Commission means the State Real Estate Commission;

30 (15 13) Broker's price opinion means an analysis, opinion, or  
31 conclusion prepared by a person licensed under the Nebraska Real Estate  
1 License Act in the ordinary course of his or her business relating to the  
2 price of specified interests in or aspects of identified real estate or  
3 identified real property for the purpose of (a) listing, purchase, or  
4 sale, (b) originating, extending, renewing, or modifying a loan in a

5 transaction other than a federally related transaction, or (c) real  
6 property tax appeals;  
7 (16 14) Comparative market analysis means an analysis, opinion, or  
8 conclusion prepared by a person licensed under the act in the ordinary  
9 course of his or her business relating to the price of specified  
10 interests in or aspects of identified real estate or identified real  
11 property by comparison to other real property currently or recently in  
12 the marketplace for the purpose of (a) listing, purchase, or sale, (b)  
13 originating, extending, renewing, or modifying a loan in a transaction  
14 other than a federally related transaction, or (c) real property tax  
15 appeals;  
16 (17 15) Distance education means courses in which instruction does  
17 not take place in a traditional classroom setting, but rather through  
18 other media by which instructor and student are separated by distance and  
19 sometimes by time;  
20 (18 16) Regulatory jurisdiction means a state, district, or  
21 territory of the United States, a province of Canada or a foreign  
22 country, or a political subdivision of a foreign country, which has  
23 implemented and administers laws regulating the activities of a broker;  
24 (19 17) Federal financial institution regulatory agency means (a)  
25 the Board of Governors of the Federal Reserve System, (b) the Federal  
26 Deposit Insurance Corporation, (c) the Office of the Comptroller of the  
27 Currency, (d) the Office of Thrift Supervision, (e) the National Credit  
28 Union Administration, or (f) the successors of any of those agencies; and  
29 (20 18) Federally related transaction means a real-estate-related  
30 transaction that (a) requires the services of an appraiser and (b) is  
31 engaged in, contracted for, or regulated by a federal financial  
1 institution regulatory agency.

2 Sec. 3. A team leader shall be responsible for supervising the real  
3 estate activities of his or her team performed under the Nebraska Real  
4 Estate License Act subject to the overall supervision by the designated  
5 broker of the team leader and team members.

6 Sec. 4. Section 81-885.24, Reissue Revised Statutes of Nebraska, is  
7 amended to read:  
8 81-885.24 The commission may, upon its own motion, and shall, upon  
9 the sworn complaint in writing of any person, investigate the actions of  
10 any broker, associate broker, salesperson, or subdivider, may censure the  
11 licensee or certificate holder, revoke or suspend any license or  
12 certificate issued under the Nebraska Real Estate License Act, or enter  
13 into consent orders, and, alone or in combination with such disciplinary  
14 actions, may impose a civil fine on a licensee pursuant to section  
15 81-885.10, whenever the license or certificate has been obtained by false  
16 or fraudulent representation or the licensee or certificate holder has  
17 been found guilty of any of the following unfair trade practices:  
18 (1) Refusing because of religion, race, color, national origin,  
19 ethnic group, sex, familial status, or disability to show, sell, or rent  
20 any real estate for sale or rent to prospective purchasers or renters;  
21 (2) Intentionally using advertising which is misleading or  
22 inaccurate in any material particular or in any way misrepresents any

23 property, terms, values, policies, or services of the business conducted;  
24 (3) Failing to account for and remit any money coming into his or  
25 her possession belonging to others;  
26 (4) Commingling the money or other property of his or her principals  
27 with his or her own;  
28 (5) Failing to maintain and deposit in a separate trust account all  
29 money received by a broker acting in such capacity, or as escrow agent or  
30 the temporary custodian of the funds of others, in a real estate  
31 transaction unless all parties having an interest in the funds have  
1 agreed otherwise in writing;  
2 (6) Accepting, giving, or charging any form of undisclosed  
3 compensation, consideration, rebate, or direct profit on expenditures  
4 made for a principal;  
5 (7) Representing or attempting to represent a real estate broker,  
6 other than the employer, without the express knowledge and consent of the  
7 employer;  
8 (8) Accepting any form of compensation or consideration by an  
9 associate broker or salesperson from anyone other than his or her  
10 employing broker without the consent of his or her employing broker;  
11 (9) Acting in the dual capacity of agent and undisclosed principal  
12 in any transaction;  
13 (10) Guaranteeing or authorizing any person to guarantee future  
14 profits which may result from the resale of real property;  
15 (11) Placing a sign on any property offering it for sale or rent  
16 without the written consent of the owner or his or her authorized agent;  
17 (12) Offering real estate for sale or lease without the knowledge  
18 and consent of the owner or his or her authorized agent or on terms other  
19 than those authorized by the owner or his or her authorized agent;  
20 (13) Inducing any party to a contract of sale or lease to break such  
21 contract for the purpose of substituting, in lieu thereof, a new contract  
22 with another principal;  
23 (14) Negotiating a sale, exchange, listing, or lease of real estate  
24 directly with an owner or lessor if he or she knows that such owner has a  
25 written outstanding listing contract in connection with such property  
26 granting an exclusive agency or an exclusive right to sell to another  
27 broker or negotiating directly with an owner to withdraw from or break  
28 such a listing contract for the purpose of substituting, in lieu thereof,  
29 a new listing contract;  
30 (15) Discussing or soliciting a discussion of, with an owner of a  
31 property which is exclusively listed with another broker, the terms upon  
1 which the broker would accept a future listing upon the expiration of the  
2 present listing unless the owner initiates the discussion;  
3 (16) Violating any provision of sections 76-2401 to 76-2430;  
4 (17) Soliciting, selling, or offering for sale real estate by  
5 offering free lots or conducting lotteries for the purpose of influencing  
6 a purchaser or prospective purchaser of real estate;  
7 (18) Providing any form of compensation or consideration to any  
8 person for performing the services of a broker, associate broker, or  
9 salesperson who has not first secured his or her license under the



10 Nebraska Real Estate License Act unless such person is (a) a nonresident  
11 who is licensed in his or her resident regulatory jurisdiction or (b) a  
12 citizen and resident of a foreign country which does not license persons  
13 conducting the activities of a broker and such person provides reasonable  
14 written evidence to the Nebraska broker that he or she is a resident  
15 citizen of that foreign country, is not a resident of this country, and  
16 conducts the activities of a broker in that foreign country;  
17 (19) Failing to include a fixed date of expiration in any written  
18 listing agreement and failing to leave a copy of the agreement with the  
19 principal;  
20 (20) Failing to deliver within a reasonable time a completed and  
21 dated copy of any purchase agreement or offer to buy or sell real estate  
22 to the purchaser and to the seller;  
23 (21) Failing by a broker to deliver to the seller in every real  
24 estate transaction, at the time the transaction is consummated, a  
25 complete, detailed closing statement showing all of the receipts and  
26 disbursements handled by such broker for the seller, failing to deliver  
27 to the buyer a complete statement showing all money received in the  
28 transaction from such buyer and how and for what the same was disbursed,  
29 and failing to retain true copies of such statements in his or her files;  
30 (22) Making any substantial misrepresentations;  
31 (23) Acting for more than one party in a transaction without the  
1 knowledge of all parties for whom he or she acts;  
2 (24) Failing by an associate broker or salesperson to place, as soon  
3 after receipt as practicable, in the custody of his or her employing  
4 broker any deposit money or other money or funds entrusted to him or her  
5 by any person dealing with him or her as the representative of his or her  
6 licensed broker;  
7 (25) Filing a listing contract or any document or instrument  
8 purporting to create a lien based on a listing contract for the purpose  
9 of casting a cloud upon the title to real estate when no valid claim  
10 under the listing contract exists;  
11 (26) Violating any rule or regulation adopted and promulgated by the  
12 commission in the interest of the public and consistent with the Nebraska  
13 Real Estate License Act;  
14 (27) Failing by a subdivider, after the original certificate has  
15 been issued, to comply with all of the requirements of the Nebraska Real  
16 Estate License Act;  
17 (28) Conviction of a felony or entering a plea of guilty or nolo  
18 contendere to a felony charge by a broker or salesperson;  
19 (29) Demonstrating negligence, incompetency, or unworthiness to act  
20 as a broker, associate broker, or salesperson, whether of the same or of  
21 a different character as otherwise specified in this section; ~~or~~  
22 (30) Inducing or attempting to induce a person to transfer an  
23 interest in real property, whether or not for monetary gain, or  
24 discouraging another person from purchasing real property, by  
25 representing that (a) a change has occurred or will or may occur in the  
26 composition with respect to religion, race, color, national origin,  
27 ethnic group, sex, familial status, or disability of the owners or

28 occupants in the block, neighborhood, or area or (b) such change will or  
 29 may result in the lowering of property values, an increase in criminal or  
 30 antisocial behavior, or a decline in the quality of schools in the block,  
 31 neighborhood, or area; -

1 (31) Failing by a team leader to provide a current list of all team  
 2 members to his or her designated broker;

3 (32) Failing by a designated broker to maintain a record of all team  
 4 leaders and team members working under him or her;

5 (33) Utilizing advertising which does not prominently display the  
 6 name under which the designated broker does business as filed with the  
 7 commission; or

8 (34) Utilizing team advertising or a team name suggesting the team  
 9 is an independent real estate brokerage.

10 Sec. 5. This act becomes operative on October 1, 2016.

11 Sec. 6. Original sections 81-885 and 81-885.24, Reissue Revised

12 Statutes of Nebraska, and section 81-885.01, Revised Statutes Supplement,

13 2015, are repealed.

(Signed) Jim Scheer, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 470.** Introduced by Campbell, 25.

WHEREAS, the Lincoln East High School girls' basketball team won the  
 2016 Class A Girls' State Basketball Championship; and

WHEREAS, the Lincoln East Spartans defeated the Millard West  
 Wildcats in the championship game by a score of 48-46; and

WHEREAS, the Spartans were seeded eighth at the beginning of the  
 tournament but ended the season on a 12-game winning streak; and

WHEREAS, this is the team's first state championship since 2004; 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 Lincoln East High School girls'  
 basketball team on winning the 2016 Class A Girls' State Basketball  
 Championship.

2. That a copy of this resolution be sent to the Lincoln East High School  
 girls' basketball team and Coach Dennis Prichard.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1067A.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1067, One Hundred Fourth Legislature, Second Session, 2016.

**AMENDMENT(S) - Print in Journal**

Senator Larson filed the following amendment to LB1105:  
AM2384

(Amendments to Standing Committee amendments, AM2029)

- 1 1. On page 1, line 15, after "The" insert "Director of Agriculture  
2 or his or her designee and the"; and strike line 17 and insert "be  
3 nonvoting, ex officio members of the board.".
- 4 2. On page 7, strike beginning with the second "a" in line 27 though  
5 "premises" in line 28, show the old matter as stricken, and insert "the  
6 production of"; and in line 29 after "year" insert "in the aggregate from  
7 all physical locations comprising the licensed premises".

**GENERAL FILE**

**LEGISLATIVE BILL 1092.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 467.** Title read. Considered.

Committee AM2351, found on page 797, was offered.

Pending.

**COMMITTEE REPORT(S)**

Natural Resources

**LEGISLATIVE BILL 1038.** Placed on General File with amendment.  
AM2472 is available in the Bill Room.

**LEGISLATIVE BILL 961.** Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Smith filed the following amendment to LB977:  
AM2478

(Amendments to Standing Committee amendments, AM2318)

- 1 1. On page 27, line 23, after the first comma insert "not including
- 2 animal manure"; and strike beginning with "(f)" in line 28 through "(g)"
- 3 in line 29 and insert "and (f)".

Senator Krist filed the following amendment to LB1098:  
AM2452

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 33-107.01, Reissue Revised Statutes of Nebraska,
- 4 is amended to read:
- 5 33-107.01 A legal services fee of six ~~five~~ dollars and twenty-five
- 6 cents shall be taxed as costs in each case filed in each separate
- 7 juvenile court and district court, including appeals to such courts, and
- 8 on each case filed in each county court except those filed in county
- 9 court pursuant to its jurisdiction under section 25-2802. A legal
- 10 services fee of six ~~five~~ dollars and twenty-five cents shall be taxed as
- 11 costs for each appeal and original action filed in the Court of Appeals
- 12 and the Supreme Court. Such fees shall be remitted to the State Treasurer
- 13 on forms prescribed by the State Treasurer within ten days after the
- 14 close of each month for credit to the Legal Aid and Services Fund.
- 15 Sec. 2. Section 33-107.03, Revised Statutes Cumulative Supplement,
- 16 2014, is amended to read:
- 17 33-107.03 In addition to all other court costs assessed according to
- 18 law, a court automation fee of seven ~~eight~~ dollars shall be taxed as
- 19 costs for each case filed in each county court, separate juvenile court,
- 20 and district court, including appeals to such courts, and for each appeal
- 21 and original action filed in the Court of Appeals and the Supreme Court.
- 22 The fees shall be remitted to the State Treasurer on forms prescribed by
- 23 the State Treasurer within ten days after the end of each month. The
- 24 State Treasurer shall credit the fees to the Supreme Court Automation
- 25 Cash Fund.
- 26 Sec. 3. Original section 33-107.01, Reissue Revised Statutes of
- 27 Nebraska, and section 33-107.03, Revised Statutes Cumulative Supplement,
- 1 2014, are repealed.

Senator Krist filed the following amendment to LB1098:  
AM2451

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 25-3002, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 25-3002 The Legal Aid and Services Fund is created. Money in the
- 6 fund shall be used to provide civil legal services to eligible low-income
- 7 persons. The Commission on Public Advocacy shall distribute all money in

8 the fund periodically in the form of grants to service providers of civil  
9 legal services to eligible low-income persons as determined by the  
10 commission pursuant to section 25-3004. Any money in the fund available  
11 for investment shall be invested by the state investment officer pursuant  
12 to the Nebraska Capital Expansion Act and the Nebraska State Funds  
13 Investment Act. Any money left in the Legal Aid and Services Fund on  
14 December 31 of any year shall be distributed in the following year. The  
15 State Treasurer shall transfer three hundred fifty thousand dollars from  
16 the General Fund to the Legal Aid and Services Fund on or before October  
17 1 of each year beginning in 2016.  
18 Sec. 2. Original section 25-3002, Reissue Revised Statutes of  
19 Nebraska, is repealed.

#### ADJOURNMENT

At 4:56 p.m., on a motion by Senator Baker, the Legislature adjourned until  
9:00 a.m., Wednesday, March 9, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTIETH DAY - MARCH 9, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 9, 2016

**PRAYER**

The prayer was offered by Senator Bloomfield.

**ROLL CALL**

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

The roll was called and all members were present except Senator Kuehn who was excused; and Senators Cook, Craighead, Davis, Hansen, B. Harr, Hilkemann, Krist, Larson, McCollister, Morfeld, Murante, Schilz, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-ninth day was approved.

**COMMITTEE REPORT(S)**

Appropriations

**LEGISLATIVE BILL 956.** Placed on General File with amendment. AM2216 is available in the Bill Room.

**LEGISLATIVE BILL 957.** Placed on General File with amendment. AM2217 is available in the Bill Room.

**LEGISLATIVE BILL 960.** Placed on General File with amendment. AM2418 is available in the Bill Room.

(Signed) Heath Mello, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 960A.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 960, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 1014.** Placed on General File with amendment.  
AM2192

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 3-613, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 3-613 Any authority established under sections 3-601 to 3-622 shall
- 6 have power:
- 7 (1) To sue and be sued;
- 8 (2) To have a seal and alter the same at pleasure;
- 9 (3) To acquire, hold, and dispose of personal property for its
- 10 corporate purposes;
- 11 (4) To acquire in the name of the county, by purchase or
- 12 condemnation, real property or rights or easements therein necessary or
- 13 convenient for its corporate purposes and, except as may otherwise be
- 14 provided in such sections, to use the same so long as its corporate
- 15 existence continues. Such power shall not be exercised by authorities
- 16 created after September 2, 1973, without further approval until such time
- 17 as three or more members of the authority have been elected. If the
- 18 exercise of such power is necessary while three or more appointed members
- 19 remain on the authority, the appointing body shall approve all
- 20 proceedings under this subdivision;
- 21 (5) To make bylaws for the management and regulation of its affairs
- 22 and, subject to agreements with bondholders, to make rules and
- 23 regulations for the use of projects and the establishment and collection
- 24 of rentals, fees, and all other charges for services or commodities sold,
- 25 furnished, or supplied by such authority. Any person violating such rules
- 26 shall be guilty of a Class III misdemeanor;
- 27 (6) With the consent of the county, to use the services of agents,
- 1 employees, and facilities of the county, for which the authority may
- 2 reimburse the county a proper proportion of the compensation or cost
- 3 thereof, and also to use the services of the county attorney as legal
- 4 advisor to the authority;
- 5 (7) To appoint officers, agents, and employees and fix their
- 6 compensation;
- 7 (8) To make contracts, leases, and all other instruments necessary



8 or convenient to the corporate purposes of the authority;  
9 (9) To design, construct, maintain, operate, improve, and  
10 reconstruct, so long as its corporate existence continues, such projects  
11 as are necessary and convenient to the maintenance and development of  
12 aviation services to and for the county in which such authority is  
13 established, including landing fields, heliports, hangars, shops,  
14 passenger and freight terminals, control towers, and all facilities  
15 necessary or convenient in connection with any such project, to contract  
16 for the construction, operation, or maintenance of any parts thereof or  
17 for services to be performed thereon, and to rent parts thereof and grant  
18 concessions thereon, all on such terms and conditions as the authority  
19 may determine. This subdivision shall not be construed to affect the  
20 obligation of a lessee to pay taxes if taxes are due under sections  
21 77-202, 77-202.11, and 77-202.12;  
22 (10) To include in such project, subject to zoning restrictions,  
23 space and facilities for any or all of the following: Public recreation;  
24 business, trade, or other exhibitions; sporting or athletic events;  
25 public meetings; conventions; and all other kinds of assemblages and, in  
26 order to obtain additional revenue, space and facilities for business and  
27 commercial purposes. Whenever the authority deems it to be in the public  
28 interest, the authority may lease any such project or any part or parts  
29 thereof or contract for the management and operation thereof or any part  
30 or parts thereof. Any such lease or contract may be for such period of  
31 years as the authority shall determine. This subdivision shall not be  
1 construed to affect the obligation of a lessee to pay taxes if taxes are  
2 due under sections 77-202, 77-202.11, and 77-202.12;  
3 (11) To charge fees, rentals, and other charges for the use of  
4 projects under the jurisdiction of such authority subject to and in  
5 accordance with such agreement with bondholders as may be made as  
6 hereinafter provided. Subject to contracts with bondholders, all fees,  
7 rentals, charges, and other revenue derived from any project shall be  
8 applied to the payment of operating, administration, and other necessary  
9 expenses of the authority properly chargeable to such project and to the  
10 payment of the interest on and principal of bonds or for making sinking-  
11 fund payments therefor. Subject to contracts with bondholders, the  
12 authority may treat one or more projects as a single enterprise with  
13 respect to revenue, expenses, the issuance of bonds, maintenance,  
14 operation, or other purposes;  
15 (12) To annually request of the county board the amount of tax to be  
16 levied for airport purposes subject to section 77-3443, not to exceed  
17 three and five-tenths cents on each one hundred dollars of taxable  
18 valuation of all the taxable property in such county. Property tax levies  
19 for bonds issued by the authority pursuant to section 3-617 are not  
20 included in the levy limits established by this subdivision. The  
21 governing body shall levy and collect the taxes so requested at the same  
22 time and in the same manner as other taxes are levied and collected, and  
23 the proceeds of such taxes when due and as collected shall be set aside  
24 and deposited in the special account or accounts in which other revenue  
25 of the authority is deposited;

26 (13) To construct and maintain under, along, over, or across a  
 27 project, telephone, telegraph, or electric wires and cables, fuel lines,  
 28 gas mains, water mains, and other mechanical equipment not inconsistent  
 29 with the appropriate use of such project, to contract for such  
 30 construction and to lease the right to construct and use the same, or to  
 31 use the same on such terms for such period of time and for such  
 1 consideration as the authority shall determine;  
 2 (14) To accept grants, loans, or contributions from the United  
 3 States, the State of Nebraska, any agency or instrumentality of either of  
 4 them, or the county in which such authority is established and to expend  
 5 the proceeds thereof for any corporate purposes;  
 6 (15) To incur debt and issue negotiable bonds and to provide for the  
 7 rights of the holders thereof;  
 8 (16) To enter on any lands, waters, and premises for the purposes of  
 9 making surveys, soundings, and examinations; and  
 10 (17) To do all things necessary or convenient to carry out the  
 11 powers expressly conferred on such authorities by sections 3-601 to  
 12 3-622.  
 13 Sec. 2. Original section 3-613, Reissue Revised Statutes of  
 14 Nebraska, is repealed.

(Signed) Mike Gloor, Chairperson

Agriculture

**LEGISLATIVE RESOLUTION 378CA.** Placed on General File with amendment.

AM2251

1 1. On page 1, line 18, strike "or any other property rights" and  
 2 insert "applying any waters of the state to beneficial use, water  
 3 diversion or appropriation, or any other property rights. Nothing in this  
 4 section shall be construed to modify or affect any statute enacted by the  
 5 Legislature or any ordinance adopted by any political subdivision on or  
 6 before December 31, 2015, or any statute enacted by the Legislature to  
 7 implement or maintain federally delegated environmental protection  
 8 programs.  
 9 (3) If adopted by the electors, this section shall be effective on  
 10 and after January 1, 2017".

(Signed) Jerry Johnson, Chairperson

#### **MOTION(S) - Confirmation Report(s)**

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 846:

Technical Advisory Committee for Statewide Assessment  
 Pete Goldschmidt

Voting in the affirmative, 27:

Baker	Crawford	Howard	Pansing Brooks	Smith
Bloomfield	Ebke	Johnson	Riepe	Sullivan
Brasch	Friesen	Kolowski	Scheer	Williams
Campbell	Garrett	Kolterman	Schnoor	
Chambers	Haar, K.	Lindstrom	Schumacher	
Coash	Hadley	Mello	Seiler	

Voting in the negative, 0.

Present and not voting, 8:

Bolz	Gloor	Hughes	McCoy
Fox	Groene	Kintner	Stinner

Excused and not voting, 14:

Cook	Hansen	Krist	McCollister	Schilz
Craighead	Harr, B.	Kuehn	Morfeld	Watermeier
Davis	Hilkemann	Larson	Murante	

The appointment was confirmed with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 846:

Nebraska Educational Telecommunications Commission  
Randy Schmailzl

Voting in the affirmative, 28:

Baker	Ebke	Hadley	Mello	Seiler
Bloomfield	Fox	Howard	Pansing Brooks	Smith
Brasch	Friesen	Johnson	Riepe	Sullivan
Campbell	Garrett	Kolowski	Scheer	Williams
Coash	Groene	Kolterman	Schnoor	
Crawford	Haar, K.	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 7:

Bolz	Gloor	Kintner	Stinner
Chambers	Hughes	McCoy	

Excused and not voting, 14:

Cook	Hansen	Krist	McCollister	Schilz
Craighead	Harr, B.	Kuehn	Morfeld	Watermeier
Davis	Hilkemann	Larson	Murante	

The appointment was confirmed with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 866:

Commission for the Blind and Visually Impaired  
Mark M. Bulger

Voting in the affirmative, 28:

Baker	Ebke	Hadley	Mello	Seiler
Bloomfield	Fox	Hilkemann	Pansing Brooks	Smith
Brasch	Friesen	Johnson	Riepe	Sullivan
Campbell	Garrett	Kolowski	Scheer	Williams
Coash	Gloor	Kolterman	Schnoor	
Crawford	Haar, K.	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 8:

Bolz	Groene	Hughes	McCoy
Chambers	Howard	Kintner	Stinner

Excused and not voting, 13:

Cook	Hansen	Kuehn	Morfeld	Watermeier
Craighead	Harr, B.	Larson	Murante	
Davis	Krist	McCollister	Schilz	

The appointment was confirmed with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 866:

Nebraska Rural Health Advisory Commission  
Mary J. Kent  
Laeth Nasir  
Michael A. Sitorius

Voting in the affirmative, 30:

Baker	Ebke	Hadley	Lindstrom	Schnoor
Bloomfield	Fox	Hilkemann	McCollister	Schumacher
Brasch	Friesen	Hughes	Mello	Seiler
Campbell	Garrett	Johnson	Morfeld	Smith
Coash	Gloor	Kolowski	Pansing Brooks	Sullivan
Crawford	Haar, K.	Kolterman	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 9:

Bolz	Groene	Kintner	Scheer	Stinner
Chambers	Howard	McCoy	Schilz	

Excused and not voting, 10:

Cook	Davis	Harr, B.	Kuehn	Murante
Craighead	Hansen	Krist	Larson	Watermeier

The appointments were confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

#### GENERAL FILE

**LEGISLATIVE BILL 803.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 1033.** Title read. Considered.

Committee AM2048, found on page 601, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

#### ANNOUNCEMENT

The Chair announced the birthday of Speaker Hadley.

#### GENERAL FILE

**LEGISLATIVE BILL 467.** Committee AM2351, found on page 797 and considered on page 907, was renewed.

The committee amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Kolterman withdrew his amendment, AM1865, found on page 400.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

#### **SPEAKER HADLEY PRESIDING**

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 683.** Placed on Final Reading.

**LEGISLATIVE BILL 746.** Placed on Final Reading.

ST63

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Campbell amendment, AM2381, on page 1, line 24, "Families" has been inserted after "Strengthening".

2. On page 1, the matter beginning with "foster" in line 1 through line 8 has been struck and "children and families; to amend sections 43-532, 43-535, and 43-2502, Reissue Revised Statutes of Nebraska, sections 43-1311.03, 43-1312, 43-2404.01, and 43-4203, Revised Statutes Cumulative Supplement, 2014, and sections 43-272.01, 43-285, and 43-4202, Revised Statutes Supplement, 2015; to adopt the Nebraska Strengthening Families Act; to change reporting requirements for guardians ad litem; to change provisions relating to independent living transition proposals and permanency plans, foster child plans, and comprehensive juvenile services plans; to create the Normalcy Task Force; to change provisions relating to the Nebraska Children's Commission; to state intent to reduce a cash fund appropriation; to eliminate a reporting requirement; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 43-534, Revised Statutes Cumulative Supplement, 2014, and section 50-424, Revised Statutes Supplement, 2015; and to declare an emergency." inserted.

**LEGISLATIVE BILL 746A.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 471.** Introduced by Ebke, 32.

WHEREAS, Nicholas Martozie, a member of Troop 212 of Crete, 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, Nicholas 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his service project, Nicholas designed and supervised the creation of a native prairie garden at Grace United Methodist Church in Crete. The garden honors the first Methodist ministers who traveled by horse from church to church; and

WHEREAS, Nicholas, 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 Nicholas Martozie on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nicholas Martozie.

Laid over.

**LEGISLATIVE RESOLUTION 472.** Introduced by Ebke, 32.

WHEREAS, Riley Owens, a member of Troop 212 of Crete, 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, Riley 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, 13 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, Riley worked on improving his neighborhood park by spreading mulch on the playground, raking leaves, and cleaning the sand volleyball court; and

WHEREAS, Riley, 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 Riley Owens on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Riley Owens.

Laid over.

**LEGISLATIVE RESOLUTION 473.** Introduced by Ebke, 32.

WHEREAS, Jack Dinneen, a member of Troop 359 of Cordova, 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, Jack 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, 13 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, Jack replaced the roofs of the picnic shelter and ball shed at Exeter's city park; and

WHEREAS, Jack, 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 Jack Dinneen on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jack Dinneen.

Laid over.

**GENERAL FILE****LEGISLATIVE BILL 910.** Title read. Considered.

Committee AM2328, found on page 782, lost with 0 ayes, 26 nays, 16 present and not voting, and 7 excused and not voting.

Senator Bolz offered the following amendment:

AM2477

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

2 sections:

3 Section 1. Section 47-901, Revised Statutes Supplement, 2015, is

4 amended to read:

5 47-901 Sections 47-901 to 47-918 and section 4 of this act shall be

6 known and may be cited as the Office of Inspector General of the Nebraska

7 Correctional System Act.

8 Sec. 2. Section 47-903, Revised Statutes Supplement, 2015, is

9 amended to read:

10 47-903 For purposes of the Office of Inspector General of the

11 Nebraska Correctional System Act, the following definitions apply:

12 (1) Administrator means a person charged with administration of a

13 program, an office, or a division of the department or administration of

14 a private agency;



15 (2) Department means the Department of Correctional Services;  
 16 (3) Director means the Director of Correctional Services;  
 17 (4) Inspector General means the Inspector General of the Nebraska  
 18 Correctional System appointed under section 47-904;  
 19 (5) Malfeasance means a wrongful act that the actor has no legal  
 20 right to do or any wrongful conduct that affects, interrupts, or  
 21 interferes with performance of an official duty;  
 22 (6) Management means supervision of subordinate employees;  
 23 (7) Misfeasance means the improper performance of some act that a  
 24 person may lawfully do;  
 25 (8) Obstruction means hindering an investigation, preventing an  
 26 investigation from progressing, stopping or delaying the progress of an  
 27 investigation, or making the progress of an investigation difficult or  
 1 slow;  
 2 (9) Office means the office of Inspector General of the Nebraska  
 3 Correctional System and includes the Inspector General and other  
 4 employees of the office;  
 5 (10) Private agency means an entity that contracts with the  
 6 department or contracts to provide services to another entity that  
 7 contracts with the department; ~~and~~  
 8 (11) Record means any recording in written, audio, electronic  
 9 transmission, or computer storage form, including, but not limited to, a  
 10 draft, memorandum, note, report, computer printout, notation, or message,  
 11 and includes, but is not limited to, medical records, mental health  
 12 records, case files, clinical records, financial records, and  
 13 administrative records; ~~and~~ -  
 14 (12) Office of Parole Administration means the office created  
 15 pursuant to section 83-1,100.  
 16 Sec. 3. Section 47-908, Revised Statutes Supplement, 2015, is  
 17 amended to read:  
 18 47-908 All employees of the department, all employees of the Office  
 19 of Parole Administration, and all owners, operators, managers,  
 20 supervisors, and employees of private agencies shall cooperate with the  
 21 office. Cooperation includes, but is not limited to, the following:  
 22 (1) Provision of full access to and production of records and  
 23 information. Providing access to and producing records and information  
 24 for the office is not a violation of confidentiality provisions under any  
 25 statute, rule, or regulation if done in good faith for purposes of an  
 26 investigation under the Office of Inspector General of the Nebraska  
 27 Correctional System Act;  
 28 (2) Fair and honest disclosure of records and information reasonably  
 29 requested by the office in the course of an investigation under the act;  
 30 (3) Encouraging employees to fully comply with reasonable requests  
 31 of the office in the course of an investigation under the act;  
 1 (4) Prohibition of retaliation by owners, operators, or managers  
 2 against employees for providing records or information or filing or  
 3 otherwise making a complaint to the office;  
 4 (5) Not requiring employees to gain supervisory approval prior to  
 5 filing a complaint with or providing records or information to the

6 office;

7 (6) Provision of complete and truthful answers to questions posed by  
8 the office in the course of an investigation; and

9 (7) Not willfully interfering with or obstructing the investigation.

10 Sec. 4. The Office of Parole Administration shall provide the  
11 Public Counsel and the Inspector General with direct computer access to  
12 all computerized records, reports, and documents maintained by the office  
13 in connection with administration of the Nebraska parole system, except  
14 that access for the Public Counsel and the Inspector General to a  
15 parolee's medical or mental health records shall be subject to a  
16 parolee's consent.

17 Sec. 5. Section 83-1,101, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 ~~83-1,101 The Director of Correctional Services with the consent of~~  
20 ~~the Board of Parole shall appoint a Parole Administrator. The Parole~~  
21 ~~Administrator, who shall be a person with appropriate experience and~~  
22 ~~training, including, but not limited to, familiarity with the~~  
23 ~~implementation of evidence-based processes for utilizing risk and needs~~  
24 ~~assessments to measure criminal risk factors and specific individual~~  
25 ~~needs in the field of corrections, or with training in relevant~~  
26 ~~disciplines at a recognized university.~~

27 Sec. 6. Section 83-4,114, Revised Statutes Supplement, 2015, is  
28 amended to read:

29 83-4,114 (1) There shall be no corporal punishment or disciplinary  
30 restrictions on diet.

31 (2) Disciplinary restrictions on clothing, bedding, mail,  
1 visitations, use of toilets, washbowls, or scheduled showers shall be  
2 imposed only for abuse of such privilege or facility and only as  
3 authorized by written directives, guidance documents, and operational  
4 manuals.

5 (3) No person shall be placed in solitary confinement.

6 (4) The director shall issue an annual report on or before September  
7 15 to the Governor and the Clerk of the Legislature. The report to the  
8 Clerk of the Legislature shall be issued electronically. For all inmates  
9 who were held in restrictive housing during the prior year, the report  
10 shall contain the race, gender, age, and length of time each inmate has  
11 continuously been held in restrictive housing. The report shall also  
12 contain:

13 (a) The number of inmates held in restrictive housing;

14 (b) The reason or reasons each inmate was held in restrictive  
15 housing;

16 (c) The number of inmates held in restrictive housing who have been  
17 diagnosed with a mental illness or behavioral disorder as defined in  
18 ~~section 71-907~~ and the type of mental illness or behavioral disorder by  
19 inmate;

20 (d) The number of inmates who were released from restrictive housing  
21 directly to parole or into the general public and the reason for such  
22 release;

23 (e) The number of inmates who were placed in restrictive housing for

24 his or her own safety and the underlying circumstances for each  
 25 placement;  
 26 (f) To the extent reasonably ascertainable, comparable statistics  
 27 for the nation and each of the states that border Nebraska pertaining to  
 28 subdivisions (4)(a) through (e) of this section; and  
 29 (g) The mean and median length of time for all inmates held in  
 30 restrictive housing.  
 31 (5)(a) There is hereby established within the department a long-term  
 1 restrictive housing work group. The work group shall consist of:  
 2 (i) The director and all deputy directors. The director shall serve  
 3 as the chairperson of the work group;  
 4 ~~(ii) The director of health services within the department;~~  
 5 ~~(ii) ~~iii~~~~ The behavioral health administrator within the department;  
 6 ~~(iii) ~~iv~~~~ Two employees of the department who currently work with  
 7 inmates held in restrictive housing;  
 8 ~~(iv) ~~v~~~~ Additional department staff as designated by the director;  
 9 and  
 10 ~~(v) ~~vi~~~~ Four members as follows appointed by the Governor:  
 11 (A) Two representatives from a nonprofit prisoners' rights advocacy  
 12 group, including at least one former inmate; and  
 13 (B) Two mental health professionals independent from the department  
 14 with particular knowledge of prisons and conditions of confinement.  
 15 (b) The work group shall advise the department on policies and  
 16 procedures related to the proper treatment and care of offenders in long-  
 17 term restrictive housing.  
 18 (c) The director shall convene the work group's first meeting no  
 19 later than September 15, 2015, and the work group shall meet at least  
 20 semiannually thereafter. The chairperson shall schedule and convene the  
 21 work group's meetings.  
 22 (d) The director shall provide the work group with quarterly updates  
 23 on the department's policies related to the work group's subject matter.  
 24 Sec. 7. Original section 83-1,101, Reissue Revised Statutes of  
 25 Nebraska, and sections 47-901, 47-903, 47-908, and 83-4,114, Revised  
 26 Statutes Supplement, 2015, are repealed.  
 27 Sec. 8. Since an emergency exists, this act takes effect when  
 28 passed and approved according to law.

The Bolz amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Morfeld offered the following amendment:  
 AM2469

1 1. Insert the following new section:  
 2 Sec. 5. Section 68-1017.02, Revised Statutes Cumulative Supplement,  
 3 2014, is amended to read:  
 4 68-1017.02 (1)(a) The Department of Health and Human Services shall  
 5 apply for and utilize to the maximum extent possible, within limits  
 6 established by the Legislature, any and all appropriate options available  
 7 to the state under the federal Supplemental Nutrition Assistance Program

8 and regulations adopted under such program to maximize the number of  
9 Nebraska residents being served under such program within such limits.  
10 The department shall seek to maximize federal funding for such program  
11 and minimize the utilization of General Funds for such program and shall  
12 employ the personnel necessary to determine the options available to the  
13 state and issue the report to the Legislature required by subdivision (b)  
14 of this subsection.

15 (b) The department shall submit electronically an annual report to  
16 the Health and Human Services Committee of the Legislature by December 1  
17 on efforts by the department to carry out the provisions of this  
18 subsection. Such report shall provide the committee with all necessary  
19 and appropriate information to enable the committee to conduct a  
20 meaningful evaluation of such efforts. Such information shall include,  
21 but not be limited to, a clear description of various options available  
22 to the state under the federal Supplemental Nutrition Assistance Program,  
23 the department's evaluation of and any action taken by the department  
24 with respect to such options, the number of persons being served under  
25 such program, and any and all costs and expenditures associated with such  
26 program.

27 (c) The Health and Human Services Committee of the Legislature,  
1 after receipt and evaluation of the report required in subdivision (b) of  
2 this subsection, shall issue recommendations to the department on any  
3 further action necessary by the department to meet the requirements of  
4 this section.

5 (2)(a) The department shall develop a state outreach plan to promote  
6 access by eligible persons to benefits of the Supplemental Nutrition  
7 Assistance Program. The plan shall meet the criteria established by the  
8 Food and Nutrition Service of the United States Department of Agriculture  
9 for approval of state outreach plans. The Department of Health and Human  
10 Services may apply for and accept gifts, grants, and donations to develop  
11 and implement the state outreach plan.

12 (b) For purposes of developing and implementing the state outreach  
13 plan, the department shall partner with one or more counties or nonprofit  
14 organizations. If the department enters into a contract with a nonprofit  
15 organization relating to the state outreach plan, the contract may  
16 specify that the nonprofit organization is responsible for seeking  
17 sufficient gifts, grants, or donations necessary for the development and  
18 implementation of the state outreach plan and may additionally specify  
19 that any costs to the department associated with the award and management  
20 of the contract or the implementation or administration of the state  
21 outreach plan shall be paid out of private or federal funds received for  
22 development and implementation of the state outreach plan.

23 (c) The department shall submit the state outreach plan to the Food  
24 and Nutrition Service of the United States Department of Agriculture for  
25 approval on or before August 1, 2011, and shall request any federal  
26 matching funds that may be available upon approval of the state outreach  
27 plan. It is the intent of the Legislature that the State of Nebraska and  
28 the Department of Health and Human Services use any additional public or  
29 private funds to offset costs associated with increased caseload

30 resulting from the implementation of the state outreach plan.

31 (d) The department shall be exempt from implementing or  
1 administering a state outreach plan under this subsection, but not from  
2 developing such a plan, if it does not receive private or federal funds  
3 sufficient to cover the department's costs associated with the  
4 implementation and administration of the plan, including any costs  
5 associated with increased caseload resulting from the implementation of  
6 the plan.

7 (3)(a)(i) On or before October 1, 2011, the department shall create  
8 a TANF-funded program or policy that, in compliance with federal law,  
9 establishes categorical eligibility for federal food assistance benefits  
10 pursuant to the Supplemental Nutrition Assistance Program to maximize the  
11 number of Nebraska residents being served under such program in a manner  
12 that does not increase the current gross income eligibility limit.

13 (ii) Such TANF-funded program or policy shall eliminate all asset  
14 limits for eligibility for federal food assistance benefits, except that  
15 the total of liquid assets which includes cash on hand and funds in  
16 personal checking and savings accounts, money market accounts, and share  
17 accounts shall not exceed twenty-five thousand dollars pursuant to the  
18 Supplemental Nutrition Assistance Program, as allowed under federal law  
19 and under 7 C.F.R. 273.2(j)(2).

20 (iii) This subsection becomes effective only if the department  
21 receives funds pursuant to federal participation that may be used to  
22 implement this subsection.

23 (b) For purposes of this subsection:

24 (i) Federal law means the federal Food and Nutrition Act of 2008, 7  
25 U.S.C. 2011 et seq., and regulations adopted under the act; and

26 (ii) TANF means the federal Temporary Assistance for Needy Families  
27 program established in 42 U.S.C. 601 et seq.

28 ~~(4) The (4)(a) Within the limits specified in this subsection, the~~  
29 State of Nebraska opts out of the provision of the federal Personal  
30 Responsibility and Work Opportunity Reconciliation Act of 1996, as such  
31 act existed on January 1, 2009, that eliminates eligibility for the  
1 Supplemental Nutrition Assistance Program for any person convicted of a  
2 felony involving the possession, use, or distribution of a controlled  
3 substance.

4 ~~(b) A person shall be ineligible for Supplemental Nutrition~~  
5 ~~Assistance Program benefits under this subsection if he or she (i) has~~  
6 ~~had three or more felony convictions for the possession or use of a~~  
7 ~~controlled substance or (ii) has been convicted of a felony involving the~~  
8 ~~sale or distribution of a controlled substance or the intent to sell or~~  
9 ~~distribute a controlled substance. A person with one or two felony~~  
10 ~~convictions for the possession or use of a controlled substance shall~~  
11 ~~only be eligible to receive Supplemental Nutrition Assistance Program~~  
12 ~~benefits under this subsection if he or she is participating in or has~~  
13 ~~completed a state licensed or nationally accredited substance abuse~~  
14 ~~treatment program since the date of conviction. The determination of such~~  
15 ~~participation or completion shall be made by the treatment provider~~  
16 ~~administering the program.~~

17 Sec. 2. Original section 68-1017.02, Revised Statutes Cumulative 18 Supplement, 2014, is repealed.  
 19 Sec. 3. Since an emergency exists, this act takes effect when 20 passed and approved according to law.

Senator Kintner requested a ruling of the Chair on whether the Morfeld amendment is germane to the bill.

The Chair ruled the Morfeld amendment is germane to the bill.

Senator Kintner challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 7 ayes, 26 nays, 11 present and not voting, and 5 excused and not voting.

The Chair was sustained.

### **PRESIDENT FOLEY PRESIDING**

The Morfeld amendment, AM2469, found in this day's Journal, was renewed.

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Morfeld moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Morfeld requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 35:

Baker	Fox	Harr, B.	Krist	Scheer
Bolz	Friesen	Hilkemann	Larson	Schumacher
Campbell	Garrett	Howard	Lindstrom	Smith
Chambers	Gloor	Hughes	McCollister	Stinner
Coash	Haar, K.	Johnson	Mello	Sullivan
Crawford	Hadley	Kolowski	Morfeld	Watermeier
Davis	Hansen	Kolterman	Pansing Brooks	Williams

Voting in the negative, 5:

Groene	Kintner	McCoy	Riepe	Schnoor
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Present and not voting, 5:

Bloomfield	Brasch	Craighead	Murante	Schilz
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Excused and not voting, 4:

Cook            Ebke            Kuehn            Seiler

The Morfeld amendment was adopted with 35 ayes, 5 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 31 ayes, 5 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 910A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 5 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1093.** Title read. Considered.

Committee AM2391, found on page 832, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

#### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR458 was adopted.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR458.

#### **MESSAGE(S) FROM THE GOVERNOR**

March 9, 2016

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 676e, 700, 703, 718, 729e, 734, 735, 753, 758, 776, 778, 786, 798, 807, 811, 840, 859e, 864, 898, 921, 929e, and 1035 were received in my office on March 3, 2016.

These bills were signed and delivered to the Secretary of State on March 9, 2016.

Sincerely,  
(Signed) Pete Ricketts  
Governor

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 474.** Introduced by Ebke, 32.

WHEREAS, Michael Coffey, a member of Troop 212 of Crete, 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, Michael 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. Michael's service project was the beautification of the Sacred Heart Catholic Cemetery in Crete. Michael cleaned, repaired, and repainted a large Calvary statue, cleaned and painted a statue of Jesus at the main entrance to the cemetery, and scraped and painted two garages at the cemetery; and

WHEREAS, Michael, 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 Michael Coffey on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Michael Coffey.

Laid over.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 886A.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 886, One Hundred Fourth Legislature, Second Session, 2016.



**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Baker, Krist, Mello, Scheer, Schilz, Seiler, Stinner, Williams - LB886  
Brasch, Friesen, Groene, Howard, Smith, Sullivan - LB886  
Hansen, Harr, B., Hughes, Kolowski, Larson - LB886  
Gloor - LB768

**VISITOR(S)**

Visitors to the Chamber were David Clements from Omaha; Avery and Jordan Farahbod from Lincoln, and Gholamhosein Farahbod from Iran; Shannon Muhs from Omaha, Amber Pankonin from Lincoln, and Rita Grandgenett from Omaha; volunteer firefighters and EMS from across the state; and Senator Ebke's daughter, Jennifer Craven.

**RECESS**

At 12:00 p.m., on a motion by Senator Schilz, 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 Howard and Kuehn who were excused; and Senators Campbell, Davis, Hughes, McCollister, Mello, Seiler, and Watermeier who were excused until they arrive.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 1103.** Placed on General File with amendment. AM2394 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 977.** Title read. Considered.

Committee AM2318, found on page 797, was offered.

Senator Smith offered his amendment, AM2478, found on page 908, to the committee amendment.

Senator Smith withdrew and refiled his amendment, AM2478.

Senator Pansing Brooks offered the following amendment to the committee amendment:

AM2489

(Amendments to Standing Committee amendments, AM2318)

1 1. On page 9, line 26, after "60-3,118" insert ", except that a  
2 maximum of five characters may be used".

The Pansing Brooks amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

#### **SENATOR KRIST PRESIDING**

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Smith withdrew his amendment, AM1895, found on page 425.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1105.** Title read. Considered.

Committee AM2029, found on page 557, was offered.

Senator Larson offered his amendment, AM2384, found on page 907, to the committee amendment.

The Larson amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

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

**LEGISLATIVE BILL 754.** Title read. Considered.

Committee AM2103, found on page 662, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 1082.** Title read. Considered.

Committee AM2292, found on page 766, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

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

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1082A.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1082, One Hundred Fourth Legislature, Second Session, 2016.

#### **COMMITTEE REPORT(S)**

Business and Labor

**LEGISLATIVE BILL 133.** Indefinitely postponed.  
**LEGISLATIVE BILL 134.** Indefinitely postponed.  
**LEGISLATIVE BILL 158.** Indefinitely postponed.  
**LEGISLATIVE BILL 251.** Indefinitely postponed.  
**LEGISLATIVE BILL 288.** Indefinitely postponed.  
**LEGISLATIVE BILL 363.** Indefinitely postponed.  
**LEGISLATIVE BILL 388.** Indefinitely postponed.  
**LEGISLATIVE BILL 429.** Indefinitely postponed.  
**LEGISLATIVE BILL 493.** Indefinitely postponed.  
**LEGISLATIVE BILL 555.** Indefinitely postponed.  
**LEGISLATIVE BILL 556.** Indefinitely postponed.  
**LEGISLATIVE BILL 600.** Indefinitely postponed.  
**LEGISLATIVE BILL 611.** Indefinitely postponed.  
**LEGISLATIVE BILL 743.** Indefinitely postponed.  
**LEGISLATIVE BILL 836.** Indefinitely postponed.  
**LEGISLATIVE BILL 850.** Indefinitely postponed.  
**LEGISLATIVE BILL 896.** Indefinitely postponed.  
**LEGISLATIVE BILL 928.** Indefinitely postponed.  
**LEGISLATIVE BILL 933.** Indefinitely postponed.  
**LEGISLATIVE BILL 972.** Indefinitely postponed.  
**LEGISLATIVE BILL 982.** Indefinitely postponed.  
**LEGISLATIVE BILL 1001.** Indefinitely postponed.  
**LEGISLATIVE BILL 1005.** Indefinitely postponed.  
**LEGISLATIVE BILL 1044.** Indefinitely postponed.  
**LEGISLATIVE BILL 1045.** Indefinitely postponed.  
**LEGISLATIVE BILL 1089.** Indefinitely postponed.

(Signed) Burke Harr, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 906.** Title read. Considered.

Committee AM2118, found on page 597, was offered.

Senator Sullivan offered the following amendment to the committee amendment:

AM2487

(Amendments to Standing Committee amendments, AM2118)

1 1. On page 1, line 1, before "degree" insert "the first".

The Sullivan amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 730.** Placed on Final Reading.

**LEGISLATIVE BILL 772.** Placed on Final Reading.

ST66

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Lindstrom amendment, AM2196, on page 15, line 15, "to" has been struck and ", 2, 3, 4, 5, 6, 7, 8," inserted.

2. On page 1, the matter beginning "the" in line 1 through line 6 has been struck and "insurance; to amend section 44-4404, Reissue Revised Statutes of Nebraska, and sections 44-2120, 44-2121, 44-2138, and 44-9004, Revised Statutes Cumulative Supplement, 2014; to adopt the Corporate Governance Annual Disclosure Act; to change provisions of the Insurance Holding Company System Act; to define terms; to provide for group-wide supervisors and international insurance groups as prescribed; to change provisions relating to risk retention groups; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

3. On page 2, line 3, "3 and 4" has been struck and "12 and 13" inserted.

4. On page 3, line 13, "4" has been struck and "13" inserted; and in line 24 "3" has been struck and "12" inserted.

5. On page 10, line 25, "4" has been struck and "13" inserted.

**LEGISLATIVE BILL 1059.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**  
Judiciary

**LEGISLATIVE BILL 1106.** Placed on General File with amendment.  
AM2389 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Morfeld filed the following amendment to LB900:  
AM2343

(Amendments to Standing Committee amendments, AM1957)

- 1 1. On page 8, line 27, after the period insert "The Department of
- 2 Health and Human Services shall provide administrative support and
- 3 oversight to the board.".
- 4 2. On page 12, line 29, strike "Director of Motor Vehicles" and
- 5 insert "chief executive officer for the Department of Health and Human
- 6 Services".
- 7 3. On page 13, line 14, strike both occurrences of "Motor Vehicles"
- 8 and insert "Health and Human Services"; and in line 30 strike "Department
- 9 of Motor Vehicles".

**GENERAL FILE**

**LEGISLATIVE BILL 745.** Title read. Considered.

Senator Chambers offered the following motion:

MO201

Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

Voting in the affirmative, 3:

Bloomfield    Chambers    Kintner

Voting in the negative, 29:

Baker	Fox	Harr, B.	Lindstrom	Schnoor
Brasch	Gloor	Hilkemann	McCollister	Seiler
Campbell	Groene	Hughes	Morfeld	Stinner
Cook	Haar, K.	Johnson	Pansing Brooks	Sullivan
Crawford	Hadley	Kolowski	Riepe	Williams
Davis	Hansen	Kolterman	Schilz	

Present and not voting, 5:

Friesen	Krist	McCoy	Schumacher	Smith
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Excused and not voting, 12:

Bolz	Ebke	Kuehn	Murante
Coash	Garrett	Larson	Scheer
Craighead	Howard	Mello	Watermeier

The Chambers motion to bracket failed with 3 ayes, 29 nays, 5 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Pending.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 698A.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 698, One Hundred Fourth Legislature, Second Session, 2016.

### **AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to LB745:  
AM2498

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 37-452, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:  
5 37-452 (1) No person shall hunt antelope, elk, ~~or mountain sheep, or~~  
6 ~~mountain lions~~ unless such person is at least twelve years of age, and  
7 any person who is twelve through fifteen years of age shall only hunt  
8 antelope, elk, or mountain sheep, ~~or mountain lions~~ when supervised by a  
9 person nineteen years of age or older having a valid hunting permit.  
10 (2) No person shall hunt deer unless such person is at least ten  
11 years of age, and any person who is ten through fifteen years of age

12 shall only hunt deer when supervised by a person nineteen years of age or 13 older having a valid hunting permit.

14 (3) A person nineteen years of age or older having a valid hunting permit shall not supervise more than two persons while hunting deer, 15 antelope, elk, or mountain sheep, ~~or mountain lions~~ at the same time.

17 Sec. 2. Original section 37-452, Revised Statutes Cumulative 18 Supplement, 2014, is repealed.

19 Sec. 3. The following section is outright repealed: Section 37-473, 20 Revised Statutes Cumulative Supplement, 2014.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Kintner - LB975

Ebke, Garrett, Gloor, Haar, K., Morfeld - LB886

#### **VISITOR(S)**

Visitors to the Chamber were 52 fourth-grade students from Bryan Elementary, Lexington; 33 fourth- and fifth-grade students and sponsors from St. Bernard, Omaha; Larry and Renee Carstenson from Kearney; Evan and Colton Spatz; Judith Wright from Omaha, Suzanne Nelson from Lawrence, KS, and Mackenzie Nelson from Washington, D.C.; and Forster Lee and Jerry Chang of the Taipei Economic and Cultural Office, Denver, CO.

The Doctor of the Day was Dr. Michelle Sell from Central City.

#### **ADJOURNMENT**

At 5:05 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Thursday, March 10, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature





**FORTY-FIRST DAY - MARCH 10, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 10, 2016

**PRAYER**

The prayer was offered by Senator Lindstrom.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Scheer who was excused; and Senators Hansen, Kintner, Kolowski, Larson, McCollister, Murante, Schilz, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fortieth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 9, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Bruning Law Group  
amazon.com  
Heidemann, Lavon L  
Nebraska Farm Bureau Federation (Withdrawn 03/09/2016)  
JK Consulting  
Americans for Prosperity  
Kolterman, Jessica A.  
JK Consulting  
Nebraska Farm Bureau Federation (Withdrawn 03/09/2016)

**REPORTS**

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

**LEGISLATIVE BILL 698A.** 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.

**ANNOUNCEMENT**

The Chair announced the birthdays of Senator K. Haar and Senator Seiler.

**SELECT FILE**

**LEGISLATIVE BILL 1022.** Senator Schumacher offered his amendment, AM2398, found on page 877.

Senator Schumacher moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Schumacher requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Bloomfield	Cook	Ebke	Gloor	Krist
Campbell	Crawford	Friesen	Groene	Schumacher
Coash	Davis	Garrett	Haar, K.	

Voting in the negative, 20:

Brasch	Hughes	Larson	Murante	Smith
Chambers	Johnson	Lindstrom	Riepe	Stinner
Craighead	Kolowski	McCoy	Schilz	Watermeier
Hadley	Kolterman	Mello	Seiler	Williams

Present and not voting, 10:

Baker	Fox	Hilkemann	Kuehn	Morfeld
Bolz	Hansen	Howard	McCollister	Pansing Brooks

Excused and not voting, 5:

Harr, B.	Kintner	Scheer	Schnoor	Sullivan
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The Schumacher amendment lost with 14 ayes, 20 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

#### **SENATOR COASH PRESIDING**

**LEGISLATIVE BILL 897.** ER173, found on page 743, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 919.** ER175, found on page 791, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 919A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 710.** ER177, found on page 805, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 722.** Senator Baker offered his amendment, AM2435, found on page 888.

The Baker amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 857.** Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 1082A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 447.** Placed on Final Reading.

**LEGISLATIVE BILL 447A.** Placed on Final Reading.

**LEGISLATIVE BILL 698.** Placed on Final Reading.

ST64

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Campbell amendment, AM2255, sections 28 and 29 and all amendments thereto have been struck and the following sections inserted:

Sec. 34. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, and 37 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 35. Original sections 71-516.01, 71-516.02, 71-516.03, 81-2201, 81-2213, 81-2218, 81-2220, 81-2221, and 81-2235, Reissue Revised Statutes of Nebraska, section 71-516.04, Revised Statutes Cumulative Supplement, 2014, and sections 71-401 and 71-403, Revised Statutes Supplement, 2015, are repealed.

2. In the E & R amendments, ER172, amendment 2 has been struck.

3. On page 1, the matter beginning with the second "to" in line 1 through line 2 has been struck and "to amend sections 71-516.01, 71-516.02, 71-516.03, 81-2201, 81-2213, 81-2218, 81-2220, 81-2221, and 81-2235, Reissue Revised Statutes of Nebraska, section 71-516.04, Revised Statutes Cumulative Supplement, 2014, and sections 68-901, 71-401, and 71-403, Revised Statutes Supplement, 2015; to adopt the Home Care Consumer Bill of Rights Act; to provide a penalty; to adopt the Assisting Caregiver Transitions Act; to require that certain providers be subject to a national criminal history record information check as prescribed; to define and redefine terms; to provide for a memory care endorsement under the Health Care Facility Licensure Act; to change provisions of the Alzheimer's Special Care Disclosure Act; to change and eliminate provisions of the Nebraska Community Aging Services Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 81-2228, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

**LEGISLATIVE BILL 704.** Placed on Final Reading.

ST65

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "building" in line 1 through line 7 has been struck and "political subdivisions; to amend sections 14-419, 16-102, 16-103, 16-104, 16-105, 16-117, 16-119, 16-120, 16-122, 16-124, 16-125, 16-126, 16-127, 16-128, 16-129, 16-202, 16-206, 16-212, 16-213, 16-214, 16-217, 16-218, 16-219, 16-220, 16-221, 16-222, 16-225, 16-226, 16-227, 16-229, 16-231, 16-232, 16-233, 16-236, 16-238, 16-239, 16-241, 16-246, 16-247, 16-249, 16-251, 16-253, 16-302.01, 16-304, 16-305, 16-306, 16-308, 16-309, 16-310, 16-312, 16-314, 16-319, 16-320, 16-321, 16-322, 16-323, 16-324, 16-325, 16-326, 16-327, 16-401, 16-402, 16-403, 16-404, 16-405, 16-406, 16-501, 16-502, 16-503, 16-606, 16-607, 16-609, 16-613, 16-617, 16-618, 16-619, 16-620, 16-621, 16-622, 16-623, 16-624, 16-625, 16-626, 16-627, 16-628, 16-632, 16-633, 16-634, 16-635, 16-636,

16-637, 16-646, 16-647, 16-649, 16-650, 16-651, 16-653, 16-654, 16-655, 16-661, 16-662, 16-665, 16-666, 16-667, 16-667.01, 16-667.02, 16-667.03, 16-670, 16-671, 16-672.01, 16-672.02, 16-672.03, 16-672.04, 16-672.05, 16-672.06, 16-672.07, 16-672.08, 16-672.11, 16-676, 16-677, 16-678, 16-679, 16-680, 16-681, 16-682, 16-683, 16-684, 16-684.01, 16-686, 16-686.01, 16-687, 16-688, 16-691, 16-691.01, 16-691.02, 16-692, 16-693, 16-694, 16-695, 16-696, 16-697, 16-697.01, 16-697.02, 16-698, 16-699, 16-6,100, 16-6,100.03, 16-6,100.05, 16-6,101, 16-6,102, 16-6,103, 16-6,104, 16-6,105, 16-6,107, 16-6,108, 16-6,109, 16-701, 16-702, 16-704, 16-706, 16-707, 16-709, 16-711, 16-712, 16-713, 16-714, 16-716, 16-717, 16-718, 16-719, 16-720, 16-721, 16-722, 16-723, 16-727, 16-728, 16-729, 16-801, 16-802, 16-803, 16-804, 16-805, 16-806, 16-807, 16-809, 16-810, 16-901, 16-902, 16-905, 16-1014, 16-1034, 16-1035, 18-132, and 19-2402, Reissue Revised Statutes of Nebraska, sections 15-905, 16-313, 16-317, 16-318, 19-922, 23-172, and 71-6404, Revised Statutes Cumulative Supplement, 2014, and sections 16-207, 16-230, 16-240, 16-243, 16-250, 16-615, 16-630, 16-631, 16-664, 16-669, 16-672, 16-708, and 71-6406, Revised Statutes Supplement, 2015; to define terms regarding building codes and regulations; to change provisions relating to adoption and applicability of building codes by political subdivisions; to change provisions relating to cities of the first class; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 830.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 1032.** Placed on General File with amendment.  
AM2473

- 1 1. Insert the following new section:
- 2 Sec. 10. (1) The Transitional Health Insurance Program Act
- 3 terminates three years after the date coverage under the waiver begins
- 4 for newly eligible individuals as described in subsection (2) of section
- 5 5 of this act.
- 6 (2) The department shall provide notice to all newly eligible
- 7 individuals at the time of enrollment and every six months thereafter
- 8 regarding the termination date described in subsection (1) of this
- 9 section. Newly eligible individuals shall also receive notice of the
- 10 program's termination date three months and one month prior to such date.
- 11 (3) Newly eligible individuals have no right to appeal the loss of
- 12 eligibility under the program as a result of the termination of the
- 13 Transitional Health Insurance Program Act as provided in this section.
- 14 2. On page 2, line 1, strike "11" and insert "12".
- 15 3. On page 6, line 25, strike "Following" and insert "Except as
- 16 provided in section 10 of this act, following".
- 17 4. On page 10, line 21, strike "expire on June 30, 2020" and insert

- 18 "terminate pursuant to section 10 of this act".  
 19 5. On page 11, line 24, after "(3)" insert "(a)"; after line 27  
 20 insert the following new subdivision:  
 21 "(b) The department shall select an independent consultant to  
 22 analyze the performance measures listed in this section and to analyze  
 23 revenue generated and savings attributable to the act. Such report shall  
 24 be provided to the Governor and submitted electronically to the  
 25 Legislature six months prior to the start of the next legislative session  
 26 in the third year of implementation of the waiver."; and in line 29  
 27 strike "to" through "paying" and insert "only to pay".  
 1 6. On page 12, lines 1 and 2, strike "may utilize money" and insert  
 2 "shall appropriate sixty-three million dollars"; and in line 2 after  
 3 "Fund" insert "to the Transitional Health Insurance Program Fund".  
 4 7. Renumber the remaining sections accordingly.

**LEGISLATIVE RESOLUTION 415.** Reported to the Legislature for further consideration.

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORT(S)**  
 Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

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

Aye: 7 Baker, Campbell, Crawford, Fox, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to LB768:  
 AM2526

(Amendments to Standing Committee amendments, AM2058)

- 1 1. On page 5, line 19; page 9, lines 4, 6, 14, 18, 22, and 26; page  
 2 10, lines 3, 7, 11, 16, 18, 21, 24, and 28; and page 11, lines 7, 9, 11,  
 3 14, 15, and 21, after "Life" insert "and Freedom of Choice".  
 4 2. On page 11, strike beginning with the first "as" in line 19  
 5 through "abortions" in line 20.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 475.** Introduced by Larson, 40.

WHEREAS, the Wynot High School girls' basketball team won the 2016 Class D-2 Girls' State Basketball Championship; and

WHEREAS, the Wynot Blue Devils girls' basketball team defeated St. Mary's High School in the championship game by a score of 41-40; 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 Wynot High School girls' basketball team on winning the 2016 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Wynot High School girls' basketball team and Coach Steve Wieseler.

Laid over.

**LEGISLATIVE RESOLUTION 476.** Introduced by Larson, 40.

WHEREAS, the Crofton High School girls' basketball team won the 2016 Class C-2 Girls' State Basketball Championship; and

WHEREAS, the Crofton Warriors girls' basketball team defeated Guardian Angels Central Catholic High School in the championship game by a score of 46-43; and

WHEREAS, this was the Crofton Warriors' fifth consecutive Class C-2 girls' basketball state title; 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 Crofton High School girls' basketball team on winning the 2016 Class C-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Crofton High School girls' basketball team and Coach Aaron Losing.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 745.** Senator Chambers offered the following motion:

MO202

Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

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

Voting in the affirmative, 1:

Bloomfield

Voting in the negative, 32:

Baker	Davis	Hansen	Kolterman	Seiler
Brasch	Ebke	Harr, B.	Krist	Stinner
Campbell	Fox	Hilkemann	Kuehn	Sullivan
Coash	Friesen	Howard	McCollister	Williams
Cook	Gloor	Hughes	Morfeld	
Craighead	Haar, K.	Johnson	Pansing Brooks	
Crawford	Hadley	Kolowski	Schilz	

Present and not voting, 6:

Chambers	Murante	Schumacher
McCoy	Riepe	Smith

Excused and not voting, 10:

Bolz	Groene	Larson	Mello	Schnoor
Garrett	Kintner	Lindstrom	Scheer	Watermeier

The Chambers motion to bracket failed with 1 aye, 32 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO203

Reconsider the vote taken to bracket.

#### **SENATOR KRIST PRESIDING**

The Chambers motion to reconsider failed with 1 aye, 25 nays, 12 present and not voting, and 11 excused and not voting.

Pending.



**COMMITTEE REPORT(S)**

Executive Board

**LEGISLATIVE RESOLUTION 455.** Reported to the Legislature for further consideration with the following amendment:

AM2521

- 1 1. Strike the first resolved paragraph and insert:
- 2 1. The Legislature calls for the Executive Board of the Legislative
- 3 Council to appoint a special committee to examine issues related to the
- 4 impacts of climate change on the State of Nebraska and its residents,
- 5 including assessments of vulnerability, risks, and economic impacts. The
- 6 committee shall also examine opportunities, including methods of
- 7 producing food, generating power, or protecting land and water that can
- 8 be used to adapt and mitigate the impacts of climate change and that will
- 9 provide jobs and economic benefits to Nebraskans. The committee shall
- 10 consist of the following members:
- 11 (a) The chairperson of the Appropriations Committee of the
- 12 Legislature or his or her designee;
- 13 (b) The chairperson of the Natural Resources Committee of the
- 14 Legislature or his or her designee; and
- 15 (c) Five at-large members of the Legislature appointed by the
- 16 Executive Board of the Legislative Council.

(Signed) Bob Krist, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 1073.** Placed on General File.

**LEGISLATIVE BILL 874.** Placed on General File with amendment.

AM2385

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 32-570, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 32-570 (1) A vacancy in the membership of a school board shall occur
- 6 as set forth in section 32-560 or in the case of absences, unless excused
- 7 by a majority of the remaining members of the board, when a member is
- 8 absent from the district for a continuous period of sixty days at one
- 9 time or from more than two consecutive regular meetings of the board. The
- 10 resignation of a member or any other reason for a vacancy shall be made a
- 11 part of the minutes of the school board. The school board shall give
- 12 notice of the date the vacancy occurred, the office vacated, and the
- 13 length of the unexpired term (a) in writing to the election commissioner
- 14 or county clerk and (b) by a notice published in a newspaper of general
- 15 circulation in the school district.
- 16 (2) A person appointed to fill a vacancy on the school board of a
- 17 Class I school district by the remaining members of the board shall hold
- 18 office until the beginning of the next school year. A board member of a

19 Class I school district elected to fill a vacancy at a regular or special  
20 school district meeting shall serve for the remainder of the unexpired  
21 term or until a successor is elected and qualified.

22 (3) Except as provided in subsection (4) of this section, a vacancy  
23 in the membership of a school board of a Class II, III, IV, V, or VI  
24 school district resulting from any cause other than the expiration of a  
25 term shall be filled by appointment of a qualified registered voter by  
26 the remaining members of the board. ~~If the vacancy occurs in a Class II  
27 school district prior to July 1 preceding the general election in the  
1 middle of the vacated term, the appointee shall serve until a registered  
2 voter is elected at such general election for the remainder of the  
3 unexpired term. If the vacancy occurs in a Class III, IV, or VI school  
4 district prior to February 1 preceding the general election in the middle  
5 of the vacated term, the appointee shall serve until a registered voter  
6 is nominated at the next primary election and elected at the following  
7 general election for the remainder of the unexpired term. If the vacancy  
8 occurs on or after the applicable deadline, the appointment shall be for  
9 the remainder of the unexpired term. A registered voter appointed or  
10 elected pursuant to this subsection shall meet the same requirements as  
11 the member whose office is vacant.~~

12 (4) Any vacancy in the membership of a school board of a school  
13 district described in section 79-549 which does not nominate candidates  
14 at a primary election and elect members at the following general election  
15 shall be filled by appointment of a qualified registered voter by the  
16 remaining members of the board. ~~If the vacancy occurs at least twenty  
17 days prior to the first regular caucus to be held during the term that  
18 was vacated, the appointee shall serve until a registered voter is  
19 nominated and elected to fill the vacancy for the remainder of the term  
20 in the manner provided for nomination and election of board members in  
21 the district. If the vacancy occurred less than twenty days prior to the  
22 first regular caucus and at least twenty days prior to the second regular  
23 caucus to be held during the term that was vacated, the appointee shall  
24 serve until a registered voter is nominated and elected to fill the  
25 vacancy for the remainder of the term in the manner provided for  
26 nomination and election of board members in the district. If the vacancy  
27 occurred less than twenty days prior to the second regular caucus held  
28 during the term that was vacated or after such caucus, the appointment  
29 shall be for the remainder of the unexpired term.~~

30 ~~(5) A vacancy in the membership of a school board of a Class V  
31 school district resulting from any cause other than the expiration of a  
1 term shall be filled by appointment of a qualified registered voter by  
2 the remaining members of the board for the remainder of the unexpired  
3 term. A registered voter appointed pursuant to this subsection shall meet  
4 the same requirements as the member whose office is vacant.~~

5 (6) If any school board fails to fill a vacancy on the board, the  
6 vacancy may be filled by election at a special election or school  
7 district meeting called for that purpose. Such election or meeting shall  
8 be called in the same manner and subject to the same procedures as other  
9 special elections or school district meetings.

10 ~~(6 7)~~ If there are vacancies in the offices of one-half or more of  
11 the members of a school board, the Secretary of State shall conduct a  
12 special school district election to fill such vacancies.

13 Sec. 2. Section 32-618, Revised Statutes Cumulative Supplement,  
14 2014, is amended to read:

15 32-618 (1) The number of signatures of registered voters needed to  
16 place the name of a candidate upon the nonpartisan ballot for the general  
17 election shall be as follows:

18 (a) For each nonpartisan office other than members of the Board of  
19 Regents of the University of Nebraska and board members of a Class III  
20 school district, at least ten percent of the total number of registered  
21 voters voting for Governor or President of the United States at the  
22 immediately preceding general election in the district or political  
23 subdivision in which the officer is to be elected, not to exceed two  
24 thousand;

25 (b) For members of the Board of Regents of the University of  
26 Nebraska, at least ten percent of the total number of registered voters  
27 voting for Governor or President of the United States at the immediately  
28 preceding general election in the regent district in which the officer is  
29 to be elected, not to exceed one thousand; and

30 (c) For board members of a Class III school district, at least  
31 twenty percent of the total number of votes cast for the board member  
1 receiving the highest number of votes at the immediately preceding  
2 general election in the school district.

3 (2) The number of signatures of registered voters needed to place  
4 the name of a candidate for an office upon the partisan ballot for the  
5 general election shall be at least ten percent of the registered voters  
6 entitled to vote for the office, as follows:

7 ~~(a) For each partisan office to be filled by the registered voters~~  
8 ~~of the entire state, at least four thousand, and at least seven hundred~~  
9 ~~fifty signatures shall be obtained in each congressional district in the~~  
10 ~~state; and~~

11 ~~(b) For each partisan office to be filled by the registered voters~~  
12 ~~of a county or political subdivision, at least twenty percent of the~~  
13 ~~total vote for Governor or President of the United States at the~~  
14 ~~immediately preceding general election within the county or political~~  
15 ~~subdivision, not to exceed two thousand.~~

16 ~~The number of signatures shall not be required to exceed one-fourth~~  
17 ~~of the total number of registered voters voting for the office at the~~  
18 ~~immediately preceding general election when the nomination is for a~~  
19 ~~partisan office to be filled by the registered voters of a county.~~

20 Sec. 3. Section 32-941, Revised Statutes Supplement, 2015, is  
21 amended to read:

22 32-941 Any registered voter permitted to vote early pursuant to  
23 section 32-938 may, not more than one hundred twenty days before any  
24 election and not later than the close of business on the second Friday 4  
25 p.m. on the Wednesday preceding the election, request a ballot for the  
26 election to be mailed to a specific address. A registered voter shall  
27 request a ballot in writing to the election commissioner or county clerk

28 in the county where the registered voter has established his or her home  
 29 and shall indicate his or her residence address, the address to which the  
 30 ballot is to be mailed if different, and his or her telephone number if  
 31 available. The registered voter may use the form published by the  
 1 election commissioner or county clerk pursuant to section 32-808. The  
 2 registered voter shall sign the request. A registered voter may use a  
 3 facsimile machine or electronic mail for the submission of a request for  
 4 a ballot. The election commissioner or county clerk shall include a  
 5 registration application with the ballots if the person is not  
 6 registered. Registration applications shall not be mailed after the third  
 7 Friday preceding the election. If the person is not registered to vote,  
 8 the registration application shall be returned not later than the closing  
 9 of the polls on the day of the election. No ballot issued under this  
 10 section shall be counted unless such registration application is properly  
 11 completed and processed.

12 Sec. 4. Section 32-947, Revised Statutes Supplement, 2015, is  
 13 amended to read:

14 32-947 (1) Upon receipt of an application or other request for a  
 15 ballot to vote early, the election commissioner or county clerk shall  
 16 determine whether the applicant is a registered voter and is entitled to  
 17 vote as requested. If the election commissioner or county clerk  
 18 determines that the applicant is a registered voter entitled to vote  
 19 early and the application was received not later than the close of  
 20 business on the second Friday at or before 4 p.m. on the Wednesday  
 21 preceding the election, the election commissioner or county clerk shall  
 22 deliver a ballot to the applicant in person or by mail, postage paid. The  
 23 election commissioner or county clerk or any employee of the election  
 24 commissioner or county clerk shall write or cause to be affixed his or  
 25 her customary signature or initials on the ballot.

26 (2) An unsealed identification envelope shall be delivered with the  
 27 ballot, and upon the back of the envelope shall be printed a form  
 28 substantially as follows:

29 VOTER'S OATH

30 I, the undersigned voter, declare that the enclosed ballot or  
 31 ballots contained no voting marks of any kind when I received them, and I  
 1 caused the ballot or ballots to be marked, enclosed in the identification  
 2 envelope, and sealed in such envelope.

3 To the best of my knowledge and belief, I declare under penalty of  
 4 election falsification that:

5 (a) I, ....., am a registered voter

6 in ..... County;

7 (b) I reside in the State of Nebraska at .....

8 (c) I have voted the enclosed ballot and am returning it in  
 9 compliance with Nebraska law; and

10 (d) I have not voted and will not vote in this election except by  
 11 this ballot.

12 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION  
 13 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS  
 14 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY

15 FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE  
16 NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.  
17 I also understand that failure to sign below will invalidate my  
18 ballot.

19 Signature .....

20 (3) If the ballot and identification envelope will be returned by  
21 mail or by someone other than the voter, the election commissioner or  
22 county clerk shall include with the ballot an identification envelope  
23 upon the face of which shall be printed the official title and post  
24 office address of the election commissioner or county clerk.

25 (4) The election commissioner or county clerk shall also enclose  
26 with the ballot materials:

27 (a) A registration application, if the election commissioner or  
28 county clerk has determined that the applicant is not a registered voter  
29 pursuant to section 32-945, with instructions that failure to return the  
30 completed and signed application indicating the residence address as it  
31 appears on the voter's request for a ballot to the election commissioner  
1 or county clerk by the close of the polls on election day will result in  
2 the ballot not being counted;

3 (b) A registration application and the oath pursuant to section  
4 32-946, if the voter is without a residence address, with instructions  
5 that the residence address of the voter shall be deemed that of the  
6 office of the election commissioner or county clerk of the county of the  
7 voter's prior residence and that failure to return the completed and  
8 signed application and oath to the election commissioner or county clerk  
9 by the close of the polls on election day will result in the ballot not  
10 being counted; or

11 (c) Written instructions directing the voter to submit a copy of an  
12 identification document pursuant to section 32-318.01 if the voter is  
13 required to present identification under such section and advising the  
14 voter that failure to submit identification to the election commissioner  
15 or county clerk by the close of the polls on election day will result in  
16 the ballot not being counted.

17 (5) The election commissioner or county clerk may enclose with the  
18 ballot materials a separate return envelope for the voter's use in  
19 returning his or her identification envelope containing the voted ballot,  
20 registration application, and other materials that may be required.

21 Sec. 5. Section 32-949.01, Revised Statutes Cumulative Supplement,  
22 2014, is amended to read:

23 32-949.01 If a ballot for early voting is destroyed, spoiled, lost,  
24 or not received by the registered voter, the voter may cast a provisional  
25 ballot pursuant to section 32-915 at the voter's polling place on  
26 election day or may obtain a replacement ballot from the election  
27 commissioner or county clerk by signing a statement verified on oath or  
28 affirmation on a form prescribed by the Secretary of State that the  
29 original ballot for early voting was destroyed, spoiled, lost, or not  
30 received and delivering the statement to the election commissioner or  
31 county clerk. To receive a replacement ballot in person, the voter shall  
1 return the statement to the office of the election commissioner or county

2 clerk by 8 p.m. on the day of the election. To receive a replacement  
3 ballot by mail, the voter shall return the statement to such office prior  
4 to the close of business on the second Friday preceding fourth business  
5 ~~day~~ before the election. If the election commissioner or county clerk  
6 receives a statement meeting the requirements of this section, he or she  
7 shall deliver a replacement ballot to the voter if the voter is present  
8 in the office or shall mail a replacement ballot to the voter at the  
9 address shown on the statement. The election commissioner or county clerk  
10 shall keep a record of all replacement ballots issued under this section.

11 Sec. 6. Section 32-953, Revised Statutes Supplement, 2015, is  
12 amended to read:

13 32-953 (1) Except as otherwise provided in subsection (2) of this  
14 section, the election commissioner or county clerk shall mail the  
15 official ballot to all registered voters of the political subdivision or  
16 the district or ward of the political subdivision at the addresses  
17 appearing on the voter registration register on the same day. The ballots  
18 shall be mailed by nonforwardable first-class mail not sooner than the  
19 ~~twenty-second twentieth~~ day before the date set for the election and not  
20 later than the tenth day before the date set for the election. The  
21 election commissioner or county clerk shall include with the ballot an  
22 unsealed identification envelope meeting the requirements of subsection  
23 (2) of section 32-947 and instructions sufficient to describe the voting  
24 process.

25 (2) The election commissioner or county clerk may choose not to mail  
26 a ballot to all registered voters who have been sent a notice pursuant to  
27 section 32-329 and failed to respond to the notice. If the election  
28 commissioner or county clerk chooses not to mail a ballot to such voters,  
29 he or she shall mail a notice to all such registered voters explaining  
30 how to obtain a ballot and stating the applicable deadlines.

31 Sec. 7. Section 32-1524, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 32-1524 (1) No judge or clerk of election or precinct or district  
3 inspector shall do any electioneering while acting as an election  
4 official.

5 (2) No person shall do any electioneering, circulate petitions, or  
6 perform any action that involves solicitation within any polling place or  
7 any building designated for voters to cast ballots by the election  
8 commissioner or county clerk pursuant to the Election Act while the  
9 polling place or building is set up for voters to cast ballots or within  
10 two hundred feet of any such polling place or building except as  
11 otherwise provided in subsection (3) of this section.

12 (3) Subject to any local ordinance, a person may display yard signs  
13 on private property within two hundred feet of a polling place or  
14 building designated for voters to cast ballots if the property is not  
15 under common ownership with the property on which the polling place or  
16 building is located.

17 (4) Any person violating this section shall be guilty of a Class V  
18 misdemeanor.

19 Sec. 8. Section 32-1527, Reissue Revised Statutes of Nebraska, is

20 amended to read:

21 32-1527 (1) No voter shall receive an official ballot from any  
22 person other than a judge of election, and no person other than a judge  
23 of election shall deliver an official ballot to a voter.

24 (2) No voter shall vote or offer to vote any ballot except an  
25 official ballot received from a judge of election.

26 (3) No voter shall place any mark upon an official ballot by which  
27 it may afterwards be identified as the one voted by him or her.

28 (4) No person shall solicit a voter to show his or her ballot after  
29 it is marked to any person ~~in such a way as~~ to reveal the contents  
30 thereof or the name of the candidate or candidates for whom he or she has  
31 marked his or her vote. This subsection does not prohibit a voter from  
32 1 voluntarily photographing his or her ballot after it is marked and  
33 2 revealing such photograph in a manner that allows the photograph to be  
34 3 viewed by another person ~~, and no person shall solicit a voter to show~~  
35 ~~4 the same.~~

5 (5) No person other than a judge of election shall receive from a  
6 voter an official ballot prepared for voting.

7 (6) Any person violating this section shall be guilty of a Class V  
8 misdemeanor.

9 Sec. 9. Sections 3, 4, 5, 6, and 10 of this act become operative on  
10 June 1, 2016. Sections 1, 2, 7, 8, 9, and 11 of this act become operative  
11 three calendar months after the adjournment of this legislative session.  
12 The other sections of this act become operative on their effective date.

13 Sec. 10. Original section 32-949.01, Revised Statutes Cumulative  
14 Supplement, 2014, and sections 32-941, 32-947, and 32-953, Revised  
15 Statutes Supplement, 2015, are repealed.

16 sec. 11. Original sections 32-1524 and 32-1527, Reissue Revised  
17 Statutes of Nebraska, and sections 32-570 and 32-618, Revised Statutes  
18 Cumulative Supplement, 2014, are repealed.

19 Sec. 12. Since an emergency exists, this act takes effect when  
20 passed and approved according to law.

**LEGISLATIVE BILL 935.** Placed on General File with amendment.  
AM2386 is available in the Bill Room.

(Signed) John Murante, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 1003.** Placed on General File with amendment.  
AM2488

1 1. Insert the following new sections:

2 Section 1. Section 86-316, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 86-316 Sections 86-316 to 86-329 and section 3 of this act shall be  
5 known and may be cited as the Nebraska Telecommunications Universal  
6 Service Fund Act.

7 Sec. 2. Section 86-318, Reissue Revised Statutes of Nebraska, is

8 amended to read:

9 86-318 For purposes of the Nebraska Telecommunications Universal  
10 Service Fund Act, the definitions found in sections 86-319 to 86-322 and  
11 section 3 of this act apply.

12 Sec. 3. Prepaid wireless telecommunications service provider means a  
13 wireless telecommunications company whose service must be paid for in  
14 advance and is sold in predetermined units or dollars of which the number  
15 declines with use in a known amount.

16 Sec. 8. The Prepaid Wireless Surcharge Act shall terminate on  
17 December 31, 2018, unless extended by the Legislature.

18 2. On page 2, line 20, after "Act" insert ", except that a prepaid  
19 wireless telecommunications service provider shall continue to be subject  
20 to the audit requirements provided in subdivision (2)(d) of section  
21 86-324".

22 3. On page 3, line 6, strike "and"; in line 11 strike the period and  
23 insert "; and"; and after line 11 insert the following new subdivision:  
24 "(d) The Department of Revenue shall provide the Public Service  
25 Commission with prepaid wireless surcharge calculation and collection  
26 data upon request."

27 4. On page 4, line 23, strike "at the times and" and show as  
1 stricken; and in line 24 after the period insert "Sellers shall remit the  
2 prepaid wireless surcharges to the Department of Revenue on a monthly  
3 basis, except that if a seller (a) collected less than five hundred  
4 dollars of prepaid wireless surcharges in the prior year, the seller may  
5 remit on an annual basis, or (b) collected more than five hundred dollars  
6 but less than one thousand dollars of prepaid wireless surcharges in the  
7 prior year, the seller may remit on a quarterly basis."

8 5. On page 5, line 8, strike "two", show as stricken, and insert  
9 "one-half of one".

10 6. Renumber the remaining sections and correct the repealer  
11 accordingly.

(Signed) Jim Smith, Chairperson

Judiciary

**LEGISLATIVE BILL 1094.** Placed on General File with amendment.  
AM2337 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Schilz filed the following amendment to LB881:  
AM2543

1 1. On page 3, line 2, strike the new matter and reinstate the  
2 stricken matter.



Senator Campbell filed the following amendment to LB1032:  
AM2528

(Amendments to Standing Committee amendments, AM2473)

- 1 1. On page 1, line 26, strike "and"; and in line 27 after the final  
2 quotation mark insert "; and in line 30 after 'participants' insert 'and  
3 administration'".
- 4 2. On page 2, line 2, strike "appropriate" and insert "transfer".

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 1009.** Placed on Select File with amendment.  
ER179 is available in the Bill Room.

**LEGISLATIVE BILL 934.** Placed on Select File with amendment.  
ER178 is available in the Bill Room.

**LEGISLATIVE BILL 934A.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

#### **VISITOR(S)**

Visitors to the Chamber were 21 high school students and teachers from Madison; Graham Ramsden from Creighton University in Omaha; Clayton Anderson, Nebraska's only astronaut visiting from Houston, TX; Frank Partsch, Sarah, Micah, and Noemi Gilbert from Omaha; 115 fourth-grade students from Reeder Elementary, Gretna; Dennis Duncan from Parker, SD; 20 members of Leadership Nebraska City and Nemaha County Leadership from Nebraska City and Auburn; and Senator Seiler's wife and son, Jo Ann and Brad Seiler.

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

#### **ADJOURNMENT**

At 12:05 p.m., on a motion by Senator Kolowski, the Legislature adjourned until 9:00 a.m., Tuesday, March 15, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SECOND DAY - MARCH 15, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 15, 2016

**PRAYER**

The prayer was offered by Father Paul Rutten, Bonacum House, Lincoln.

**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 Senator Cook who was excused; and Senators Craighead, K. Haar, Howard, Larson, and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-first day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 817.** Placed on Select File.  
**LEGISLATIVE BILL 1109.** Placed on Select File.  
**LEGISLATIVE BILL 794.** Placed on Select File.

**LEGISLATIVE BILL 867.** Placed on Select File with amendment.  
ER180 is available in the Bill Room.

**LEGISLATIVE BILL 867A.** Placed on Select File.

**LEGISLATIVE BILL 894.** Placed on Select File with amendment.  
ER181 is available in the Bill Room.

**LEGISLATIVE BILL 1092.** Placed on Select File.  
**LEGISLATIVE BILL 803.** Placed on Select File.

**LEGISLATIVE BILL 1033.** Placed on Select File with amendment.

ER183

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. The Legislature finds and declares that:

4 (1) In 1999 the United States Supreme Court held in the case of  
5 Olmstead v. L.C., 527 U.S. 581, that unjustified segregation of persons  
6 with disabilities constitutes discrimination in violation of Title II of  
7 the federal Americans with Disabilities Act of 1990. The court held that  
8 public entities must provide community-based services to persons with  
9 disabilities when (a) such services are appropriate, (b) the affected  
10 persons do not oppose community-based services, and (c) community-based  
11 services can be reasonably accommodated, taking into account the  
12 resources available to the public entity and the needs of others who are  
13 receiving disability services from the entity. The court stated that  
14 institutional placement of persons who can handle and benefit from  
15 community-based services perpetuates unwarranted assumptions that persons  
16 so isolated are incapable or unworthy of participating in community life,  
17 and that confinement in an institution severely diminishes the everyday  
18 life activities of individuals, including family relations, social  
19 contacts, work options, economic independence, educational advancement,  
20 and cultural enrichment;

21 (2) Many Nebraskans with disabilities live in institutional  
22 placements where they are segregated and isolated with diminished  
23 opportunities to participate in community life; and

24 (3) The United States Supreme Court further stated in the Olmstead  
25 decision that development of (a) a comprehensive, effective working plan  
26 for providing services to qualified persons with disabilities in the most  
27 integrated community-based settings and (b) a waiting list that moves at  
1 a reasonable pace could be important ways for a state to demonstrate its  
2 commitment to achieving compliance with the federal Americans with  
3 Disabilities Act of 1990.

4 Sec. 2. (1) The Department of Health and Human Services shall  
5 develop a comprehensive strategic plan for providing services to  
6 qualified persons with disabilities in the most integrated community-  
7 based settings pursuant to the Olmstead decision.

8 (2) The department shall (a) convene a team consisting of persons  
9 from each of the six divisions of the department to assess components of  
10 the strategic plan which may be in development; (b) consult with other  
11 state agencies that administer programs serving persons with  
12 disabilities; (c) appoint and convene a stakeholder advisory committee to  
13 assist in the review and development of the strategic plan, such  
14 committee members to include a representative from the State Advisory  
15 Committee on Mental Health Services, the Advisory Committee on  
16 Developmental Disabilities, the Nebraska Statewide Independent Living  
17 Council, the Nebraska Planning Council on Developmental Disabilities, the  
18 Division of Rehabilitation Services in the State Department of Education,  
19 a housing authority in a city of the first or second class and a housing  
20 authority in a city of the primary or metropolitan class, the Assistive

21 Technology Partnership, the protection and advocacy system for Nebraska,  
 22 an assisted-living organization, the behavioral health regions, mental  
 23 health practitioners, developmental disability service providers, an  
 24 organization that advocates for persons with developmental disabilities,  
 25 an organization that advocates for persons with mental illness, an  
 26 organization that advocates for persons with brain injuries, and an area  
 27 agency on aging, and including two persons with disabilities representing  
 28 self-advocacy organizations, and, at the department's discretion, other  
 29 persons with expertise in programs serving persons with disabilities; (d)  
 30 determine the need for a consultant to assist with the development of the  
 31 strategic plan; (e) provide a preliminary progress report to the  
 1 Legislature and the Governor by December 15, 2016, which includes, but is  
 2 not limited to, (i) the components of the strategic plan which may be in  
 3 development and (ii) the department's recommendation on hiring a  
 4 consultant; (f) provide a second progress report to the Legislature and  
 5 the Governor by December 15, 2017; and (g) provide the completed  
 6 strategic plan to the Legislature and the Governor by December 15, 2018.  
 7 The reports and completed plan shall be submitted electronically to the  
 8 Legislature.  
 9 Sec. 3. Since an emergency exists, this act takes effect when  
 10 passed and approved according to law.

**LEGISLATIVE BILL 467.** Placed on Select File with amendment.  
 ER187

1 1. On page 1, strike lines 2 through 7 and insert "to amend sections  
 2 81-2014, 81-2014.01, 81-2017, 81-2026, 81-2027.08, and 81-2041, Reissue  
 3 Revised Statutes of Nebraska; to define and redefine terms; to change  
 4 provisions relating to contributions, benefit calculations, benefit  
 5 adjustments, and DROP participation; to provide for cost-of-living  
 6 payments as prescribed; to harmonize provisions; to provide severability;  
 7 to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 910.** Placed on Select File with amendment.  
 ER182

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Section 47-901, Revised Statutes Supplement, 2015, is  
 4 amended to read:  
 5 47-901 Sections 47-901 to 47-918 and section 4 of this act shall be  
 6 known and may be cited as the Office of Inspector General of the Nebraska  
 7 Correctional System Act.  
 8 Sec. 2. Section 47-903, Revised Statutes Supplement, 2015, is  
 9 amended to read:  
 10 47-903 For purposes of the Office of Inspector General of the  
 11 Nebraska Correctional System Act, the following definitions apply:  
 12 (1) Administrator means a person charged with administration of a  
 13 program, an office, or a division of the department or administration of  
 14 a private agency;  
 15 (2) Department means the Department of Correctional Services;

16 (3) Director means the Director of Correctional Services;  
17 (4) Inspector General means the Inspector General of the Nebraska  
18 Correctional System appointed under section 47-904;  
19 (5) Malfeasance means a wrongful act that the actor has no legal  
20 right to do or any wrongful conduct that affects, interrupts, or  
21 interferes with performance of an official duty;  
22 (6) Management means supervision of subordinate employees;  
23 (7) Misfeasance means the improper performance of some act that a  
24 person may lawfully do;  
25 (8) Obstruction means hindering an investigation, preventing an  
26 investigation from progressing, stopping or delaying the progress of an  
27 investigation, or making the progress of an investigation difficult or  
1 slow;  
2 (9) Office means the office of Inspector General of the Nebraska  
3 Correctional System and includes the Inspector General and other  
4 employees of the office;  
5 (10) Office of Parole Administration means the office created  
6 pursuant to section 83-1,100.  
7 ~~(11) (10)~~ Private agency means an entity that contracts with the  
8 department or contracts to provide services to another entity that  
9 contracts with the department; and  
10 ~~(12) (11)~~ Record means any recording in written, audio, electronic  
11 transmission, or computer storage form, including, but not limited to, a  
12 draft, memorandum, note, report, computer printout, notation, or message,  
13 and includes, but is not limited to, medical records, mental health  
14 records, case files, clinical records, financial records, and  
15 administrative records.  
16 Sec. 3. Section 47-908, Revised Statutes Supplement, 2015, is  
17 amended to read:  
18 47-908 All employees of the department, all employees of the Office  
19 of Parole Administration, and all owners, operators, managers,  
20 supervisors, and employees of private agencies shall cooperate with the  
21 office. Cooperation includes, but is not limited to, the following:  
22 (1) Provision of full access to and production of records and  
23 information. Providing access to and producing records and information  
24 for the office is not a violation of confidentiality provisions under any  
25 statute, rule, or regulation if done in good faith for purposes of an  
26 investigation under the Office of Inspector General of the Nebraska  
27 Correctional System Act;  
28 (2) Fair and honest disclosure of records and information reasonably  
29 requested by the office in the course of an investigation under the act;  
30 (3) Encouraging employees to fully comply with reasonable requests  
31 of the office in the course of an investigation under the act;  
1 (4) Prohibition of retaliation by owners, operators, or managers  
2 against employees for providing records or information or filing or  
3 otherwise making a complaint to the office;  
4 (5) Not requiring employees to gain supervisory approval prior to  
5 filing a complaint with or providing records or information to the  
6 office;

7 (6) Provision of complete and truthful answers to questions posed by  
8 the office in the course of an investigation; and  
9 (7) Not willfully interfering with or obstructing the investigation.

10 Sec. 4. The Office of Parole Administration shall provide the  
11 Public Counsel and the Inspector General with direct computer access to  
12 all computerized records, reports, and documents maintained by the office  
13 in connection with administration of the Nebraska parole system, except  
14 that access for the Public Counsel and the Inspector General to a  
15 parolee's medical or mental health records shall be subject to the  
16 parolee's consent.

17 Sec. 5. Section 68-1017.02, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 68-1017.02 (1)(a) The Department of Health and Human Services shall  
20 apply for and utilize to the maximum extent possible, within limits  
21 established by the Legislature, any and all appropriate options available  
22 to the state under the federal Supplemental Nutrition Assistance Program  
23 and regulations adopted under such program to maximize the number of  
24 Nebraska residents being served under such program within such limits.  
25 The department shall seek to maximize federal funding for such program  
26 and minimize the utilization of General Funds for such program and shall  
27 employ the personnel necessary to determine the options available to the  
28 state and issue the report to the Legislature required by subdivision (b)  
29 of this subsection.

30 (b) The department shall submit electronically an annual report to  
31 the Health and Human Services Committee of the Legislature by December 1  
1 on efforts by the department to carry out the provisions of this  
2 subsection. Such report shall provide the committee with all necessary  
3 and appropriate information to enable the committee to conduct a  
4 meaningful evaluation of such efforts. Such information shall include,  
5 but not be limited to, a clear description of various options available  
6 to the state under the federal Supplemental Nutrition Assistance Program,  
7 the department's evaluation of and any action taken by the department  
8 with respect to such options, the number of persons being served under  
9 such program, and any and all costs and expenditures associated with such  
10 program.

11 (c) The Health and Human Services Committee of the Legislature,  
12 after receipt and evaluation of the report required in subdivision (b) of  
13 this subsection, shall issue recommendations to the department on any  
14 further action necessary by the department to meet the requirements of  
15 this section.

16 (2)(a) The department shall develop a state outreach plan to promote  
17 access by eligible persons to benefits of the Supplemental Nutrition  
18 Assistance Program. The plan shall meet the criteria established by the  
19 Food and Nutrition Service of the United States Department of Agriculture  
20 for approval of state outreach plans. The Department of Health and Human  
21 Services may apply for and accept gifts, grants, and donations to develop  
22 and implement the state outreach plan.

23 (b) For purposes of developing and implementing the state outreach  
24 plan, the department shall partner with one or more counties or nonprofit

25 organizations. If the department enters into a contract with a nonprofit  
26 organization relating to the state outreach plan, the contract may  
27 specify that the nonprofit organization is responsible for seeking  
28 sufficient gifts, grants, or donations necessary for the development and  
29 implementation of the state outreach plan and may additionally specify  
30 that any costs to the department associated with the award and management  
31 of the contract or the implementation or administration of the state  
1 outreach plan shall be paid out of private or federal funds received for  
2 development and implementation of the state outreach plan.

3 (c) The department shall submit the state outreach plan to the Food  
4 and Nutrition Service of the United States Department of Agriculture for  
5 approval on or before August 1, 2011, and shall request any federal  
6 matching funds that may be available upon approval of the state outreach  
7 plan. It is the intent of the Legislature that the State of Nebraska and  
8 the Department of Health and Human Services use any additional public or  
9 private funds to offset costs associated with increased caseload  
10 resulting from the implementation of the state outreach plan.

11 (d) The department shall be exempt from implementing or  
12 administering a state outreach plan under this subsection, but not from  
13 developing such a plan, if it does not receive private or federal funds  
14 sufficient to cover the department's costs associated with the  
15 implementation and administration of the plan, including any costs  
16 associated with increased caseload resulting from the implementation of  
17 the plan.

18 (3)(a)(i) On or before October 1, 2011, the department shall create  
19 a TANF-funded program or policy that, in compliance with federal law,  
20 establishes categorical eligibility for federal food assistance benefits  
21 pursuant to the Supplemental Nutrition Assistance Program to maximize the  
22 number of Nebraska residents being served under such program in a manner  
23 that does not increase the current gross income eligibility limit.

24 (ii) Such TANF-funded program or policy shall eliminate all asset  
25 limits for eligibility for federal food assistance benefits, except that  
26 the total of liquid assets which includes cash on hand and funds in  
27 personal checking and savings accounts, money market accounts, and share  
28 accounts shall not exceed twenty-five thousand dollars pursuant to the  
29 Supplemental Nutrition Assistance Program, as allowed under federal law  
30 and under 7 C.F.R. 273.2(j)(2).

31 (iii) This subsection becomes effective only if the department  
1 receives funds pursuant to federal participation that may be used to  
2 implement this subsection.

3 (b) For purposes of this subsection:

4 (i) Federal law means the federal Food and Nutrition Act of 2008, 7  
5 U.S.C. 2011 et seq., and regulations adopted under the act; and

6 (ii) TANF means the federal Temporary Assistance for Needy Families  
7 program established in 42 U.S.C. 601 et seq.

8 (4) ~~The (4)(a) Within the limits specified in this subsection, the~~  
9 State of Nebraska opts out of the provision of the federal Personal  
10 Responsibility and Work Opportunity Reconciliation Act of 1996, as such  
11 act existed on January 1, 2009, that eliminates eligibility for the



12 Supplemental Nutrition Assistance Program for any person convicted of a  
13 felony involving the possession, use, or distribution of a controlled  
14 substance.

15 ~~(b) A person shall be ineligible for Supplemental Nutrition  
16 Assistance Program benefits under this subsection if he or she (i) has  
17 had three or more felony convictions for the possession or use of a  
18 controlled substance or (ii) has been convicted of a felony involving the  
19 sale or distribution of a controlled substance or the intent to sell or  
20 distribute a controlled substance. A person with one or two felony  
21 convictions for the possession or use of a controlled substance shall  
22 only be eligible to receive Supplemental Nutrition Assistance Program  
23 benefits under this subsection if he or she is participating in or has  
24 completed a state licensed or nationally accredited substance abuse  
25 treatment program since the date of conviction. The determination of such  
26 participation or completion shall be made by the treatment provider  
27 administering the program.~~

28 Sec. 6. Section 83-1,101, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 83-1,101 ~~The Director of Correctional Services with the consent of~~  
31 ~~the Board of Parole shall appoint a Parole Administrator. The Parole~~  
1 Administrator ~~who~~ shall be a person with appropriate experience and  
2 training, including, but not limited to, familiarity with the  
3 implementation of evidence-based processes for utilizing risk and needs  
4 assessments to measure criminal risk factors and specific individual  
5 needs in the field of corrections, or with training in relevant  
6 disciplines at a recognized university.

7 Sec. 7. Section 83-4,114, Revised Statutes Supplement, 2015, is  
8 amended to read:

9 83-4,114 (1) There shall be no corporal punishment or disciplinary  
10 restrictions on diet.

11 (2) Disciplinary restrictions on clothing, bedding, mail,  
12 visitations, use of toilets, washbowls, or scheduled showers shall be  
13 imposed only for abuse of such privilege or facility and only as  
14 authorized by written directives, guidance documents, and operational  
15 manuals.

16 (3) No person shall be placed in solitary confinement.

17 (4) The director shall issue an annual report on or before September  
18 15 to the Governor and the Clerk of the Legislature. The report to the  
19 Clerk of the Legislature shall be issued electronically. For all inmates  
20 who were held in restrictive housing during the prior year, the report  
21 shall contain the race, gender, age, and length of time each inmate has  
22 continuously been held in restrictive housing. The report shall also  
23 contain:

24 (a) The number of inmates held in restrictive housing;

25 (b) The reason or reasons each inmate was held in restrictive  
26 housing;

27 (c) The number of inmates held in restrictive housing who have been  
28 diagnosed with a mental illness or behavioral disorder as defined in  
29 ~~section 71-907~~ and the type of mental illness or behavioral disorder by

30 inmate;

31 (d) The number of inmates who were released from restrictive housing  
1 directly to parole or into the general public and the reason for such  
2 release;

3 (e) The number of inmates who were placed in restrictive housing for  
4 his or her own safety and the underlying circumstances for each  
5 placement;

6 (f) To the extent reasonably ascertainable, comparable statistics  
7 for the nation and each of the states that border Nebraska pertaining to  
8 subdivisions (4)(a) through (e) of this section; and

9 (g) The mean and median length of time for all inmates held in  
10 restrictive housing.

11 (5)(a) There is hereby established within the department a long-term  
12 restrictive housing work group. The work group shall consist of:

13 (i) The director and all deputy directors. The director shall serve  
14 as the chairperson of the work group;

15 ~~(ii) The director of health services within the department;~~

16 ~~(ii)~~ ~~(iii)~~ The behavioral health administrator within the department;

17 ~~(iii)~~ ~~(iv)~~ Two employees of the department who currently work with  
18 inmates held in restrictive housing;

19 ~~(iv)~~ ~~(v)~~ Additional department staff as designated by the director;  
20 and

21 ~~(v)~~ ~~(vi)~~ Four members as follows appointed by the Governor:

22 (A) Two representatives from a nonprofit prisoners' rights advocacy  
23 group, including at least one former inmate; and

24 (B) Two mental health professionals independent from the department  
25 with particular knowledge of prisons and conditions of confinement.

26 (b) The work group shall advise the department on policies and  
27 procedures related to the proper treatment and care of offenders in long-  
28 term restrictive housing.

29 (c) The director shall convene the work group's first meeting no  
30 later than September 15, 2015, and the work group shall meet at least  
31 semiannually thereafter. The chairperson shall schedule and convene the  
1 work group's meetings.

2 (d) The director shall provide the work group with quarterly updates  
3 on the department's policies related to the work group's subject matter.

4 Sec. 8. Original section 83-1,101, Reissue Revised Statutes of  
5 Nebraska, section 68-1017.02, Revised Statutes Cumulative Supplement,  
6 2014, and sections 47-901, 47-903, 47-908, and 83-4,114, Revised Statutes  
7 Supplement, 2015, are repealed.

8 Sec. 9. Since an emergency exists, this act takes effect when  
9 passed and approved according to law.

10 2. On page 1, strike beginning with "parole" in line 1 through the  
11 semicolon in line 9 and insert "criminal justice; to amend section  
12 83-1,101, Reissue Revised Statutes of Nebraska, section 68-1017.02,  
13 Revised Statutes Cumulative Supplement, 2014, and sections 47-901,  
14 47-903, 47-908, and 83-4,114, Revised Statutes Supplement, 2015; to  
15 define a term; to require cooperation by and provide access to  
16 information maintained by the Office of Parole Administration as

17 prescribed; to eliminate a provision relating to ineligibility for  
18 Supplemental Nutrition Assistance Program benefits relating to certain  
19 felons; to change provisions relating to appointment and qualifications  
20 of the Parole Administrator; to change reporting requirements and work  
21 group membership relating to restrictive housing as prescribed;".

**LEGISLATIVE BILL 910A.** Placed on Select File.

**LEGISLATIVE BILL 1093.** Placed on Select File with amendment.

ER188

1 1. On page 1, strike beginning with "public" in line 1 through line  
2 6 and insert "economic development; to amend section 81-1210.01, Reissue  
3 Revised Statutes of Nebraska, and sections 81-12,160 and 81-12,162,  
4 Revised Statutes Supplement, 2015; to redefine a term relating to a grant  
5 program for internships; to change the Business Innovation Act; to state  
6 findings and require reports relating to the Nebraska Innovation Campus;  
7 to repeal the original sections; and to declare an emergency.".

(Signed) Matt Hansen, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 754A.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 754, One Hundred Fourth Legislature, Second Session, 2016.

### **MESSAGE(S) FROM THE GOVERNOR**

March 11, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Game and Parks Commission:

Patrick Berggren, 1109 South 5th Avenue, Broken Bow, NE 68822

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

### GENERAL FILE

**LEGISLATIVE BILL 745.** Senator Chambers offered the following motion:

MO204

Bracket until April 20, 2016.

The Chambers motion to bracket failed with 1 aye, 14 nays, 30 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following motion:

MO205

Reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Chambers asked unanimous consent to withdraw his amendment, AM2498, found on page 934, and replace it with the Brasch substitute amendment, AM2584. No objections. So ordered.

AM2584

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 37-490, Revised Statutes Cumulative Supplement,

4 2014, is amended to read:

5 37-490 No person shall hunt any upland game birds and mallard ducks

6 upon such breeding and controlled shooting area except between September

7 1 and April 15 of each year, except that turkeys may be hunted

8 throughout the open season and dog training or dog trial activities may

9 be permitted as prescribed by rules and regulations of the commission or

10 commission orders.

11 Sec. 2. Original section 37-490, Revised Statutes Cumulative

12 Supplement, 2014, is repealed.

Senator Brasch moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Brasch requested a roll call vote on her amendment.

Voting in the affirmative, 6:

Bloomfield	Chambers	McCoy
Brasch	Larson	Schumacher

Voting in the negative, 28:

Baker	Fox	Hughes	Lindstrom	Seiler
Campbell	Gloor	Johnson	McCollister	Stinner
Coash	Hadley	Kolowski	Mello	Watermeier
Crawford	Hansen	Kolterman	Pansing Brooks	Williams
Davis	Hilkemann	Krist	Scheer	
Ebke	Howard	Kuehn	Schilz	

Present and not voting, 9:

Bolz	Groene	Murante	Schnoor	Sullivan
Friesen	Harr, B.	Riepe	Smith	

Excused and not voting, 6:

Cook	Garrett	Kintner
Craighead	Haar, K.	Morfeld

The Brasch amendment lost with 6 ayes, 28 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

AM2499

- 1 1. Insert the following new sections:
- 2 Sec. 15. Section 37-452, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 37-452 (1) No person shall hunt antelope, elk, ~~or mountain sheep, or~~
- 5 ~~mountain lions~~ unless such person is at least twelve years of age, and
- 6 any person who is twelve through fifteen years of age shall only hunt
- 7 antelope, elk, ~~or mountain sheep, or mountain lions~~ when supervised by a
- 8 person nineteen years of age or older having a valid hunting permit.
- 9 (2) No person shall hunt deer unless such person is at least ten
- 10 years of age, and any person who is ten through fifteen years of age
- 11 shall only hunt deer when supervised by a person nineteen years of age or
- 12 older having a valid hunting permit.
- 13 (3) A person nineteen years of age or older having a valid hunting
- 14 permit shall not supervise more than two persons while hunting deer,
- 15 antelope, elk, ~~or mountain sheep, or mountain lions~~ at the same time.
- 16 Sec. 22. The following section is outright repealed: Section 37-473,
- 17 Revised Statutes Cumulative Supplement, 2014.
- 18 2. Renumber the remaining sections and correct the repealer
- 19 accordingly.

**SPEAKER HADLEY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bloomfield	Coash	Hansen	Krist	Schumacher
Brasch	Crawford	Kolowski	Pansing Brooks	Sullivan

Voting in the negative, 16:

Friesen	Kolterman	Riepe	Seiler
Hilkemann	Kuehn	Scheer	Stinner
Hughes	McCollister	Schilz	Watermeier
Johnson	Murante	Schnoor	Williams

Present and not voting, 15:

Baker	Craighead	Fox	Harr, B.	McCoy
Campbell	Davis	Gloor	Howard	Mello
Chambers	Ebke	Hadley	Lindstrom	Smith

Excused and not voting, 8:

Bolz	Garrett	Haar, K.	Larson
Cook	Groene	Kintner	Morfeld

The Chambers amendment lost with 10 ayes, 16 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 459, 460, 461, 462, 465, 466, 467, 468, and 469 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 459, 460, 461, 462, 465, 466, 467, 468, and 469.

**GENERAL FILE**

**LEGISLATIVE BILL 745.** Senator Chambers offered the following motion:

MO207

Reconsider the vote taken on AM2499.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 8:

Bloomfield	Crawford	Kolowski	Pansing Brooks
Chambers	Haar, K.	Krist	Schumacher

Voting in the negative, 24:

Coash	Gloor	Hughes	McCollister	Seiler
Davis	Groene	Johnson	Murante	Stinner
Ebke	Hadley	Kolterman	Riepe	Watermeier
Friesen	Hansen	Kuehn	Scheer	Williams
Garrett	Hilkemann	Lindstrom	Schnoor	

Present and not voting, 13:

Baker	Campbell	Harr, B.	Mello	Sullivan
Bolz	Craighead	Howard	Morfeld	
Brasch	Fox	McCoy	Smith	

Excused and not voting, 4:

Cook	Kintner	Larson	Schilz
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The Chambers motion to reconsider failed with 8 ayes, 24 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

AM2513

- 1 1. On page 15, lines 16, 18, 21, 22, 23, and 26; and page 16, lines 21, 24, 28, and 30, strike "may", show as stricken, and insert "shall".
- 3 2. On page 15, line 25, strike "the" and show as stricken.
- 4 3. On page 16, line 8, after "wildlife" insert "and conservation of  
5 habitat"; in line 10 strike "more" and insert "less" and strike "seven"  
6 and insert "ten"; in line 11 strike "those"; in line 13 strike "more",  
7 show as stricken, and insert "less" and strike "thirty-nine" and insert

8 "fifty"; in line 19 strike "more", show as stricken, and insert "less"  
 9 and strike "two", show as stricken, and insert "three"; in line 21 strike  
 10 "more" and insert "less"; in line 24 after "permits" insert "only"; and  
 11 in line 25 after "as" insert "shall be".  
 12 4. On page 17, line 2, strike "more", show as stricken, and insert  
 13 "a greater number of"; in line 3 strike the first "are", show as  
 14 stricken, and insert "is"; in line 9 strike "twenty-five", show as  
 15 stricken, and insert "thirty"; in line 10 strike "forty-five", show as  
 16 stricken, and insert "fifty-nine"; and in line 13 strike "misdemeanor",  
 17 show as stricken, and insert "felony".

Senator Chambers moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Bloomfield	Crawford	Kolowski	Pansing Brooks
Chambers	Haar, K.	Mello	Schumacher

Voting in the negative, 26:

Coash	Groene	Kolterman	Riepe	Watermeier
Davis	Hadley	Kuehn	Scheer	Williams
Ebke	Hilkemann	Lindstrom	Schilz	
Fox	Hughes	McCollister	Schnoor	
Garrett	Johnson	Morfeld	Seiler	
Gloor	Kintner	Murante	Stinner	

Present and not voting, 13:

Baker	Campbell	Hansen	Krist	Sullivan
Bolz	Craighead	Harr, B.	McCoy	
Brasch	Friesen	Howard	Smith	

Excused and not voting, 2:

Cook	Larson
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The Chambers amendment lost with 8 ayes, 26 nays, 13 present and not voting, and 2 excused and not voting.

Senator McCollister offered the following motion:

MO206

Invoke cloture pursuant to Rule 7, Sec. 10.

The McCollister motion to invoke cloture prevailed with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.



Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Baker	Garrett	Howard	McCollister	Schnoor
Campbell	Gloor	Hughes	Mello	Seiler
Coash	Groene	Johnson	Morfeld	Smith
Craighead	Haar, K.	Kintner	Murante	Stinner
Crawford	Hadley	Kolowski	Pansing Brooks	Sullivan
Davis	Hansen	Kolterman	Riepe	Watermeier
Ebke	Harr, B.	Kuehn	Scheer	Williams
Fox	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 3:

Bloomfield    Chambers    McCoy

Present and not voting, 5:

Bolz            Brasch            Friesen            Krist            Schumacher

Excused and not voting, 2:

Cook            Larson

Advanced to Enrollment and Review Initial with 39 ayes, 3 nays, 5 present and not voting, and 2 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 710.** Placed on Final Reading.  
**LEGISLATIVE BILL 722.** Placed on Final Reading.  
**LEGISLATIVE BILL 857.** Placed on Final Reading.  
**LEGISLATIVE BILL 897.** Placed on Final Reading.  
**LEGISLATIVE BILL 919.** Placed on Final Reading.  
**LEGISLATIVE BILL 919A.** Placed on Final Reading.  
**LEGISLATIVE BILL 1022.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 977.** Placed on Select File with amendment.  
 ER189

- 1 1. In the Standing Committee amendments, AM2318:
- 2 a. On page 26, line 3, strike the comma;
- 3 b. On page 27, line 16, strike "in which" and insert "if"; and in

4 line 18 strike the last comma; and  
 5 c. On page 37, line 19, strike "provided that" and insert "if".  
 6 2. On page 1, strike beginning with the first "the" in line 1  
 7 through line 6 and insert "motor vehicles; to amend sections 13-1209,  
 8 13-1210, 13-1212, 60-3,104.02, 60-4,148, 60-6,144, 60-6,294, and 60-1403,  
 9 Reissue Revised Statutes of Nebraska, sections 60-3,186, 60-3,202,  
 10 60-4,131, 60-4,146, 60-4,149, 60-4,150, 60-1438.01, and 60-1505, Revised  
 11 Statutes Cumulative Supplement, 2014, and sections 60-301, 60-3,104,  
 12 60-3,130.04, 60-462, 60-601, and 60-6,230, Revised Statutes Supplement,  
 13 2015; to authorize state financial assistance for capital acquisition  
 14 costs for public transportation as prescribed; to provide for Breast  
 15 Cancer Awareness Plates; to change provisions relating to specialty  
 16 license plates; to change the use of motor vehicle tax proceeds; to  
 17 provide for placement of taxes and fees in the Vehicle Title and  
 18 Registration System Replacement and Maintenance Cash Fund as prescribed;  
 19 to change provisions relating to distribution of the Motor Vehicle Tax  
 20 Fund; to eliminate obsolete provisions; to provide for electronic  
 21 issuance of commercial drivers' licenses and electronic application for  
 22 renewal and replacement of commercial drivers' licenses and CLP-  
 23 commercial learners' permits; to change provisions relating to the  
 24 operation of implements of husbandry on highways, use of rotating or  
 25 flashing blue and amber lights, and powers and duties of the Nebraska  
 26 Motor Vehicle Industry Licensing Board; to change provisions relating to  
 27 the Motor Vehicle Industry Regulation Act; to harmonize provisions; to  
 1 provide operative dates; to repeal the original sections; and to declare  
 2 an emergency."

**LEGISLATIVE BILL 1105.** Placed on Select File with amendment.  
 ER184

1 1. On page 1, strike lines 2 through 6 and insert "53-103.09,  
 2 53-103.18, 53-103.20, 53-103.41, 53-123.01, 53-124.11, 53-125, 53-129,  
 3 53-131.01, 53-132, 53-168.06, 53-169, 53-171, 53-175, 53-178, 53-187,  
 4 53-194.03, and 53-1,100, Reissue Revised Statutes of Nebraska, sections  
 5 53-123.14, 53-123.17, and 53-124.12, Revised Statutes Cumulative  
 6 Supplement, 2014, and sections 53-103.44, 53-123.15, 53-124, 53-124.01,  
 7 and 53-135,"; and after the semicolon in line 20 insert "to change  
 8 provisions relating to limits on bringing alcoholic liquor into the state  
 9 for personal consumption; to change a requirement for eligibility to  
 10 obtain a license;"

**LEGISLATIVE BILL 754.** Placed on Select File.

**LEGISLATIVE BILL 1082.** Placed on Select File with amendment.  
 ER185

1 1. On page 1, lines 7 and 8, strike "to provide bond notification  
 2 requirements;"  
 3 2. On page 2, line 13, after the last comma insert "and".  
 4 3. On page 7, line 20, after "the" insert "federal" and after "Act"  
 5 insert "of 1978".

**LEGISLATIVE BILL 1082A.** Placed on Select File.

**LEGISLATIVE BILL 906.** Placed on Select File with amendment.  
ER186

1 1. On page 2, line 1, after "4" insert "of this act".

**LEGISLATIVE BILL 698A.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator B. Harr filed the following amendment to LR378CA:  
AM2537

1 1. On page 1, strike lines 7 through 15 and insert the following new  
2 subsection:  
3 "XV-26 (1) To protect property rights as a vital component of  
4 Nebraska's economy, and provide a foundation and stabilizing force to  
5 property rights, the property rights of citizens and residents of  
6 Nebraska shall be forever guaranteed in this state, and the Legislature  
7 shall pass no law which abridges the property rights of citizens and  
8 residents of Nebraska.".

Senator B. Harr filed the following amendment to LR378CA:  
AM2530

1 1. On page 1, lines 14 and 15, strike "compelling state interest"  
2 and insert "rational basis".

Senator B. Harr filed the following amendment to LR378CA:  
AM2533

1 1. On page 1, line 15, after the period insert "For purposes of this  
2 subsection, agricultural technology means the production of machines used  
3 on a farm or ranch to aid farming or ranching operations.".

Senator Kolterman filed the following amendment to LB447:  
AM2546

(Amendments to Final Reading copy)

1 1. On page 73, line 9, strike "beginning on or after September 1,  
2 2007," and show as stricken and after "(i)" insert "(A) beginning on or  
3 after September 1, 2007, through August 31, 2016."; and in line 11 after  
4 "year" insert "or (B) beginning on or after September 1, 2016, one  
5 hundred two percent of the contributions by the employees for such fiscal  
6 year.".

Senator Kuehn filed the following amendment to LR378CA:  
AM2586

(Amendments to Standing Committee amendments, AM2251)

1 1. On page 1, line 1, after the first comma insert "line 12, before  
2 'Legislature' insert 'Nebraska', and in"; and in lines 5 and 6, before  
3 "Legislature" insert "Nebraska".

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 722A.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 722, One Hundred Fourth Legislature, Second Session, 2016.

**LEGISLATIVE BILL 1003A.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1003, One Hundred Fourth Legislature, Second Session, 2016.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 477.** Introduced by Seiler, 33.

WHEREAS, the Hastings St. Cecilia High School girls' volleyball team won the 2015 Class C-2 Girls' State Volleyball Championship; and

WHEREAS, eighth-ranked Hastings St. Cecilia defeated third-ranked Stanton High School in the championship with scores of 25-13, 25-21, and 25-13; and

WHEREAS, Hastings St. Cecilia defeated fifth-ranked Doniphan-Trumbull High School and fourth-ranked Sutton High School at districts; and

WHEREAS, Hastings St. Cecilia defeated Sutton High School and second-ranked Guardian Angels Central Catholic High School at the state tournament before the championship game against Stanton; and

WHEREAS, first-year volleyball coach Thera Jones and her first-year assistant volleyball coach Bethany Riener rallied their team after suffering eleven regular season losses to win the championship; and

WHEREAS, the Hastings St. Cecilia girls' volleyball team made their fifth straight and twenty-first all-time state tournament appearance at the 2015 championship; and

WHEREAS, the Hastings St. Cecilia girls' volleyball team's dedication and teamwork resulted in their seventh state volleyball championship victory.

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 girls' volleyball team on winning the 2015 Class C-2 Girls' State Volleyball Championship.

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

Laid over.

**COMMITTEE REPORT(S)**  
Revenue

**LEGISLATIVE BILL 685.** Placed on General File with amendment.  
AM2475 is available in the Bill Room.

**LEGISLATIVE BILL 884.** Placed on General File with amendment.  
AM2522 is available in the Bill Room.

**LEGISLATIVE BILL 889.** Placed on General File with amendment.  
AM2490 is available in the Bill Room.

(Signed) Mike Gloor, Chairperson

**EXECUTIVE BOARD REPORT**

Senator Krist, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Election Technology Committee (LR403)

Senator Stinner  
Senator Murante  
Senator Hansen  
Senator Hilkemann  
Senator Hughes  
Senator Lindstrom  
Senator Morfeld

Task Force on Behavioral and Mental Health (LR413)

Senator Howard  
Senator Seiler  
Senator Mello  
Senator Bolz  
Senator Crawford  
Senator McCollister  
Senator Scheer

ACCESSNebraska Oversight Committee of the Legislature (LR418)

Senator Davis  
Senator Hansen (Vice Chairperson)  
Senator Howard (Chairperson)  
Senator Kuehn  
Senator McCollister  
Senator Pansing Brooks  
Senator Stinner

(Signed) Bob Krist, Chairperson  
Legislative Council, Executive Board

### EASE

The Legislature was at ease from 12:45 p.m. until 1:05 p.m.

### SENATOR KRIST PRESIDING

#### AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendments to LB745:

AM2514

- 1 1. On page 17, lines 23, 25, and 26; and page 18, line 3, strike "more", show as stricken, and insert "less".
- 2 2. On page 17, line 26, strike "one", show as stricken, and insert "two" and strike "ninety-eight".
- 3 3. On page 18, line 3, strike "twenty-five", show as stricken, and insert "thirty-nine"; in line 4 strike "forty-five", show as stricken, and insert "sixty"; and in line 8 strike "misdemeanor", show as stricken, and insert "felony".

AM2501

- 1 1. On page 3, line 8, strike "may", show as stricken, and insert "shall"; and in line 31 strike beginning with "The" through "31", show as stricken, and insert "In acknowledgment of the holiday season, permits shall expire at midnight on December 24".
- 2 2. On page 4, line 3, strike "made invalid", show as stricken, and insert "rendered void"; in line 7 strike "officer or" and show as stricken; and in line 28 strike beginning with "more" through "three", show the old matter as stricken, and insert "less than twenty".

AM2502

- 1 1. On page 5, lines 29 and 30, strike "more", show as stricken, and insert "less", and strike the new matter and insert "thirty".
- 2 2. On page 6, lines 1, 3, 11, 14, 16, 17, 18, and 20, strike "more", show as stricken, and insert "less"; in line 1 strike "fifteen" and insert "thirty"; in line 11 strike "one hundred six" and insert "one hundred fifty"; in line 14 strike "seventy-three" and insert "ninety"; in line 16 strike "twelve" and insert "twenty"; in line 17 strike "twenty-two" and insert "thirty"; in line 18 strike "sixty-six" and insert "eighty"; and in line 20 strike "fifty-" and insert "eighty-".

AM2503

- 1 1. On page 6, line 31, strike "two", show as stricken, and insert "three".
- 2 2. On page 7, lines 1, 3, 6, 15, 17, and 20, strike "more", show as stricken, and insert "less"; in line 1 strike "three hundred ninety-six".

5 and insert "four hundred"; in line 15 strike "five" and insert "six"; and  
 6 in line 23 strike beginning with "Payment" through "sum", show as  
 7 stricken, and insert "The entire fee shall be paid".

## AM2504

1 1. On page 7, line 28, strike "more than five", show as stricken,  
 2 and insert "less than eight"; and in line 31 strike "need not be", show  
 3 as stricken, and insert "are not".  
 4 2. On page 10, lines 4 and 6, strike "who" and show as stricken; in  
 5 line 8 strike "evidence", show as stricken, and insert "proof"; in line 9  
 6 strike "request", show as stricken, and insert "obtain"; strike beginning  
 7 with "and" in line 10 through "amount" in line 11 and show as stricken;  
 8 in line 14 strike "five", show as stricken, and insert "ten"; in line 19  
 9 strike "that set", show as stricken, and insert "setting"; in line 20  
 10 strike "in", show as stricken, and insert "by"; and strike beginning with  
 11 "constitutes" in line 20 through "evidence" in line 21, show as stricken,  
 12 and insert "shall constitute proof".

## AM2505

1 1. On page 10, line 29, strike "an unexpired", show as stricken, and  
 2 insert "a valid", and strike "the" and show as stricken; and in line 30  
 3 strike beginning with "prior" through "animal" in line 31 and show as  
 4 stricken.  
 5 2. On page 11, lines 4 and 11, strike "an unexpired", show as  
 6 stricken, and insert "a valid"; in line 5 strike the first "the" and show  
 7 as stricken; in line 6 strike beginning with "prior" through "mussel" in  
 8 line 7 and show as stricken; and in line 12 strike the first "the", show  
 9 as stricken, and strike beginning with "prior" through "waterfowl" in  
 10 line 14 and show as stricken.

## AM2506

1 1. On page 11, lines 16 and 24, strike "appropriate", show as  
 2 stricken, and insert "required"; in lines 17 and 25, strike "twenty",  
 3 show as stricken, and insert "thirty"; in lines 18 and 27, strike  
 4 "Payment of such", show as stricken, and insert "The entire"; in line 19  
 5 and lines 27 and 28 strike "made in a lump sum", show as stricken, and  
 6 insert "paid"; in lines 20 and 29 after "original" insert "stamp"; in  
 7 lines 21 and 30 strike "more" and insert "less"; and in lines 21 and 30  
 8 strike beginning with the comma through "commission" in lines 22 and 31  
 9 and show as stricken.

## AM2507

1 1. On page 12, line 2, strike "appropriate", show as stricken, and  
 2 insert "required"; in line 3 strike "twenty" and insert "thirty"; in line  
 3 6 strike "Payment of such", show as stricken, and insert "The entire"; in  
 4 line 6 strike beginning with "made" through "sum" in line 7 and show as  
 5 stricken; in line 8 after "original" insert "stamp"; and in line 9 strike  
 6 "more", show as stricken, and insert "less".

## AM2508

1 1. On page 12, line 12, strike "appropriate", show as stricken, and  
 2 insert "required"; in lines 14 and 23 strike "more", show as stricken,  
 3 and insert "less"; in line 16 strike "Payment of such", show as stricken,  
 4 and insert "The entire", and strike "made in a lump sum", show as  
 5 stricken, and insert "paid"; and in line 18 after "original" insert  
 6 "stamp".

## AM2509

1 1. On page 12, line 25, strike "Payment of such", show as stricken,  
 2 and insert "The entire", and strike "made in a lump sum", show as  
 3 stricken, and insert "paid"; in line 27 after "original" insert "stamp";  
 4 in line 29 strike "appropriate", show as stricken, and insert "required";  
 5 and in line 31 strike "more", show as stricken, and insert "less".

## AM2510

1 1. On page 13, line 2, strike "Payment of such", show as stricken,  
 2 and insert "The entire"; in line 3 strike "made in a lump sum", show as  
 3 stricken, and insert "paid"; in line 13 strike "a showing of" and show as  
 4 stricken; in line 17 strike "exhibit evidence", show as stricken, and  
 5 insert "show proof"; in line 20 strike "evidence", show as stricken, and  
 6 insert "proof"; in line 21 strike "be without", show as stricken, and  
 7 insert "lack"; in line 24 strike "twenty-five" and insert "thirty"; in  
 8 line 27 strike "more", show as stricken, and insert "less" and strike  
 9 "twenty-five" and insert "thirty"; and in line 30 strike "fifteen" and  
 10 insert "twenty".

## AM2511

1 1. On page 14, line 1, strike "fifteen" and insert "twenty"; in line  
 2 3 strike "more", show as stricken, and insert "less"; in line 4 strike  
 3 "twenty" and insert "thirty"; in line 11 strike "ten" and insert  
 4 "twenty"; strike beginning with "and" in line 11 through "stamp" in line  
 5 12 and show the old matter as stricken; and in line 15 after "than"  
 6 insert "twice".

## AM2512

1 1. On page 14, line 21, after "devise" insert "annual" and strike  
 2 "in two forms: Annual" and show as stricken; in line 22 after "temporary"  
 3 insert "permits"; in line 23 strike "may be purchased by any person and"  
 4 and show as stricken; in line 26 strike "thirty" and insert "fifty" and  
 5 strike beginning with "and" through "dollars" and show the old matter as  
 6 stricken; in line 28 strike the new matter and strike "more", show as  
 7 stricken, and insert "less"; in line 29 strike "forty-five" and insert  
 8 "fifty"; and in line 31 strike "may be purchased by any person and" and  
 9 show as stricken.  
 10 2. On page 15, strike beginning with "less" in line 2 through "not"  
 11 in line 3; in line 3 strike "more", show as stricken, and insert "less"  
 12 and strike "seven" and insert "ten"; strike beginning with "less" in line  
 13 4 through "not" in line 5; in line 5 strike "more", show as stricken, and



14 insert "less" and strike "eight" and insert "twelve".

AM2515

1 1. On page 18, line 17, strike "twelve" and insert "twenty"; in line  
 2 18 strike "not to exceed" and show as stricken; in line 19 strike "more",  
 3 show as stricken, and insert "less"; in line 20 strike "one", show as  
 4 stricken, and insert "two"; and in line 21 strike "three", show as  
 5 stricken, and insert "four".  
 6 2. On page 19, line 4, strike "misdemeanor", show as stricken, and  
 7 insert "felony"; and in line 20 strike "thirty-four" and insert "fifty".  
 8 3. On page 20, line 6, strike "III", show as stricken, and insert  
 9 "I"; and in line 7 strike "misdemeanor", show as stricken, and insert  
 10 "felony".

AM2516

1 1. On page 20, line 23; and on page 21, lines 6, 7, and 21, strike  
 2 "more", show as stricken, and insert "less".  
 3 2. On page 20, line 23, strike "thirty-one" and insert "thirty-  
 4 five"; and in line 24 strike "twenty-six" and insert "fifty".  
 5 3. On page 21, line 6, strike "twenty-five" and insert "thirty-  
 6 five"; in line 7 strike "forty-five" and insert "fifty"; in line 19 after  
 7 "oath" insert "or affirmation"; in line 21 strike "one", show as  
 8 stricken, and insert "three"; and in line 26 after the third "the" insert  
 9 "last four digits of the".

AM2517

1 1. On page 22, line 7, strike "may", show as stricken, and insert  
 2 "shall", and strike "it deems", show as stricken, and insert "are"; in  
 3 lines 15 and 16 strike "more", show as stricken, and insert "less"; in  
 4 line 15 strike "twenty-three" and insert "thirty"; in line 16 strike  
 5 "sixty-one" and insert "seventeen"; and in line 21 strike "less", show as  
 6 stricken, and insert "younger".

AM2518

1 1. On page 23, line 25, strike "more than thirty-five", show as  
 2 stricken, and insert "less than forty"; in line 26 strike "two", show as  
 3 stricken, and insert "three"; and in line 28 strike "more" and insert  
 4 "less".

**GENERAL FILE**

**LEGISLATIVE BILL 956.** Title read. Considered.

Committee AM2216, found on page 911, was offered.

Senator Mello offered the following amendment to the committee amendment:

AM2560

(Amendments to Standing Committee amendments, AM2216)

1 1. Purpose: To shift a one-time expenditure for aid to federally  
2 qualified health centers from FY2016-17 to FY2015-16.

3 Amendment:

4 1. On page 7, lines 20 and 21, strike "-0- 1,000,000" and insert  
5 "1,000,000 -0-"; and in lines 22 and 25 strike "FY2016-17" and insert  
6 "FY2015-16".

7 2. Purpose: To correct a Cash Fund appropriation to the State Racing  
8 Commission.

9 Amendment:

10 a. On page 9, lines 6 and 7 strike "960,432 975,165" and insert  
11 "25,000 25,000"; and strike lines 8 through 13.

12 3. Purpose: To shift a one-time appropriation increase of \$250,000  
13 for Adult Education from FY2016-17 to FY2015-16.

14 Amendment:

15 a. On page 15, strike line 2 and insert "GENERAL FUND 16,430,022  
16 16,419,448"; and strike line 7 and insert "PROGRAM TOTAL 42,165,759  
17 41,560,884"; and

18 b. On page 17, line 5, strike "FY2016-17" and insert "FY2015-16".

19 4. Purpose: To shift a one-time appropriation increase of \$250,000  
20 for expanded learning opportunity grants from FY2016-17 to FY2015-16.

21 Amendment:

22 a. On page 17, strike line 17 and insert "GENERAL FUND 1,189,807,538  
23 1,203,433,823"; strike line 21 and insert "PROGRAM TOTAL 1,503,937,614  
24 1,517,563,899"; in line 24 strike "\$1,189,557,538" and insert  
25 "\$1,189,807,538"; and in line 27 strike "\$1,203,683,823" and insert  
26 "\$1,203,433,823"; and

1 b. On page 20, line 30, strike "FY2016-17" and insert "FY2015-16".

2 5. Purpose: To correct a General Fund lapse number.

3 Amendment:

4 a. On page 27, line 3, strike "\$73,434,455" and insert  
5 "\$84,774,997".

6 6. Purpose: To correct an incorrect agency reference.

7 Amendment:

8 a. On page 34, line 13, strike "Nebraska Energy Office" and insert

9 "Department of Administrative Services, Personnel Division".

10 7. Purpose: Shift a one-time \$1,000,000 increase in General Fund  
11 appropriation recommended for Aid to Community Colleges from FY2016-17 to  
12 FY2015-16.

13 Amendment:

14 a. On page 36, strike lines 29 and 30 and insert "GENERAL FUND  
15 98,891,562 100,828,308 PROGRAM TOTAL 98,891,562 100,828,308".

**SPEAKER HADLEY PRESIDING**

The Mello amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 478.** Introduced by Kintner, 2; Watermeier, 1.

WHEREAS, the Lourdes Central Catholic High School boys' basketball team won the 2016 Class D-1 Boys' State Basketball Championship; and

WHEREAS, the Lourdes Knights defeated the Walthill Blujays in the championship game by a score of 61-50; and

WHEREAS, this is the Knights' first state title in boys' basketball; and

WHEREAS, the Knights and their fans also received the 2016 Class D-1 Sportsmanship award.

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

1. That the Legislature congratulates the Lourdes Central Catholic High School boys' basketball team on winning the 2016 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Lourdes Central Catholic High School boys' basketball team and Coach Joe Tynon.

Laid over.

**LEGISLATIVE RESOLUTION 479.** Introduced by Davis, 43; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Coash, 27; Craighead, 6; Crawford, 45; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, Mari Sandoz was a Nebraska author who grew up in the picturesque Sandhills and authored more than 20 books containing some of the most memorable and realistic accounts of pioneers and Native Americans ever written; and

WHEREAS, Mari Sandoz was an internationally acclaimed chronicler of the West and one of Nebraska's most important writers; and

WHEREAS, the Mari Sandoz High Plains Heritage Center at Chadron State College is dedicated to preserving the legacy of Sandoz's writing and the people she wrote about: Native Americans, ranchers, farmers, and the people who settled the High Plains; and

WHEREAS, the Mari Sandoz Heritage Society works to perpetuate and analyze the literary and historical works of Mari Sandoz; and

WHEREAS, the Society holds a writer's workshop every summer and a conference and lecture every fall at the High Plains Heritage Center to further an understanding of Sandoz and her work; and

WHEREAS, March 10, 2016, is the 50th anniversary of Sandoz's death; and

WHEREAS, the Mari Sandoz Heritage Society and the Mari Sandoz High Plains Heritage Center have a display in the lower rotunda of the State Capitol building the week of March 14, 2016, honoring the legacy of Mari Sandoz, her works, and the people depicted in her books.

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

1. That the Legislature recognizes the Mari Sandoz High Plains Heritage Center and the Mari Sandoz Heritage Society for their dedication and efforts to keep Sandoz's legacy alive and to educate Nebraskans and visitors from other states and countries about her life and work and her impact on all Nebraskans.

2. That a copy of this resolution be sent to the Mari Sandoz High Plains Heritage Center and the Mari Sandoz Heritage Society in recognition of their work.

Laid over.

**LEGISLATIVE RESOLUTION 480.** Introduced by Johnson, 23.

WHEREAS, the Bishop Neumann High School boys' basketball team won the 2016 Class C-1 Boys' State Basketball Championship; and

WHEREAS, the Bishop Neumann Cavaliers defeated the Adams Central Patriots in the championship game by a score of 63-54; and

WHEREAS, this is the Cavaliers' second state title in boys' basketball in the last three seasons; and

WHEREAS, the Cavaliers brought great pride to their school, community, friends, and family as they demonstrated discipline, efficiency, and tenacity throughout the 2015-16 season.

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

1. That the Legislature congratulates the Bishop Neumann High School boys' basketball team on winning the 2016 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bishop Neumann High School boys' basketball team and Coach Mike Weiss.

Laid over.

**LEGISLATIVE RESOLUTION 481.** Introduced by Harr, B., 8; Krist, 10; McCollister, 20.

WHEREAS, Brother Mike Wilmot, on behalf of Gesu Housing, has received a 2016 Community Excellence Award in recognition of his excellent work in serving the community; and

WHEREAS, this award, presented by the City of Omaha during the celebration of National Community Development Week, honors contributions to the quality of life and overall health of Omaha neighborhoods; and

WHEREAS, Gesu Housing earned this honor by making home ownership accessible for low and moderate income families in North Omaha; and

WHEREAS, Gesu Housing plays a vital role in addressing poverty and neighborhood decline by building high-quality homes that are energy efficient and affordable.

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

1. That the Legislature congratulates Brother Mike Wilmot and Gesu Housing for receiving a 2016 Community Excellence Award.

2. That a copy of this resolution be sent to Brother Mike Wilmot and Gesu Housing.

Laid over.

**LEGISLATIVE RESOLUTION 482.** Introduced by Harr, B., 8; Krist, 10; McCollister, 20.

WHEREAS, Thomas Francis Cavanaugh was a fifth-generation native son of Nebraska; and

WHEREAS, Thomas dedicated his life to public service in Nebraska; and

WHEREAS, Thomas was the longest serving County Clerk/Comptroller in the history of Douglas County; and

WHEREAS, Thomas was nationally recognized for his many innovations and achievements in making government more transparent, accountable, and responsive to the people it serves; and

WHEREAS, Thomas was widely known for his honesty and his stated philosophy of public service, "We work for you"; and

WHEREAS, Thomas died in Omaha on October 23, 2015, surrounded by his loving family; and

WHEREAS, Thomas is survived by his two wonderful daughters, Maeve and Grace.

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

1. That the Legislature recognizes the many important contributions to public service made by Thomas Francis Cavanaugh for the benefit of all the people of Nebraska.

2. That the Legislature extends its deepest sympathy to the family of Thomas Francis Cavanaugh.

3. That a copy of this resolution be sent to the family of Thomas Francis Cavanaugh.

Laid over.

**LEGISLATIVE RESOLUTION 483.** Introduced by Kolterman, 24.

**PURPOSE:** The purpose of this study is to examine the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the retirement system established pursuant to the Class V School Employees Retirement Act.

The study will examine issues as they relate to the funding needs, benefits, contributions, and the administration of each retirement system.

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

1. That the Nebraska Retirement Systems 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.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 467A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 467, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

**LEGISLATIVE BILL 768A.** Introduced by Garrett, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 768, One Hundred Fourth Legislature, Second Session, 2016.

**COMMITTEE REPORT(S)**

## Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Keith Deiml - State Emergency Response Commission  
Polly Jordening - State Emergency Response Commission

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Brian Tessman - State Personnel Board

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Edward A. Toner - Chief Information Officer

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jeffery T. Peetz - Nebraska Accountability and Disclosure Commission

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Campbell filed the following amendment to LB746A:  
AM2583

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 Sec. 3. Laws 2015, LB657, section 10, is amended to read:

3 Sec. 10. AGENCY NO. 3 — LEGISLATIVE COUNCIL

4 Program No. 122 - Legislative Services

5	FY2015-16	FY2016-17
6 GENERAL FUND	9,271,131	9,574,405
7 <u>CASH FUND</u>	<u>60,000</u>	<u>70,000</u>
8 <del>CASH FUND</del>	<del>130,000</del>	<del>130,000</del>
9 FEDERAL FUND est.	39,270	39,270
10 <u>PROGRAM TOTAL</u>	<u>9,370,401</u>	<u>9,683,675</u>
11 <del>PROGRAM TOTAL</del>	<del>9,440,401</del>	<del>9,743,675</del>
12 SALARY LIMIT	6,834,905	7,047,126

13 There is included in the appropriation to this program for FY2015-16  
14 ~~\$5,000~~ ~~\$75,000~~ Cash Funds and for FY2016-17 ~~\$15,000~~ ~~\$75,000~~ Cash Funds

15 from the Nebraska Health Care Cash Fund for the purpose of ongoing  
16 health-related research and public policy development by the Health and  
17 Human Services Committee of the Legislature. Such funds may be used for,  
18 but shall not be limited to, hiring temporary legal research assistance,  
19 consulting and research contracts, reimbursement for necessary and  
20 appropriate expenses incurred in connection with such research and policy  
21 development, and actual and necessary travel reimbursement for task  
22 forces and committees established to conduct health policy work.

23 The unexpended General Fund appropriation balance existing on June  
24 30, 2015, is hereby reappropriated.

25 Sec. 4. Original Laws 2015, LB657, section 10, is repealed.

26 2. Renumber the remaining section accordingly.

1 3. On page 1, line 1, after the semicolon insert "to amend Laws  
2 2015, LB657, section 10;"; and in line 3 after the semicolon insert "to  
3 change an appropriation; to repeal the original section;".

Senator Hilkemann filed the following amendments to LB900:  
AM2564

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 1, line 6, strike "nineteen" and insert "one hundred".

AM2565

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 1, line 6, strike "nineteen" and insert "seventy-five".

AM2566

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 1, line 6, strike "nineteen" and insert "fifty".



AM2568

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 12, line 4, strike "eight" and insert "sixteen".

AM2570

(Amendments to Standing Committee amendments, AM1957)

1 1. Insert the following new sections:

2 Sec. 11. Section 60-569, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 60-569 Sections 60-501 to 60-569 and section 12 of this act shall be  
5 known and may be cited as the Motor Vehicle Safety Responsibility Act.

6 Sec. 12. Every operator of a motorcycle or moped shall have, as part  
7 of his or her automobile liability policy or bond, at least one million  
8 dollars of medical payments coverage.

9 2. Renumber the remaining sections and correct internal references  
10 and the repealer accordingly.

AM2567

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 1, line 9, after the period insert "Each registrant shall  
2 provide proof of his or her status as an organ and tissue donor in  
3 accordance with section 60-494 and maintain such status during the period  
4 of registration.".

AM2569

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 6, line 29, after "Advisory" insert "Safety, and Brain  
2 Injury Trust"; and in line 30 after "which" insert ", until the effective  
3 date of this act".

4 2. On page 7, lines 7, 13, 14, and 19, strike the new matter; after  
5 line 7 insert the following new subsection:

6 "(2) Beginning on the effective date of this act, the board shall  
7 consist of twelve members. The members shall be the six health care  
8 providers as set forth in subsection (1) of this section, plus the  
9 following six members appointed by the Governor: One person from a public  
10 or private health organization; one person from a disability advisory or  
11 planning group within Nebraska; one person from a service provider for  
12 individuals with brain injuries; an individual with a brain injury; a  
13 family member of an individual with a brain injury; and one person from  
14 the general public. The Director of Public Health of the Department of  
15 Health and Human Services or his or her designee and the Director of  
16 Motor Vehicles or his or her designee shall serve as ex officio  
17 members."; in line 8 strike "(2)", show as stricken, and insert "(3)";

18 after line 12 insert the following new subsection:

19 "(4) Of the initial members of the board described under subsection  
20 (2) of this section, two shall be appointed for four years, two shall be  
21 appointed for three years, and two shall be appointed for two years.  
22 Thereafter, each member shall be appointed for a term of four years and  
23 until a successor is appointed and qualified."; in line 13 before "If"

24 insert "(5)"; in line 19 before "The" insert "(6)"; and strike lines 26  
25 through 31.

26 3. On page 8, strike lines 1 through 27; and in line 30 after "The"  
1 insert "Health Advisory, Safety, and".

AM2571

(Amendments to Standing Committee amendments, AM1957)

1 1. Insert the following new sections:

2 Sec. 11. Section 60-569, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 60-569 Sections 60-501 to 60-569 and section 12 of this act shall be  
5 known and may be cited as the Motor Vehicle Safety Responsibility Act.

6 Sec. 12. Every operator of a motorcycle or moped shall have platinum  
7 plan coverage as his or her health insurance as such plan is established  
8 under the federal Patient Protection and Affordable Care Act.

9 2. Renumber the remaining sections and correct internal references  
10 and the repealer accordingly.

AM2563

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 1, line 6, strike "six", show as stricken, and insert  
2 "one hundred".

### **NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 2102

Tuesday, March 22, 2016 12:00 p.m.

Debra Parsow - State Board of Health  
Jim Trebbien - State Board of Health  
Douglas Vander Broek - State Board of Health

Wednesday, March 30, 2016 12:00 p.m.

Diane Jackson - State Board of Health  
Wayne Stuberg - State Board of Health

(Signed) Kathy Campbell, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 957.** Title read. Considered.

Committee AM2217, found on page 911, was adopted with 33 ayes, 1 nay,  
12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 8 present  
and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 981.** Title read. Considered.

**SENATOR SCHEER PRESIDING**

Committee AM2405, found on page 863, was offered.

Senator B. Harr offered the following amendment to the committee amendment:

AM2582

(Amendments to Standing Committee amendments, AM2405)

- 1 1. Insert the following new section:
- 2 Sec. 3. The following sum of money, or so much thereof as may be
- 3 required, is hereby appropriated from the General Fund or from other
- 4 funds as indicated in the state treasury, not otherwise appropriated, for
- 5 the payment of an indemnification claim which has been settled by the
- 6 State Claims Board and approved by the district court, which has been
- 7 settled by the Attorney General in the district court, or in which a
- 8 court judgment has been entered and which requires the approval of the
- 9 Legislature for payment.
- 10 \$230,000.00 for Tort Claim Number 2016-15711, against the State of
- 11 Nebraska, pay to Nebraska Appleseed Center for Law, 941 O Street, Suite
- 12 920, Lincoln, NE 68508-3608, out of the General Fund.
- 13 The claim included in this section shall be paid through Program 592
- 14 in Agency 65.
- 15 For informational purposes only, the appropriation contained in this
- 16 section and fund source:

17 <u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
18 <u>GENERAL FUND</u>	<u>\$230,000.00</u>
19 <u>CASH FUND</u>	<u>\$-0-</u>
20 <u>REVOLVING FUND</u>	<u>\$-0-</u>
21 <u>TOTAL</u>	<u>\$230,000.00</u>

- 22 2. Renumber the remaining sections accordingly.

The B. Harr amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator B. Harr offered the following amendment to the committee amendment:

AM2579

(Amendments to Standing Committee amendments, AM2405)

- 1 1. On page 5, after line 17, insert the following new paragraph:
- 2 "\$10,936.86 for Request Number 2016-15423, made by the Lottery
- 3 Division of the Department of Revenue."

The B. Harr amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 977A.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 977, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

**AMENDMENT(S) - Print in Journal**

Senator Sullivan filed the following amendment to LB930:  
AM2551

(Amendments to Standing Committee amendments, AM2280)

1 1. On page 8, line 2, strike "tests" and insert "test".

Senator Campbell filed the following amendment to LB698A:  
AM2593

1 1. Insert the following new sections:

2 Sec. 3. There is hereby appropriated (1) \$396,866 from the Nebraska  
3 State Patrol Cash Fund for FY2016-17 and (2) \$274,470 from the Nebraska  
4 State Patrol Cash Fund for FY2017-18 to the Nebraska State Patrol, for  
5 Program 100, to aid in carrying out the provisions of Legislative Bill  
6 698, One Hundred Fourth Legislature, Second Session, 2016.  
7 Total expenditures for permanent and temporary salaries and per  
8 diems from funds appropriated in this section shall not exceed \$184,732  
9 for FY2016-17 or \$184,732 for FY2017-18.

10 Sec. 4. Since an emergency exists, this act takes effect when passed  
11 and approved according to law.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 484.** Introduced by Schnoor, 15; Bloomfield, 17; Garrett, 3; Gloor, 35; Hadley, 37; Kolowski, 31; Krist, 10; Riepe, 12; Seiler, 33.

WHEREAS, Staff Sergeant Kenneth M. Morrison of the 155th Security Forces Squadron, Nebraska Air National Guard, was named a 2015 Outstanding Airman of the Year; and

WHEREAS, to win this title, Staff Sergeant Morrison competed against Nebraska Air National Guard members from the 155th Air Refueling Wing, the 170th Group from Offutt Air Force Base, and the Joint Force Headquarters; and

WHEREAS, Staff Sergeant Morrison has been exemplary in his leadership and the performance of his duties, and has displayed dedication to self-improvement and community involvement, including running relays across the state in the Miles for Heroes program, which raises money for injured veterans.

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

1. That the Legislature thanks Staff Sergeant Kenneth M. Morrison for his service and congratulates him on being named a 2015 Outstanding Airman of the Year.

2. That a copy of this resolution be sent to Staff Sergeant Kenneth M. Morrison.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 960.** Title read. Considered.

Committee AM2418, found on page 911, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 960A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

### AMENDMENT(S) - Print in Journal

Senator Coash filed the following amendment to LB934:  
AM2544

(Amendments to E and R amendments, ER178)

- 1 1. Insert the following new sections:
- 2 Sec. 11. Section 29-4003, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 29-4003 (1)(a) The Sex Offender Registration Act applies to any
- 5 person who on or after January 1, 1997:
- 6 (i) Has ever pled guilty to, pled nolo contendere to, or been found
- 7 guilty of any of the following:
- 8 (A) Kidnapping of a minor pursuant to section 28-313, except when
- 9 the person is the parent of the minor and was not convicted of any other
- 10 offense in this section;
- 11 (B) False imprisonment of a minor pursuant to section 28-314 or
- 12 28-315;
- 13 (C) Sexual assault pursuant to section 28-319 or 28-320;
- 14 (D) Sexual assault of a child in the second or third degree pursuant
- 15 to section 28-320.01;
- 16 (E) Sexual assault of a child in the first degree pursuant to
- 17 section 28-319.01;
- 18 (F) Sexual abuse of a vulnerable adult or senior adult pursuant to

19 subdivision (1)(c) of section 28-386;  
20 (G) Incest of a minor pursuant to section 28-703;  
21 (H) Pandering of a minor pursuant to section 28-802;  
22 (I) Visual depiction of sexually explicit conduct of a child  
23 pursuant to section 28-1463.03 or 28-1463.05;  
24 (J) Knowingly possessing any visual depiction of sexually explicit  
25 conduct which has a child as one of its participants or portrayed  
26 observers pursuant to section 28-813.01;  
1 (K) Criminal child enticement pursuant to section 28-311;  
2 (L) Child enticement by means of an electronic communication device  
3 pursuant to section 28-320.02;  
4 (M) Debauching a minor pursuant to section 28-805; or  
5 (N) Attempt, solicitation, aiding or abetting, being an accessory,  
6 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)  
7 through (1)(a)(i)(M) of this section;  
8 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
9 guilty of any offense that is substantially equivalent to a registrable  
10 offense under subdivision (1)(a)(i) of this section by any village, town,  
11 city, state, territory, commonwealth, or other jurisdiction of the United  
12 States, by the United States Government, by court-martial or other  
13 military tribunal, or by a foreign jurisdiction, notwithstanding a  
14 procedure comparable in effect to that described under section 29-2264 or  
15 any other procedure to nullify a conviction other than by pardon;  
16 (iii) Is incarcerated in a jail, a penal or correctional facility,  
17 or any other public or private institution or is under probation or  
18 parole as a result of pleading guilty to or being found guilty of a  
19 registrable offense under subdivision (1)(a)(i) or (ii) of this section  
20 prior to January 1, 1997; or  
21 (iv) Enters the state and is required to register as a sex offender  
22 under the laws of another village, town, city, state, territory,  
23 commonwealth, or other jurisdiction of the United States.  
24 (b) In addition to the registrable offenses under subdivision (1)(a)  
25 of this section, the Sex Offender Registration Act applies to any person  
26 who on or after January 1, 2010:  
27 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of this  
28 section, has ever pled guilty to, pled nolo contendere to, or been found  
29 guilty of any of the following:  
30 (I) Murder in the first degree pursuant to section 28-303;  
31 (II) Murder in the second degree pursuant to section 28-304;  
1 (III) Manslaughter pursuant to section 28-305;  
2 (IV) Assault in the first degree pursuant to section 28-308;  
3 (V) Assault in the second degree pursuant to section 28-309;  
4 (VI) Assault in the third degree pursuant to section 28-310;  
5 (VII) Stalking pursuant to section 28-311.03;  
6 (VIII) Violation of section 28-311.08 requiring registration under  
7 the act pursuant to subsection (5) of section 28-311.08;  
8 (IX) Kidnapping pursuant to section 28-313;  
9 (X) False imprisonment pursuant to section 28-314 or 28-315;  
10 (XI) Sexual abuse of an inmate or parolee in the first degree

11 pursuant to section 28-322.02;  
12 (XII) Sexual abuse of an inmate or parolee in the second degree  
13 pursuant to section 28-322.03;  
14 (XIII) Sexual abuse of a protected individual pursuant to section  
15 28-322.04;  
16 (XIV) Incest pursuant to section 28-703;  
17 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section  
18 28-707;  
19 (XVI) Enticement by electronic communication device pursuant to  
20 section 28-833; or  
21 (XVII) Attempt, solicitation, aiding or abetting, being an  
22 accessory, or conspiracy to commit an offense listed in subdivisions (1)  
23 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.  
24 (B) In order for the Sex Offender Registration Act to apply to the  
25 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),  
26 (VI), (VII), (IX), and (X) of this section, a court shall have found that  
27 evidence of sexual penetration or sexual contact, as those terms are  
28 defined in section 28-318, was present in the record, which shall include  
29 consideration of the factual basis for a plea-based conviction and  
30 information contained in the presentence report;  
31 (ii) Has ever pled guilty to, pled nolo contendere to, or been found  
1 guilty of any offense that is substantially equivalent to a registrable  
2 offense under subdivision (1)(b)(i) of this section by any village, town,  
3 city, state, territory, commonwealth, or other jurisdiction of the United  
4 States, by the United States Government, by court-martial or other  
5 military tribunal, or by a foreign jurisdiction, notwithstanding a  
6 procedure comparable in effect to that described under section 29-2264 or  
7 any other procedure to nullify a conviction other than by pardon; or  
8 (iii) Enters the state and is required to register as a sex offender  
9 under the laws of another village, town, city, state, territory,  
10 commonwealth, or other jurisdiction of the United States.  
11 (2) A person appealing a conviction of a registrable offense under  
12 this section shall be required to comply with the act during the appeals  
13 process.  
14 Sec. 12. Section 29-4103, Revised Statutes Cumulative Supplement,  
15 2014, is amended to read:  
16 29-4103 For purposes of the DNA Identification Information Act:  
17 (1) Combined DNA Index System means the Federal Bureau of  
18 Investigation's national DNA identification index system that allows the  
19 storage and exchange of DNA records submitted by state and local forensic  
20 DNA laboratories;  
21 (2) DNA means deoxyribonucleic acid which is located in the cells  
22 and provides an individual's personal genetic blueprint. DNA encodes  
23 genetic information that is the basis of human heredity and forensic  
24 identification;  
25 (3) DNA record means the DNA identification information stored in  
26 the State DNA Data Base or the Combined DNA Index System which is derived  
27 from DNA typing test results;  
28 (4) DNA sample means a blood, tissue, or bodily fluid sample

29 provided by any person covered by the DNA Identification Information Act  
30 for analysis or storage, or both;

31 (5) DNA typing tests means the laboratory procedures which evaluate  
1 the characteristics of a DNA sample which are of value in establishing  
2 the identity of an individual;

3 (6) Law enforcement agency includes a police department, a town  
4 marshal, a county sheriff, and the Nebraska State Patrol;

5 (7) Other specified offense means misdemeanor stalking pursuant to  
6 sections 28-311.02 to 28-311.05 or false imprisonment in the second  
7 degree pursuant to section 28-315 or an attempt, conspiracy, or  
8 solicitation to commit stalking pursuant to sections 28-311.02 to  
9 28-311.05, false imprisonment in the first degree pursuant to section  
10 28-314, false imprisonment in the second degree pursuant to section  
11 28-315, knowing and intentional sexual abuse of a vulnerable adult or  
12 senior adult pursuant to subdivision (1)(c) of section 28-386, or a  
13 violation of the Sex Offender Registration Act pursuant to section  
14 29-4011; and

15 (8) Released means any release, parole, furlough, work release,  
16 prerelease, or release in any other manner from a prison, a jail, or any  
17 other detention facility or institution.

18 Sec. 32. Section 83-174.02, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 83-174.02 (1) The Department of Correctional Services shall order an  
21 evaluation of the following individuals by a mental health professional  
22 to determine whether or not the individual is a dangerous sex offender:

23 (a) Individuals who have been convicted of (i) sexual assault of a  
24 child in the first degree pursuant to section 28-319.01 or (ii) sexual  
25 assault in the first degree pursuant to section 28-319;

26 (b) Individuals who have been convicted of two or more offenses  
27 requiring registration as a sex offender under section 29-4003 if one of  
28 the convictions was for any of the following offenses: (i) Kidnapping of  
29 a minor pursuant to section 28-313, except when the person is the parent  
30 of the minor and was not convicted of any other offense; (ii) sexual  
31 assault in the first degree pursuant to section 28-319 or sexual assault  
1 in the second degree pursuant to section 28-320; (iii) sexual assault of  
2 a child pursuant to section 28-320.01; (iv) sexual assault of a child in  
3 the first degree pursuant to section 28-319.01; (v) sexual assault of a  
4 child in the second or third degree pursuant to section 28-320.01; (vi)  
5 sexual assault of a vulnerable adult or senior adult pursuant to  
6 subdivision (1)(c) of section 28-386; (vii) incest of a minor pursuant to  
7 section 28-703; (viii) visual depiction of sexually explicit conduct of a  
8 child pursuant to section 28-1463.03; or (ix) any offense that is  
9 substantially equivalent to an offense listed in this section by any  
10 state, territory, commonwealth, or other jurisdiction of the United  
11 States, by the United States Government, or by court-martial or other  
12 military tribunal, notwithstanding a procedure comparable in effect to  
13 that described in section 29-2264 or any other procedure to nullify a  
14 conviction other than by pardon;

15 (c) Individuals convicted of a sex offense against a minor who have



16 refused to participate in or failed to successfully complete the sex  
 17 offender treatment program offered by the Department of Correctional  
 18 Services or the Department of Health and Human Services during the term  
 19 of incarceration. The failure to successfully complete a treatment  
 20 program due to time constraints or the unavailability of treatment  
 21 programming shall not constitute a refusal to participate in treatment;  
 22 and  
 23 (d) Individuals convicted of failure to comply with the registration  
 24 requirements of the Sex Offender Registration Act who have previously  
 25 been convicted for failure to comply with the registration requirements  
 26 of the act or a similar registration requirement in another state.  
 27 (2) The evaluation required by this section shall be ordered at  
 28 least one hundred eighty days before the scheduled release of the  
 29 individual. Upon completion of the evaluation, and not later than one  
 30 hundred fifty days prior to the scheduled release of the individual, the  
 31 department shall send written notice to the Attorney General, the county  
 1 attorney of the county where the offender is incarcerated, and the  
 2 prosecuting county attorney. The notice shall contain an affidavit of the  
 3 mental health professional describing his or her findings with respect to  
 4 whether or not the individual is a dangerous sex offender.  
 5 Sec. 34. Since an emergency exists, this act takes effect when  
 6 passed and approved according to law.  
 7 2. On page 2, strike beginning with the comma in line 11 through  
 8 "adult" in line 12.  
 9 3. On page 7, line 14; page 13, line 10; page 15, lines 2 and 25;  
 10 and page 17, lines 5 and 6 and 12, strike "12 to 21" and insert "14 to  
 11 23".  
 12 4. On page 11, line 24, strike "14" and insert "16".  
 13 5. On page 22, lines 1 and 3, strike "and"; in line 1 after the last  
 14 comma insert "and 83-174.02,"; and in line 3 after the last comma insert  
 15 "29-4003, and 29-4103,".  
 16 6. Renumber the remaining sections accordingly.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 901A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 901, One Hundred Fourth Legislature, Second Session, 2016.

**LEGISLATIVE BILL 908A.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 908, One Hundred Fourth Legislature, Second Session, 2016.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Fox - LB990

**VISITOR(S)**

Visitors to the Chamber were 8 eleventh-grade students and teacher from Seward; 30 fourth-grade students from St. Wenceslaus School, Wahoo; 14 twelfth-grade students and teacher from Wilcox-Hildreth; 140 fourth-grade students from Crete; Senator Hilkemann's wife, Julie, and Mary Cleveland, Diana Waggoner, and Jane Power from Omaha; Delegation members from the Consulate General of Canada: Consul General Jamshed Merchant, Consul Brian Shipley, Political Officer Joel Wessman, Public Affairs Officer Dani Fisher, Sgt. Michael Shortland of the Royal Canadian Mounted Police, and photographer Erin Eppenbaugh; 4 first-, third-, fifth-, and seventh-grade students and sponsor from Ronald Reagan Elementary and Beadle Middle School, Omaha; 20 high school students from Elwood; Aisha Witte from the University of Nebraska College of Law; and Pork Leadership Program participants with the Nebraska Pork Producers Association.

**ADJOURNMENT**

At 4:55 p.m., on a motion by Senator Davis, the Legislature adjourned until 9:00 a.m., Wednesday, March 16, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**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



**FORTY-FOURTH DAY - MARCH 17, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 17, 2016

**PRAYER**

The prayer was offered by Pastor Mike Wing, Grace Community Bible Church, North Platte.

**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 Senator Campbell who was excused; and Senators Craighead, Friesen, Hansen, B. Harr, Krist, Larson, McCollister, McCoy, Mello, Morfeld, Pansing Brooks, Schilz, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 492.** Introduced by Harr, B., 8.

WHEREAS, Father George Sullivan is a native son of Nebraska and has been active in the Omaha community for many years; and

WHEREAS, Father Sullivan graduated from Creighton Preparatory School in 1962. He received his juris doctorate degree from Creighton Law School in 1981 and became a member of the Nebraska Bar Association. The following year, Father Sullivan became the President of Creighton Preparatory School and served until 1988; and

WHEREAS, in 2015, Father Sullivan celebrated his 40th year as an ordained priest in the Society of Jesus. He has been active with Irish Charities of Nebraska and has served on the Priests' Council of the Archdiocese of Nebraska; and

WHEREAS, Father Sullivan received the Thomas F. Cavanaugh Lifetime Achievement Award from the Omaha-Douglas County Irish American Public Officials Association; and

WHEREAS, Father Sullivan is recognized as the Grand Marshal for the 2016 Omaha St. Patrick's Day Celebration.

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

1. That the Legislature congratulates Father George Sullivan for his achievements and contributions.
2. That the Legislature designates March 17, 2016, as Father George Sullivan Day in the State of Nebraska.
3. That a copy of this resolution be sent to Father George Sullivan.

Laid over.

#### **ATTORNEY GENERAL'S OPINION**

##### Opinion 16-006

SUBJECT: Whether the Child Welfare Services Protection Act Proposed Under LB 975, as Amended, Violates State or Federal Law

REQUESTED BY: Senator Mark Kolterman  
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General  
Dave Bydalek, Chief Deputy Attorney General

#### **INTRODUCTION**

LB 975, as amended by AM2308, proposes adoption of the Child Placement Services Preservation Act [the "Act"]. The Act seeks to provide faith-based child placement agencies (FBCPAs) with the ability to perform the child placement services of recruitment, training and supporting of foster family homes, while maintaining their sincerely held religious beliefs, without the threat of adverse action against them. AM2308, § 2(4). Specifically, § 5 of the proposed legislation states:

To the fullest extent permitted by state and federal law, the state shall not take an adverse action against a child-placing agency because the agency declines to provide or facilitate a child placement service that conflicts with the child-placing agency's sincerely held religious beliefs.

You have presented a series of legal questions about whether such language complies with both constitutional and federal regulatory guidelines. In order to properly analyze the legal questions presented, it is necessary to understand how the Nebraska Department of Health and Human Services (HHS) utilizes child-placing agencies (CPAs). Accordingly, we begin our discussion with background information pertaining to the manner in which HHS contracts with CPAs to provide

foster care services for children and families.

### **BACKGROUND**

CPAs are utilized by HHS for the primary purposes of recruiting, retaining, and supporting foster care families. In providing these services, HHS contracts with both secular and faith-based CPAs. As part of that contract, the CPAs understand that the purpose of their service is to provide Agency Supported Foster Care (ASFC) services for children and families of the State of Nebraska.<sup>1</sup>

The Subawards are normally entered into on a yearly basis and can be terminated at any time based upon mutual consent or by either party for any reason upon submission of a 90-day notice. The Subaward provides that HHS has final authority in all decisions pertaining to child welfare services, and further provides that HHS may immediately terminate the agreement if the CPA fails to perform its obligations under the subaward. The Subaward does have an antidiscrimination provision found in paragraph IV(c), but that provision relates only to employment practices by the CPAs under federal and state employment law.

The Subaward specifically notes in IV(v), titled "Independent Entity," that CPAs serve as an independent entity and that neither the CPA nor its employees shall, for any purpose, be deemed employees of HHS. A CPA shall employ and direct such personnel as it requires to perform its obligations under the Subaward, exercising full authority over its personnel in complying with all laws recognized in the employment relationship, both federal, state, county, and municipal.

The Subaward contains a "Service Attachment" which sets forth both definitions and expectations for performance by CPAs. It also includes details about reporting requirements, staff credentials, established payment rates and other details regarding the day to day services that are provided by foster care families associated with a CPA. The Service Attachment specifically defines three important terms regarding the duties performed by CPAs. Those duties are recruitment, retention, and support of foster families or prospective foster families.

With respect to recruitment, the Service Attachment provides, in pertinent part:

Recruitment of agency supported foster families is defined as active and ongoing efforts to solicit families who are invested in meeting the unique needs of children and youth served by DHHS. Recruitment includes undertaking targeted and diligent efforts to locate foster families for specific children upon request by DHHS. Recruitment efforts will include engaging communities across the state through outreach and education activities to increase awareness of the need for foster parents who reflect the ethnic and racial diversity of the children

served by DHHS. Recruitment activities may include: organizing special events, speaking engagements, advertising, and networking, etc.

The Service Attachment defines "retention" as

keeping both prospective and current foster, adoptive, and kinship families interested and invested in accepting placement of foster children by treating people well, meeting their needs, and providing encouragement and individualized support beginning with pre-service training continuing through post-placement services.

In providing recruitment and retention services, the CPAs are to develop, in collaboration with local HHS staff, a Foster Care Recruitment and Retention Plan that is reflective of the types of foster care homes needed, as well as the ethnic and racial diversity of children served in the service area. The plan must identify specific strategies designed to support and improve the retention of foster care families. The plan must also include time lines for strategy, implementation, and a specific measurable goal for increasing the number of newly licensed foster care families provided by the CPA.

Finally, the Service Attachment defines "support" as

being readily accessible and responsive to foster families in meeting their needs and intervening as necessary to stabilize crisis episodes and prevent placement disruptions. Support includes providing face-to-face visits to the foster parent's home a minimum of one time per month, and more frequently as needed based on the needs of the foster parent and or the child as determined by the Child and Adolescent Needs and Strengths (CANS) Tool or the Family Strength and Needs Assessment (FSNA) Tool. More frequent phone calls may be necessary to maintain communication and develop ongoing rapport.

Although the Subaward and Service Attachment describe the relationship between HHS and CPAs, ultimately, Neb. Rev. Stat. § 43-285 (Supp. 2015) provides that the care of the juvenile and all placement responsibilities ultimately stay with HHS in determining issues such as care, placement, medical services, psychiatric services, training, and expenditures on behalf of each juvenile committed to HHS.

### **ANALYSIS**

Your request letter presents several questions as to whether LB 975, and AM 2308, properly contain language protecting a faith-based CPA from any adverse action if, in recruiting, selecting, training, and support of foster care families, it incorporates its sincerely held religious beliefs. Furthermore, you ask whether providing such protection from adverse action exposes HHS to significant loss of federal funding that is utilized by HHS in making payment to its CPAs and its overall foster care system.

**A. Whether child-placing agencies, in providing services related to the placement of children, would be considered state actors.**

You have inquired whether CPAs, in providing services for developing foster homes for the placement of children, would be considered state actors. As noted previously, HHS enters into Subawards with numerous CPAs to recruit, train and retain foster home families and services to children in need. The question raised is whether, in contracting with the State to provide these services and homes, CPAs are performing a "public function" to the extent that they should be treated as state actors. This question is important because if the CPAs are state actors, then they must comply with all the "state shall" mandates found in the U.S. Constitution. This would include the equal protection and due process obligations found in the Fourteenth Amendment. Conversely, if CPAs are private, rather than state actors, they are not subject to constitutional mandates.

The Fourteenth Amendment protections are triggered only in the presence of state action and a private entity acting on its own cannot deprive a citizen of Fourteenth Amendment rights. *See, e.g., Flagg Brothers Inc. v. Brooks*, 436 U.S. 149, 156 (1978) ("[M]ost rights secured by the Constitution are protected only against infringement by governments"). The Supreme Court stated in *United States v. Morrison*, 529 U.S. 598, 621 (2000), that the Fourteenth Amendment "erects no shield against merely private conduct, however discriminatory or wrongful." (quoting *Shelley v. Kraemer*, 334 U.S. 1, 13 (1948)). The Constitution protects against government action, not action by a private corporation or citizens. *See Rendell-Baker v. Kohn*, 457 U.S. 830, 837 (1982) (stating "the Fourteenth amendment, which prohibits the state from denying federal constitutional rights and guarantees due process, applies to acts of the states, not to acts of private parties or entities").

The U.S. Supreme Court has developed a "close nexus test" to determine whether actions taken by otherwise private entities are state action. In applying this test, the Supreme Court looks at a broad spectrum of information. The close nexus analysis is inherently fact specific. The Supreme Court has consistently emphasized that the state actor analysis focuses on the precise activity at issue. *See Brentwood Academy v. Tennessee Secondary School Athletic Association*, 531 U.S. 288, 295 (2001) (noting a private entity can be said to have engaged in state action only "when it can be said that the State is responsible for the specific conduct of which the plaintiff complains"); *see also Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 51 (1991) (noting that the "state actor" inquiry "begins by identifying the specific conduct of which the plaintiff complains") (internal citations omitted); *Blum v. Yaretsky*, 457 U.S. 991, 1003-04 (1982) ("Faithful adherence to the 'state action' requirement . . . requires careful attention to the gravamen of the plaintiff's complaint . . . . [C]onstitutional standards are invoked only when it can be said that the State is responsible for the specific conduct of which plaintiff complains"); *Jackson v. Metro.*

*Edison Co.*, 419 U.S. 345, 351 (1974) ("the inquiry must be whether there is a sufficiently close nexus between the State and the challenged action of the regulated entity so that the action of the latter may be fairly treated as that of the State itself.") (emphasis added).

A close nexus between the state and a private actor exists if the state has exercised a coercive power or has provided encouragement for the aggrieved action. Specifically, the Court has held that

state action requires *both* an alleged constitutional deprivation "caused by the exercise of some right or privilege created by the State or by a rule of conduct imposed by the State or by a person for whom the State is responsible," *and* that "the party charged with the deprivation must be a person who may fairly be said to be a state actor."

*Am. Mfrs. Mut. Ins. Co.*, 526 U.S. 40, 50 (1999) (emphasis in original).

While AM2308 involves the area of foster care, the state actor versus private actor analysis has arisen in a broad range of cases where government and private spheres have intertwined. Case law reveals that the mere presence of a state-funded contract and regulatory scheme is not dispositive of the state action issue. For example, in *Rendell-Baker*, the Supreme Court held that the decisions of a private nonprofit school to discharge employees could not be attributed to the State even though the school received public funds, was subject to public regulation, served a function the State was legislatively obligated to provide, and contracted with the State to provide such services. The Court in *Rendell-Baker* did not attribute the school's decisions to fire the employees to the State even though public funds accounted for as much as 99% of the school's operating budget. The Court reasoned that despite such pervasive regulation, it was "not sufficient to make a decision to discharge, made by private management, state action." 457 U.S. at 842. The Court further held that even though the school was performing a public function, that fact alone did not end the state actor analysis. Rather, the relevant question "is not simply whether a private group is serving a 'public function'...[T]he question is whether the function performed has been 'traditionally the exclusive prerogative of the State.'" *Id.* (emphasis in original) (quoting *Jackson*, 419 U.S. at 353).

In *Jackson v. Metro. Edison Co.*, a customer brought suit against a privately owned and operated utility corporation. The company had a state license to do business in Pennsylvania and was highly regulated. The customer contended the company was a state actor and had violated her civil rights by shutting off her electric service without due process. The Supreme Court found the actions of the private utility company, though subject to "extensive and detailed" regulation, were not imputable to the State. "The mere fact that a business is subject to state regulation does not by itself convert its action into that of the State for purposes of the Fourteenth Amendment." 419 U.S. at 350. There was no coercive imposition by the



state that led the company to shut off the electricity, and thus, no state action.

An instructive case in state actor analysis involving social services is *Lown v. Salvation Army*, 393 F. Supp. 2d 223 (S.D.N.Y. 2005). In *Lown*, the court held that the Salvation Army, a religious corporation, did not waive its Title VII ministerial exemption when it accepted government-funded contracts to perform secular social services in the area of government-mandated custodial care for children, including foster care and adoption services. Alluding to *Rendell-Baker*, *Brentwood Academy* and several of the other cases cited above, the court held that the plaintiffs failed to prove that the state had any role in the development of the Salvation Army's personnel policies. 393 F. Supp. 2d at 243. Instructive in the court's analysis was the fact that employees delivering social services did not act under the control of the government. There was no evidence "that any government agents held positions of authority within the hierarchy of the Salvation Army," or that the employees received public employee benefits for their services. The court held the Salvation Army was thus not a state actor. *Id.* at 244.

Another case involving the state actor issue in the context of foster care is *Leshko v. Servis*, 423 F.3d 337 (3<sup>rd</sup> Cir. 2005). In this case, the foster child, Karen Leshko, was severely burned while living with her foster parents after having been removed from the custody of her natural mother. Upon reaching the age of majority, Leshko sued the foster parents and the governmental entities for depriving her of her Fourteenth Amendment right to be free from physical harm. In discussing whether the administration of foster care services has been traditionally the *exclusive* prerogative of the State, the court stated:

No aspect of providing care to foster children in Pennsylvania has ever been the exclusive province of the government. Even today, while removing children from their homes and placing them with other caregivers arguably are exclusively governmental functions in Pennsylvania, the hands-on care may be tendered by families, private organizations, or public agencies. 423 F.3d at 343.

In dismissing the plaintiff's case, the court noted that the traditionally exclusive public function requirement is a "rigorous standard" that is "rarely satisfied." Subsequently, there was not a close nexus between the State and the challenged action such that the private behavior could be attributed to the State itself. 423 F.3d at 346.

Numerous courts have adopted the reasoning proffered in *Lown* and *Leshko*. See *Johnson v. Rodrigues*, 293 F.3d 1196 (10<sup>th</sup> Cir. 2002) (private adoption care center did not perform functions traditionally reserved exclusively to the state and, as there was "no close union" between Utah and the private adoption center, there could be no action under color of state law). *Milburn by Milburn v. Anne Arundel Cnty. Dep't of Soc. Servs.*, 871 F.2d 474, 479 (4<sup>th</sup> Cir. 1989) ("The care of foster children is not traditionally

the exclusive prerogative of the State..."); *Rayburn ex rel. Rayburn v. Hogue*, 241 F.3d 1341, 1347 (11<sup>th</sup> Cir. 2001) (affirming district court finding that public function test was not met because "the [S]tate exercised no encouragement of the Hogues' actions, nor is foster care traditionally an exclusive [S]tate prerogative.") (alterations in original); *Phelan ex rel. Phelan v. Torres*, 843 F. Supp. 2d 259, 271 (E.D.N.Y. 2011) ("[F]oster care agencies do not perform a function that has been 'traditionally *exclusively* reserved to the State.") (emphasis in original, citing *Jackson*, 419 U.S. at 352).

A common theme in cases that have otherwise found private entities to be state actors is an extremely direct relationship between the state and the challenged action of the entity. For example, in *Brentwood Academy*, the Supreme Court held that an interscholastic high school athletic association's regulatory activity was state action because of the entwinement of public officials within the association. The factors which drove the Court's decision included: public school representatives comprised 84% of the voting membership of the governing council; employees of the association were given state pensions; and Tennessee Board of Education Members were ex officio members of the governing council of the organization. 531 U.S. at 291.

In *Americans United for the Separation of Church and State v. Prison Fellowship Ministries Inc.*, 509 F.3d 406 (8<sup>th</sup> Cir. 2007), the Eighth Circuit addressed a challenge to the State's funding of a religious rehabilitation program run within the State of Iowa's prison system. The court concluded that Iowa had provided financial aid to the program, but also had given Prison Fellowship access to state corrections facilities; allowed the organization 24-hour power to incarcerate, treat, and discipline inmates; and provided "privileges in contracts with the organization." This led the court to conclude that Prison Fellowship was a state actor. 509 F.3d at 423.<sup>2</sup>

To undertake a "close nexus" analysis on AM2308 and its application to FBCPAs, it is necessary to determine, with particularity, the specific conduct which allegedly violates the Constitution, and scrutinize whether that conduct can be attributed to the State. We have reviewed the materials you provided to our office, as well as the transcript of the legislative hearing, contracts between the state and CPAs, and all pertinent statutes and regulations.

First, we are aware of concerns that LB 975 may possibly violate the Constitution by allowing FBCPAs to refuse to provide services to a child in need of foster care based on the child's religion or religious beliefs. We note that the plain language of AM2308 would clearly prohibit such action, as it would be in contravention of state and federal law for FBCPAs to discriminate against a beneficiary (the foster child).<sup>3</sup> Also, as several FBCPAs testified at the hearing that they would not refuse to provide services to a foster child based on the child's religion or religious beliefs, it would appear to us that such a concern is not well-founded, at least based on

the material we have reviewed. Committee Records on LB 975, 104th Leg., 2d Sess. 66, 76 (February 17, 2016).

Second, we understand that concerns have been raised that FBCPAs will refuse to recruit prospective foster parents based on the religion or religious beliefs of those prospective foster parents (i.e., they will not assent to the FBCPA's statement of faith or religious mission). A corollary concern is that FBCPAs will not align with LGBT foster parents, or individuals living outside of traditional marital arrangements. The question, then, is whether a refusal to recruit based on the aforementioned reasons can reasonably be attributed to the State. As noted in the Background section, the Service Attachment to the Subaward between HHS and the CPA provides that recruitment "is defined as active and ongoing efforts to solicit families who are invested in meeting the unique needs of children and youth served by DHHS." Recruitment involves a variety of activities, including "organizing special events, speaking engagements, advertising, and networking." The particulars of how these recruiting goals are accomplished appears to remain largely in control of the respective CPAs. There is no indication that the State of Nebraska intrudes to any substantial degree in that process.

Moreover, a review of the materials reveals no particular facts from which to conclude a close nexus exists between CPAs and the recruitment of foster families. For example, there are no facts showing that the State has any representation on the boards of CPAs, or that CPA employees are treated as state employees. Likewise, there is nothing to suggest that CPAs utilize state property in furtherance of recruiting efforts. We think it is significant that HHS has no responsibility to monitor and regulate the foster parents until after a placement is made. And, as for placement, there is no mandate whereby a CPA is required to place any particular child in need of a foster home. "An action taken by a private entity with the mere approval or acquiescence of the state is not a state action." *American Mfrs.*, 526 U.S. at 52. In our view, the fact that the State of Nebraska allows CPAs to recruit prospective foster care families who affirm the religiously motivated mission of those organizations does not rise to the level of making CPAs state actors.

**B. Whether AM2308 violates Executive Orders No. 13279 or No. 13559.**

During the legislative hearing before the Judiciary Committee, some committee members expressed concern that FBCPAs were "violating federal law." These concerns involved Executive Order 13279, signed in 2002 by President Bush and affirmed later by President Obama in Executive Order 13559. As Executive Order 13279 was substantively left unchanged by Executive Order 13559, references in the remainder of this opinion will be to Executive Order 13279 (hereinafter "EO 13279").

On January 29, 2001, President Bush created the White House Office of Faith-Based and Community Initiatives (FBCI) within the Executive Office

of the President. Later that year, he signed EO 13279, which expounded upon the principles outlined in the FBCI. These policies have since been replicated in all regulations and guidance materials relating to the FBCI, and the FBCI's regulations now affect nearly all federal funding streams for social services.

EO 13279 is entitled "Equal Protection of the Laws for Faith-Based and Community Organizations," and it declared that the government should provide a level playing field in federally funded grant programs by allowing religious and secular groups to compete for grants. Specifically, the preamble of the order indicates that it is intended to provide guidance to Federal agencies and to ensure "equal protection of the laws for faith-based and community organizations...so that they may better meet social needs in America's communities..." (EO 13279, § 2). The overarching theme of the order is thus one of equality, or even-handedness, between secular and faith-based organizations (hereinafter "FBOs") which utilize federal funding to address social welfare concerns.

Section 2 sets forth the "Fundamental Principles and Policymaking Criteria" which are to guide Federal agencies. In pertinent part, this section provides:

- FBOs must be able to compete on an equal footing for financial assistance;
- No FBO should be discriminated against because of its religion/religious belief;
- Consistent with the Free Exercise Clause and the Free Speech Clause of the Constitution, FBOs should be eligible to compete for and fully participate in such programs "without impairing their independence, autonomy, expression, or religious character."
- An FBO "may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs."
- A participating FBO "may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other chartering or governing documents."

In addition to the accommodation of the religious nature and mission of the FBOs prescribed in the EO, Section 2 subjects FBOs to certain prohibitions. For example:

- The order prohibits FBOs from discriminating against program *beneficiaries* or *potential beneficiaries* on the basis of religion or religious belief.
- FBOs that receive direct government funding cannot use those funds on "inherently religious activities, such as worship, religious instruction, and proselytization," which need to be separated by time or space from the government-funded activities.

- Participation by a *beneficiary* in an inherently religious activity must be voluntary and cannot be supported by Federal financial assistance. (emphasis added).

Foster care and adoption services are intended to provide needed assistance to children. Prospective foster parents stand in the position of *cooperators* in the provision of that assistance, not as *beneficiaries*. Given the breadth of the relevant EO (i.e., its application to nearly every social service program administered by the Federal Government), "beneficiaries" is most properly understood as taking on the plain meaning of those intended to be assisted by the particular program or service at issue. With respect to foster care and adoption, Title IV-E's statement of purpose is to assist states in providing foster care and adoption services "*for children*" (42 U.S.C. § 670) (emphasis added). This is naturally consistent with AM2308's expressed intent, which is to preserve the work of FBOs "[i]n order to serve the best interests of *the children* of this state[.]" (AM2308, § 2(2)) (emphasis added).

The Subaward agreement between CPAs and HHS provides that it is "designed to meet the complex needs of the children who have experienced trauma, abuse, neglect and other serious issues which require out of home placement." (Agreement p.16). In other words, the benefits of these contracts are designed to serve the foster children.

This plain meaning is confirmed by the source language of the Charitable Choice provisions found in the EO. The content of the EOs promulgated by Presidents Bush and Obama is nearly identical to that contained in the original Charitable Choice provisions adopted by President Clinton in 1996, 1998, and 2000, and applied only to three specific programs (TANF, Community Block Grants, and SAMHSA, respectively). This includes the statutory language expressed in 42 U.S.C. § 604a, where we find practical guidance for determining the scope of the meaning of "beneficiary."

42 U.S.C. § 604a(e)(1) provides the right of an "individual" who objects to the religious character of an FBO social service program to be referred to an alternative provider. The subsequent presidential orders contained a substantially similar protection for a "beneficiary[.]" (*See, e.g.*, EO No. 13559, Sec. 2(h)(i)). But the older statute – again, the basis of the language in the subsequent orders – includes additional clarification of the meaning of "individual." First, the heading of 42 U.S.C. § 604a(e) confirms that an "individual" is indeed a "beneficiary" (even though only the latter term was carried over in the presidential orders). More specifically, the heading states: "Rights of *beneficiaries* of assistance[.]" (42 U.S.C. § 604a(e)) (emphasis added). The section further proceeds to provide for the rights of "*individuals*." (emphasis added) Then in 42 U.S.C. § 604(a)(e)(2), the statute provides that "[a]n *individual* described in this paragraph is an individual who receives, applies for, or requests to apply for, *assistance*" under the programs provided for in the statute (i.e., Titles I, II, and IV-A of the Social Security Act). (42 U.S.C. § 604(a)(e)(2)) (emphasis added). In

other words, the source language for the Charitable Choice provisions now at issue (i.e., the meaning of "beneficiary" in the later EOs) effectively defines "beneficiary" to be the one receiving or seeking *assistance* – *not* the one seeking *to assist*. This is consistent with the plain meaning of "beneficiary" with respect to foster care and adoption services, where it is the children who are most plainly said to receive *assistance*, and the foster parents who are mostly plainly said *to assist*.

Application of Executive Order 13279 to AM2308.

The language of AM2308 is consistent with the language and intent of EO 13279. It allows FBCPAs to compete with other CPAs without requiring them to compromise their sincerely held religious beliefs. Specifically, it allows FBCPAs to decide how to recruit and train prospective foster care families who affirm the FBCPAs' religious beliefs. The prohibitions contained in EO 13279 address delivery of needed services to the beneficiaries or potential beneficiaries, which, pursuant to AM2308, are the foster children. Therefore, the FBCPAs could not force children to attend any "inherently religious" activity.

However, a FBCPA would be allowed to recruit and train foster families that satisfy the FBCPAs' religious requirements. Once the child is placed in that family, EO 13279 would prohibit the FBCPA or the foster family from forcing the foster child, as the beneficiary, from participating in religious activities. Our review of AM2308 shows it to be consistent with the stated purpose of EO 13279.

EO 13279 has the force of law only to the extent it requires agencies of the Federal Government to allocate financial assistance for a broad range of social service programs to FBOs on an equal basis as non-faith-based organizations.<sup>4</sup> It is evident that President Bush promulgated the order with the explicit purpose of applying it to nearly *all* social service programs. The order is nearly identical to the "Charitable Choice" protections for faith-based organizations that had previously been enacted under President Clinton and codified in statute with respect to the administration of TANF funds, Community Service Block Grants, and the Substance Abuse and Mental Health Services Act. (*See, e.g.*, 42 U.S.C. § 604a).

Furthermore, EO 13279 called for and was implemented by a series of administrative regulations, including 45 C.F.R. § 87.2, which governs the formula and block grant administration of "any . . . program" administered by the Federal Department of Health and Human Services, including federal payments for adoption and foster care services pursuant to Title IV-E of the Social Security Act. Consistent with the directive of the Executive Order, however, the regulatory provisions do not create any substantive or procedural right of judicial review, but provide only for the "internal management" of said social service funds. (*See* EO 13279, § 7).

The "Fundamental Principles" contained in both EOs state that "[t]he Nation's social service capacity will benefit if all eligible organizations, including faith-based . . . organizations, are able to compete on an equal footing for Federal financial assistance used to support social service programs." (EO 13559, § 2(b)). The express purpose is to encourage FBOs to receive federal financial services in the administration of social service programs while maintaining their "religious character" and "carry[ing] out" their "mission, including the definition, practice, and expression of [their] religious beliefs . . ." (*Id.*, § 87.2(d)).

To read "beneficiary" to include foster parents would likely lead to an absurd result, given the purposes of the EOs. That is, the orders are intended to *increase* the number of FBOs that participate in the provision of social service programs with the help of federal financial assistance. To read "beneficiary" to include prospective *parents* in the context of adoption and foster care services would likely lead to a *decrease* in the aid provided by FBOs in that field, given the salience of family structure to various systems of religious belief. In other words, it strains credulity to assume that reading "beneficiary" to include "prospective parents" in the adoption and foster care context would not place a significant burden on a number of FBOs and effectively force them to close operations. We believe this result would be irrational in light of the express purposes of the EOs, and thus counsels against such a broad meaning of the term "beneficiary."

**C. Whether AM2308 violates 42 U.S.C. § 1996b, § 2000d, 45 C.F.R. § 80.3(b), or 45 C.F.R. § 260.34.**

You have asked whether AM2308 violates 42 U.S.C. § 1996d, 45 C.F.R. § 80.3(b), or 45 C.F.R. § 260.34. For the reasons set forth below, the answer to this question is no.

42 U.S.C. § 1996b.

This federal statutory provision states that a "person or government that is involved in adoption and foster care placements" may not discriminate against prospective adoption and foster care parents on the basis of the parents' or the child's race, color, or national origin. *See* 42 U.S.C. § 1996b(1)(A)-(B). However, AM2308 expressly applies only "to the . . . extent permitted by state and federal law,"<sup>5</sup> and thus it incorporates by reference all federal restrictions on the otherwise broad discretion of FBCPAs. Therefore, by its own terms, AM2308 is inoperable with respect to any matter on which there is a valid law to the contrary. This would include the prohibition on CPAs discriminating in "child placement services" on the basis of race, color, or national origin, even if said limitation violated a sincerely held religious belief.<sup>6</sup>

42 U.S.C. § 2000d.

Similarly, this provision states that "[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." *See* 42 U.S.C. § 2000d. As a provision of federal statute, it is incorporated by reference into AM2308, which therefore cannot be understood to authorize any CPA to discriminate against any person on the basis of race, color, or national origin, even if such limitation violated a sincerely held religious belief.

45 C.F.R. § 80.3(b).

Section 80.3 of the Code of Federal Regulations essentially implements 42 U.S.C. § 2000d by prohibiting discrimination on the basis of race, color, or national origin against any person under nearly any program administered by the Federal Department of Health and Human Services. *See* 45 C.F.R. § 80.3(a). Section 80.3(b) specifically prohibits any "recipient under any program" from "directly or through contractual or other arrangements" discriminating on the basis of race, color, or national origin, *see* 45 C.F.R. § 80.3(b) (emphasis added), making clear that such restrictions apply to FBCPAs that contract with the state.

But again, AM2308 is subject to any contravening federal law. Thus, any right framed by AM2308 in absolute terms is at the same time, by the very terms of AM2308, limited by federal restrictions, including the provisions of 45 C.F.R. § 80.3 prohibiting discrimination on the basis of race, color, or national origin.

45 C.F.R. § 260.34.

45 C.F.R. § 260.34 applies to the Charitable Choice provisions in the application of TANF. TANF funding is utilized by the Nebraska DHHS-Division of Children and Family Services to pay for some child welfare services that are provided by CPAs (both secular and faith-based CPAs). CPAs do not receive TANF funding directly.

This funding is thus subject to 45 C.F.R. § 260.34. Section 260.34(f) prohibits discrimination against a "TANF applicant or recipient on the basis of religion" – in lieu of discrimination against "a beneficiary" as described by EO 13279. Insofar as TANF applies to *foster care and adoption services*, the beneficiary of these funds remains the child. Thus, AM2308 does not violate this provision because it is only directed towards the religious beliefs of the CPAs as it selects foster families, and not the foster children as beneficiaries.

**D. Whether AM2308 puts Nebraska at risk of losing federal funding under 45 C.F.R. § 80.8(a).**



You have asked whether AM2308 puts Nebraska at risk of losing federal funds under 45 C.F.R. § 80.8(a). For the reasons outlined below, the answer to this question is no.

45 C.F.R. § 80.8(a) provides for possible suspension or termination of federal financial assistance only for violations of "this regulation." The nondiscrimination provisions of the regulation are contained in 45 C.F.R. § 80.3(b) and pertain to race-based discrimination. AM2308 makes a religious exception for FBCPAs consistent with EO 13279 and in all other purposes is subject to these limitations and thus does not put the state at any risk of losing federal funds under 45 C.F.R. § 80.8(a).

**E. Whether AM2308 is consistent with the Free Exercise Clause of the U.S. Constitution and art. 1, § 4 of the Nebraska Constitution.**

In our response to question B., we noted that one of the fundamental principles underlying the EO is that, "[c]onsistent with the Free Exercise Clause and the Free Speech Clause of the Constitution, FBOs should be eligible to compete for and fully participate in [federally funded] programs 'without impairing their independence, autonomy, expression, or religious character.'" (EO 13279, § 2). AM2308 is also consistent with the Free Exercise Clause because it helps ensure, like the EO, that FBCPAs are positioned on equal footing with non-religious agencies in Nebraska. This position is supported by significant precedent.

The Supreme Court has held that there is nothing constitutionally suspect about government accommodation of religious organizations in their dealing and interactions with the government. Making such accommodations "follows the best of our traditions." *Zorach v. Clausen*, 343 U.S. 306, 314 (1952). Courts "have long recognized that the government may (and sometimes must) accommodate religious practices and that it may do so without violating the Establishment Clause." *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints v. Amos*, 483 U.S. 327, 334 (1987).

Neb. Const. art. I, § 4 adopts the same standard as the Federal Free Exercise Clause. *In re Interest of Anaya*, 276 Neb. 825, 758 N.W.2d 10 (2008). The Nebraska Constitution also contains a "conscience clause" which is consistent with the intent of AM2308. It provides:

All persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious beliefs; but nothing herein shall be construed to

dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction. (emphasis added).

Based on our review, AM2308 is consistent with these provisions of the Federal and State Constitutions.

**F. Whether AM2308 violates the Establishment Clause of the U.S. Constitution or art. I, § 4 of the Nebraska Constitution.**

At the outset, we note that AM2308 does not create a new scheme under which, for the first time, FBCPAs are able to compete for foster care and adoption recruitment and placement services. FBCPAs presently compete for government funding to provide such services. Assuming for the sake of argument that an Establishment Clause action was commenced against the State of Nebraska for simply allowing FBCPAs to compete with secular, non-religiously motivated CPAs, the chance of succeeding under such a legal theory would be, in our view, remote.

Pursuant to such a theory, the Establishment Clause would presumably prohibit the State from working with any religious state actor. Indeed, the logical conclusion of such a determination could have the result of precluding any religiously motivated CPA from contracting with the State as foster or adoption agencies. This outcome has no basis in our constitutional traditions. Indeed, across the nation, governmental entities regularly contract with faith-based child-welfare agencies, and that is the express contemplation of federal law and the Bush/Obama Charitable Choice Executive Orders.

Moreover, Establishment Clause claims would theoretically need to be aimed at specific actions having the effect of impermissible government advancement of religion. For example, such claims would need to allege that services provided with public funds were in and of themselves religious (i.e., inherently religious); that FBCPAs were discriminating against beneficiaries based on religion; or that a particular FBCPA was chosen because of its religious nature.

Alleged government establishments of religion are evaluated under the general framework set forth in *Lemon v. Kurtzman*, 403 U.S. 602 (1971), as later modified in *Agostini v. Felton*, 521 U.S. 203 (1997). Under *Agostini*, a law does not violate the Establishment Clause if: (1) it has a secular purpose; and (2) its principal or primary effect neither advances nor inhibits religion. 521 U.S. at 233-34. The factors considered in evaluating the "effects" prong are whether the law results in government indoctrination, whether the law defines recipients with respect to religion, and whether the government is excessively entangled with religion. *Id.*

### Secular purpose

Nebraska's policy of funding foster care and adoptive placements and services is clearly not motivated by a wholly religious purpose. In fact, in reviewing the "Agency Supported Foster Care Subaward" agreements between the State of Nebraska and Nebraska CPAs, the stated purpose of such funding is "[t]o provide Agency Supported Foster Care (ASFC) services for children and families of the State of Nebraska." (Subaward at 1). This stated policy has no religious consideration.

As for AM2308, its stated purpose is "to secure safe and loving foster and adoptive homes for children in need by protecting child-placing agencies against adverse action by the state." Committee Records on LB 975, 104th Leg., 2d Sess. 18 (Introducer's Statement of Intent) (Feb. 17, 2016). The bill allows and will encourage HHS to continue its practice of contracting with a diverse array of CPAs, some of which are guided by their religious faith, to serve children in need. This stated purpose is consistent with the EOs issued by Presidents Bush and Obama, a policy which fosters accommodation of religiously oriented social service providers.

### Principal or primary effect which neither advances nor inhibits religion

Once again, a perusal of the Subaward agreements reveals no design to advance religious objectives. Likewise, AM2308 portrays no intent to advance religious tenets in the administration of services to foster care and adoptive social service organizations. In fact, by the plain wording of the amendment, these organizations are constrained from proselytizing or utilizing funding for any inherently religious purpose, and may not discriminate against the beneficiaries of such services based on religion or religious belief.

### Excessive entanglement

Finally, allowing FBCPAs to compete on an equal footing with secular CPAs does not create an excessive entanglement. Such a policy arguably alleviates this tension because it strikes a balance between the countervailing principles of the Free Exercise and the Establishment Clauses of the Constitution. Just as governments are prohibited from making any law establishing religion, they are likewise prevented from prohibiting the free exercise of religion. In turn, AM2308 alleviates, to the extent permitted by state and federal law, government interference with the ability of Nebraska FBCPAs to carry out their religious missions in the process of recruiting and training potential foster parents.

Under the facts and information presented to us at this time, we conclude that AM2308 does not invoke Establishment Clause concerns.

### **G. Whether AM2308 violates the Equal Protection Clause of the**

**U.S. Constitution or art. 1, § 3 of the Nebraska Constitution.**

Our determination that CPAs are not state actors is dispositive of the question of whether AM2308 violates equal protection considerations. We concur with a North Dakota Attorney General Opinion regarding the constitutionality of a North Dakota bill providing similar protections to those included in AM2308. The opinion states:

A child placing agency's decision not to perform or participate in a particular placement would be a decision made by the agency and not the state. Under SB 2188 the state would remain completely neutral regarding that decision. Accordingly, a child-placing agency would not be a state actor when deciding whether to perform or participate in a placement. (2003 ND Op Atty Gen L-18 (NDAG), 2003 WL 1829244 \*7).

Such state neutrality would alleviate any equal protection concerns. Pursuant to the information provided to our office and our review of AM2308, we cannot say that AM2308 violates equal protection.

**CONCLUSION**

Based on the foregoing, we conclude that: (1) child-placing agencies are likely not state actors; (2) AM2308 does not violate Executive Orders 13279 or 13559; (3) AM2308 does not violate 42 U.S.C. §§ 1996b and 2000d, 45 C.F.R. § 80.3(b), or 45 C.F.R. § 260.34; (4) Nebraska is not likely to lose federal funding under 45 C.F.R. § 80.8(a) if AM2308 is enacted; (5) AM 2308 is consistent with the Free Exercise Clause of the U.S. Constitution and Article 1, § 4 of the Nebraska Constitution; and (6) AM2308 does not violate the Establishment Clause or the Equal Protection Clause of the U.S. Constitution.

<sup>1</sup> [http://dhhs.ne.gov/children\\_family\\_services/SubGrants/Forms/AllItems.aspx](http://dhhs.ne.gov/children_family_services/SubGrants/Forms/AllItems.aspx) (Link to copies of Subawards with attachments for the years 2014-2015 and 2015-2016 under the category Agency Supported Foster Care).

<sup>2</sup> We have reviewed the Pennsylvania federal district court cases referenced during the Committee hearing on LB 975 addressing the state actor issue. *Harris ex rel. Litz v. Lehigh Cnty. Office of Children & Youth Servs.*, 418 F. Supp. 2d 643 (E.D. Pa. 2005); *Donlan v. Ridge*, 58 F. Supp. 2d 604, 609 (E.D. Pa. 1999). In both cases, the court rejected claims that private foster care agencies were not state actors on the ground that the agencies were authorized to remove children from their homes, which is traditionally a function within the exclusive prerogative of the State. 418 F. Supp. 2d at 651, 58 F. Supp. 2d at 609. These cases are inapposite because, as shown in the Subaward and attachments, CPAs in Nebraska do not maintain the exclusive prerogative of the state to remove children from homes.

<sup>3</sup> We deal at length with the question of the meaning of beneficiary below in our response to your second question.

<sup>4</sup> An Executive Order, in and of itself, does not have the force of law. In *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), the Supreme Court announced, with regard to Presidential Executive Orders, that "[t]he President's power, if any, to issue the order must stem either from an act of Congress or from the Constitution itself." 343 U.S. at 585. When such orders are issued pursuant to "an express or implied authorization from Congress, [the President] exercises not only his powers but also those delegated by Congress." *Dames & Moore v. Regan*, 453 U.S. 654, 668 (1981). "In such a case the executive action 'would be supported by the strongest of presumptions and the widest latitude of judicial interpretation, and the burden of persuasion would rest heavily upon any who might attack it.' " *Id.* (quoting *Youngstown Sheet & Tube Co.*, 343 U.S. at 637). The authority of Executive Order 13279 is derived from the Free Exercise Clause of the U.S. Constitution.

<sup>5</sup> This qualifier effectively means: "Unless otherwise prohibited by state and federal law . . ."

<sup>6</sup> Even if AM2308 did not expressly cede to supervening federal restrictions, the Supremacy Clause of the U.S. Constitution would automatically apply the federal restrictions against otherwise conflicting state-law rights. *See* U.S. Const. art. VI, para. 2. But AM2308's express language stating the same effectively incorporates by reference *into the meaning of the state statute itself* any conflicting-and thus limiting-restrictions of federal law.

Very truly yours,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Dave Bydalek  
Chief Deputy Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

07-1021-29

#### **MOTION(S) - Confirmation Report(s)**

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 983:

State Emergency Response Commission  
Keith Deiml  
Polly Jordening

Voting in the affirmative, 27:

Baker	Davis	Hilkemann	Kuehn	Smith
Bloomfield	Ebke	Howard	Lindstrom	Stinner
Bolz	Fox	Hughes	Murante	Watermeier
Brasch	Garrett	Johnson	Riepe	
Chambers	Gloor	Kolowski	Schumacher	
Crawford	Groene	Kolterman	Seiler	

Voting in the negative, 0.

Present and not voting, 9:

Coash	Haar, K.	Kintner	Scheer	Williams
Cook	Hadley	Morfeld	Schnoor	

Excused and not voting, 13:

Campbell	Hansen	Larson	Mello	Sullivan
Craighead	Harr, B.	McCollister	Pansing Brooks	
Friesen	Krist	McCoy	Schilz	

The appointments were confirmed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 983:

State Personnel Board  
Brian Tessman

Voting in the affirmative, 29:

Baker	Davis	Hadley	Kolterman	Schilz
Bloomfield	Ebke	Hilkemann	Kuehn	Seiler
Bolz	Fox	Howard	Lindstrom	Smith
Brasch	Garrett	Johnson	Murante	Stinner
Cook	Gloor	Kintner	Riepe	Watermeier
Crawford	Groene	Kolowski	Scheer	

Voting in the negative, 0.

Present and not voting, 9:

Chambers	Haar, K.	Morfeld	Schnoor	Williams
Coash	Hughes	Pansing Brooks	Schumacher	

Excused and not voting, 11:

Campbell	Hansen	Larson	Mello
Craighead	Harr, B.	McCollister	Sullivan
Friesen	Krist	McCoy	

The appointment was confirmed with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 983:

Chief Information Officer  
Edward A. Toner

Voting in the affirmative, 27:

Baker	Davis	Hadley	Lindstrom	Seiler
Bloomfield	Ebke	Hilkemann	Murante	Smith
Bolz	Fox	Howard	Pansing Brooks	Watermeier
Brasch	Garrett	Kintner	Scheer	
Cook	Gloor	Kolterman	Schnoor	
Crawford	Groene	Kuehn	Schumacher	

Voting in the negative, 0.

Present and not voting, 12:

Chambers	Hughes	McCoy	Schilz
Coash	Johnson	Morfeld	Stinner
Haar, K.	Kolowski	Riepe	Williams

Excused and not voting, 10:

Campbell	Friesen	Harr, B.	Larson	Mello
Craighead	Hansen	Krist	McCollister	Sullivan

The appointment was confirmed with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 983:

Nebraska Accountability and Disclosure Commission  
Jeffery T. Peetz

Voting in the affirmative, 30:

Baker	Crawford	Groene	Lindstrom	Schilz
Bloomfield	Davis	Hadley	McCoy	Schnoor
Bolz	Ebke	Hilkemann	Murante	Schumacher
Brasch	Fox	Howard	Pansing Brooks	Seiler
Cook	Garrett	Kolterman	Riepe	Stinner
Craighead	Gloor	Kuehn	Scheer	Watermeier

Voting in the negative, 0.

Present and not voting, 10:

Chambers	Haar, K.	Johnson	Kolowski	Smith
Coash	Hughes	Kintner	Morfeld	Williams

Excused and not voting, 9:

Campbell	Hansen	Krist	McCollister	Sullivan
Friesen	Harr, B.	Larson	Mello	

The appointment was confirmed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 722A.** Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 900.** The Morfeld amendment, AM2343, found on page 933 and considered on pages 1001, 1002, 1004, and 1012, to the committee amendment, was renewed.

#### **SPEAKER HADLEY PRESIDING**

Senator Bloomfield offered the following motion:

MO209

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Bloomfield moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Bloomfield requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 30:



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

Voting in the negative, 17:

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

Excused and not voting, 2:

Campbell      Pansing Brooks

The Bloomfield motion to invoke cloture failed with 30 ayes, 17 nays, and 2 excused and not voting.

The Chair declared the call raised.

**SELECT FILE**

**LEGISLATIVE BILL 803.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1033.** ER183, found on page 956, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 83.** ER176, found on page 805, was adopted.

Senator Kintner requested a machine vote on the advancement of the bill.

Senator Cook moved for a call of the house. The motion prevailed with 39 ayes, 1 nay, and 9 not voting.

Senator Kintner requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Baker	Crawford	Hansen	Krist	Pansing Brooks
Bolz	Davis	Harr, B.	Larson	Seiler
Chambers	Gloor	Howard	McCollister	Stinner
Cook	Haar, K.	Kolowski	Mello	Sullivan
Craighead	Hadley	Kolterman	Morfeld	Williams

Voting in the negative, 13:

Bloomfield	Friesen	Johnson	McCoy	Schumacher
Brasch	Groene	Kintner	Riepe	
Fox	Hughes	Kuehn	Schnoor	

Present and not voting, 10:

Coash	Garrett	Lindstrom	Scheer	Smith
Ebke	Hilkemann	Murante	Schilz	Watermeier

Excused and not voting, 1:

Campbell

Advanced to Enrollment and Review for Engrossment with 25 ayes, 13 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1009.** ER179, found on page 953, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 934.** ER178, found on page 953, was adopted.

Senator Coash offered his amendment, AM2544, found on page 989.

The Coash amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 934A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 817.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1109.** Senator Chambers withdrew his amendment, FA93, found on page 899.

Senator Chambers offered the following motion:

MO210

Bracket until April 20, 2016.

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

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

Voting in the affirmative, 3:

Cook            Davis            McCoy

Voting in the negative, 32:

Baker	Garrett	Johnson	Mello	Smith
Bloomfield	Gloor	Kintner	Murante	Stinner
Bolz	Haar, K.	Kolterman	Riepe	Watermeier
Coash	Hadley	Kuehn	Scheer	Williams
Craighead	Hansen	Larson	Schnoor	
Fox	Hilkemann	Lindstrom	Schumacher	
Friesen	Hughes	McCollister	Seiler	

Present and not voting, 7:

Brasch	Crawford	Howard	Schilz
Chambers	Ebke	Krist	

Excused and not voting, 7:

Campbell	Harr, B.	Morfeld	Sullivan
Groene	Kolowski	Pansing Brooks	

The Chambers motion to bracket failed with 3 ayes, 32 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

#### **COMMITTEE REPORT(S)** Enrollment and Review

**LEGISLATIVE BILL 843.** Placed on Select File with amendment.  
ER195

1 1. On page 1, strike beginning with "sections" in line 1 through  
2 line 5 and insert "section 81-2010.03, Reissue Revised Statutes of  
3 Nebraska, section 28-801, Revised Statutes Cumulative Supplement, 2014,  
4 and sections 81-1415, 81-1416, and 81-1423, Revised Statutes Supplement,  
5 2015; to provide immunity from prosecution for prostitution; to transfer,  
6 change, and eliminate provisions relating to payment for sexual assault  
7 forensic medical examinations; to create a fund and a program; to provide  
8 for an administrator; to harmonize provisions; to provide operative  
9 dates; to repeal the original sections; and to outright repeal sections  
10 13-607 and 13-608, Reissue Revised Statutes of Nebraska."

**LEGISLATIVE BILL 1081.** Placed on Select File with amendment.

ER194

1 1. On page 7, line 16, after "to" insert "section".

(Signed) Matt Hansen, Chairperson

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1098A.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1098, One Hundred Fourth Legislature, Second Session, 2016.

**LEGISLATIVE BILL 1105A.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1105, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

### **AMENDMENT(S) - Print in Journal**

Senator Gloor filed the following amendment to LB958:

AM2617

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

2 sections:

3 Section 1. Section 13-520, Revised Statutes Supplement, 2015, is

4 amended to read:

5 13-520 The limitations in section 13-519 shall not apply to (1)

6 restricted funds budgeted for capital improvements, (2) restricted funds

7 expended from a qualified sinking fund for acquisition or replacement of

8 tangible personal property with a useful life of five years or more, (3)

9 restricted funds pledged to retire bonded indebtedness, used by a public

10 airport to retire interest-free loans from the Department of Aeronautics

11 in lieu of bonded indebtedness at a lower cost to the public airport, or

12 used to pay other financial instruments that are approved and agreed to

13 before July 1, 1999, in the same manner as bonds by a governing body

14 created under section 35-501, (4) restricted funds budgeted in support of

15 a service which is the subject of an agreement or a modification of an

16 existing agreement whether operated by one of the parties to the

17 agreement or by an independent joint entity or joint public agency, (5)

18 restricted funds budgeted to pay for repairs to infrastructure damaged by

19 a natural disaster which is declared a disaster emergency pursuant to the

20 Emergency Management Act, (6) restricted funds budgeted to pay for

21 judgments, except judgments or orders from the Commission of Industrial

22 Relations, obtained against a governmental unit which require or obligate

23 a governmental unit to pay such judgment, to the extent such judgment is

24 not paid by liability insurance coverage of a governmental unit or a pool  
 25 of funds maintained by the governmental unit to self-insure against such  
 26 liabilities, or (7) the dollar amount by which restricted funds budgeted  
 27 by a natural resources district to administer and implement ground water  
 1 management activities and integrated management activities under the  
 2 Nebraska Ground Water Management and Protection Act exceed its restricted  
 3 funds budgeted to administer and implement ground water management  
 4 activities and integrated management activities for FY2003-04.

5 Sec. 2. Section 13-521, Reissue Revised Statutes of Nebraska, is  
 6 amended to read:

7 13-521 (1) A governmental unit may choose not to increase its total  
 8 of restricted funds by the full amount allowed by law in a particular  
 9 year. In such cases, the governmental unit may carry forward to future  
 10 budget years the amount of unused restricted funds authority as limited  
 11 by subsection (2) of this section. The governmental unit shall calculate  
 12 its unused restricted funds authority and submit an accounting of such  
 13 amount with the budget documents for that year. Such unused restricted  
 14 funds authority may then be used in later years for increases in the  
 15 total of restricted funds allowed by law. ~~Any unused budget authority~~  
 16 ~~existing on April 8, 1998, by reason of any prior law may be used for~~  
 17 ~~increases in restricted funds authority.~~

18 (2) For any budget adopted by a community college for a fiscal year  
 19 beginning on or after July 1, 2016, the governing body may use such  
 20 unused restricted funds authority in an amount that does not exceed three  
 21 percent of the budget of restricted funds minus the exclusions in section  
 22 13-520 for the immediately prior fiscal year.

23 Sec. 3. Section 77-4212, Revised Statutes Cumulative Supplement,  
 24 2014, is amended to read:

25 77-4212 (1) For tax year 2007, the amount of relief granted under  
 26 the Property Tax Credit Act shall be one hundred five million dollars.  
 27 For tax year 2008, the amount of relief granted under the act shall be  
 28 one hundred fifteen million dollars. It is the intent of the Legislature  
 29 to fund the Property Tax Credit Act for tax years after tax year 2008  
 30 using available revenue. For tax year 2016 and each tax year thereafter,  
 31 it is the intent of the Legislature to sufficiently fund the Property Tax  
 1 Credit Act so as to increase the total amount of credits for agricultural  
 2 land and horticultural land above the 2015 credit level and to maintain  
 3 the total amount of credits for all other real property at the 2015  
 4 credit level. The relief shall be in the form of a property tax credit  
 5 which appears on the property tax statement.

6 (2) To determine the amount of the property tax credit, the county  
 7 treasurer shall multiply the amount disbursed to the county under  
 8 subsection (4) of this section by the ratio of the credit allocation real  
 9 property valuation of the parcel to the total credit allocation real  
 10 property valuation in the county. The amount determined shall be the  
 11 property tax credit for the property.

12 (3) If the real property owner qualifies for a homestead exemption  
 13 under sections 77-3501 to 77-3529, the owner shall also be qualified for  
 14 the relief provided in the act to the extent of any remaining liability

15 after calculation of the relief provided by the homestead exemption. If  
 16 the credit results in a property tax liability on the homestead that is  
 17 less than zero, the amount of the credit which cannot be used by the  
 18 taxpayer shall be returned to the State Treasurer by July 1 of the year  
 19 the amount disbursed to the county was disbursed. The State Treasurer  
 20 shall immediately credit any funds returned under this section to the  
 21 Property Tax Credit Cash Fund.

22 (4) The amount disbursed to each county shall be equal to the amount  
 23 available for disbursement ~~determined under subsection (1) of this~~  
 24 ~~section~~ multiplied by the ratio of the credit allocation real property  
 25 valuation in the county to the credit allocation real property  
 26 valuation in the state. By September 15, the Property Tax Administrator shall  
 27 determine the amount to be disbursed under this subsection to each county  
 28 and certify such amounts to the State Treasurer and to each county. The  
 29 disbursements to the counties shall occur in two equal payments, the  
 30 first on or before January 31 and the second on or before April 1. After  
 31 retaining one percent of the receipts for costs, the county treasurer  
 1 shall allocate the remaining receipts to each taxing unit based on its  
 2 share of the credits granted to all taxpayers in the taxing unit levying  
 3 taxes on taxable property in the tax district in which the real property  
 4 is located in the same proportion that the levy of such taxing unit bears  
 5 to the total levy on taxable property of all the taxing units in the tax  
 6 district in which the real property is located.

7 (5) For purposes of this section, credit allocation valuation means  
 8 the taxable value for all real property except agricultural land and  
 9 horticultural land, one hundred thirty-three percent of taxable value for  
 10 agricultural land and horticultural land that is not subject to special  
 11 valuation, and one hundred thirty-three percent of taxable value for  
 12 agricultural land and horticultural land that is subject to special  
 13 valuation.

14 (6 5) The State Treasurer shall transfer from the General Fund to  
 15 the Property Tax Credit Cash Fund one hundred five million dollars by  
 16 August 1, 2007, and one hundred fifteen million dollars by August 1,  
 17 2008.

18 (7 6) The Legislature shall have the power to transfer funds from  
 19 the Property Tax Credit Cash Fund to the General Fund.

20 Sec. 4. Original section 13-521, Reissue Revised Statutes of  
 21 Nebraska, section 77-4212, Revised Statutes Cumulative Supplement, 2014,  
 22 and section 13-520, Revised Statutes Supplement, 2015, are repealed.

23 Sec. 5. Since an emergency exists, this act takes effect when passed  
 24 and approved according to law.

Senator B. Harr filed the following amendment to LB465:  
 AM2628

(Amendments to Standing Committee amendments, AM802)

1 1. On page 1, line 7, strike "2016" and insert "2017".

Senator Johnson filed the following amendment to LR378CA:  
AM2562

(Amendments to Standing Committee amendments, AM2251)

1 1. Strike amendment 1 and insert the following new amendment:

2 1. On page 1, strike lines 7 through 18 and insert:

3 XV-26 (1) The citizens and lawful residents of Nebraska shall have

4 the right to engage in farming and ranching practices in Nebraska,

5 including the right to employ agricultural technologies and animal

6 husbandry and livestock production practices.

7 (2) This section shall not be construed to modify any provision of

8 law relating to trespass, eminent domain, dominance of mineral interests,

9 easements, rights of way, or any other property right. This section shall

10 not be construed to modify, limit, or preclude legislation, regulation,

11 or administration of laws, rules, and regulations by the appropriate

12 state or local authorities for water quality or quantity purposes, for

13 resource conservation and management, for implementation or maintenance

14 of federally delegated environmental protection programs, for air or land

15 pollution controls, or for land use regulation.

### NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Thursday, March 24, 2016 2:00 p.m.

AM2617 to LB958

(Signed) Mike Gloor, Chairperson

### ATTORNEY GENERAL'S OPINION

#### Opinion 16-007

SUBJECT:           Constitutionality of LB 717 – Use of 2015 Assessed  
Values of Real Property for the 2016 Tax Year,  
Amendment of the Definition of "Actual Value", and  
the Establishment of Statutory Criteria for the Measure  
of Central Tendency Used to Determine Acceptable  
Levels of Assessment for Real Property.

REQUESTED BY:   Senator Mike Groene  
Nebraska Legislature

WRITTEN BY:      Douglas J. Peterson, Attorney General  
L. Jay Bartel, Assistant Attorney General

## INTRODUCTION

LB 717 contains several provisions relating to property taxation. Section 1 of the bill amends the definition of "actual value" of real property for tax purposes by eliminating specific reference to this term meaning the "market value of real property in the ordinary course of trade." LB 717, § 1. Section 2, as amended by AM1842, would provide that, for the real property "assessment occurring as of January 1, 2016, the assessed value shall be based on the physical characteristics of the property, to include land use, as of January 1, 2016, and reflect the value the property had, or would have had, on January 1, 2015." LB 717, § 2. Section 3 amends Neb. Rev. Stat. § 77-1327 (Cum. Supp. 2014), the statute providing for the development of a sales file by the Property Tax Administrator ["PTA"] and development of assessment ratio studies by the PTA based on the sales file by removing reference to those studies being used to analyze the level "of value" for purposes of §§ 77-5017 and 79-1016, leaving their use only to analyze the "level and quality of assessment" for those purposes. LB 717, § 3. Section 4 of LB 717 amends Neb. Rev. Stat. § 77-5023, the statute providing for adjustments by the Tax Equalization and Review Commission ["TERC"] increasing or decreasing the value of a class or subclass of property so all property falls within the acceptable range for statewide equalization purposes. Specifically, § 4 proposes to amend § 77-5023(2), under which "[a]n acceptable range is the percentage of variation from a standard of valuation as measured by an established indicator of central tendency." This subsection would be amended by adding that "[t]he measure of central tendency shall be determined using sales under subsection (2) of section 77-1327 occurring five years preceding the assessment date, excluding the sales which constitute the lowest twenty percent of assessment ratios, for all classes or subclasses of real property." LB 717, § 4. The language establishing the acceptable ranges of value for agricultural and horticultural land, land receiving special valuation, or all other real property, would be altered to refer to ranges for the "level of assessment", eliminating current language referring to the percentage "of actual value" or "special valuation". *Id.* Subsections (3) through (5) of § 77-5023 would be amended to eliminate references to increases or decreases to the "level of value" to the midpoint of an acceptable range, replacing the term "value" with "assessment." *Id.* Sections 5 and 6, which amend § 77-5026 concerning TERC's notice of proposed adjustments and § 77-5027 relating to annual reports prepared by the PTA and provided to the TERC, similarly replace references to the level of "value" with the term "level of assessment". LB 717, §§ 5, 6.

In your request letter, you state that "LB 717 puts in statute that all classes of property would be assessed uniformly over a five year history of comparable sales allowing for a larger statistically accurate sample size, replacing the present method, found in Department of Revenue rules, based on a three year history for agricultural and commercial properties and two years for residential sales." You further state that "the bill trims the 20% sales with the lowest valuation to sale price ratio (present assessment over sale price) to proportionally reflect the definition of value as 'assessment' as



defined in LB 717." You state "[t]his trim also balances the currently ongoing trimming of high valuation to sales price ratio, occurring when county assessors trim certain transactions not considered at arm's length such as between family members or neighbors." Noting the requirement of uniform and proportionate taxation of real property in Neb. Const. art. VIII, §1(1), and the authorization for the Legislature to "prescribe standards and methods for the determination of the value of real property at uniform and proportionate values" in Neb. Const. art. VIII, § 1(6), you assert that "LB 717 redefines in statute the legislative definition of value by striking 'market value' which at present cannot accurately be determined by the present system...", and that "LB 717 gives an accurate definition of value as a product of an assessment." You ask for our opinion as to whether LB 717 complies with the requirement of uniform and proportionate taxation of property in art. VIII, § 1.

## ANALYSIS

### I. Constitutional and Statutory Provisions.

Neb. Const. art. VIII, § 1(1) provides: "Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchise as defined by the Legislature except as otherwise provided in or permitted by this Constitution;...."<sup>1</sup> Subsection (4) of art. VIII, § 1, provides:

[T]he Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land;.... Neb. Const. art. VIII, § 1(4).<sup>2</sup>

In addition, "the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values." Neb. Const. art. VIII, § 1(6).

Neb. Rev. Stat. § 77-201(1) (2009) provides that, except for agricultural land and horticultural land, agricultural land and horticultural land subject to special valuation, and historically significant real property, "all real property in this state, not expressly exempt therefrom, shall be subject to taxation and shall be valued at its actual value." Agricultural land and horticultural land, as well as agricultural land and horticultural land qualifying for special valuation, is "subject to taxation, and shall be valued at seventy-five percent" of its actual or special value. Neb. Rev. Stat. § 77-202(2) and (3) (2009). "Actual value" is defined in Neb. Rev. Stat. § 77-112 (2009), which provides:

Actual value of real property for purposes of taxation means the market value of real property in the ordinary course of trade. Actual value may be determined using professionally accepted mass appraisal methods, including, but not limited to, the (1) sales comparison approach using the guidelines in section 77-1371, (2) income approach, and (3) cost approach. Actual value is the most probable price expressed in terms of money that a property will bring if exposed for sale in the open market, or in an arm's length transaction, between a willing buyer and willing seller, both of whom are knowledgeable concerning all the uses to which the real property is adapted and for which the real property is capable of being used. In analyzing the uses and restrictions applicable to real property, the analysis shall include a consideration of the full description of the physical characteristics of the real property and an identification of the property rights being valued.

With respect to assessment of real property taxes, Neb. Rev. Stat. § 77-1301(1) (Cum. Supp. 2014) provides: "All real property in this state subject to taxation shall be assessed as of January 1 at 12:01 a.m., which assessment shall be used as a basis of taxation until the next assessment."

## **II. Nebraska Case Law Discussing the Constitutional Requirement of Uniform and Proportionate Taxation.**

"The object of the uniformity clause is accomplished 'if all of the property within the taxing jurisdiction is assessed and taxed at a uniform standard of value.'" *Constructors, Inc. v. Cass County Bd. of Equal.*, 258 Neb. 866, 873, 606 N.W.2d 786, 792 (2000) (quoting *County of Gage v. State Bd. of Equal.*, 185 Neb. 749, 755, 178 N.W.2d 759, 764 (1970)). "The Legislature may prescribe standards and methods for the determination of the value of real...property at uniform and proportionate values." *Carpenter v. State Bd. of Equal.*, 178 Neb. 611, 615, 134 N.W.2d 272, 276 (1965) ["*Carpenter*"]. "The uniform method for valuing property which the Legislature has provided is to tax property at its 'actual value.'" *Xerox Corp. v. Karnes*, 217 Neb. 728, 732, 350 N.W.2d 566, 569 (1984) (citing Neb. Rev. Stat. §§ 77-201 and 77-112)). "There is no longer a constitutional requirement for the value of agricultural and horticultural land to be uniform and proportionate with the value of other real property." *Krings v. Garfield Cty. Bd. of Equal.*, 286 Neb. 352, 362, 835 N.W.2d 750, 757 (2013). The constitution, however, "still requires uniformity within" the class of agricultural and horticultural land. *Id.* at 361, 835 N.W.2d at 756.

"While absolute uniformity of approach may not be possible, there must be a reasonable attempt at uniformity." *County of Sarpy v. State Bd. of Equal.*, 185 Neb. 760, 765, 178 N.W.2d 765, 769 (1970). "[I]n dealing with the intangible concepts of valuation and uniformity", a "mathematically precise result" can never be reached. *Carpenter*, 178 Neb. at 619, 134 N.W.2d at 278. "Approximation, both as to value and uniformity, is all that can be accomplished." *Id.* "[S]ubstantial compliance with the requirements of equality and uniformity in taxation laid down by the federal and State

Constitutions is all that is required and...*such provisions are satisfied when designed and manifest departures from the rule are avoided.*" *Id.* (emphasis in original).

### III. Potential Uniformity Clause Violations Created by LB 717.

In analyzing whether LB 717 contains provisions which may violate the uniformity clause, three principal areas of concern arise. The first is the "freezing" of 2016 assessed values at the level of assessed value for 2015. The second is the apparent attempt to redefine "actual value" to mean something different than "market value". The third is establishment of statutory criteria for determining if classes of property fall within the acceptable range of value by requiring use of a measure of central tendency based on five years of sales data with exclusion of the lowest twenty percent of assessment ratios.

#### A. "Freeze" of 2016 Assessed Values at the 2015 Level.

Section 2, as amended by AM1842, would provide that, for the real property "assessment occurring as of January 1, 2016, the assessed value shall be based on the physical characteristics of the property, to include land use, as of January 1, 2016, and reflect the value the property had, or would have had, on January 1, 2015." LB 717, § 2. The bill originally proposed using the assessed value of real property on January 1, 2015, as the assessed value for January 1, 2016. AM1842, by providing that assessed value as of January 1, 2016, is to be based on the physical characteristics of the property, including land use, as of that date, while reflecting the value the property had or would have had on January 1, 2015, is intended to address the issue of non-uniform valuation created by the original subsection 2, which precluded the ability to change assessed values based on changes occurring to property subsequent to January 1, 2015, such as the addition of improvements.

Another uniformity issue, however, remains. If assessed values for 2016 are held to the assessed values used for 2015, no increase or decrease can be made which would reflect any changes in the actual value of real property during 2015 (other than those resulting from physical changes). Property within the same class or subclass may increase or decrease in value during the year, to varying degrees. Other property in the same class may remain at relatively the same value. By holding values, similar property in the same class may end up being under-valued or over-valued relative to other property. While the limited one-year period may reduce this effect, a lack of uniform and proportionate treatment of similar properties in the same class may result from holding values for 2016 at the 2015 level. Limiting the period to a single year may not be facially unconstitutional, but could, as applied, lead to non-uniform taxation as to particular classes or subclasses of property. *See Clifton v. Allegheny County*, 600 Pa. 662, 969 A.2d 1197 (Pa. Sup. Ct. 2009) (Statutes permitting indefinite use of a base year method of valuation for property tax purposes did not facially violate Uniformity

Clause of the State Constitution, but statutes violated Uniformity Clause as applied in county).

*B. Amendment to the Definition of "Actual Value".*

In addition, it appears the bill, by striking the language "market value of real property in the ordinary course of trade" from the definition of "actual value" in § 77-112, somehow intends to remove consideration of "market value" as the standard of value for real property assessment. Even with this language stricken from § 77-112, the definition of "actual value" retains "market value" as the standard. The definition continues to define actual value as the "value determined using professional accepted mass appraisal methods, including, but not limited to, the (1) sales comparison approach using the guidelines in section 77-1371, (2) income approach, and (3) cost approach." LB 717, § 2. Further, it retains the language in § 77-112 providing that "[a]ctual value is the most probable price expressed in terms of money that a property will bring if exposed for sale in the open market, or in an arm's length transaction, between a willing buyer and willing seller, both of whom are knowledgeable concerning all the uses to which the real property is adapted and for which the real property is capable of being used." *Id.* This language is the quintessential definition of "market" or "fair market" value. *See, e.g., Tech One Associates v. Board of Property Assessment, Appeals and Review*, 617 Pa. 439, 465, 53 A.2d 685, 700 (Pa. 2012) ("Market value is 'a price which a purchaser, willing but not obliged to buy, would pay an owner willing, but not obligated to sell, taking into consideration all use[s] to which the property is adapted and might in reason be applied.'" (*quoting Deitch Co. v. Board of Property Assessment, Appeals and Review*, 417 Pa. 213, 217-18, 209 A.2d 397, 400 (1965))); *Cascade Court Ltd. Partnership v. Noble*, 105 Wash. App. 563, 567, 20 P.3d 997, 1000 (Wash. Ct. App. 2001) ("Market value means the amount of money which a purchaser willing, but not obliged, to buy would pay an owner willing, but not obligated, to sell, taking into consideration all uses to which the property is adapted and might in reason be applied.'" (*quoting Mason Cty. Overtaxed, Inc. v. Mason Cty.*, 62 Wash.2d 677, 683-84, 384 P.2d 352 (Wash. 1963))).

The Nebraska Supreme Court has consistently recognized that "[f]or purposes of taxation, the terms actual value, market value, and fair market value mean the same thing." *Richards v. Thayer Cty. Bd. of Equal.*, 178 Neb. 537, 540, 134 N.W.2d 56, 58 (1965). *Accord Xerox Corp. v. Karnes*, 217 Neb. 728, 732-33, 350 N.W.2d 566, 569 (1984); *Gage Cty. v. State Bd. of Equal.*, 185 Neb. 749, 751, 178 N.W.2d 759, 762 (1970). This is consistent with the generally recognized rule that "[t]rue or actual value of property has been defined as its market value." 84 C.J.S. *Taxation* § 571 (2015). An earlier version of § 77-112 defining "actual value" listed "market value in the ordinary course of trade" as an element of a "formula" for determining actual value, which Justice McCown noted was "not an element but essentially the same as the 'actual value' which is to be determined." *Carpenter*, 178 Neb. at 631, 134 N.W.2d at 284 (McCown, J., dissenting).

Accordingly, in our view, LB 717 does not change the standard of value in § 77-112, and the standard still equates to "market value". The Constitution does permit the Legislature to "prescribe standards and methods for the determination of the value of real property at uniform and proportionate values." Neb. Const. art. VIII, § 1(6). This language authorizes the establishment of standards and methods to determine value, which historically has been interpreted to be actual value, which means the same as market value or fair market value. The Legislature may certainly adopt methods to achieve that standard, and has done so in § 77-112. The statement of intent for LB 717 indicates the bill "would strike confusing language defining valuation as Market value and thus allow the legislature to define valuations over a period of time instead of a single date in time." Committee Records on LB 717, 104<sup>th</sup> Leg., 2<sup>nd</sup> Sess., Introducer's Statement of Intent 2 (Feb. 4, 2016). Enforcement of the uniform and proportionate requirement depends on adherence to an ascertainable standard of value. Historically, actual value has been understood to be the equivalent of market value or fair market value, and has served as the standard to judge compliance with the uniformity clause. To the extent § 2 of LB 717 represents an attempt to undo that understanding, we question if it can be squared with the constitutional mandate that real property be taxed "by valuation uniformly and proportionately."<sup>3</sup>

*C. Requiring Use of Five Years of Sales Data and Exclusion of the Twenty Percent of Sales With the Lowest Assessment Ratio in Calculating the Measure of Central Tendency Used to Determine Whether Values Fall Within the Acceptable Range.*

Section 4 of LB 717 amends § 77-5023, the statute providing for adjustments by the TERC increasing or decreasing the value of a class or subclass of property so all property falls within the acceptable range for statewide equalization purposes. Section 4 proposes to amend § 77-5023(2), under which "[a]n acceptable range is the percentage of variation from a standard of valuation as measured by an established indicator of central tendency." This subsection would be amended by adding that "[t]he measure of central tendency shall be determined using sales under subsection (2) of section 77-1327 occurring five years preceding the assessment date, excluding the sales which constitute the lowest twenty percent of assessment ratios, for all classes or subclasses of real property." LB 717, § 4.

As noted in your request letter, the Department of Revenue ["Department"] has adopted regulations regarding calculation of "the measures of central tendency and other statistical indicators of the quality of assessment, such as the coefficient of dispersion and price related differential, of all or a class or subclass of property." 350 N.A.C. § 12.003.07. The regulations establish a study period of two years for residential property, and three years for commercial property and agricultural and horticultural land. 350 N.A.C. § 12.003.07A(1)-(3). A longer or shorter study period may be used when the data developed for

these periods does not "accurately reflect the value for a county and where the change in the length of the study period will enhance the Department's ability to determine a county's level of value." 350 N.A.C. § 12.003.07A(4). "To the extent possible, sales outside the established time period will be adjusted to the mid-point of the established time period." 350 N.A.C. § 12.003.08.

The Department's regulations are consistent with recognized standards for ratio studies. The standards generally recognize that the period from which sales are drawn "should be as short as possible, no more than one year." International Association of Assessing Officers, Standard on Ratio Studies at 10 ¶ 4.4 (April 2013) ["IAAO Standard"]. The IAAO Standard recognizes, however, that "[a] longer period may be required to produce a representative sample...." *Id.* "To develop an adequate sample size, the sales used in a ratio can span a period of as long as five years provided there have been no significant economic shifts or changes to property characteristics and sales prices have been adjusted for time as necessary." *Id.* The two and three year periods adopted in the Department's regulations are consistent with the IAAO Standard, and are no doubt based on a determination that these time periods are appropriate to provide a representative sample of sales for the various property classes throughout the state.

The IAAO Standard also address the "trimming" of "outlier ratios." IAAO Standard at 12 ¶ 5.2. "Outlier ratios are very low or very high ratios as compared with other ratios in the sample." *Id.* If outlier ratios are identified, they should be removed or "trimmed" in developing the sample. IAAO Standard Appendix B. Outlier Trimming Guidelines at 53 ¶ B.3. "However, trimming of outliers using arbitrary limits, for example, eliminating all ratios less than 50 percent or greater than 150 percent, tends to distort results and should not be employed." *Id.*

The use of five years of sales data under § 4 of LB 717 may be questionable, as it is not apparent that use of data for this length of time is necessary to provide a representative sample of sales. The IAAO Standard, however, indicates a five year sales period can be appropriate, which may depend on the type or class of property to which it is applied. The Department's regulations currently permit deviation from the two and three year sales data periods when necessary to accurately determine the level of value. If five years of sales data is used, however, the IAAO Standard provides time adjustments of the sales data may be necessary.

While the five year sales period alone may not be unreasonable, requiring that the lowest twenty percent of ratios be excluded is more problematic. The IAAO Standard provides that "outlier" ratios should be trimmed, but the lowest ratios are not necessarily "outliers".<sup>4</sup> There appears to be no sound basis to automatically remove the lowest twenty percent of ratios.

It thus appears that the use of five years of sales, when combined with elimination of the lowest twenty percent of ratios, will create a lack of uniformity among property in the various classes in relation to market value. The values of residential, commercial, and agricultural property will necessarily increase or decrease at different rates, and ultimately the use of the extended period of sales and removal of low ratio sales will create disparities in the valuation and assessment of property in the same class relative to market value.

This disparity can be illustrated using the data provided by the Department attached to your opinion request. For example, the data related to dryland shows a 2016 projected change increasing the statewide average by 4.12 percent to bring the average to 75 percent, the level of value for the agricultural land class. Utilizing the 2016 five year sales data and twenty percent trim for 2016, however, results in a 25.42 percent decrease in the statewide average. This would effectively reduce the statewide average level of value for this subclass to approximately 54 percent. The data related to grassland shows a 2016 projected change increasing the statewide average by 18.43 percent to bring the average to 75 percent. Utilizing the 2016 five year sales data and twenty percent trim, however, results in a 31.61 percent decrease in the statewide average, effectively reducing the statewide average level of value for this subclass to approximately 42 percent. The resulting disparity in average values between these subclasses of agricultural land indicates a lack of uniformity relative to actual or market value between these subclasses, when all agricultural land must be valued uniformly and proportionately.

"Real property taxes may not be equalized by merely classifying property and then arbitrarily applying a given value to all properties of that classification." *Warner v. Bd. of Equal.*, 214 Neb. 730, 733, 335 N.W.2d 556, 577-58 (1983). "The mere fact that a formula is devised, by which property is nonuniformly and disproportionately assessed, does not satisfy the constitutional requirements." *Id.*, 335 N.W.2d at 558. *See also Carpenter*, 178 Neb. at 632, 134 N.W.2d at 284 ("[T]he Legislature cannot set an arbitrary formula or standard which does not reasonably reflect 'actual value' or 'fair market value.'" (McCown, J., dissenting). The formula prescribed in LB 717 would appear to arbitrarily value property and would likely result in nonuniform and disproportionate taxation of property in the same class, in violation of art. VIII, § 1.

### CONCLUSION

We conclude that the "freeze" of 2016 assessed values of real property at 2015 levels may result in a lack of uniformity among property in the same class in violation of Neb. Const. art. VIII, § 1. Further, the bill does not alter the definition of "actual value" in § 77-112 as "market value", and we question whether, if that is the intent, an ascertainable standard or method of value is established consistent with Neb. Const. art. VIII, § 1(6), given the historic understanding that "actual value" and "market value" are

synonymous. Finally, establishment of a five year sales period, when combined with exclusion of the lowest twenty percent of ratios for purposes of determining the measure of central tendency under § 77-5023(2), would appear to result in property within the same class being assessed at values that are not uniform and proportionate relative to their market value. Accordingly, it is our opinion that these provisions of LB 717 are likely unconstitutional.

<sup>1</sup> Prior to 1992, art. VIII, § 1, required uniform taxation of "all tangible property and franchises." A constitutional amendment approved by the voters in 1992 replaced this requirement with the current language requiring taxes to be "levied by valuation uniformly and proportionately upon all real property and franchise...." Neb. Const. art. VIII, § 1 (1), *as amended by* 1992 Neb. Laws, LR 219 CA, § 1.

<sup>2</sup> The Legislature also is authorized to "enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses." Neb. Const. art. VIII, § 1(5). Pursuant to this so-called "Greenbelt amendment", the Legislature has exercised this power by providing for the special valuation of certain lands used for agricultural or horticultural purposes. Neb. Rev. Stat. §§ 77-1344 to 77-1347.01 (2009 and Cum. Supp. 2014).

<sup>3</sup> That is not to suggest that the Legislature may not establish a particular method to value a class of property other than market value which may be appropriate for that classification. For example, we have concluded the Legislature could provide that the value of agricultural land and horticultural land be determined on the basis of its earning capacity rather than as a percentage of market value. Op. Att'y Gen. No. 01013 (April 5, 2001). Our conclusion was based on the separate classification of agricultural land and horticultural land authorized under Neb. Const. art. VIII, § 1(4), and the rational basis to employ an earning capacity method of value for the taxation of agricultural land and horticultural land, provided it resulted in uniform and proportionate valuation within the class of agricultural land and horticultural land. LB 717, however, proposes no such alternative valuation for the class of agricultural land and horticultural land.

<sup>4</sup> Section 77-1327, which provides for development of the sales file by the PTA, provides a county assessor's determination regarding the qualification of a sales will not be overturned unless, after Department review, it is determined by county assessor's decision is incorrect. Neb. Rev. Stat. § 77-1327(2) (Cum. Supp. 2014). The Department has adopted regulations regarding the inclusion of sales in the sales file, including review of a county assessor's determination "whether the sale is qualified or non-qualified for inclusion in the sales file as an arm's length transaction." 350



N.A.C. § 12.003.03C. Sales that are not based on arms-length transactions are to be excluded from the sales file.

Very truly yours,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) L. Jay Bartel  
Assistant Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

07-1010-29

### **VISITOR(S)**

Visitors to the Chamber were Senator Groene's wife, Barb, and Donna Tryon from North Platte; Senator Hadley's wife, Marilyn, from Kearney, Radim Krupala and Jaroslav Magnovsky from Opava, Czech Republic, and Jerry Fox from Kearney; 25 eighth-grade students from Logan Fontenelle School, Bellevue; 43 fourth-grade students and teachers from Avery Elementary, Bellevue; 19 twelfth-grade students and teacher from Southwest High School, Bartley; members of the Delta Kappa Gamma Society International Key Women Educators organization from across the state; 85 fourth-grade students from Gretna Elementary; and Joni Albrecht from Thurston.

### **EASE**

The Legislature was at ease from 12:13 p.m. until 12:35 p.m.

### **SENATOR SCHEER PRESIDING**

#### **SELECT FILE**

**LEGISLATIVE BILL 1109.** Senator Chambers offered the following motion:

MO211

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 5:

Chambers Cook Crawford Davis Ebke

Voting in the negative, 31:

Baker	Hansen	Krist	Pansing Brooks	Smith
Bolz	Hilkemann	Kuehn	Riepe	Stinner
Craighead	Hughes	Lindstrom	Scheer	Williams
Fox	Johnson	McCollister	Schilz	
Friesen	Kintner	Mello	Schnoor	
Gloor	Kolowski	Morfeld	Schumacher	
Haar, K.	Kolterman	Murante	Seiler	

Present and not voting, 4:

Bloomfield Brasch Howard Sullivan

Excused and not voting, 9:

Campbell	Garrett	Hadley	Larson	Watermeier
Coash	Groene	Harr, B.	McCoy	

The Chambers motion to reconsider failed with 5 ayes, 31 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA94

Strike section 1.

#### **SENATOR LINDSTROM PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Cook

Voting in the negative, 33:

Baker	Fox	Johnson	Mello	Schumacher
Bloomfield	Friesen	Kintner	Morfeld	Seiler
Bolz	Gloor	Kolowski	Murante	Smith
Brasch	Haar, K.	Kolterman	Pansing Brooks	Stinner
Coash	Hadley	Kuehn	Riepe	Williams
Craighead	Harr, B.	Lindstrom	Scheer	
Crawford	Hilkemann	McCollister	Schnoor	

Present and not voting, 7:

Chambers	Ebke	Hansen	Krist
Davis	Groene	Howard	

Excused and not voting, 8:

Campbell	Hughes	McCoy	Sullivan
Garrett	Larson	Schilz	Watermeier

The Chambers amendment lost with 1 aye, 33 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO212

Reconsider the vote taken on FA94.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 4:

Chambers	Cook	Davis	Groene
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Voting in the negative, 34:

Baker	Friesen	Johnson	Mello	Schnoor
Bolz	Gloor	Kolowski	Morfeld	Schumacher
Brasch	Haar, K.	Kolterman	Murante	Seiler
Coash	Hadley	Krist	Pansing Brooks	Smith
Craighead	Harr, B.	Kuehn	Riepe	Stinner
Crawford	Hilkemann	Lindstrom	Scheer	Williams
Fox	Hughes	McCollister	Schilz	

Present and not voting, 5:

Bloomfield	Ebke	Hansen	Howard	Sullivan
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Excused and not voting, 6:

Campbell	Kintner	McCoy
Garrett	Larson	Watermeier

The Chambers motion to reconsider failed with 4 ayes, 34 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 722A.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Morfeld filed the following amendment to LB586:  
AM2639

(Amendments to Standing Committee amendments, AM289)

1 1. On page 1, line 12, strike "any", show as stricken, and insert  
2 "a".

**SELECT FILE**

**LEGISLATIVE BILL 1109.** Senator Chambers offered the following amendment:

FA95

Page 2, lines 23-26, strike and show as stricken; renumber.

**SPEAKER HADLEY PRESIDING**

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Cook	Groene
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Voting in the negative, 32:

Baker	Gloor	Johnson	Pansing Brooks	Smith
Bolz	Haar, K.	Kolterman	Riepe	Stinner
Brasch	Hadley	Kuehn	Scheer	Watermeier
Coash	Hansen	Lindstrom	Schilz	Williams
Crawford	Harr, B.	McCollister	Schnoor	
Fox	Hilkemann	Morfeld	Schumacher	
Friesen	Hughes	Murante	Seiler	

Present and not voting, 6:

Chambers	Howard	Krist
Davis	Kolowski	Sullivan

Excused and not voting, 9:

Bloomfield	Craighead	Garrett	Larson	Mello
Campbell	Ebke	Kintner	McCoy	

The Chambers amendment lost with 2 ayes, 32 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO213

Reconsider the vote taken on FA95.

Senator Murante offered the following motion:

MO214

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Senator Murante requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 37:

Baker	Haar, K.	Kintner	Morfeld	Seiler
Bolz	Hadley	Kolowski	Murante	Smith
Coash	Hansen	Kolterman	Pansing Brooks	Stinner
Craighead	Harr, B.	Krist	Riepe	Watermeier
Fox	Hilkemann	Kuehn	Scheer	Williams
Friesen	Howard	Lindstrom	Schilz	
Garrett	Hughes	McCollister	Schnoor	
Gloor	Johnson	Mello	Schumacher	

Voting in the negative, 8:

Brasch	Cook	Davis	Groene
Chambers	Crawford	Ebke	Sullivan

Present and not voting, 1:

Bloomfield

Excused and not voting, 3:

Campbell	Larson	McCoy
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The Murante motion to invoke cloture prevailed with 37 ayes, 8 nays, 1 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 4:

Chambers	Cook	Davis	Groene
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Voting in the negative, 40:

Baker	Friesen	Howard	Lindstrom	Schilz
Bloomfield	Garrett	Hughes	McCollister	Schnoor
Bolz	Gloor	Johnson	Mello	Schumacher
Brasch	Haar, K.	Kintner	Morfeld	Seiler
Coash	Hadley	Kolowski	Murante	Smith
Craighead	Hansen	Kolterman	Pansing Brooks	Stinner
Crawford	Harr, B.	Krist	Riepe	Watermeier
Fox	Hilkemann	Kuehn	Scheer	Williams

Present and not voting, 2:

Ebke	Sullivan
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Excused and not voting, 3:

Campbell	Larson	McCoy
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The Chambers motion to reconsider failed with 4 ayes, 40 nays, 2 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

Baker	Haar, K.	Kintner	Morfeld	Smith
Bolz	Hadley	Kolowski	Murante	Stinner
Coash	Hansen	Kolterman	Pansing Brooks	Watermeier
Craighead	Harr, B.	Krist	Scheer	Williams
Fox	Hilkemann	Kuehn	Schilz	
Friesen	Howard	Lindstrom	Schnoor	
Garrett	Hughes	McCollister	Schumacher	
Gloor	Johnson	Mello	Seiler	

Voting in the negative, 8:

Bloomfield	Chambers	Davis	Groene
Brasch	Cook	Ebke	Sullivan

Present and not voting, 2:

Crawford Riepe

Excused and not voting, 3:

Campbell Larson McCoy

Advanced to Enrollment and Review for Engrossment with 36 ayes, 8 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**AMENDMENT(S) - Print in Journal**

Senator Smith filed the following amendment to LB977:  
AM2623

(Amendments to Standing Committee amendments, AM2318)

- 1 1. Insert the following new sections:
- 2 Sec. 4. Section 23-187, Revised Statutes Supplement, 2015, is
- 3 amended to read:
- 4 23-187 (1) In addition to the powers granted by section 23-104, a
- 5 county may, in the manner specified by sections 23-187 to 23-193,
- 6 regulate the following subjects by ordinance:
- 7 (a) Parking of motor vehicles on public roads, highways, and rights-
- 8 of-way as it pertains to snow removal for and access by emergency
- 9 vehicles to areas within the county;
- 10 (b) Motor vehicles as defined in section 60-339 that are abandoned
- 11 on public or private property;
- 12 (c) Low-speed vehicles as described and operated pursuant to section
- 13 60-6,380;
- 14 (d) Golf car vehicles as described and operated pursuant to section
- 15 60-6,381;
- 16 (e) Graffiti on public or private property;
- 17 (f) False alarms from electronic security systems that result in

18 requests for emergency response from law enforcement or other emergency  
19 responders;

20 (g) Violation of the public peace and good order of the county by  
21 disorderly conduct, lewd or lascivious behavior, or public nudity; ~~and~~

22 (h) Peddlers, hawkers, or solicitors operating for commercial  
23 purposes. If a county adopts an ordinance under this subdivision, the  
24 ordinance shall provide for registration of any such peddler, hawker, or  
25 solicitor without any fee and allow the operation or conduct of any  
26 registered peddler, hawker, or solicitor in all areas of the county where  
1 the county has jurisdiction and where a city or village has not otherwise  
2 regulated such operation or conduct; and -

3 (i) Operation of vehicles on any highway or restrictions on the  
4 weight of vehicles pursuant to section 60-681.

5 (2) For the enforcement of any ordinance authorized by this section,  
6 a county may impose fines, forfeitures, or penalties and provide for the  
7 recovery, collection, and enforcement of such fines, forfeitures, or  
8 penalties. A county may also authorize such other measures for the  
9 enforcement of ordinances as may be necessary and proper. A fine enacted  
10 pursuant to this section shall not exceed five hundred dollars for each  
11 offense.

12 Sec. 21. Section 60-681, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 60-681 Local authorities may by ordinance or resolution prohibit the  
15 operation of vehicles upon any highway or impose restrictions as to the  
16 weight of vehicles, for a total period not to exceed one hundred eighty  
17 ~~ninety~~ days in any one calendar year, when operated upon any highway  
18 under the jurisdiction of and for the maintenance of which such local  
19 authorities are responsible whenever any such highway by reason of  
20 deterioration, rain, snow, or other climatic condition will be seriously  
21 damaged or destroyed unless the use of vehicles thereon is prohibited or  
22 the permissible weight thereof reduced. Such local authorities enacting  
23 any such ordinance or resolution shall erect or cause to be erected and  
24 maintained signs designating the provisions of the ordinance or  
25 resolution at each end of that portion of any highway affected thereby,  
26 and the ordinance or resolution shall not be effective until such signs  
27 are erected and maintained.

28 Local authorities may also, by ordinance or resolution, prohibit the  
29 operation of trucks or other commercial vehicles or impose limitations as  
30 to the weight thereof on designated highways, which prohibitions and  
31 limitations shall be designated by appropriate signs placed on such  
1 highways.

2 2. On page 27, line 14, after "60-6,294" insert "but shall be  
3 subject to any ordinances or resolutions enacted by local authorities  
4 pursuant to section 60-681".

5 3. Renumber the remaining sections and correct internal references  
6 accordingly.

7 4. Correct the operative date and repealer sections so the sections  
8 added by this legislative bill become operative three calendar months  
9 after the adjournment of this legislative session.



**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 493.** Introduced by Scheer, 19.

PURPOSE: The purpose of this resolution is to study whether the Nebraska Appraisal Management Company Registration Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Real Property Appraiser Board and should consider the input of interested persons as the committee deems necessary or appropriate.

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

1. That the Banking, Commerce and Insurance 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.

**SELECT FILE**

**LEGISLATIVE BILL 754.** Senator Garrett offered the following amendment:

AM2625

(Amendments to Standing Committee amendments, AM2103)

1 1. Insert the following new sections:

2 Sec. 7. Section 55-401, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 55-401 Sections 55-401 to 55-480 and section 10 of this act shall be  
5 known and may be cited as the Nebraska Code of Military Justice.

6 Sec. 8. Section 55-402, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 55-402 As used in the Nebraska Code of Military Justice sections  
9 ~~55-401 to 55-480~~, unless the context otherwise requires:

10 (1) Military forces shall mean the National Guard, also called the  
11 Nebraska National Guard and also hereinafter referred to as the Army  
12 National Guard and Air National Guard, and in addition thereto, the  
13 militia when called into active service of this state;

14 (2) Officer shall mean a commissioned officer including a  
15 commissioned warrant officer;

16 (3) Superior officer shall mean an officer superior in rank or  
17 command;

18 (4) Enlisted person shall mean any person who is serving in an  
19 enlisted grade in any military force;

20 (5) Accuser shall mean a person who signs and swears to charges, to  
21 any person who directs that charges nominally be signed and sworn by

22 another, and to any other person who has an interest other than an  
23 official interest in prosecution of the accused;

24 (6) Military judge shall mean an official of court-martial detailed  
25 in accordance with section 55-422; and

26 (7) Code shall mean the Nebraska Code of Military Justice provisions  
1 ~~of sections 55-401 to 55-480.~~

2 Sec. 9. Section 55-416, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 55-416 (1) Under such regulations as the Governor may prescribe,  
5 limitations may be placed on the powers granted by this section with  
6 respect to the kind and amount of punishment authorized, the categories  
7 of commanding officers and warrant officers exercising command authorized  
8 to exercise those powers, the applicability of the code sections 55-401  
9 ~~to 55-480~~ to an accused who demands trial by court-martial, but  
10 punishment may not be imposed upon any member of the military forces  
11 under this section if the member has, before the imposition of such  
12 punishment, demanded trial by court-martial in lieu of such punishment.  
13 Under similar regulations, rules may be prescribed with respect to the  
14 suspension of punishments authorized hereunder.

15 (2) Subject to subsection (1) of this section, any commanding  
16 officer may, in addition to or in lieu of admonition or reprimand, impose  
17 one or more of the following disciplinary punishments for minor offenses  
18 without the intervention of a court-martial:

19 (a) Upon officers of his or her command:

20 (i) Restriction to certain specified limits, with or without  
21 suspension from duty, for not more than ten consecutive days; or  
22 (ii) If imposed by a general officer in command, arrest in quarters  
23 for not more than fourteen consecutive days; forfeiture of not more than  
24 one-half of one month's pay per month for two months; restriction to  
25 certain specified limits, with or without suspension from duty, for not  
26 more than fourteen consecutive days; or detention of not more than one-  
27 half of one month's pay per month for three months; and

28 (b) Upon other personnel of his or her command:

29 (i) Correctional custody for not more than seven consecutive days;  
30 (ii) Forfeiture of not more than seven days' pay;  
31 (iii) Reduction to the next inferior pay grade, if the grade from  
1 which demoted is within the promotion authority of the officer imposing  
2 the reduction or any officer subordinate to the one who imposes the  
3 reduction;  
4 (iv) Extra duties, including fatigue or other duties, for not more  
5 than ten consecutive days;  
6 (v) Restriction to certain specified limits, with or without  
7 suspension from duty, for not more than ten consecutive days;  
8 (vi) Detention of not more than fourteen days' pay; or  
9 (vii) If imposed by an officer of the grade of major or above,  
10 correctional custody for not more than fourteen consecutive days;  
11 forfeiture of not more than one-half of one month's pay per month for two  
12 months; reduction to the lowest or any intermediate pay grade, if the  
13 grade from which demoted is within the promotion authority of the officer

14 imposing the reduction or any officer subordinate to the one who imposes  
15 the reduction, but an enlisted member in a pay grade above E-4 may not be  
16 reduced more than two pay grades; extra duties, including fatigue or  
17 other duties, for not more than fourteen consecutive days; restrictions  
18 to certain specified limits, with or without suspension from duty, for  
19 not more than fourteen consecutive days; or detention of not more than  
20 one-half of one month's pay per month for three months.

21 Detention of pay shall be for a stated period, but if the offender's  
22 term of service expires earlier, the detention shall terminate upon that  
23 expiration. No two or more of the punishments of arrest in quarters,  
24 correctional custody, extra duties, and restriction may be combined to  
25 run consecutively in the maximum amount imposable for each. Whenever any  
26 of those punishments are combined to run consecutively, there must be an  
27 apportionment. In addition, forfeiture of pay may not be combined with  
28 detention of pay without an apportionment. For the purposes of this  
29 subsection, correctional custody is the physical restraint of a person  
30 during duty or nonduty hours and may include extra duties, fatigue  
31 duties, or hard labor. If practicable, correctional custody will not be  
1 served in immediate association with persons awaiting trial or held in  
2 confinement pursuant to trial by court-martial.

3 (3) An officer in charge may impose upon enlisted members assigned  
4 to the unit of which he or she is in charge such of the punishments  
5 authorized under subsection (2)(b) of this section as the Governor may  
6 specifically prescribe by regulation.

7 (4) The officer who imposes the punishment authorized in subsection  
8 (2) of this section, or his or her successor in command, may, at any  
9 time, suspend probationally any part or amount of the unexecuted  
10 punishment imposed and may suspend probationally a reduction in grade or  
11 a forfeiture imposed under subsection (2) of this section, whether or not  
12 executed. In addition, he or she may, at any time, remit or mitigate any  
13 part or amount of the unexecuted punishment imposed and may set aside in  
14 whole or in part the punishment, whether executed or unexecuted, and  
15 restore all rights, privileges, and property affected. He or she may also  
16 mitigate reduction in grade to forfeiture or detention of pay. When  
17 mitigating:

18 (a) Arrest in quarters to restriction;

19 (b) Confinement on bread and water or diminished rations to  
20 correctional custody;

21 (c) Correctional custody or confinement on bread and water or  
22 diminished rations to extra duties or restriction, or both; or

23 (d) Extra duties to restriction, the mitigated punishment shall not  
24 be for a greater period than the punishment mitigated. When mitigating  
25 forfeiture of pay to detention of pay, the amount of the detention shall  
26 not be greater than the amount of the forfeiture. When mitigating  
27 reduction in grade to forfeiture or detention of pay, the amount of the  
28 forfeiture or detention shall not be greater than the amount that could  
29 have been imposed initially under this section by the officer who imposed  
30 the punishment mitigated.

31 (5) A person punished under this section who considers his or her

1 punishment unjust or disproportionate to the offense may, through the  
2 proper channel, appeal to the next superior authority. The appeal shall  
3 be promptly forwarded and decided, but the person punished may in the  
4 meantime be required to undergo the punishment adjudged. The superior  
5 authority may exercise the same powers with respect to the punishment  
6 imposed as may be exercised under subsection (4) of this section by the  
7 officer who imposed the punishment. Before acting on an appeal from a  
8 punishment of:

9 (a) Arrest in quarters for more than seven days;

10 (b) Correctional custody for more than seven days;

11 (c) Forfeiture of more than seven days' pay;

12 (d) Reduction of one or more pay grades from the fourth or a higher  
13 pay grade;

14 (e) Extra duties for more than ten days;

15 (f) Restriction for more than ten days; or

16 (g) Detention of more than fourteen days' pay, the authority who is  
17 to act on the appeal shall refer the case to a judge advocate for  
18 consideration and advice, and may so refer the case upon appeal from any  
19 punishment imposed under subsection (2) of this section.

20 (6) The imposition and enforcement of disciplinary punishment under  
21 this section for any act or omission is not a bar to trial by court-  
22 martial for a serious crime or offense growing out of the same act or  
23 omission, and not properly punishable under this section; but the fact  
24 that a disciplinary punishment has been enforced may be shown by the  
25 accused upon trial, and when so shown shall be considered in determining  
26 the measure of punishment to be adjudged in the event of a finding of  
27 guilty.

28 (7) The Governor may, by regulation, prescribe the form of records  
29 to be kept of proceedings under this section and may also prescribe that  
30 certain categories of those proceedings shall be in writing.

31 (8) Any punishment authorized by this section which is measured in  
1 terms of days shall, when served in a status other than annual field  
2 training, be construed to mean consecutive active service days.

3 Sec. 10. (1) Any commanding officer, with regard to enlisted  
4 members, and any general officer, with regard to officers, may issue  
5 summarized administrative discipline for minor offenses. A minor offense  
6 shall be any offense which, under the Uniform Code of Military Justice of  
7 the United States, 10 U.S.C. chapter 47, or other military or civilian  
8 law or military custom, has a maximum penalty of confinement for one year  
9 or less.

10 (2) In accordance with subsection (1) of this section, any  
11 commanding officer or general officer, after consultation with a duly  
12 appointed judge advocate in the Nebraska National Guard, may impose one  
13 or more of the following disciplinary actions for minor offenses without  
14 the intervention of a court-martial:

15 (a) Upon officers:

16 (i) Restriction to certain specified limits, with or without  
17 suspension from duty, for up to seven days; or

18 (ii) Forfeiture of pay for up to one day; and

19 (b) Upon enlisted personnel:

20 (i) Restriction to certain specified limits, with or without  
21 suspension from duty, for not more than seven consecutive days;

22 (ii) Forfeiture of pay for up to one day; or

23 (iii) Extra duty not to exceed ten days.

24 (3) Consecutive summarized administrative discipline for the same  
25 offense or incident is not authorized.

26 (4) The officer who imposes the summarized administrative discipline  
27 as provided in subsection (2) of this section, or a successor in command,  
28 may, at any time, suspend probationally any part or amount of the  
29 unexecuted discipline imposed. In addition, the officer or successor in  
30 command may, at any time, remit or mitigate any part or amount of the  
31 unexecuted discipline imposed and may set aside in whole or in part the  
1 discipline, whether executed or unexecuted, and restore all rights,  
2 privileges, and property affected.

3 (5) A person disciplined under this section who considers his or her  
4 discipline unjust or disproportionate to the offense may, within twenty-  
5 four hours of the announcement of findings and through the proper  
6 channel, appeal to the next superior authority or general officer. The  
7 appeal and record of the hearing shall be promptly forwarded and decided,  
8 but the person disciplined may in the meantime be required to undergo the  
9 discipline adjudged. The superior authority or general officer may  
10 exercise the same powers with respect to the discipline imposed as may be  
11 exercised under subsection (4) of this section by the officer who imposed  
12 the discipline. No appeal may be taken beyond the Adjutant General, and  
13 if the Adjutant General proposed the discipline under this section, the  
14 person may request reconsideration by the Adjutant General. Only one  
15 appeal or request for reconsideration shall be permitted.

16 (6) The imposition and enforcement of summarized administrative  
17 discipline under this section for any act or omission is not a bar to  
18 trial by court-martial for a serious crime or offense growing out of the  
19 same act or omission and not properly punishable under this section. The  
20 fact that summarized administrative discipline has been enforced may be  
21 shown by the accused upon trial, and when so shown shall be considered in  
22 determining the measure of punishment to be adjudged in the event of a  
23 finding of guilty.

24 (7) Any summarized administrative discipline authorized by this  
25 section shall be executed within one year of the imposition of the  
26 discipline during any one or more periods of military duty.

27 (8) The enlisted member or officer shall be given twenty-four hours  
28 written notice of the intent to impose summarized administrative  
29 discipline under this section. Such notice shall include:

30 (a) The offense committed;

31 (b) A brief, written summary of the information upon which the  
1 allegations are based and notice that the enlisted member or officer may  
2 examine the statements and evidence;

3 (c) The possible disciplinary actions;

4 (d) An explanation that the rules of evidence do not apply at the  
5 hearing and that any testimony or evidence deemed relevant may be

6 considered;

7 (e) The date, time, and location of the hearing; and

8 (f) The enlisted member's or officer's rights, which shall include:

9 (i) Twenty-four hour notice of the hearing and twenty-four hours to

10 prepare for the hearing, which time shall run concurrently;

11 (ii) The right to appear personally before the officer proposing the

12 summarized administrative discipline or the officer's delegate if the

13 officer proposing the discipline is unavailable. The officer proposing

14 such discipline must render findings based upon the record prepared by

15 the delegate;

16 (iii) To be advised that he or she shall not be compelled to give

17 evidence against himself or herself;

18 (iv) Notice as prescribed in this subsection;

19 (v) Examining the evidence presented or considered by the officer

20 proposing the discipline;

21 (vi) Presenting matters in defense, extenuation, and mitigation

22 orally, in writing, or both;

23 (vii) Presenting witnesses that are reasonably available. A witness

24 is not reasonably available if his or her presence would unreasonably

25 delay the hearing, there is a cost to the government, or military duty

26 precludes a military member's participation in the opinion of such

27 military member's commander;

28 (viii) Consultation prior to the hearing with a trial defense

29 attorney appointed in the Nebraska National Guard, if he or she is

30 reasonably available. A trial defense attorney is not reasonably

31 available if his or her presence would unreasonably delay the hearing,

1 there is a cost to the government to make him or her available, or other

2 military duties or civilian employment precludes such trial defense

3 attorney's participation, in the opinion of such trial defense attorney.

4 Consultation with the trial defense attorney may be through personal

5 contact, telephonic communication, or other electronic means available at

6 no cost to the government;

7 (ix) To have an open hearing; and

8 (x) To waive in writing or at the hearing any or all of the enlisted

9 member's or officer's rights.

10 (9) After considering the evidence, the officer proposing the

11 discipline shall (a) announce the findings in writing with regard to each

12 allegation, (b) inform the enlisted member or officer of the discipline

13 imposed, if any, and (c) advise the enlisted member or officer of his or

14 her right to appeal.

15 (10) The Adjutant General may adopt and promulgate regulations or

16 policies to implement this section.

17 Sec. 11. Section 55-418, Reissue Revised Statutes of Nebraska, is

18 amended to read:

19 55-418 A court-martial as defined in the code sections 55-401 to

20 55-480 shall have jurisdiction to try persons subject to ~~the~~ this code

21 for any offense defined and made punishable by ~~the code sections 55-401~~

22 ~~to 55-480~~ and may, under such limitations and regulations as the Governor

23 may prescribe, adjudge any of the following penalties:

24 (1) Confinement at hard labor for not more than six months;  
25 (2) Hard labor without confinement for not more than three months;  
26 (3) Forfeitures or detentions of pay not exceeding two-thirds pay  
27 per month for six months;  
28 (4) Bad conduct discharge;  
29 (5) Dishonorable discharge;  
30 (6) Reprimand; or  
31 (7) Reduction of noncommissioned officers to the ranks, and to  
1 combine any two or more of such punishments in the sentence imposed.  
2 Sec. 12. Section 55-419, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 55-419 The jurisdiction of a court-martial is limited to the trial  
5 of persons accused of military offenses as described in the code sections  
6 ~~55-401 to 55-480~~. Persons subject to the code sections 55-401 to 55-480  
7 who are accused of offenses cognizable by the civil courts of this state  
8 or any other state where the military forces are present in that state  
9 may, upon accusation, be promptly surrendered to civil authorities for  
10 disposition, urgencies of the service considered. If the person subject  
11 to the code sections 55-401 to 55-480 is accused of both a military  
12 offense under the code sections 55-401 to 55-480 and a civil offense by  
13 the civil authorities, he or she shall be released to the civil  
14 authorities if the crime for which he or she is accused by the civil  
15 authorities carries a penalty in excess of the maximum penalty provided  
16 by the code sections 55-401 to 55-480.  
17 Sec. 13. Section 55-427, Reissue Revised Statutes of Nebraska, is  
18 amended to read:  
19 55-427 A person charged with any offense is not liable to be tried  
20 by court-martial or punished under section 55-416 or section 10 of this  
21 act if the offense was committed more than two years before the receipt  
22 of sworn charges and specifications by an officer exercising court-  
23 martial jurisdiction as set forth in the code sections 55-401 to 55-480.  
24 Sec. 14. Section 55-428, Reissue Revised Statutes of Nebraska, is  
25 amended to read:  
26 55-428 (1) Any person not subject to the code sections 55-401 to  
27 ~~55-480~~ who:  
28 (a) Has been duly subpoenaed to appear as a witness before a court-  
29 martial, military commission, court of inquiry, or any other military  
30 court or board, or before any military or civil officer designated to  
31 take a deposition to be read in evidence before such a court, commission,  
1 or board;  
2 (b) Has been duly paid or tendered the fees of a witness at the  
3 rates allowed to witnesses attending the district courts of the State of  
4 Nebraska and mileage at the rate provided in section 81-1176 for state  
5 employees; and  
6 (c) Willfully neglects or refuses to appear, or refuses to qualify  
7 as a witness or to testify or to produce any evidence which that person  
8 may have been legally subpoenaed to produce, is guilty of a Class II  
9 misdemeanor.  
10 (2) The Attorney General of Nebraska, upon the certification of the

11 facts to him or her by the military court, commission, or board shall  
 12 file an information against and prosecute any person violating this  
 13 section.

14 (3) The fees and mileage of witnesses shall be advanced or paid out  
 15 of the appropriations for the compensation of witnesses.

16 Sec. 15. Section 55-452, Reissue Revised Statutes of Nebraska, is  
 17 amended to read:

18 55-452 (1) An act done with specific intent to commit an offense  
 19 under the code sections 55-401 to 55-480, amounting to more than mere  
 20 preparation and tending, even though failing, to effect its commission is  
 21 an attempt to commit that offense.

22 (2) Any person subject to the this code who attempts to commit any  
 23 offense punishable by the this code shall be punished as a court-martial  
 24 may direct, unless otherwise specifically prescribed.

25 (3) Any person subject to the this code may be convicted of an  
 26 attempt to commit an offense although it appears on the trial that the  
 27 offense was consummated.

28 Sec. 16. Original sections 55-401, 55-402, 55-416, 55-418, 55-419,  
 29 55-427, 55-428, and 55-452, Reissue Revised Statutes of Nebraska, are  
 30 repealed.

The Garrett amendment was adopted with 30 ayes, 1 nay, 14 present and not  
 voting, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 40 ayes, 1 nay, 4  
 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 754A.** Advanced to Enrollment and Review for  
 Engrossment.

**LEGISLATIVE BILL 1082.** ER185, found on page 970, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1082A.** Senator Schilz offered the following  
 amendment:

AM2620

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

2 Section 1. There is hereby appropriated (1) \$250 from the Oil and  
 3 Gas Conservation Fund and \$750 from federal funds for FY2016-17 and (2)  
 4 \$250 from the Oil and Gas Conservation Fund and \$750 from federal funds  
 5 for FY2017-18 to the Nebraska Oil and Gas Conservation Commission, for  
 6 Program 335, to aid in carrying out the provisions of Legislative Bill  
 7 1082, One Hundred Fourth Legislature, Second Session, 2016.

8 Total expenditures for permanent and temporary salaries and per  
 9 diems from funds appropriated in this section shall not exceed \$1,000 for  
 10 FY2016-17 or \$1,000 for FY2017-18.



The Schilz amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 906.** ER186, found on page 971, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 794.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 867.** ER180, found on page 955, was adopted.

Senator Watermeier offered his amendment, AM2548, found on page 1008.

The Watermeier amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 867A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 894.** ER181, found on page 955, was adopted.

Senator Howard offered her amendment, AM2600, found on page 1009.

The Howard amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Krist offered his amendment, AM2610, found on page 1009.

Senator Chambers offered the following amendment to the Krist amendment:

AM2630

(Amendments to AM2610)

- 1 1. On page 1, line 10, after "exists" insert "or the court
- 2 determines that an appointment outside of the guardian ad litem division
- 3 would be more appropriate to serve the child's best interests".
- 4 2. On page 3, line 28, strike "and if" and insert "unless"; and
- 5 strike beginning with the underscored comma in line 28 through "division"
- 6 in line 29 and insert "or the court determines that an appointment
- 7 outside of the guardian ad litem division would be more appropriate to
- 8 serve the child's best interests".
- 9 3. On page 4, line 31, after "experience" insert "as a guardian ad
- 10 litem for children, including both trial and appellate practice
- 11 experience".

12 4. On page 5, lines 18, after "appointed" insert "outside of the  
13 guardian ad litem division"; and in lines 20 through 26 strike the new  
14 matter and reinstate the stricken matter.

The Chambers amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

The Krist amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Coash withdrew his amendment, AM2556, found on page 1014.

Senator Coash offered his amendment, AM2616, found on page 1015.

The Coash amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Coash offered the following amendment:  
AM2621

(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 24 and 26 become operative on July 1, 2017. The
- 17 other sections of this act become operative on their effective date.
- 18 Sec. 26. Original section 43-2,119, Reissue Revised Statutes of
- 19 Nebraska, is repealed.
- 20 2. Renumber the remaining sections accordingly.

Senator Chambers offered the following motion:  
MO215

Recommit to the Judiciary Committee.

Senator Chambers withdrew his motion.

Senator Coash withdrew his amendment, AM2621.

Pending.

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 959.** Placed on General File with amendment.  
AM2622 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 494.** Introduced by Murante, 49.

WHEREAS, the Gretna High School boys' basketball team won the 2016 Class B Boys' State Basketball Championship; and

WHEREAS, the Gretna Dragons defeated the Scottsbluff Bearcats in the championship game by a score of 52-33; and

WHEREAS, this is the Dragons' first state title in boys' basketball since 1982; 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 Gretna High School boys' basketball team on winning the 2016 Class B Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Gretna High School boys' basketball team and Coach Brad Feeken.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Groene filed the following amendment to LB910:  
AM2624

(Amendments to E & R amendments, ER182)

1 1. On page 6, line 8, strike the new matter and reinstate the  
2 stricken matter; and after line 27 insert the following new subdivision:  
3 "(b) A person with one or more felony convictions for the possession  
4 or use of a controlled substance shall only be eligible to receive  
5 Supplemental Nutrition Assistance Program benefits under this subsection  
6 if he or she (i) is participating in or has completed a state-licensed or  
7 nationally accredited substance abuse treatment program since the date of  
8 his or her most recent conviction or (ii) voluntarily submits to a drug  
9 test, verified by a laboratory approved by the Department of Health and  
10 Human Services, the results of which test are negative with respect to  
11 any illegal substances prior to receiving Supplemental Nutrition

12 Assistance Program benefits and continues to agree to drug tests at  
 13 random intervals thereafter, no less than every six months. The  
 14 determination of participation or completion of such a substance abuse  
 15 treatment program or negative drug test results shall be certified by the  
 16 treatment provider administering the program or the laboratory verifying  
 17 the drug test to the department.  
 18 (c) A person shall be ineligible for Supplemental Nutrition  
 19 Assistance Program benefits under this subsection if he or she has been  
 20 convicted of a felony involving the sale or distribution of a controlled  
 21 substance."

Senator Schumacher filed the following amendment to LB894:  
 AM2629

(Amendments to E and R amendments, ER181)

- 1 1. Strike section 1.
- 2 2. On page 15, line 13, after the period insert "Whether such
- 3 counsel shall be provided at the cost of the county shall be determined
- 4 as provided in subsection (1) of section 43-272."
- 5 3. On page 18, lines 8 through 29, strike the new matter and
- 6 reinstate the stricken matter.
- 7 4. On page 19, lines 19 and 20, strike the new matter and reinstate
- 8 the stricken matter.
- 9 5. On page 20, strike lines 6 and 7; in line 8 strike "(4)" and
- 10 insert "(3)"; and in line 10 strike "(5)" and insert "(4)".
- 11 6. Renumber the remaining sections, correct internal references, and
- 12 correct the repealer accordingly.

Senator Morfeld filed the following amendment to LB1093:  
 AM2632

(Amendments to Standing Committee amendments, AM2391)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 50-501, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 50-501 ~~(1) The Legislature recognizes the importance of~~
- 5 ~~biotechnology and the role that biotechnology plays in the economic well-~~
- 6 ~~being of the State of Nebraska. The Natural Resources Committee of the~~
- 7 ~~Legislature shall be responsible for the development of a statewide~~
- 8 ~~strategic plan for biotechnology in Nebraska. The plan shall include a~~
- 9 ~~baseline review and assessment of the potential in the biotechnology~~
- 10 ~~economy in Nebraska and a strategic plan for the state's efforts in~~
- 11 ~~creating wealth and jobs in the biotechnology economy. The plan shall~~
- 12 ~~address strategies for developing the biotechnology economy and shall~~
- 13 ~~include, but not be limited to, research, testing, agricultural feedstock~~
- 14 ~~and chemicals, drugs and other pharmaceuticals, medical materials,~~
- 15 ~~medical laboratories, and advanced biofuels. The plan shall estimate the~~
- 16 ~~wealth and the number of jobs that may be generated from expanding the~~
- 17 ~~biotechnology economy.~~
- 18 ~~(2) The Natural Resources Committee of the Legislature, in~~
- 19 ~~consultation with the Executive Board of the Legislature, shall~~

20 ~~commission a nonprofit corporation to provide research, analysis, and~~  
21 ~~recommendations to the committee for the development of the plan. The~~  
22 ~~nonprofit corporation shall be incorporated pursuant to the Nebraska~~  
23 ~~Nonprofit Corporation Act, shall be organized exclusively for nonprofit~~  
24 ~~purposes within the meaning of section 501(c)(6) of the Internal Revenue~~  
25 ~~Code as defined in section 49-801.01, shall be engaged in activities to~~  
26 ~~facilitate and promote the growth of life sciences within Nebraska, shall~~  
1 ~~be dedicated to the development and growth of the biotechnology economy,~~  
2 ~~and shall agree to remit one hundred thousand dollars to the State~~  
3 ~~Treasurer for credit to the Biotechnology Development Cash Fund for the~~  
4 ~~research required by this section. The nonprofit corporation shall retain~~  
5 ~~such consultation services as required for assistance in providing~~  
6 ~~research, analysis, and recommendations. The nonprofit corporation shall~~  
7 ~~present its research, analysis, and recommendations to the committee by~~  
8 ~~September 30, 2010.~~

9 (3) ~~The Natural Resources Committee shall prepare and present to the~~  
10 ~~Legislature a statewide strategic plan for biotechnology during the One~~  
11 ~~Hundred Second Legislature, First Session, for consideration by the~~  
12 ~~Legislature. The committee shall prepare annual updates to the plan for~~  
13 ~~consideration by the Legislature.~~

14 (1) The Bioscience Steering Committee is created. The committee  
15 shall consist of the chairperson of the Revenue Committee of the  
16 Legislature or his or her designee, the chairperson of the Appropriations  
17 Committee or his or her designee, and three members of the Legislature  
18 selected by the Executive Board of the Legislative Council. The executive  
19 board shall appoint a chairperson and vice-chairperson of the committee.  
20 (2) The committee shall conduct a study to measure the impact of the  
21 bioscience economy in Nebraska and prepare a strategic plan for growing  
22 the bioscience economy in Nebraska. The strategic plan shall report on  
23 any progress or remaining work since the last study conducted on the  
24 bioscience industry. The strategic plan shall further propose strategies  
25 for developing the bioscience economy and shall include, but not be  
26 limited to, strategies to (a) stimulate job growth in the fields of  
27 science, technology, and engineering throughout Nebraska, (b) encourage  
28 individuals and organizations engaged in the biotechnology businesses to  
29 locate and expand in Nebraska, (c) capture and commercialize technology  
30 that is discovered and developed in Nebraska, (d) grow Nebraska's  
31 investment capital market and incentivize investment in life science  
1 start-up companies, and (e) develop Nebraska's biotechnology workforce in  
2 cooperation with higher education institutions. The strategic plan shall  
3 estimate the wealth and number of jobs generated from expanding the  
4 bioscience economy.

5 (3) The committee, in consultation with the executive board, shall  
6 commission a nonprofit corporation to provide research, analysis, and  
7 recommendations to the committee for the development of the study and  
8 strategic plan. The nonprofit corporation shall be incorporated pursuant  
9 to the Nebraska Nonprofit Corporation Act, shall be organized exclusively  
10 for nonprofit purposes within the meaning of section 501(c)(6) of the  
11 Internal Revenue Code as defined in section 49-801.01, shall be engaged

12 in activities to facilitate and promote the growth of life sciences  
 13 within Nebraska, and shall be dedicated to the development and growth of  
 14 the bioscience economy.  
 15 (4) The committee shall prepare and present electronically to the  
 16 Legislature a statewide strategic plan for the bioscience economy during  
 17 the One Hundred Fifth Legislature, First Session, for consideration by  
 18 the Legislature.  
 19 (5)(a) (4) The Biotechnology Development Cash Fund is created. The  
 20 ~~Natural Resources Committee shall use~~ money in the fund shall be used to  
 21 commission the nonprofit corporation and provide access to resources  
 22 necessary for developing the study and strategic plan.  
 23 (b) The fund may receive gifts, bequests, grants, or other  
 24 contributions or donations from public or private entities. ~~Within five~~  
 25 ~~days after the State Treasurer receives one hundred thousand dollars from~~  
 26 ~~the nonprofit corporation for credit to the fund, the State Treasurer~~  
 27 ~~shall transfer one hundred thousand dollars from the General Fund to the~~  
 28 ~~Biotechnology Development Cash Fund. It is the intent of the Legislature~~  
 29 ~~to appropriate two hundred thousand dollars to the fund for fiscal year~~  
 30 ~~2009-10. Any money in the fund available for investment shall be invested~~  
 31 by the state investment officer pursuant to the Nebraska Capital  
 1 Expansion Act and the Nebraska State Funds Investment Act.  
 2 (5) For purposes of this section:  
 3 (a) ~~Biotechnology means the technological application that uses~~  
 4 ~~biological systems, living organisms, or derivatives of biological~~  
 5 ~~systems or living organisms to make or modify products or processes for~~  
 6 ~~specific use; and~~  
 7 (b) ~~Biotechnology economy means economic activity derived from~~  
 8 ~~scientific and research activity focused on understanding mechanisms and~~  
 9 ~~processes at the genetic and molecular levels and the application of the~~  
 10 ~~mechanisms and processes to industrial processes.~~  
 11 Sec. 6. Sections 1 and 8 of this act become operative three  
 12 calendar months after the adjournment of this legislative session. The  
 13 other sections of this act become operative on their effective date.  
 14 Sec. 8. Original section 50-501, Reissue Revised Statutes of  
 15 Nebraska, is repealed.  
 16 2. Renumber the remaining sections and correct internal references  
 17 accordingly.

Senator Mello filed the following amendment to LB835:  
 AM2605

(Amendments to Standing Committee amendments, AM2138)

1 1. Renumber sections 15, 16, 17, 18, and 19 as sections 19, 15, 16,  
 2 17, and 18, respectively.  
 3 2. On page 1, line 5, strike "15," and insert "19 of this act"; in  
 4 lines 12 and 13 strike the new matter; after line 15 insert the following  
 5 new subdivision:  
 6 "(2) Credit report has the same meaning as consumer report as  
 7 defined in 15 U.S.C. 1681a(d)"; in line 16 strike "(2)", show as  
 8 stricken, and insert "(3)"; in line 19 after "stored" insert ". File does

9 not include a record"; in line 20 strike "(3)", show as stricken, and  
 10 insert "(4)"; and in line 25 strike "(4)" and insert "(5)".  
 11 3. On page 2, line 4, strike "(5)" and insert "(6)"; in line 7  
 12 strike "(6)" and insert "(7)"; in line 18 strike "section 8-2617" and  
 13 insert "the Credit Report Protection Act"; in lines 21, 24, and 25 strike  
 14 "file" and insert "credit report"; and in line 26 strike "(7)" and insert  
 15 "(8)".  
 16 4. On page 3, line 4, strike "(8)" and insert "(9)"; in line 11  
 17 strike "(9)" and insert "(10)"; in line 23 strike "on his or her file";  
 18 and in line 30 strike "and".  
 19 5. On page 4, line 2, after the semicolon insert "and"; in line 5  
 20 strike "(C)" and insert "(iii)"; in line 9 strike "subsection" and insert  
 21 "subdivision"; in line 12 strike "subsection (1) of"; in line 13 strike  
 22 "on the file of" and insert "for"; and in line 31 after "request" insert  
 23 "under section 8-2603".  
 24 6. On page 5, line 7, after "request" insert "under section 8-2603";  
 25 in line 15 after "freeze" insert "under section 8-2603"; and in lines 21  
 26 and 22 strike the new matter and reinstate the stricken matter.  
 1 7. On page 5, line 23; page 6, line 5; page 7, line 14; and page 8,  
 2 line 25, after "freeze" insert "placed under section 8-2603".  
 3 8. On page 7, lines 23 and 24, strike "file" and insert "credit  
 4 report"; and in line 27 after "freeze" insert "placed under section 4 of  
 5 this act".  
 6 9. On page 8, line 2, after "(a)" insert "(i)"; in lines 3 and 9  
 7 strike "(i)" and insert "(A)"; in lines 6 and 11 strike "(ii)" and insert  
 8 "(B)"; in line 8 strike "(b)" and insert "(ii)"; in line 13 strike "(c)"  
 9 and insert "(b)"; in line 15 strike "subdivision (1) of"; and in line 18  
 10 strike "on his or her file".  
 11 10. On page 9, strike beginning with "Except" in line 5 through line  
 12 7; strike beginning with "in" in line 8 through the comma in line 9 and  
 13 insert "of three dollars"; and in line 20 strike "file" and insert  
 14 "credit report".  
 15 11. On page 12, line 11, strike "on a file" and show as stricken and  
 16 after "8-2603" insert "or section 4 of this act".  
 17 12. On page 13, line 21, strike the first comma and insert "or" and  
 18 strike ", or representative"; in line 24 strike the comma and insert  
 19 "or"; and in line 25 strike ", or representative".  
 20 13. On page 13, line 31, strike "1 to 21" and insert "1, 2, 3, 4, 5,  
 21 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,".

#### UNANIMOUS CONSENT - Add Cointroducer(s)

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

Kintner - LB817

Hansen - LB516

Brasch, Cook, Craighead, Crawford, Ebke, Howard, Sullivan - LB843

**VISITOR(S)**

Visitors to the Chamber were 40 fourth-grade students from Franklin Elementary, Omaha; Emily Muth of OPPD from Omaha; and 9 students and teacher from the University of Nebraska Lincoln Power Leadership Influence Class.

The Doctor of the Day was Dr. Dawn Ommen from Papillion.

**ADJOURNMENT**

At 5:07 p.m., on a motion by Senator B. Harr, the Legislature adjourned until 9:00 a.m., Friday, March 18, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-FIFTH DAY - MARCH 18, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 18, 2016

**PRAYER**

The prayer was offered by Pastor Brian Johnson, First Presbyterian Church, Norfolk.

**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 B. Harr, and McCoy who were excused; and Senators Bolz, Craighead, Gloor, Hadley, Morfeld, Murante, and Pansing Brooks who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fourth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 17, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Herrmann, Jessica  
Platte Institute for Economic Research (Withdrawn 03/17/2016)  
JK Consulting  
Renovate America, Inc.  
Kelley & Jerram, PC, LLO  
Guardian Tax Partners  
Nowka & Edwards  
Nebraska State Dairy Association  
Schmit, Loran of Schmit Industries, Inc.  
KAAPA Ethanol, LLC  
Yaki, Michael  
Renovate America, Inc.

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**GENERAL FILE**

**LEGISLATIVE BILL 1105A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1092.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 467.** ER187, found on page 957, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 467A.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 790.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 909.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 731.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 814.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 814A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 784.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 942.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 726.** Title read. Considered.

Committee AM1882, found on page 488, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 813.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 924.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 770.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 770A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 875.** Title read. Considered.

Committee AM1919, found on page 544, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 948.** Title read. Considered.

Committee AM2014, found on page 544, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 725.** Title read. Considered.

Committee AM2011, found on page 558, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 680.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 680A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 823.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 865.** Title read. Considered.

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

**LEGISLATIVE BILL 1002.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1086.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 567.** Title read. Considered.

Committee AM1899, found on page 599, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 684.** Title read. Considered.

Committee AM1985, found on page 600, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 887.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 736.** Title read. Considered.

Committee AM2074, found on page 629, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 679.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 891.** Title read. Considered.

Committee AM2095, found on page 653, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 881.** Title read. Considered.

Senator Schilz offered his amendment, AM2543, found on page 952.

The Schilz amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 1101.** Title read. Considered.

**SENATOR KRIST PRESIDING**

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 1080.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 899.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 990.** Placed on General File with amendment.  
AM2484

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

3 Section 1. Sections 1 to 9 of this act shall be known and may be  
4 cited as the Fetal Dignity Protection Act.

5 Sec. 2. For purposes of the Fetal Dignity Protection Act:

6 (1) Human fetal tissue means tissue or cells obtained from a dead  
7 human embryo or fetus after a spontaneous or induced abortion or after a  
8 stillbirth; and

9 (2) Valuable consideration does not include reasonable payments  
10 associated with the transportation, implantation, processing,  
11 preservation, quality control, or storage of human fetal tissue.

12 Sec. 3. It shall be unlawful for any person acting within this  
13 state to knowingly acquire, receive, or otherwise transfer any human  
14 fetal tissue for valuable consideration.

15 Sec. 4. The Department of Health and Human Services shall adopt and  
16 promulgate rules and regulations to require all facilities authorized to  
17 perform any procedure that results in the recovery of human fetal tissue  
18 to limit the disposition of the human fetal tissue to burial, cremation,  
19 hospital-type incineration, or donation for research with the consent of  
20 the woman involved in the procedure.

21 Sec. 5. Any person who performs any procedure that results in the  
22 recovery of human fetal tissue in this state shall file monthly reports  
23 with the Department of Health and Human Services as to the disposition of  
24 the recovered human fetal tissue. Any corporation or other entity that  
25 employs or engages as independent contractors one or more persons to  
26 perform any procedure that results in the recovery of human fetal tissue  
27 shall file monthly reports with the department as to the disposition of

1 human fetal tissue recovered in any procedure performed by all persons  
2 employed or engaged as an independent contractor by such corporation or  
3 entity. A person required to file a report under this section has an  
4 affirmative duty to ensure that any report filed on his or her behalf is  
5 accurate and complete. All reports under this section shall exclude the  
6 name and all identifying information as to the woman involved in the  
7 procedure that resulted in the recovery of human fetal tissue.  
8 Sec. 6. The Department of Health and Human Services shall create a  
9 form for reporting the disposition of human fetal tissue pursuant to  
10 section 5 of this act. The department shall make all reports filed  
11 pursuant to such section available for public inspection. The department  
12 may adopt and promulgate rules and regulations as necessary to carry out  
13 its responsibilities under the Fetal Dignity Protection Act.  
14 Sec. 7. Failure to comply with the Fetal Dignity Protection Act is  
15 a violation of the professional standards of any person holding a  
16 professional license.  
17 Sec. 8. The Attorney General may seek an injunction against any  
18 person, corporation, or entity that has willfully and materially violated  
19 the Fetal Dignity Protection Act. The injunction may prevent the  
20 performance of any procedure that results in the recovery of human fetal  
21 tissue.  
22 Sec. 9. If any provision, word, phrase, or clause of the Fetal  
23 Dignity Protection Act or the application thereof to any person or  
24 circumstance is held invalid, such invalidity shall not affect the  
25 provisions, words, phrases, clauses, or applications of the act which can  
26 be given effect without the invalid provision, word, phrase, clause, or  
27 application and to this end, the provisions, words, phrases, and clauses  
28 of the act are declared to be severable.  
29 Sec. 10. Section 38-2021, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:  
31 38-2021 Unprofessional conduct means any departure from or failure  
1 to conform to the standards of acceptable and prevailing practice of  
2 medicine and surgery or the ethics of the profession, regardless of  
3 whether a person, patient, or entity is injured, or conduct that is  
4 likely to deceive or defraud the public or is detrimental to the public  
5 interest, including, but not limited to:  
6 (1) Performance by a physician of an abortion as defined in  
7 subdivision (1) of section 28-326 under circumstances when he or she will  
8 not be available for a period of at least forty-eight hours for  
9 postoperative care unless such postoperative care is delegated to and  
10 accepted by another physician;  
11 (2) Performing an abortion upon a minor without having satisfied the  
12 requirements of sections 71-6901 to 71-6911;  
13 (3) The intentional and knowing performance of a partial-birth  
14 abortion as defined in subdivision (7) of section 28-326, unless such  
15 procedure is necessary to save the life of the mother whose life is  
16 endangered by a physical disorder, physical illness, or physical injury,  
17 including a life-endangering physical condition caused by or arising from  
18 the pregnancy itself; ~~and~~

19 (4) Performance by a physician of an abortion in violation of the  
 20 Pain-Capable Unborn Child Protection Act; and -  
 21 (5) Violation by a physician of the Fetal Dignity Protection Act.  
 22 Sec. 11. Original section 38-2021, Revised Statutes Cumulative  
 23 Supplement, 2014, is repealed.

(Signed) Les Seiler, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 83.** Placed on Final Reading.

**LEGISLATIVE BILL 803.** Placed on Final Reading.

**LEGISLATIVE BILL 1009.** Placed on Final Reading.

ST70

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER179, on page 11, line 21, "(1)(q)" has been struck and "(1)(g)" inserted.

**LEGISLATIVE BILL 1033.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Mello filed the following amendment to LB956:

AM2614

(Amendments to E & R amendments, ER192)

1 1. Purpose: The Department of Correctional Services received funding  
 2 for parole staff training and parolee treatment. In FY2016-17, Adult  
 3 Parole Administration moves from the Department of Correctional Services  
 4 to the Board of Parole. The funding for parole staff training and parolee  
 5 treatment is therefore moved from the Department of Correctional Services  
 6 to the Board of Parole in FY2016-17.

7 Amendment:

8 a. Insert the following new section:

9 Sec. 39. Laws 2015, LB598A, section 5, is amended to read:

10 Sec. 5. There is hereby appropriated (1) \$463,522 from the General  
 11 Fund and \$-0- from the Parole Program Cash Fund for FY2015-16 and (2)  
 12 \$6,200,975 ~~\$5,500,975~~ from the General Fund and \$455,873 from the Parole  
 13 Program Cash Fund for FY2016-17 to the Board of Pardons and Board of  
 14 Parole, for Program 358, to aid in carrying out the provisions of  
 15 Legislative Bill 598, One Hundred Fourth Legislature, First Session,  
 16 2015.

17 Total expenditures for permanent and temporary salaries and per  
 18 diems from funds appropriated in this section shall not exceed \$323,794  
 19 for FY2015-16 or \$2,957,608 for FY2016-17.



20 There is included in the appropriation to this program for FY2015-16  
 21 \$100,000 in General Funds which shall only be used by the Board of Parole  
 22 to develop and implement a strategic plan to transition the supervision  
 23 of the Office of Parole Administration from the Department of  
 24 Correctional Services to the Board of Parole. For the purposes of  
 25 developing such a plan, the Board of Parole shall, on or before January  
 26 1, 2016, hire a transition plan director and any staff as allowed under  
 1 subsection (2) of section 83-188 to assist such director in the  
 2 transition.

3 b. On page 55, lines 22 and 31, before "Laws" insert "Laws 2015,  
 4 LB598A, section 5;"

5 c. Renumber the remaining sections and correct internal references  
 6 accordingly.

7 2. Purpose: Transfer general funds from the Medicaid program for the  
 8 Department of Health and Human Services to administer the Medicaid in  
 9 Public Schools program.

10 Amendment:

11 a. On page 5, line 15, strike "4,343,884" and insert "4,588,884";  
 12 and in line 17 strike "7,217,762" and insert "7,462,762";

13 b. On page 26, line 24, strike "849,662,179" and insert  
 14 "849,417,179"; and in line 28 strike "2,114,420,250" and insert  
 15 "2,114,175,250"; and

16 c. On page 27, line 10, strike "\$849,662,179" and insert  
 17 "\$849,417,179".

18 3. Purpose: To insert the cap on transfers within the Department of  
 19 Health and Human Services.

20 Amendment:

21 a. On page 26, line 8, strike "the portion" and insert "an amount  
 22 not to exceed ten million dollars".

23 4. Purpose: The Department of Correctional Services received funding  
 24 for parole staff training and parolee treatment. In FY2016-17, Adult  
 25 Parole Administration moves from the Department of Correctional Services  
 26 to the Board of Parole. The funding for parole staff training and parolee  
 27 treatment is therefore moved from the Department of Correctional Services  
 28 to the Board of Parole in FY2016-17.

29 Amendment:

30 a. On page 50, line 14, strike "203,142,037" and insert  
 31 "202,442,037"; and in line 19 strike "225,966,872" and insert  
 1 "225,266,872".

2 5. Purpose: Laws 2015, LB598, will move Adult Parole Administration  
 3 from the Department of Correctional Services to the Board of Parole on  
 4 July 1, 2016. The "A" bill did not include language that would allow for  
 5 the unspent and unobligated General Fund appropriations in the Department  
 6 of Correctional Services to be reappropriated to the Board of Parole. The  
 7 following language would allow for this reappropriation.

8 Amendment:

9 a. On page 54, after line 11, insert:

10 "The unexpended General Fund appropriation balance existing on June  
 11 30, 2016, less certified encumbrances, in Program 389 - Adult Parole

12 Administration, is hereby reappropriated to Agency No. 15 — Board of  
 13 Pardons and Board of Parole, Program 358 - Board of Parole."

14 6. Purpose: Add intent language.

15 Amendment:

16 a. On page 39, after line 13 insert:

17 "It is the intent of the Legislature that the Nebraska Tourism  
 18 Commission establish criteria for the evaluation and ranking of potential  
 19 large-scale tourism projects that would have a significant economic  
 20 impact on a local, regional, and statewide basis. The criteria shall take  
 21 into consideration how projects may be prioritized to maximize geographic  
 22 diversity, methods to evaluate the natural, cultural, and historical  
 23 value of projects, and how to best assess the potential of projects to  
 24 attract visitors from outside the state. The commission shall  
 25 electronically submit a report to the Appropriations Committee of the  
 26 Legislature not later than December 31, 2016, summarizing the development  
 27 of the criteria and how the criteria would best be applied and utilized  
 28 by the commission."

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 495.** Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

PURPOSE: The purpose of this interim study is to examine state law governing cities of the second class and villages in Chapter 17 of the Nebraska statutes. The goal of the study is to update and modernize the statutes governing cities of the second class and villages through the elimination of obsolete, antiquated, and duplicative statutory language.

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 496.** Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

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

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.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 549A.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 549, One Hundred Fourth Legislature, Second Session, 2016.

#### **MESSAGE(S) FROM THE GOVERNOR**

March 16, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Accountability and Disclosure Commission:

Douglas Hegarty, 8120 Pacific Street, Omaha, NE 68114  
Jeffery Davis, 822 N. 8th Street, Beatrice, NE 68310

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

**GENERAL FILE**

**LEGISLATIVE BILL 895.** Title read. Considered.

Committee AM2159, found on page 686, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 1039.** Title read. Considered.

Committee AM2172, found on page 686, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 677.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 978.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 877.** Title read. Considered.

Committee AM2104, found on page 694, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 1050.** Title read. Considered.

Committee AM2237, found on page 697, was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 1075.** 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.

**LEGISLATIVE BILL 973.** Title read. Considered.

Committee AM2001, found on page 731, was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 712.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 902.** Title read. Considered.

Committee AM2287, found on page 733, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 694.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 908.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 908A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 1010.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 913.** Title read. Considered.

Committee AM2374, found on page 860, was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 1011.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE RESOLUTION 381.** Read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 783.** Title read. Considered.

Committee AM2357, found on page 866, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 783A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 842.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 750.** Title read. Considered.

Committee AM2378, found on page 880, was adopted with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 816.** Title read. Considered.

Committee AM2336, found on page 885, was adopted with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 952.** Title read. Considered.

Committee AM2358, found on page 887, was adopted with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 678.** Title read. Considered.

Committee AM2431, found on page 901, was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 1066.** Placed on General File with amendment. AM2640 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1032A.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1032, One Hundred Fourth Legislature, Second Session, 2016; and to reduce appropriations.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 497.** Introduced by Watermeier, 1.

WHEREAS, Nebraska is home to one of the world's largest and richest sources of superalloy materials such as niobium, scandium, and titanium, located in Johnson County near Elk Creek; and

WHEREAS, these superalloy materials are needed in a broad array of industries, including clean energy, energy efficiency, automotive, aerospace, defense, construction, and medicine; and

WHEREAS, scandium is particularly vital to clean energy technologies such as high-efficiency solid oxide fuel cells and has important applications in aviation and transportation that can significantly reduce fuel consumption and associated air emissions; and

WHEREAS, the Elk Creek Superalloy Materials Project will help further diversify Nebraska's economy into critical and strategic material manufacturing and position the state as a global leader in the innovative manufacture of these vital materials; and

WHEREAS, NioCorp Developments Ltd. has been working intensely for several years to prepare the Elk Creek Project for commercial operation; and

WHEREAS, the Elk Creek Project is forecast to create up to 1,200 jobs during its multi-year construction period, up to 400 permanent, high-paying,

high-skill jobs when fully operational, and an average annual payroll of approximately \$20 million; and

WHEREAS, these Nebraska superalloy materials will help our nation reduce its current 100 percent dependence upon foreign producers for niobium and scandium, which have important current and potential national defense applications; and

WHEREAS, the United States Department of Defense is so concerned about maintaining adequate supplies of niobium for national defense that it is now purchasing niobium at taxpayer expense from foreign producers for storage in the national defense stockpile; and

WHEREAS, the Elk Creek Project will produce these critical and strategic materials in a safe, efficient, and environmentally responsible manner.

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

1. That the Legislature supports the advancement of the Elk Creek Superalloy Materials Project into commercial operation.
2. That a copy of this resolution be sent to NioCorp Developments Ltd.

Laid over.

#### **AMENDMENT(S) - Print in Journal**

Senator Stinner filed the following amendment to LB774:  
AM2648

(Amendments to Standing Committee amendments, AM2422)

- 1 1. Insert the following new section:
- 2 Section 1. Section 3-613, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 3-613 Any authority established under sections 3-601 to 3-622 shall
- 5 have power:
- 6 (1) To sue and be sued;
- 7 (2) To have a seal and alter the same at pleasure;
- 8 (3) To acquire, hold, and dispose of personal property for its
- 9 corporate purposes;
- 10 (4) To acquire in the name of the county, by purchase or
- 11 condemnation, real property or rights or easements therein necessary or
- 12 convenient for its corporate purposes and, except as may otherwise be
- 13 provided in such sections, to use the same so long as its corporate
- 14 existence continues. Such power shall not be exercised by authorities
- 15 created after September 2, 1973, without further approval until such time
- 16 as three or more members of the authority have been elected. If the
- 17 exercise of such power is necessary while three or more appointed members
- 18 remain on the authority, the appointing body shall approve all
- 19 proceedings under this subdivision;
- 20 (5) To make bylaws for the management and regulation of its affairs
- 21 and, subject to agreements with bondholders, to make rules and
- 22 regulations for the use of projects and the establishment and collection
- 23 of rentals, fees, and all other charges for services or commodities sold,



24 furnished, or supplied by such authority. Any person violating such rules  
25 shall be guilty of a Class III misdemeanor;

26 (6) With the consent of the county, to use the services of agents,  
1 employees, and facilities of the county, for which the authority may  
2 reimburse the county a proper proportion of the compensation or cost  
3 thereof, and also to use the services of the county attorney as legal  
4 advisor to the authority;

5 (7) To appoint officers, agents, and employees and fix their  
6 compensation;

7 (8) To make contracts, leases, and all other instruments necessary  
8 or convenient to the corporate purposes of the authority;

9 (9) To design, construct, maintain, operate, improve, and  
10 reconstruct, so long as its corporate existence continues, such projects  
11 as are necessary and convenient to the maintenance and development of  
12 aviation services to and for the county in which such authority is  
13 established, including landing fields, heliports, hangars, shops,  
14 passenger and freight terminals, control towers, and all facilities  
15 necessary or convenient in connection with any such project, to contract  
16 for the construction, operation, or maintenance of any parts thereof or  
17 for services to be performed thereon, and to rent parts thereof and grant  
18 concessions thereon, all on such terms and conditions as the authority  
19 may determine. This subdivision shall not be construed to affect the  
20 obligation of a lessee to pay taxes if taxes are due under sections  
21 77-202, 77-202.11, and 77-202.12;

22 (10) To include in such project, subject to zoning restrictions,  
23 space and facilities for any or all of the following: Public recreation;  
24 business, trade, or other exhibitions; sporting or athletic events;  
25 public meetings; conventions; and all other kinds of assemblages and, in  
26 order to obtain additional revenue, space and facilities for business and  
27 commercial purposes. Whenever the authority deems it to be in the public  
28 interest, the authority may lease any such project or any part or parts  
29 thereof or contract for the management and operation thereof or any part  
30 or parts thereof. Any such lease or contract may be for such period of  
31 years as the authority shall determine. This subdivision shall not be  
1 construed to affect the obligation of a lessee to pay taxes if taxes are  
2 due under sections 77-202, 77-202.11, and 77-202.12;

3 (11) To charge fees, rentals, and other charges for the use of  
4 projects under the jurisdiction of such authority subject to and in  
5 accordance with such agreement with bondholders as may be made as  
6 hereinafter provided. Subject to contracts with bondholders, all fees,  
7 rentals, charges, and other revenue derived from any project shall be  
8 applied to the payment of operating, administration, and other necessary  
9 expenses of the authority properly chargeable to such project and to the  
10 payment of the interest on and principal of bonds or for making sinking-  
11 fund payments therefor. Subject to contracts with bondholders, the  
12 authority may treat one or more projects as a single enterprise with  
13 respect to revenue, expenses, the issuance of bonds, maintenance,  
14 operation, or other purposes;

15 (12) To annually request of the county board the amount of tax to be

16 levied for airport purposes subject to section 77-3443, not to exceed  
 17 three and five-tenths cents on each one hundred dollars of taxable  
 18 valuation of all the taxable property in such county. Property tax levies  
 19 for bonds issued by the authority pursuant to section 3-617 are not  
 20 included in the levy limits established by this subdivision. The  
 21 governing body shall levy and collect the taxes so requested at the same  
 22 time and in the same manner as other taxes are levied and collected, and  
 23 the proceeds of such taxes when due and as collected shall be set aside  
 24 and deposited in the special account or accounts in which other revenue  
 25 of the authority is deposited;

26 (13) To construct and maintain under, along, over, or across a  
 27 project, telephone, telegraph, or electric wires and cables, fuel lines,  
 28 gas mains, water mains, and other mechanical equipment not inconsistent  
 29 with the appropriate use of such project, to contract for such  
 30 construction and to lease the right to construct and use the same, or to  
 31 use the same on such terms for such period of time and for such  
 1 consideration as the authority shall determine;

2 (14) To accept grants, loans, or contributions from the United  
 3 States, the State of Nebraska, any agency or instrumentality of either of  
 4 them, or the county in which such authority is established and to expend  
 5 the proceeds thereof for any corporate purposes;

6 (15) To incur debt and issue negotiable bonds and to provide for the  
 7 rights of the holders thereof;

8 (16) To enter on any lands, waters, and premises for the purposes of  
 9 making surveys, soundings, and examinations; and

10 (17) To do all things necessary or convenient to carry out the  
 11 powers expressly conferred on such authorities by sections 3-601 to  
 12 3-622.

13 2. Renumber the remaining sections and correct internal references  
 14 accordingly.

15 3. Correct the operative date and repealer sections so that the  
 16 section added by this amendment becomes operative three calendar months  
 17 after the adjournment of this legislative session.

Senator Mello filed the following amendment to LB1081:  
 AM2606

1 1. Insert the following new sections:  
 2 Sec. 3. Section 68-1708, Revised Statutes Cumulative Supplement,  
 3 2014, is amended to read:  
 4 68-1708 Sections 68-1708 to 68-1735.03 ~~68-1735.04~~ shall be known and  
 5 may be cited as the Welfare Reform Act.

6 Sec. 5. Section 68-1721, Revised Statutes Cumulative Supplement,  
 7 2014, is amended to read:  
 8 68-1721 (1) Under the self-sufficiency contract developed under  
 9 section 68-1719, the principal wage earner and other nonexempt members of  
 10 the applicant family shall be required to participate in one or more of  
 11 the following approved activities, including, but not limited to,  
 12 education, job skills training, work experience, job search, or  
 13 employment.

14 (2) Education shall consist of the general education development  
15 program, high school, Adult Basic Education, English as a Second  
16 Language, postsecondary education, or other education programs approved  
17 in the contract.

18 (3) Job skills training shall include vocational training in  
19 technical job skills and equivalent knowledge. Activities shall consist  
20 of formalized, technical job skills training, apprenticeships, on-the-job  
21 training, or training in the operation of a microbusiness enterprise. The  
22 types of training, apprenticeships, or training positions may include,  
23 but need not be limited to, the ability to provide services such as home  
24 repairs, automobile repairs, respite care, foster care, personal care,  
25 and child care. Job skills training shall be prioritized and approved for  
26 occupations that facilitate economic self-sufficiency.

27 (4) The purpose of work experience shall be to improve the  
1 employability of applicants by providing work experience and training to  
2 assist them to move promptly into regular public or private employment.  
3 Work experience shall mean unpaid work in a public, private, for-profit,  
4 or nonprofit business or organization. Work experience placements shall  
5 take into account the individual's prior training, skills, and  
6 experience. A placement shall not exceed six months.

7 (5) Job search shall assist adult members of recipient families in  
8 finding their own jobs. The emphasis shall be placed on teaching the  
9 individual to take responsibility for his or her own job development and  
10 placement.

11 (6) Employment shall consist of work for pay. The employment may be  
12 full-time or part-time but shall be adequate to help the recipient family  
13 reach economic self-sufficiency.

14 (7) For purposes of creating the self-sufficiency contract and  
15 meeting the applicant's work activity requirement, an applicant shall be  
16 allowed to engage in vocational training that leads to an associate  
17 degree, a diploma, or a certificate for a minimum of twenty hours per  
18 week for up to thirty-six months. ~~This subsection terminates on December  
19 31, 2016.~~

20 Sec. 8. The following section is outright repealed: Section  
21 68-1735.04, Revised Statutes Cumulative Supplement, 2014.  
22 2. Renumber the remaining sections and amend the repealer  
23 accordingly.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Campbell - LB843

**VISITOR(S)**

Visitors to the Chamber were Dennis, Linda, Ella, and Todd Quigley from Bassett; 42 fourth-grade students from Yutan; Senator Sullivan's daughter and granddaughters, Mollie, Clara, and Norah Morrow from Albion; 11 fourth-grade students and teachers from St. John Lutheran School, Battle Creek; and Senator Williams' wife, Susan, daughter-in-law, Meredith Williams, and twin grandchildren, Reid and Joelle.

The Doctor of the Day was Dr. Jason L. Bepalec from Geneva.

**ADJOURNMENT**

At 12:27 p.m., on a motion by Senator Kuehn, the Legislature adjourned until 9:00 a.m., Monday, March 21, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-SIXTH DAY - MARCH 21, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 21, 2016

**PRAYER**

The prayer was offered by Pastor Donna Goltry, Westridge United Methodist and Trinity United Churches, Madison.

**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 Krist and McCoy who were excused; and Senators Coash, Craighead, K. Haar, Larson, McCollister, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fifth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 467.** Placed on Final Reading.

**LEGISLATIVE BILL 467A.** Placed on Final Reading.

**LEGISLATIVE BILL 754.** Placed on Final Reading.

ST69

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "create" in line 1 through line 3 has been struck and "amend sections 55-401, 55-402, 55-416, 55-418, 55-419, 55-427, 55-428, and 55-452, Reissue Revised Statutes of Nebraska; to create the Commission on Military and Veteran Affairs; to provide for membership, terms, duties, expenses, and staff; to require a report; to authorize summary discipline under the Nebraska Code of Military Justice for minor offenses as prescribed; to change certain references to the code; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 754A.** Placed on Final Reading.

**LEGISLATIVE BILL 794.** Placed on Final Reading.

**LEGISLATIVE BILL 817.** Placed on Final Reading.

**LEGISLATIVE BILL 867.** Placed on Final Reading.

ST68

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER180:
  - a. On page 3, line 10, "4" has been struck and "5" inserted;
  - b. On page 7, line 7; page 10, line 2; and page 11, line 30; page 12, lines 21 and 31; page 13, line 23; and page 14, line 9, "5" has been struck and "6" inserted;
  - c. On page 14, line 16, "2, 4, and 5" has been struck and "3, 5, and 6" inserted; and
  - d. On page 15, line 15, "section 83-173.03" has been struck and "sections 83-173.03 and 83-1,135" inserted.
2. On page 1, line 4, "section 83-173.03" has been struck and "sections 83-173.03 and 83-1,135" inserted.

**LEGISLATIVE BILL 867A.** Placed on Final Reading.

**LEGISLATIVE BILL 906.** Placed on Final Reading.

**LEGISLATIVE BILL 934.** Placed on Final Reading.

ST67

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Coash amendment, AM2544:
  - a. Amendment 5 has been struck; and
  - b. On page 7, line 7, "the second" has been inserted after "through".
2. In the E and R amendments, ER178, on page 22, lines 1 and 8, "and 30-2636" has been struck and "30-2636, and 83-174.02" inserted; in lines 3 and 9 "29-4003, 29-4103," has been inserted after "29-110,"; in line 20 "and" has been struck; and in line 21 "; and to declare an emergency" has been inserted after "sections".

**LEGISLATIVE BILL 934A.** Placed on Final Reading.

**LEGISLATIVE BILL 1082.** Placed on Final Reading.

**LEGISLATIVE BILL 1082A.** Placed on Final Reading.

**LEGISLATIVE BILL 1092.** Placed on Final Reading.

**LEGISLATIVE BILL 1109.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 475 and 476 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 475 and 476.

**SELECT FILE**

**LEGISLATIVE BILL 956.** ER192, found on page 1013, was adopted.

Senator Mello offered his amendment, AM2614, found on page 1088.

The Mello amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Mello offered the following amendment:

AM2657

(Amendments to E & R amendments, ER192)

1 1. On page 10, line 17, strike "CASH" and insert "GENERAL".

**SPEAKER HADLEY PRESIDING**

The Mello amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following motion:

MO216

Recommit to the Appropriations Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 42:

Baker	Davis	Hansen	Kuehn	Schumacher
Bloomfield	Ebke	Harr, B.	Lindstrom	Seiler
Bolz	Fox	Hilkemann	McCollister	Smith
Brasch	Friesen	Howard	Mello	Stinner
Campbell	Garrett	Hughes	Morfeld	Watermeier
Coash	Gloor	Johnson	Pansing Brooks	Williams
Cook	Groene	Kintner	Riepe	
Craighead	Haar, K.	Kolowski	Schilz	
Crawford	Hadley	Kolterman	Schnoor	

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Krist	McCoy	Scheer
Larson	Murante	Sullivan

The Chambers motion to recommit to committee failed with 0 ayes, 42 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO217

Reconsider the vote to recommit to committee.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 2:

Harr, B.	Schumacher
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Voting in the negative, 41:

Baker	Ebke	Hilkemann	Lindstrom	Seiler
Bloomfield	Fox	Howard	McCollister	Smith
Bolz	Friesen	Hughes	Mello	Stinner
Brasch	Garrett	Johnson	Morfeld	Watermeier
Campbell	Gloor	Kintner	Pansing Brooks	Williams
Coash	Groene	Kolowski	Riepe	
Cook	Haar, K.	Kolterman	Scheer	
Crawford	Hadley	Kuehn	Schilz	
Davis	Hansen	Larson	Schnoor	



Present and not voting, 1:

Chambers

Excused and not voting, 5:

Craighead Krist McCoy Murante Sullivan

The Chambers motion to reconsider failed with 2 ayes, 41 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO218

Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 44:

Baker	Ebke	Hilkemann	Lindstrom	Schnoor
Bloomfield	Friesen	Howard	McCollister	Schumacher
Bolz	Garrett	Hughes	Mello	Seiler
Campbell	Gloor	Johnson	Morfeld	Smith
Coash	Groene	Kintner	Murante	Stinner
Cook	Haar, K.	Kolowski	Pansing Brooks	Sullivan
Craighead	Hadley	Kolterman	Riepe	Watermeier
Crawford	Hansen	Kuehn	Scheer	Williams
Davis	Harr, B.	Larson	Schilz	

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Brasch Fox Krist McCoy

The Chambers motion to bracket failed with 0 ayes, 44 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO219

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 3:

Bloomfield    Chambers    Kintner

Voting in the negative, 42:

Baker	Ebke	Hilkemann	Mello	Seiler
Bolz	Fox	Howard	Morfeld	Smith
Brasch	Friesen	Hughes	Murante	Stinner
Campbell	Garrett	Johnson	Pansing Brooks	Sullivan
Coash	Gloor	Kolowski	Riepe	Watermeier
Cook	Groene	Kolterman	Scheer	Williams
Craighead	Haar, K.	Kuehn	Schilz	
Crawford	Hadley	Larson	Schnoor	
Davis	Hansen	Lindstrom	Schumacher	

Excused and not voting, 4:

Harr, B.    Krist    McCollister    McCoy

The Chambers motion to reconsider failed with 3 ayes, 42 nays, and 4 excused and not voting.

Pending.

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 498.** Introduced by Johnson, 23.

**PURPOSE:** The purpose of this interim study is to examine the Nebraska Right to Farm Act. In examining the act, the study committee should:

- (1) Review the purposes of the act;
- (2) Compile an analysis of the case law interpreting the act and the history of the act's application in Nebraska; and
- (3) Compare the provisions of the act with similar statutes from other states and review the case law interpreting those statutes. In particular, the study committee should examine case law that defines the scope of protections offered by other states' laws and case law addressing the constitutionality of such laws.

The study committee should also examine whether the Nebraska Right to Farm Act should be amended to reflect changes in farming practices that are resulting from changing market conditions, advances in farming technology, and innovations in cropping and livestock husbandry. The study committee should examine whether the act should be amended to address the conflicts and issues arising from these changing farm practices and to afford reasonable protections for such practices.

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

1. That the Agriculture 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 499.** Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Health and Human Services Committee.

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

1. That the Health and Human Services 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.

#### **COMMITTEE REPORT(S)**

##### Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

LeRoy Gerrard - Board of Public Roads Classifications and Standards

Lisa Kramer - Board of Public Roads Classifications and Standards

Darold Tagge - Board of Public Roads Classifications and Standards

Aye: 8 Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler, Smith.

Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator B. Harr filed the following amendment to LB889:  
AM2637

(Amendments to Standing Committee amendments, AM2490)

1 1. Insert the following new section:

2 Sec. 13. Section 77-5715, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 77-5715 (1) For a tier 2, tier 3, tier 4, or tier 5 project,

5 qualified business means any business engaged in:

6 (a) The conducting of research, development, or testing for

7 scientific, agricultural, animal husbandry, food product, or industrial  
8 purposes;

9 (b) The performance of data processing, medical data analysis, or  
10 telecommunication, insurance, or financial services. For purposes of this  
11 subdivision, financial services includes only financial services provided  
12 by any financial institution subject to tax under Chapter 77, article 38,  
13 or any person or entity licensed by the Department of Banking and Finance  
14 or the federal Securities and Exchange Commission and telecommunication  
15 services includes community antenna television service, Internet access,  
16 satellite ground station, call center, or telemarketing. For purposes of  
17 this subdivision, medical data analysis includes only medical data  
18 analysis performed by a business which derives at least seventy-five  
19 percent of the sales or revenue attributable to such activities relating  
20 to the project from sales to the United States Government;

21 (c) The assembly, fabrication, manufacture, or processing of  
22 tangible personal property;

23 (d) The administrative management of the taxpayer's activities,  
24 including headquarter facilities relating to such activities or the  
25 administrative management of any of the activities of any business entity  
26 or entities in which the taxpayer or a group of its shareholders holds  
1 any direct or indirect ownership interest of at least ten percent,  
2 including headquarter facilities relating to such activities;

3 (e) The storage, warehousing, distribution, transportation, or sale  
4 of tangible personal property;

5 (f) The sale of tangible personal property if the taxpayer derives  
6 at least seventy-five percent or more of the sales or revenue  
7 attributable to such activities relating to the project from sales to  
8 consumers who are not related persons and are located outside the state;

9 (g) The sale of software development services, computer systems  
10 design, product testing services, or guidance or surveillance systems  
11 design services or the licensing of technology if the taxpayer derives at  
12 least seventy-five percent of the sales or revenue attributable to such  
13 activities relating to the project from sales or licensing either to  
14 customers who are not related persons and located outside the state or to  
15 the United States Government, including sales of such services, systems,  
16 or products delivered by providing the customer with software or access

17 to software over the Internet or by other electronic means, regardless of  
18 whether the software or data accessed by customers is stored on a  
19 computer owned by the applicant, the customer, or a third party and  
20 regardless of whether the computer storing the software or data is  
21 located at the project;

22 (h) The research, development, and maintenance of an Internet web  
23 portal. For purposes of this subdivision, Internet web portal means an  
24 Internet site that allows users to access, search, and navigate the  
25 Internet;

26 (i) The research, development, and maintenance of a data center;

27 (j) The production of electricity by using one or more sources of  
28 renewable energy to produce electricity for sale. For purposes of this  
29 subdivision, sources of renewable energy includes, but is not limited to,  
30 wind, solar, geothermal, hydroelectric, biomass, and transmutation of  
31 elements; or

1 (k) Any combination of the activities listed in this subsection.

2 (2) For a tier 1 project, qualified business means any business  
3 engaged in:

4 (a) The conducting of research, development, or testing for  
5 scientific, agricultural, animal husbandry, food product, or industrial  
6 purposes;

7 (b) The assembly, fabrication, manufacture, or processing of  
8 tangible personal property;

9 (c) The sale of software development services, computer systems  
10 design, product testing services, or guidance or surveillance systems  
11 design services or the licensing of technology if the taxpayer derives at  
12 least seventy-five percent of the sales or revenue attributable to such  
13 activities relating to the project from sales or licensing either to  
14 customers who are not related persons and are located outside the state  
15 or to the United States Government, including sales of such services,  
16 systems, or products delivered by providing the customer with software or  
17 access to software over the Internet or by other electronic means,  
18 regardless of whether the software or data accessed by customers is  
19 stored on a computer owned by the applicant, the customer, or a third  
20 party and regardless of whether the computer storing the software or data  
21 is located at the project; or

22 (d) Any combination of activities listed in this subsection.

23 (3) For a tier 6 project, qualified business means any business  
24 except a business excluded by subsection (4) of this section.

25 (4) Except for business activity described in subdivision (1)(f) of  
26 this section, qualified business does not include any business activity  
27 in which eighty percent or more of the total sales are sales to the  
28 ultimate consumer of (a) food prepared for immediate consumption or (b)  
29 tangible personal property which is not assembled, fabricated,  
30 manufactured, or processed by the taxpayer or used by the purchaser in  
31 any of the activities listed in subsection (1) or (2) of this section.

1 2. Renumber the remaining section and correct the repealer  
2 accordingly.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 975.** Placed on General File with amendment.

AM2667

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

3 Section 1. Sections 1 to 7 of this act shall be known and may be  
4 cited as the Child Placement Services Preservation Act.

5 Sec. 2. The Legislature finds and declares that:

6 (1) The State of Nebraska has a critical need to find and retain  
7 safe, loving, and supportive homes for children, especially because the  
8 number of children needing foster care and adoption placement outnumber  
9 the homes available for placement;

10 (2) In order to serve the best interests of the children of this  
11 state, the State of Nebraska has a longstanding public-private  
12 partnership with a diverse group of faith-based and non-faith-based  
13 organizations that work side by side to find and retain safe, loving, and  
14 supportive homes for children. Significantly, faith-based organizations  
15 have a lengthy history of providing child placement services which  
16 predates government involvement;

17 (3) Having as many qualified child-placing agencies in Nebraska as  
18 possible is a substantial benefit to the children of Nebraska who are in  
19 need of these placement services and to all of the citizens of Nebraska  
20 because the more qualified agencies taking part in this process there  
21 are, the greater the likelihood that permanent placement can be achieved  
22 for each child; and

23 (4) In order to preserve the support that child-placing agencies  
24 offer children and families, the government should not take adverse  
25 action against child-placing agencies based on their sincerely held  
26 religious beliefs.

27 Sec. 3. For purposes of the Child Placement Services Preservation  
1 Act:

2 (1) Adverse action includes, but is not limited to, denying a child-  
3 placing agency's application for funding, refusing to renew an agency's  
4 funding, canceling an agency's funding, declining to enter into a  
5 contract with an agency, refusing to renew a contract with an agency,  
6 canceling a contract with an agency, denying issuance of a license to an  
7 agency, refusing to renew an agency's license, canceling an agency's  
8 license, taking an enforcement action against an agency, treating an  
9 agency less favorably than similarly situated agencies in regard to  
10 participation in a government program, or taking any other action that  
11 materially alters the terms or conditions of an agency's funding,  
12 contract, or license;

13 (2) Child placement service means arranging the placement of  
14 children with foster care and adoptive parents, including placement,  
15 promoting foster care and adoption, and recruiting, screening, and  
16 training the foster care and adoptive parents;

17 (3) Child-placing agency or agency has the same meaning as in

18 section 71-1926:  
19 (4) Department means the Department of Health and Human Services;  
20 and  
21 (5) State includes the state, its agencies, and its political  
22 subdivisions.  
23 Sec. 4. (1) To the fullest extent permitted by state and federal  
24 law, a child-placing agency shall not be required to provide or  
25 facilitate any child placement service if the service conflicts with, or  
26 provide or facilitate any child placement service under circumstances  
27 that conflict with, the child-placing agency's sincerely held religious  
28 beliefs.  
29 (2) If a child-placing agency declines to provide or facilitate any  
30 child placement service under subsection (1) of this section, the child-  
31 placing agency shall promptly provide the person seeking such service  
1 with at least one of the following:  
2 (a) Contact information for another child-placing agency that is  
3 capable of providing the declined service;  
4 (b) A list of other child-placing agencies capable of providing the  
5 declined service which includes contact information for such agencies; or  
6 (c) A link to a web page on the department's web site that includes  
7 a list of other child-placing agencies capable of providing the declined  
8 service and contact information for the agencies.  
9 Sec. 5. To the fullest extent permitted by state and federal law,  
10 the state shall not take an adverse action against a child-placing agency  
11 because the agency declines to provide or facilitate a child placement  
12 service that conflicts with the child-placing agency's sincerely held  
13 religious beliefs.  
14 Sec. 6. A child-placing agency aggrieved by a violation of section  
15 5 of this act may assert that violation as a defense in any  
16 administrative or judicial proceeding.  
17 Sec. 7. The Child Placement Services Preservation Act shall be  
18 construed liberally so as to effectuate its purposes.  
19 Sec. 8. If any section in this act or any part of any section is  
20 declared invalid or unconstitutional, the declaration shall not affect  
21 the validity or constitutionality of the remaining portions.

(Signed) Les Seiler, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 1105A.** Placed on Select File with amendment.  
ER198

1 1. On page 2, line 2, after "the" insert "Nebraska".

**LEGISLATIVE BILL 790.** Placed on Select File with amendment.  
ER209

1 1. On page 2, line 21, strike "and".

**LEGISLATIVE BILL 909.** Placed on Select File with amendment.

ER199

- 1 1. On page 1, strike beginning with the first "change" in line 5
- 2 through "number" in line 9 and insert "eliminate provisions relating to
- 3 penalties; to provide for administrative fees; to state intent; to
- 4 provide for remittance of certain fees; to eliminate requirements for
- 5 social security numbers on applications as prescribed".
- 6 2. On page 9, line 29; and page 10, lines 10 and 11 and 14 and 15,
- 7 strike "sections 54-1701 to 54-1711", show as stricken, and insert "the
- 8 Nebraska Livestock Dealer Licensing Act".

**LEGISLATIVE BILL 731.** Placed on Select File with amendment.

ER208

- 1 1. On page 14, line 27, after "and" insert "subdivision".
- 2 2. On page 15, lines 8 and 20, strike "subdivision", show as
- 3 stricken, and insert "subdivisions".

**LEGISLATIVE BILL 814.** Placed on Select File.**LEGISLATIVE BILL 814A.** Placed on Select File.**LEGISLATIVE BILL 784.** Placed on Select File.**LEGISLATIVE BILL 942.** Placed on Select File with amendment.

ER196

- 1 1. On page 4, line 7, after the first comma insert "a".
- 2 2. On page 4, line 15; and page 5, line 6, strike "sections 87-401
- 3 to 87-410", show as stricken, and insert "the Franchise Practices Act".
- 4 3. On page 5, line 4, after "cancellation" insert an underscored
- 5 comma; in line 7 after "cancel" insert an underscored comma; in line 16
- 6 after the first comma insert "the"; and in line 22 strike "subsection"
- 7 and insert "act".

**LEGISLATIVE BILL 726.** Placed on Select File with amendment.

ER197

- 1 1. Strike the original section and all amendments thereto and insert
- 2 the following new section:
- 3 Section 1. (1) For purposes of this section, eligible institution
- 4 means a publicly funded postsecondary educational institution located in
- 5 Nebraska.
- 6 (2) Beginning with school year 2017-18, an eligible institution that
- 7 receives federal education loan information for a student enrolled in the
- 8 eligible institution shall provide the following to such student annually
- 9 prior to the student accepting a federal education loan:
- 10 (a) An estimate of the total dollar amount of federal education
- 11 loans taken out by the student at the time the information is provided;
- 12 (b) For the dollar amount of federal education loans that the
- 13 student has taken out at the time the information is provided, an
- 14 estimate of (i) the potential total payoff amount, including principal
- 15 and interest, or a range within which the total payoff amount may fall,
- 16 (ii) the monthly repayment amounts, including principal and interest,



17 that a typical borrower may incur, and (iii) the number of years used in  
18 determining the potential total payoff amount, and information on how the  
19 student can access online repayment calculators. Such information may  
20 include a statement that the estimates and ranges are general in nature  
21 and not meant as a guarantee or promise of the actual amounts; and  
22 (c) The percentage of the aggregate borrowing limit the student has  
23 reached at the time the information is provided.  
24 (3) An eligible institution does not incur liability for any  
25 information provided pursuant to subsection (2) of this section.

**LEGISLATIVE BILL 813.** Placed on Select File.

**LEGISLATIVE BILL 924.** Placed on Select File with amendment.

ER202

- 1 1. On page 2, line 8, strike the comma.
- 2 2. On page 3, line 6, after the first comma insert "the".

**LEGISLATIVE BILL 770.** Placed on Select File.

**LEGISLATIVE BILL 770A.** Placed on Select File.

**LEGISLATIVE BILL 875.** Placed on Select File.

**LEGISLATIVE BILL 948.** Placed on Select File.

**LEGISLATIVE BILL 725.** Placed on Select File.

**LEGISLATIVE BILL 680.** Placed on Select File.

**LEGISLATIVE BILL 680A.** Placed on Select File.

**LEGISLATIVE BILL 823.** Placed on Select File with amendment.

ER201

- 1 1. On page 3, line 2, strike "fifteen" and insert "one thousand
- 2 five".

**LEGISLATIVE BILL 865.** Placed on Select File.

**LEGISLATIVE BILL 1002.** Placed on Select File with amendment.

ER200

- 1 1. On page 1, strike beginning with "change" in line 2 through
- 2 "mission" in line 3 and insert "authorize educational service unit boards
- 3 to pay membership dues in associations of school boards as prescribed".

**LEGISLATIVE BILL 1086.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

The Chair declared the call raised.

**VISITOR(S)**

Visitors to the Chamber were 20 fourth-grade students from Cornerstone Christian School, Bellevue; and 50 fourth-grade students from Wilber-Clatonia.

**EASE**

The Legislature was at ease from 12:12 p.m. until 12:40 p.m.

**MOTION - Adjournment**

Senator Chambers moved to adjourn until 9:00 a.m., March 22, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Senator Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 3:

Chambers      Howard      Kintner

Voting in the negative, 40:

Baker	Davis	Hansen	Lindstrom	Schnoor
Bolz	Ebke	Hilkemann	Mello	Schumacher
Brasch	Fox	Hughes	Morfeld	Seiler
Campbell	Friesen	Johnson	Murante	Smith
Coash	Garrett	Kolowski	Pansing Brooks	Stinner
Cook	Gloor	Kolterman	Riepe	Sullivan
Craighead	Groene	Kuehn	Scheer	Watermeier
Crawford	Hadley	Larson	Schilz	Williams

Present and not voting, 1:

Bloomfield

Absent and not voting, 1:

Haar, K.

Excused and not voting, 4:

Harr, B.      Krist      McCollister      McCoy

The Chambers motion to adjourn failed with 3 ayes, 40 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**SELECT FILE**

**LEGISLATIVE BILL 956.** Senator Chambers offered the following amendment:

FA97

Strike section 1.

**SENATOR COASH PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 42:

Baker	Ebke	Howard	Mello	Seiler
Bloomfield	Fox	Hughes	Morfeld	Smith
Bolz	Friesen	Johnson	Murante	Stinner
Brasch	Garrett	Kintner	Pansing Brooks	Sullivan
Campbell	Gloor	Kolowski	Riepe	Watermeier
Coash	Haar, K.	Kolterman	Scheer	Williams
Cook	Hadley	Kuehn	Schilz	
Crawford	Hansen	Larson	Schnoor	
Davis	Hilkemann	Lindstrom	Schumacher	

Excused and not voting, 6:

Craighead	Harr, B.	McCollister
Groene	Krist	McCoy

The Chambers amendment lost with 1 aye, 42 nays, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA98

Strike section 2.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 957.** ER191, found on page 1013, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 981.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 960.** ER193, found on page 1013, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 960A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 843.** ER195, found on page 1043, was adopted.

Senator B. Harr offered the following amendment:

AM2670

(Amendments to Standing Committee amendments, AM2335)

1 1. On page 2, strike beginning with "law" in line 5 though the comma  
2 in line 6, show as stricken, and insert "court determines".

**SPEAKER HADLEY PRESIDING**

Senator B. Harr withdrew his amendment.

Senator B. Harr offered the following amendment:

AM2665

(Amendments to Standing Committee amendments, AM2335)

1 1. On page 2, after line 18, insert the following new subsection:  
2 "(6)(a) A person charged with a violation of this section may file a  
3 motion to dismiss the charge if the charge was the result of the person  
4 having been a trafficking victim as defined in section 28-830. The motion  
5 shall be in writing, describe the supporting evidence with particularity,  
6 and include copies of any documents showing that the moving party is  
7 entitled to relief under this subsection.  
8 (b) The court shall hold a hearing on the motion, except that the  
9 court may dismiss a motion without a hearing if the court finds that the  
10 motion fails to assert a claim for which relief may be granted.  
11 (c) The court shall grant the motion if it finds by a preponderance  
12 of the evidence that:  
13 (i) The moving party was charged with prostitution in violation of  
14 this section; and  
15 (ii) The charge was obtained as a result of the moving party's  
16 having been a trafficking victim as defined in section 28-830.  
17 (d) If the motion is granted, the court shall dismiss the charge."

**SENATOR SCHEER PRESIDING**

The B. Harr amendment was adopted with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

Senator Coash offered the following amendment:

FA100

Amend AM2335

On page 2, line 5, insert after "officer" the words "or judge".

Senator Coash withdrew his amendment.

Senator Coash offered the following amendment:

FA101

Amend AM2335

Page 2, line 9, after "person" add "shall be released by the arresting officer"  
 Line 10 after "for"; strike "a" and add "the" and on line 9 strike from "shall" to line 10 through "prosecution".

**SPEAKER HADLEY PRESIDING**

Senator B, Harr moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator B. Harr requested a roll call vote on the Coash amendment.

Voting in the affirmative, 22:

Bloomfield	Groene	Johnson	Riepe	Watermeier
Chambers	Hadley	Kintner	Scheer	Williams
Coash	Harr, B.	Kolowski	Schumacher	
Ebke	Hilkemann	Lindstrom	Seiler	
Gloor	Hughes	McCollister	Stinner	

Voting in the negative, 8:

Crawford	Garrett	Morfeld	Schnoor
Fox	Haar, K.	Pansing Brooks	Sullivan

Present and not voting, 15:

Baker	Campbell	Friesen	Kuehn	Murante
Bolz	Cook	Hansen	Larson	Schilz
Brasch	Craighead	Howard	Mello	Smith

Excused and not voting, 4:

Davis	Kolterman	Krist	McCoy
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The Coash amendment lost with 22 ayes, 8 nays, 15 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**AMENDMENT(S) - Print in Journal**

Senator Kolowski filed the following amendment to LB902:  
AM2671

(Amendments to Standing Committee amendments, AM2287)

- 1 1. On page 1, line 25, strike the two commas.
- 2 2. On page 3, strike beginning with "Up" in line 17 through the
- 3 period in line 19; and in line 22 after the period insert "The State
- 4 Energy Office may use the fund for necessary costs in the administration
- 5 of the act up to an amount not exceeding ten percent of the fund
- 6 annually.".

Senator Larson filed the following amendment to LB83:  
AM2672

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Section 1. Sections 1 to 11 of this act shall be known and may be
- 3 cited as the Workplace Privacy Act.
- 4 Sec. 2. For purposes of the Workplace Privacy Act:
- 5 (1) Adverse action means the discharge of an employee, a threat
- 6 against an employee, or any other form of discrimination against an
- 7 employee that negatively affects the employee's employment, including
- 8 actions that affect the employee's compensation, work location, rights,
- 9 immunities, promotions, privileges, or other terms and conditions of
- 10 employment;
- 11 (2) Applicant means a prospective employee applying for employment;
- 12 (3) Electronic communication device means a cellular telephone,
- 13 personal digital assistant, electronic device with mobile data access,
- 14 laptop computer, pager, broadband personal communication device, two-way
- 15 messaging device, electronic game, or portable computing device;
- 16 (4) Employee means an individual employed by an employer;
- 17 (5) Employer means a public or nonpublic entity or an individual
- 18 engaged in a business, an industry, a profession, a trade, or other
- 19 enterprise in the state, including any agent, representative, or designee
- 20 acting directly or indirectly in the interest of such an employer; and
- 21 (6)(a) Personal Internet account means an individual's online
- 22 account that requires login information in order to access or control the
- 23 account.
- 24 (b) Personal Internet account does not include:
- 25 (i) An online account that an employer or educational institution
- 26 supplies or pays for, except when the employer or educational institution
- 1 pays only for additional features or enhancements to the online account;
- 2 or
- 3 (ii) An online account that is used exclusively for a business
- 4 purpose of the employer.

5 Sec. 3. No employer shall:

6 (1) Require or request that an employee or applicant provide or  
7 disclose any user name or password or any other related account  
8 information in order to gain access to the employee's or applicant's  
9 personal Internet account by way of an electronic communication device;

10 (2) Require or request that an employee or applicant log into a  
11 personal Internet account by way of an electronic communication device in  
12 the presence of the employer in a manner that enables the employer to  
13 observe the contents of the employee's or applicant's personal Internet  
14 account or provides the employer access to the employee's or applicant's  
15 personal Internet account;

16 (3) Require an employee or applicant to add anyone, including the  
17 employer, to the list of contacts associated with the employee's or  
18 applicant's personal Internet account or require or otherwise coerce an  
19 employee or applicant to change the settings on the employee's or  
20 applicant's personal Internet account which affects the ability of others  
21 to view the content of such account; or

22 (4) Take adverse action against, fail to hire, or otherwise penalize  
23 an employee or applicant for failure to provide or disclose any of the  
24 information or to take any of the actions specified in subdivisions (1)  
25 through (3) of this section.

26 Sec. 4. An employer shall not require an employee or applicant to  
27 wave or limit any protection granted under the Workplace Privacy Act as  
28 a condition of continued employment or of applying for or receiving an  
29 offer of employment. Any agreement to waive any right or protection under  
30 the act is against the public policy of this state and is void and  
31 unenforceable.

1 Sec. 5. An employer shall not retaliate or discriminate against an  
2 employee or applicant because the employee or applicant:

3 (1) Files a complaint under the Workplace Privacy Act; or

4 (2) Testifies, assists, or participates in an investigation,

5 proceeding, or action concerning a violation of the act.

6 Sec. 6. An employee shall not download or transfer an employer's  
7 private proprietary information or private financial data to a personal  
8 Internet account without authorization from the employer. This section  
9 shall not apply if the proprietary information or the financial data is  
10 otherwise disclosed by the employer to the public pursuant to other  
11 provisions of law or practice.

12 Sec. 7. Nothing in the Workplace Privacy Act limits an employer's  
13 right to:

14 (1) Promulgate and maintain lawful workplace policies governing the  
15 use of the employer's electronic equipment, including policies regarding  
16 Internet use and personal Internet account use;

17 (2) Request or require an employee or applicant to disclose access  
18 information to the employer to gain access to or operate:

19 (a) An electronic communication device supplied by or paid for in  
20 whole or in part by the employer; or

21 (b) An account or service provided by the employer, obtained by  
22 virtue of the employee's employment relationship with the employer, or

23 used for the employer's business purposes;  
24 (3) Restrict or prohibit an employee's access to certain web sites  
25 while using an electronic communication device supplied by or paid for in  
26 whole or in part by the employer or while using an employer's network or  
27 resources, to the extent permissible under applicable laws;  
28 (4) Monitor, review, access, or block electronic data stored on an  
29 electronic communication device supplied by or paid for in whole or in  
30 part by the employer or stored on an employer's network, to the extent  
31 permissible under applicable laws;  
1 (5) Access information about an employee or applicant that is in the  
2 public domain or is otherwise obtained in compliance with the Workplace  
3 Privacy Act;  
4 (6) Conduct an investigation or require an employee to cooperate in  
5 an investigation under any of the following circumstances:  
6 (a) If the employer has specific information about potentially  
7 wrongful activity taking place on the employee's personal Internet  
8 account, for the purpose of ensuring compliance with applicable laws,  
9 regulatory requirements, or prohibitions against work-related employee  
10 misconduct; or  
11 (b) If the employer has specific information about an unauthorized  
12 download or transfer of the employer's private proprietary information,  
13 private financial data, or other confidential information to an  
14 employee's personal Internet account;  
15 (7) Take adverse action against an employee for downloading or  
16 transferring an employer's private proprietary information or private  
17 financial data to a personal Internet account without the employer's  
18 authorization;  
19 (8) Comply with requirements to screen employees or applicants  
20 before hiring or to monitor or retain employee communications that are  
21 established by state or federal law or by a self-regulatory organization  
22 as defined in 15 U.S.C. 78c(a)(26), as such section existed on January 1,  
23 2016; or  
24 (9) Comply with a law enforcement investigation conducted by a law  
25 enforcement agency.  
26 Sec. 8. Nothing in the Workplace Privacy Act limits a law  
27 enforcement agency's right to screen employees or applicants in  
28 connection with a law enforcement employment application or a law  
29 enforcement officer conduct investigation.  
30 Sec. 9. (1) The Workplace Privacy Act does not create a duty for an  
31 employer to search or monitor the activity of a personal Internet  
1 account.  
2 (2) An employer is not liable under the act for failure to request  
3 or require that an employee or applicant grant access to, allow  
4 observation of, or disclose information that allows access to or  
5 observation of the employee's or applicant's personal Internet account.  
6 Sec. 10. If an employer inadvertently learns the user name,  
7 password, or other means of access to an employee's or applicant's  
8 personal Internet account through the use of otherwise lawful technology  
9 that monitors the employer's computer network or employer-provided



10 electronic communication devices for service quality or security  
 11 purposes, the employer is not liable for obtaining the information, but  
 12 the employer shall not use the information to access the employee's or  
 13 applicant's personal Internet account or share the information with  
 14 anyone. The employer shall delete such information as soon as  
 15 practicable.  
 16 Sec. 11. Upon violation of the Workplace Privacy Act, an aggrieved  
 17 employee or applicant may, in addition to any other available remedy,  
 18 institute a civil action within one year after the date of the alleged  
 19 violation or the discovery of the alleged violation, whichever is later.  
 20 The employee or applicant shall file an action directly in the district  
 21 court of the county where such alleged violation occurred. The district  
 22 court shall docket and try such case as any other civil action, and any  
 23 successful complainant shall be entitled to appropriate relief, including  
 24 temporary or permanent injunctive relief, general and special damages,  
 25 reasonable attorney's fees, and costs.  
 26 Sec. 13. If any section in this act or any part of any section is  
 27 declared invalid or unconstitutional, the declaration shall not affect  
 28 the validity or constitutionality of the remaining portions.  
 29 2. On page 1, strike beginning with "wages" in line 1 through line 3  
 30 and insert "employment; to amend section 48-1220, Reissue Revised  
 31 Statutes of Nebraska; to adopt the Workplace Privacy Act; to redefine a  
 1 term relating to wages and sex discrimination; to provide severability;  
 2 and to repeal the original section."  
 3 3. Renumber the remaining sections accordingly.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR497 was referred to the Reference Committee.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR497	Natural Resources

(Signed) Bob Krist, Chairperson  
 Executive Board

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 567.** Placed on Select File with amendment.  
 ER207

1 1. On page 1, strike beginning with "sections" in line 1 through  
 2 line 5 and insert "section 38-2871, Revised Statutes Cumulative  
 3 Supplement, 2014; to change provisions relating to transfer of

4 prescription refill information; to provide for forwarding original  
5 prescriptions as prescribed; and to repeal the original section."

**LEGISLATIVE BILL 684.** Placed on Select File with amendment.  
ER206

- 1 1. On page 1, line 3, after "studies" insert "and medical
- 2 histories".
- 3 2. On page 4, line 23, after "child" insert an underscored comma.

**LEGISLATIVE BILL 887.** Placed on Select File.

**LEGISLATIVE BILL 736.** Placed on Select File with amendment.  
ER215

- 1 1. On page 1, strike beginning with "define" in line 5 through line
- 2 8 and insert "provide, change, and eliminate definitions; to change
- 3 provisions relating to power purchase agreements and community-based
- 4 energy development projects; to eliminate annual statements as
- 5 prescribed; to harmonize provisions; and to repeal the original
- 6 sections."
- 7 2. On page 3, line 31, after "under" insert "the Business
- 8 Corporation Act or".

**LEGISLATIVE BILL 679.** Placed on Select File.

**LEGISLATIVE BILL 891.** Placed on Select File.

**LEGISLATIVE BILL 881.** Placed on Select File.

**LEGISLATIVE BILL 1101.** Placed on Select File with amendment.  
ER203

- 1 1. On page 2, line 9, strike "(1)" and insert "(a)"; in line 11
- 2 strike "(2)" and insert "(b)"; in line 15 strike "(3)" and insert "(c)";
- 3 in line 18 strike "(4)" and insert "(d)"; and in line 20 strike "(5)" and
- 4 insert "(e)".

**LEGISLATIVE BILL 1080.** Placed on Select File with amendment.  
ER204

- 1 1. On page 3, line 11, strike the comma.

**LEGISLATIVE BILL 899.** Placed on Select File with amendment.  
ER205

- 1 1. On page 1, line 5, strike "; to harmonize provisions" and insert
- 2 "and eliminate requirements relating to public water systems".
- 3 2. On page 5, line 22, strike "sections" and insert "section".

**LEGISLATIVE BILL 895.** Placed on Select File.

**LEGISLATIVE BILL 1039.** Placed on Select File.

**LEGISLATIVE BILL 677.** Placed on Select File with amendment.

ER216

1 1. On page 1, line 3, strike "veterans".

**LEGISLATIVE BILL 978.** Placed on Select File.

**LEGISLATIVE BILL 877.** Placed on Select File with amendment.

ER211

1 1. On page 1, strike beginning with "a" in line 2 through

2 "commissions" in line 4 and insert "provisions relating to reviewing and

3 commenting on proposed subdivision plats in certain counties as

4 prescribed".

**LEGISLATIVE BILL 1050.** Placed on Select File.

**LEGISLATIVE BILL 1075.** Placed on Select File.

**LEGISLATIVE BILL 973.** Placed on Select File with amendment.

ER214

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 48-437, Revised Statutes Cumulative Supplement,

4 2014, is amended to read:

5 48-437 (1) No person, firm, or corporation, or agent of such person,

6 firm, or corporation, shall require or permit any employee, except an

7 authorized and qualified person, to perform and no person, except an

8 authorized and qualified person, shall perform any function within the

9 distances from overhead high voltage conductors prohibited by sections

10 48-436 to 48-442; or enter upon any land, building, or other premises,

11 and there to engage in any excavation, demolition, construction, repair,

12 or other operations, or to erect, install, operate, or store in or upon

13 such premises any tools, machinery, equipment, materials, or structures,

14 including house-moving, well-drilling, pile-driving, or hoisting

15 equipment, within the distances from overhead high voltage conductors

16 prohibited by sections 48-436 to 48-442, unless and until danger from

17 accidental contact with such high voltage conductors has been effectively

18 guarded against in the manner prescribed in sections 48-436 to 48-442.

19 (2)(a) No person except an authorized and qualified person shall

20 manipulate overhead high voltage conductors or other components,

21 including the poles and other structures, of an electric utility. Under

22 no circumstances shall an authorized and qualified person work on the

23 electrical system of an electric utility that he or she is not employed

24 by unless written authorization has been obtained from such electric

25 utility. This subsection shall not be construed to apply to activities

26 performed by an authorized and qualified person employed by an electric

27 utility on the electrical system of another electric utility when the

1 nonowning or nonoperating electric utility has a written agreement with

2 the owning and operating electric utility (i) ~~(a)~~ providing for the joint

3 use of or interconnection of the electrical systems of both the electric

4 utilities or (ii) ~~(b)~~ approving authorized and qualified persons employed

5 by the nonowning or nonoperating electric utility to work on the  
6 electrical system of the owning or operating electric utility on an  
7 ongoing basis.

8 (b) Any person, firm, or corporation, or any employee thereof,  
9 violating any provisions of this subsection shall be guilty of a Class II  
10 misdemeanor.

11 Sec. 2. Section 48-442, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 48-442 Except as provided in subdivision (2)(b) of section 48-437,  
14 any ~~Any~~ person, firm, or corporation, or any employee thereof, violating  
15 any provisions of sections 48-436 to 48-442 shall be guilty of a Class V  
16 misdemeanor. Each day's failure to comply with any of the provisions of  
17 sections 48-436 to 48-442 shall constitute a separate violation.

18 Sec. 3. Section 60-6,288.01, Revised Statutes Cumulative Supplement,  
19 2014, is amended to read:

20 60-6,288.01 (1) Any person moving a building or an object that, in  
21 combination with the transporting vehicle, is over fifteen feet, six  
22 inches high or wider than the roadway on a county or township road shall  
23 notify the local authority and the electric utility responsible for the  
24 infrastructure, including poles, wires, substations, and underground  
25 residential distribution cable boxes adjacent to or crossing the roadway  
26 along the route over which such building or object is being transported.  
27 Notification shall be made at least ten days prior to the move.

28 Notification shall specifically describe the transporting vehicle, the  
29 width, length, height, and weight of the building or object to be moved,  
30 the route to be used, and the date and hours during which the building or  
31 object will be transported. Complying with the notification requirement  
1 of this section does not exempt the person from complying with any other  
2 federal, state, or local authority permit or notification requirements.

3 (2) Proof of the notification required under subsection (1) of this  
4 section must be carried by any person moving a building or an object as  
5 described in this section.

6 (3) Any person who fails to comply with the notification  
7 requirements of this section shall be guilty of a Class II misdemeanor.

8 Sec. 4. Section 60-6,291, Revised Statutes Cumulative Supplement,  
9 2014, is amended to read:

10 60-6,291 Except as provided in subsection (3) of section  
11 60-6,288.01, any ~~Any~~ person who violates any provision of sections  
12 60-6,288 to 60-6,290 or who drives, moves, causes, or knowingly permits  
13 to be moved on any highway any vehicle or vehicles which exceed the  
14 limitations as to width, length, or height as provided in such sections  
15 for which a penalty is not elsewhere provided shall be guilty of a Class  
16 III misdemeanor.

17 Sec. 5. Section 60-6,299, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 60-6,299 (1) The Department of Roads may issue permits for vehicles  
20 moving a building or objects requiring specialized moving dollies. Such  
21 permits shall allow the vehicles transporting buildings or objects  
22 requiring specialized dollies to operate on highways under the

23 jurisdiction of the department, excluding any portion of the National  
24 System of Interstate and Defense Highways. Such permit shall specify the  
25 maximum allowable width, length, height, and weight of the building to be  
26 transported, the route to be used, and the hours during which such  
27 building or object may be transported. Such permit shall clearly state  
28 that the applicant is not authorized to manipulate overhead high voltage  
29 lines or conductors or other such components, including electric utility  
30 poles, and that the applicant shall be guilty of a Class II misdemeanor  
31 for any violation of this section or of the notification requirements of  
1 section 60-6,288.01. Any vehicle moving a building or object requiring  
2 specialized moving dollies shall be escorted by another vehicle or  
3 vehicles in the manner determined by the department. Such vehicles shall  
4 travel at a speed which is not in excess of five miles per hour when  
5 carrying loads which are in excess of the maximum gross weight specified  
6 by law by more than twenty-five percent. The permit shall not be issued  
7 for travel on a state highway containing a bridge or structure which is  
8 structurally inadequate to carry such building or object as determined by  
9 the department. The department may prescribe conditions of operation of  
10 such vehicle when necessary to assure against damage to the road  
11 foundations, surfaces, or structures and require such security as may be  
12 deemed necessary to compensate for any injury to any roadway or road  
13 structure.

14 (2) The application for any such permit shall (a) specifically  
15 describe the vehicle, (b) specifically describe the load to be moved, (c)  
16 include a signed affirmation under oath that, for any load sixteen feet  
17 high or higher, the applicant has contacted any and all electric  
18 utilities that have high voltage conductors and infrastructure that cross  
19 over the roadway affected by the move and made arrangements with such  
20 electric utilities for the safe movement of the load under any high  
21 voltage conductors owned by such electric utilities, and (d) whenever  
22 possible, describe the particular highways for which the permit is  
23 requested. The company or individual shall maintain a copy of the permit  
24 in each vehicle moving a building or object requiring specialized moving  
25 dollies which shall be open to inspection by any peace officer, carrier  
26 enforcement officer, or authorized agent of any authority granting such  
27 permit. The fee for such permit shall be ten dollars.

28 (3) The department shall adopt and promulgate rules and regulations  
29 governing the issuance of the permits. Such rules and regulations shall  
30 include, but not be limited to, driver qualifications, equipment  
31 selection, hours of operation, weather conditions, road conditions,  
1 determination of any damage caused to highways or bridges, cutting or  
2 trimming of trees, removal or relocation of signs or other property of  
3 the state, raising or lowering of electric supply and communication  
4 lines, and such other safety considerations as the department deems  
5 necessary.

6 (4) Any person who violates the terms of a permit issued pursuant to  
7 this section or otherwise violates this section shall be guilty of a  
8 Class II ~~III~~ misdemeanor.

9 Sec. 6. Original section 48-442, Reissue Revised Statutes of

10 Nebraska, and sections 48-437, 60-6,288.01, 60-6,291, and 60-6,299,  
11 Revised Statutes Cumulative Supplement, 2014, are repealed.  
12 2. On page 1, line 3, before "and" insert "60-6,291,"; in line 5  
13 after "permits" insert "and notification requirements"; and in line 7  
14 after the semicolon insert "to harmonize provisions;".

**LEGISLATIVE BILL 712.** Placed on Select File.  
**LEGISLATIVE BILL 902.** Placed on Select File.  
**LEGISLATIVE BILL 694.** Placed on Select File.  
**LEGISLATIVE BILL 908.** Placed on Select File.  
**LEGISLATIVE BILL 908A.** Placed on Select File.  
**LEGISLATIVE BILL 1010.** Placed on Select File.  
**LEGISLATIVE BILL 913.** Placed on Select File.  
**LEGISLATIVE BILL 1011.** Placed on Select File.

**LEGISLATIVE RESOLUTION 381.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 2102

Wednesday, March 30, 2016 12:00 p.m.

Michael Hansen - State Board of Health

(Signed) Kathy Campbell, Chairperson

General Affairs

Room 1510

Thursday, March 31, 2016 8:30 a.m.

James D. Patterson - Nebraska Commission on Problem Gambling  
Mark Canada - Nebraska Commission on Problem Gambling  
Susan Lutz - Nebraska Commission on Problem Gambling

(Signed) Tyson Larson, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 500.** Introduced by Mello, 5; Cook, 13; Craighead, 6; Crawford, 45; Gloor, 35; Haar, K., 21; Lindstrom, 18; McCollister, 20; Scheer, 19; Williams, 36.

WHEREAS, Earth Day is April 22, 2016; and

WHEREAS, Earth Day was founded by United States Senator Gaylord Nelson as an environmental teach-in held on April 22, 1970; and

WHEREAS, Earth Day has evolved into the largest civic observance in the world with more than one billion people participating in Earth Day activities; and

WHEREAS, Earth Day is a reminder that everyone can play a part in improving their environment and maintaining responsible stewardship over the only planet we have; and

WHEREAS, the Earth Day Network works with over 50,000 partners in 196 countries to broaden, diversify, and mobilize the global environmental movement to encourage citizens to remember the importance of protecting and conserving our natural resources and environment; and

WHEREAS, the Earth Day Network provides civic engagement opportunities at the local, state, national, and global levels.

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

1. That the Legislature designates April 22, 2016, as Earth Day in the State of Nebraska.

2. That on this day, Nebraskans are encouraged to join the millions of other Earth Day participants in recycling, volunteering, and taking part in minimum-waste and sustainable initiatives.

3. That Nebraskans are also encouraged to continue to take part in activities that promote ecological sustainability in their communities year-round to ensure healthy environments for future generations.

Laid over.

**SELECT FILE**

**LEGISLATIVE BILL 1081.** ER194, found on page 1044, was adopted.

Senator Mello offered his amendment, AM2606, found on page 1098.

The Mello amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 894.** Senator Schumacher offered his amendment, AM2629, found on page 1076.

**SENATOR WATERMEIER PRESIDING**

Senator Pansing Brooks offered the following amendment to the Schumacher amendment:

AM2654

(AMENDMENTS TO AM2629)

- 1 1. Strike amendments 3 and 5 and insert the following new amendment:
- 2 "3. On page 18, line 10, insert an underscored period after
- 3 'juvenile'; and reinstate the stricken matter beginning with 'The' in
- 4 line 14 through line 29."
- 5 2. Renumber the remaining amendment accordingly.

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Pansing Brooks amendment was adopted with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to LB975:

AM2658

(Amendments to Standing Committee amendments, AM2667)

- 1 1. Insert the following new section:
- 2 Section 1. It is the policy of the State of Nebraska to recognize,
- 3 protect, and hold inviolate the sacred, god-given right of any person to
- 4 discriminate in any and every manner against any person or persons based
- 5 on sincerely held religious beliefs. The assertion of such sincerely held
- 6 religious beliefs, standing alone, is sufficient to entitle such believer
- 7 to invoke the protection and immunity granted by this section and the
- 8 sincerity of such beliefs may not be challenged in any judicial or other
- 9 proceeding whatsoever. This religion-based immunity is absolute.
- 10 God Bless America!
- 11 2. Renumber the remaining sections and correct internal references
- 12 accordingly.

Senator Chambers filed the following amendment to LB975:

AM2659

(Amendments to Standing Committee amendments, AM2667)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. The Legislature hereby asserts, declares, proclaims, and
- 4 avows that each, every, and all members of the so-called LGBT Community
- 5 (lesbian, gay, bisexual, and transgender) are, for purposes of law,
- 6 neither "persons," "residents," nor "citizens" in the same manner and to
- 7 the same extent as are any and all others who are not members of such



8 Community.

- 9 Sec. 2. Being beyond the pale for purposes of law, members of such  
 10 LGBT Community have no rights under law which any nonmember of such  
 11 Community is bound to respect. (See Dred Scott decision written by  
 12 Supreme Court Chief Justice Roger B. Taney.)  
 13 Sec. 3. Members of such LGBT Community have two privileges:  
 14 (a) To return to the closet and stay out of sight; and  
 15 (b) To remain silent.  
 16 Sec. 4. God is Love!  
 17 Sec. 5. God Bless America!

Senator Chambers filed the following amendment to LB975:  
 AM2660

(Amendments to Standing Committee amendments, AM2667)

- 1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA,  
 4 SECOND SESSION, RESOLVE THAT:  
 5 Section 1. At the general election in November 2016 the following  
 6 proposed amendment to the Constitution of Nebraska shall be submitted to  
 7 the electors of the State of Nebraska for approval or rejection:  
 8 To add a new section 31 to Article I:  
 9 I-31 (1) America is a Christian Nation.  
 10 (2) It being true that Christianity is synonymous with intolerance  
 11 and discrimination based on sincerely held religious beliefs and that  
 12 freedom of religion is guaranteed by the First Amendment to the  
 13 Constitution of the United States, the Legislature shall enact no law  
 14 that in any manner impedes or prohibits any person, group, or  
 15 organization from discriminating in any form, fashion, or manner  
 16 whatsoever against any person, group, or organization when such  
 17 discrimination is based on sincerely held religious beliefs. The  
 18 assertion of such beliefs, standing alone, is sufficient to satisfy the  
 19 requirements of this section and may not be challenged in any judicial or  
 20 other proceedings of any kind whatsoever. This guarantee is absolute.  
 21 (3) Any purported law enacted by the Legislature in contravention of  
 22 subsection (2) of this section is void ab initio. Any person in any  
 23 manner aggrieved as a result of any such void enactment shall be entitled  
 24 to lawyer fees and octuple damages.  
 25 (4) Any member of the Legislature who votes to enact such a void  
 26 proposal shall be amenable to impeachment.  
 1 (5) Appropriate articles of impeachment shall be drafted by twelve  
 2 judges of the district court selected at random by the Chief Justice of  
 3 the Supreme Court and shall be tried by the Supreme Court in the manner  
 4 set forth in this Constitution for impeachment of all civil officers.  
 5 (6) If a majority of the members of the Legislature shall be  
 6 impeached, convicted, and removed from office, the Legislature if in  
 7 session shall be immediately adjourned sine die and shall remain out of  
 8 session until after the Secretary of State shall provide for the election  
 9 of new members in districts represented by members who have been removed

10 from office. Such election shall be held on the first Tuesday following  
 11 the ninetieth day from the date of removal of the last affected member.  
 12 No primary election shall be held but only a general election shall be  
 13 held, at which the person receiving the highest number of votes in each  
 14 district shall be declared the winner by the Secretary of State who shall  
 15 certify the election results and notify each person who was elected.  
 16 (7) The Secretary of State shall notify the remaining members of the  
 17 Legislature who were not removed and the newly elected members of the  
 18 date when the Legislature shall convene for the purpose of organizing  
 19 itself in the manner of prior Legislatures and proceeding to function as  
 20 the duly constituted Legislature of the state as set forth in this  
 21 Constitution.  
 22 (8) The date of the convening of the Legislature shall be the first  
 23 Tuesday after the thirtieth day following the notification of the members  
 24 by the Secretary of State as required by subsection (7) of this section.  
 25 Sec. 2. The proposed amendment shall be submitted to the electors  
 26 in the manner prescribed by the Constitution of Nebraska, Article XVI,  
 27 section 1, with the following ballot language:  
 28 A constitutional amendment to guarantee the right to discriminate on  
 29 the basis of sincerely held religious beliefs, provide for impeachment of  
 30 members of the Legislature who vote to enact a proposal violating such  
 31 right, and provide procedures for replacing impeached members in certain  
 1 cases.  
 2 For  
 3 Against.

Senator Chambers filed the following amendment to LB975:  
 AM2661

(Amendments to Standing Committee amendments, AM2667)

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. A person, group, or organization shall be immune from any  
 4 action by the state or any political subdivision for any act or acts of  
 5 discrimination of any type or kind whatsoever against any person, group,  
 6 or organization if such discrimination is based on sincerely held  
 7 religious beliefs. The assertion of such beliefs, standing alone, is  
 8 sufficient to satisfy the requirements of this section and may not be  
 9 challenged in any judicial or other proceedings of any kind whatsoever.  
 10 This immunity is absolute.  
 11 Sec. 2. Any person, group, or organization shall be granted absolute  
 12 immunity from any action by the state or any political subdivision for  
 13 any act or acts of discrimination of any type or kind whatsoever against  
 14 any other person, group, or organization if such person, group, or  
 15 organization prior to committing any act or acts of discrimination  
 16 against any other person, group, or organization has obtained from the  
 17 Secretary of State a license denominated LICENSE TO DISCRIMINATE bearing  
 18 the official Seal of the State of Nebraska and valid for one year from  
 19 the date of purchase.  
 20 Sec. 3. The cost of such license shall be determined by the

21 Secretary of State based on reasonable administrative costs of the  
 22 program but in no case shall the cost exceed thirty-three dollars. If the  
 23 maximum cost of thirty-three dollars fails to cover reasonable  
 24 administrative costs as determined by the Secretary of State, the  
 25 Legislature shall make a deficit appropriation to the Office of Secretary  
 26 of State earmarked to erase such deficit and denominated "Deficit  
 1 Appropriation to the LICENSE TO DISCRIMINATE PROGRAM" which is hereby  
 2 created and into which shall be deposited all revenue derived from sale  
 3 of licenses herein described.  
 4 Sec. 4. Any person holding a valid LICENSE TO DISCRIMINATE who  
 5 develops sincerely held religious beliefs which lead to the necessity to  
 6 discriminate against any person, group, or organization in order to  
 7 conform to such newly acquired sincerely held religious beliefs shall be  
 8 entitled to claim from the Office of Secretary of State a prorated refund  
 9 of the cost paid for such license calculated on the basis of how much  
 10 time remained for such license to be valid on the date such license  
 11 holder came into possession of such sincerely held religious beliefs on  
 12 which said discrimination is grounded. Such prorated refund shall be  
 13 made, no questions asked. Such person holding such newly acquired  
 14 sincerely held religious beliefs shall thenceforth be entitled to the  
 15 immunity granted by section 1 of this act.

Senator Schumacher filed the following amendment to LB910:  
 AM2651

(Amendments to E and R amendments, ER182)

1 1. Insert the following new section:  
 2 Sec. 6. Section 83-173.03, Revised Statutes Supplement, 2015, is  
 3 amended to read:  
 4 83-173.03 (1) Beginning July 1, 2016, no inmate shall be held in  
 5 restrictive housing unless done in the least restrictive manner  
 6 consistent with maintaining order in the facility and pursuant to rules  
 7 and regulations adopted and promulgated by the department pursuant to the  
 8 Administrative Procedure Act.  
 9 (2) Any inmate placed in restrictive housing may, on or after the  
 10 ninetieth day of his or her confinement, seek a review of the decision to  
 11 place him or her in restrictive housing. The review shall be conducted by  
 12 the district court of the county in which the correctional facility in  
 13 which the inmate is confined is located. A district judge may appoint a  
 14 magistrate to conduct the review. The district judge may hold further  
 15 proceedings with respect to the review or enter an order based upon  
 16 recommendations of the magistrate.  
 17 ~~(3)~~ (2) The department shall adopt and promulgate rules and  
 18 regulations pursuant to the Administrative Procedure Act establishing  
 19 levels of restrictive housing as may be necessary to administer the  
 20 correctional system. Rules and regulations shall establish behavior,  
 21 conditions, and mental health status under which an inmate may be placed  
 22 in each confinement level as well as procedures for making such  
 23 determinations. Rules and regulations shall also provide for  
 24 individualized transition plans, developed with the active participation

25 of the committed offender, for each confinement level back to the general  
26 population or to society.

1 (4 ~~3~~) Rules and regulations may authorize the director to issue  
2 written directives, guidance documents, and operational manuals not  
3 inconsistent with law and rules and regulations. Such directives,  
4 guidance documents, and operational manuals shall be made available to  
5 the public in the same manner that rules and regulations are made  
6 available unless the safety and security of a correctional facility  
7 ~~institution~~ would be placed at imminent and substantial risk by such  
8 publication. If any directive, guidance document, or operational manual  
9 is not made available to the public, notice shall be given to the deputy  
10 public counsel for corrections and to the Inspector General of the  
11 Nebraska Correctional System. The notice shall identify all documents not  
12 publicly available by title, number of pages, and date adopted. All  
13 directives, guidance documents, and operational manuals shall be made  
14 available to any member of the Legislature upon request. Security manuals  
15 shall be made available to the Legislature for inspection upon request,  
16 but shall not be copied or removed from secure locations as designated by  
17 the director.

18 2. On page 8, after line 2, insert the following new subdivision:

19 "(e) The number of inmates who were released from restrictive  
20 housing based upon an order of a district judge under subsection (2) of  
21 section 83-173.03"; in line 3 strike "(e)", show as stricken, and insert  
22 "(f)"; in line 6 strike "(f)", show as stricken, and insert "(g)"; and in  
23 line 9 strike "(g)", show as stricken, and insert "(h)".

24 3. Renumber the remaining sections and correct the repealer  
25 accordingly.

Senator Larson filed the following amendment to LB1105:

AM2634

(Amendments to Standing Committee amendments, AM2029)

1 1. On page 17, line 30; page 20, line 6; and page 30, line 24,  
2 strike "Class G" and insert "Class J".

Senator Hughes filed the following amendment to LB894:

AM2666

(Amendments to E&R amendments, ER181)

1 1. On page 18, line 10, after "juvenile" insert ", after his or her  
2 first appearance if the matter leading to such appearance has not been  
3 resolved pursuant to a juvenile pretrial diversion program established  
4 pursuant to section 43-260.02".

#### **MOTION - Print in Journal**

Senator Watermeier filed the following motion to LR497:

MO220

Withdraw resolution.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 861.** Placed on General File.

(Signed) Les Seiler, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

March 16, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska State Fair Board:

Harry Hoch, 2417 Cottonwood Road, Grand Island, NE 68801

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosures

March 18, 2016

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Natural Resources Commission:

Joel Christensen, 5909 South 119 Street, Omaha, NE 68137  
Scott Smathers, 6140 South Richland Cr., Lincoln, NE 68516  
Brian Barels, 6375 Country Club Drive, Columbus, NE 68601  
Thomas Knutson, 102 Custer, St. Paul, NE 66873  
Stanley A. Clouse, 4907 Linden Drive Place, Kearney, NE 68847

Contingent upon your approval, the following individuals are being appointed to the Nebraska Natural Resources Commission:

Chad Wright, 451 Glenhaven Drive, Lincoln, NE 68505  
Brad B. Dunbar, 16131 Bedford Avenue, Omaha, NE 68116

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 501.** Introduced by Mello, 5; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, the Council of State Governments, founded in 1933, is the nation's only organization serving all three branches of state government; and

WHEREAS, the Council of State Governments is a region-based forum that fosters the exchange of insights and ideas to help state officials shape public policy; and

WHEREAS, the Council offers unparalleled regional, national, and international opportunities to network, develop leaders, collaborate, and create problem-solving partnerships; and

WHEREAS, the Council champions excellence in state governments to advance the common good; and

WHEREAS, the values of the Council of State Governments are to pursue the priorities of its member states; be nonpartisan and inclusive; engage leaders from all three branches of state government; have a regional focus, a national presence, and a global reach; be a respected and trusted source for best practices and policy expertise; convene leader to leader interactions and foster leadership development; facilitate multistate solutions; zealously advocate for the states in our federal system of government; adhere to the highest ethical standards; respect diversity and act with civility; and partner and collaborate with others; and

WHEREAS, Senator Beau McCoy is the first Nebraska state senator to serve as national chair of the Council of State Governments since Senator C. Petrus Peterson in 1945; and

WHEREAS, Senator McCoy serves as co-chair of the Council's National Conference Committee and has previously served as chair of the 21st Century Foundation and co-chair of the Associates Advisory Committee; and

WHEREAS, Senator McCoy serves as a member of the Council's Governing Board, Executive Committee, Leadership Council, Finance Committee, International Committee, and Interbranch Affairs Committee.

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

1. That the Legislature recognizes Senator Beau McCoy for his service as the 2014 Midwestern Legislative Conference Chair, and the 2016 National Chair of the Council of State Governments.

2. That a copy of this resolution be given to Senator Beau McCoy.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 1083.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 742.** Title read. Considered.

Senator Hansen offered the following amendment:

AM2649

1 1. Strike original sections 9 and 10 and insert the following new  
2 sections:

3 Sec. 9. Section 23-2503, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 23-2503 In any county having a population of three hundred thousand  
6 inhabitants or more as determined by the most recent federal decennial  
7 census, there shall be a Civil Service Commission which shall be formed  
8 as provided in sections 23-2501 to 23-2516. A county shall comply with  
9 this section within six months after a determination that the population  
10 has reached three hundred thousand inhabitants or more as determined by  
11 the most recent federal decennial census within ninety days of May 21,  
12 1974.

13 Sec. 10. Section 23-2518, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 23-2518 For purposes of the County Civil Service Act:

16 (1) Appointing authority means elected officials and appointed  
17 department directors authorized to make appointments in the county  
18 service;

19 (2) Board of county commissioners means the board of commissioners  
20 of any county with a population of one hundred fifty thousand to three  
21 hundred thousand inhabitants as determined by the most recent federal  
22 decennial census;

23 (3) Classified service means the positions in the county service to  
24 which the act applies;

25 (4) County personnel officer means the employee designated by the  
26 board of county commissioners to administer the act;

27 (5) Department means a functional unit of the county government  
1 headed by an elected official or established by the board of county  
2 commissioners;

3 (6) Deputy means an individual who serves as the first assistant to  
4 and at the pleasure of an elected official;

5 (7) Elected official means an officer elected by the popular vote of  
6 the people and known as the county attorney, public defender, county  
7 sheriff, county treasurer, clerk of the district court, register of  
8 deeds, county clerk, county assessor, and county surveyor;

9 (8) Internal Revenue Code means the Internal Revenue Code as defined  
10 in section 49-801.01;

11 (9) Political subdivision means a village, city of the second class,  
12 city of the first class, city of the primary class, city of the  
13 metropolitan class, county, school district, public power district, or  
14 any other unit of local government including entities created pursuant to  
15 the Interlocal Cooperation Act or the Joint Public Agency Act. Political  
16 subdivision does not include a contractor with the county;

17 (10) State means the State of Nebraska;

18 (11) Straight-time rate of pay means the rate of pay in effect on  
19 the date of transfer of employees stated in the resolution by the county  
20 board requesting the transfer; and

21 (12) Transferred employee means an employee of the state or a  
22 political subdivision transferred to the county pursuant to a request for  
23 such transfer made by the county under section 23-2518.01.

The Hansen amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 837.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 465.** Title read. Considered.

Committee AM802, found on page 807, First Session, 2015, was offered.

Senator B. Harr offered his amendment, AM2628, found on page 1046, to the committee amendment.



The B. Harr amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 465A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**AMENDMENT(S) - Print in Journal**

Senator Garrett filed the following amendment to LB1038:  
AM2688 is available in the Bill Room.

**VISITOR(S)**

Visitors to the Chamber were 54 fourth-grade students from Skinner Magnet Center, Omaha; and 55 fourth-grade students from Jefferson Elementary, Norfolk.

The Doctor of the Day was Dr. Karina Chiari from Omaha.

**MOTION - Adjournment**

Senator Craighead moved to adjourn until 9:00 a.m., Tuesday, March 22, 2016.

Senator Hughes requested a machine vote on the motion to adjourn.

The Craighead motion to adjourn prevailed with 21 ayes, 16 nays, 6 present and not voting, and 6 excused and not voting, and at 6:56 p.m., the Legislature adjourned until 9:00 a.m., Tuesday, March 22, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SEVENTH DAY - MARCH 22, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 22, 2016

**PRAYER**

The prayer was offered by Pastor Raymond Wicks, First Baptist Church, Plattsmouth.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Campbell, Coash, B. Harr, Howard, and Mello who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-sixth day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 477, 478, 479, 480, 481, 482, and 484 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 477, 478, 479, 480, 481, 482, and 484.

**MOTION - Withdraw LR497**

Senator Watermeier offered his motion, MO220, found on page 1132, to withdraw LR497.

The Watermeier motion to withdraw the resolution prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 790.** ER209, found on page 1111, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 909.** ER199, found on page 1112, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 731.** ER208, found on page 1112, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 814.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 814A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 784.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 942.** ER196, found on page 1112, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 726.** ER197, found on page 1112, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 813.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 924.** ER202, found on page 1113, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 770.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 770A.** Considered.

**SENATOR KRIST PRESIDING**

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 875.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 948.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 725.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 680.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 680A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 823.** ER201, found on page 1113, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 865.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1002.** ER200, found on page 1113, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1086.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 567.** ER207, found on page 1121, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 684.** ER206, found on page 1122, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 887.** Advanced to Enrollment and Review for Engrossment.

**SENATOR COASH PRESIDING**

**LEGISLATIVE BILL 736.** ER215, found on page 1122, was adopted.

Senator Friesen offered the following amendment:

AM2668

1 1. Insert the following new section:

2 Sec. 6. Section 77-2704.57, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 77-2704.57 (1) Sales and use tax shall not be imposed on the gross  
5 receipts from the sale, lease, or rental of personal property for use in  
6 a C-BED project or community-based energy development project. This  
7 exemption shall be conditioned upon filing requirements for the exemption  
8 as imposed by the Tax Commissioner. The requirements imposed by the Tax  
9 Commissioner shall be related to ensuring that the property purchased  
10 qualifies for the exemption. The Tax Commissioner may require the filing  
11 of the documents showing compliance with section 70-1907, the  
12 organization of the project, the distribution of the payments, the power  
13 purchase agreements, the project pro forma, articles of incorporation,  
14 operating agreements, and any amendments or changes to these documents  
15 during the life of the power purchase agreement.

16 (2) The Tax Commissioner shall notify an electric ~~supplier utility~~  
17 that has a power purchase agreement with a C-BED project if there is a  
18 change in project ownership which makes the project no longer eligible as  
19 a C-BED project. Purchase of a C-BED project by an electric ~~supplier~~  
20 ~~utility~~ prior to the end of the power purchase agreement disqualifies the  
21 C-BED project for the exemption, but the Department of Revenue may not  
22 recover the amount of the sales and use tax that was not paid by the  
23 project prior to the purchase.

24 (3) For purposes of this section, the terms (a) C-BED project or  
25 community-based energy development project, (b) ~~electric supplier~~, (c)  
26 gross power purchase agreement payments, (~~d e~~) payments to the local  
27 community, and (~~e e~~) qualified owner have the definitions found in  
1 section 70-1903.

2 (4) The Department of Revenue may examine the actual payments and  
3 the distribution of the payments to determine if the projected  
4 distributions were met. If the payment distributions to qualified owners  
5 do not meet the requirements of this section, the department may recover  
6 the amount of the sales or use tax that was not paid by the project at  
7 any time up until the end of three years after the end of the power  
8 purchase agreement.

9 (5) At any time prior to the end of the power purchase agreements,  
10 the project may voluntarily surrender the exemption granted by the Tax  
11 Commissioner and pay the amount of sales and use tax that would otherwise  
12 have been due.

13 (6) The amount of the tax due under either subsection (4) or (5) of  
14 this section shall be increased by interest at the rate specified in  
15 section 45-104.02, as such rate may from time to time be adjusted, from  
16 the date the tax would have been due if no exemption was granted until  
17 the date paid.

18 2. On page 5, line 22, strike "section 70-1904" and insert "sections  
19 70-1904 and 77-2704.57".

20 3. Renumber the remaining section accordingly.

The Friesen amendment was adopted with 28 ayes, 0 nays, 20 present and  
not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 679.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 891.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 881.** Senator Schilz offered the following amendment:

AM2669

1 1. On page 2, lines 5 and 6, strike "designed to reduce energy  
2 consumption" and show as stricken.

The Schilz amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 894.** Senator Krist offered the following motion:

MO221

Bracket until April 20, 2016.

### **SPEAKER HADLEY PRESIDING**

Senator Krist withdrew his motion to bracket.

Senator Schumacher asked unanimous consent to withdraw his amendment, AM2629, found on page 1076 and considered on page 1127, as amended. No objections. So ordered.

Senator Hughes withdrew his amendment, AM2666, found on page 1132.

Senator Krist offered the following amendment:

AM2700

(Amendments to E and R amendments, ER181)

1 1. Strike section 1.

2 2. On page 15, line 13, after the period insert "Whether such  
3 counsel shall be provided at the cost of the county shall be determined  
4 as provided in subsection (1) of section 43-272.".

5 3. On page 18, line 8, strike "When", show as stricken, and insert  
6 "(a) In counties having a population of less than one hundred fifty  
7 thousand inhabitants, when"; in lines 8 through 29 strike the new matter  
8 and reinstate the stricken matter; and after line 29 insert the following  
9 new subdivision:

10 "(b) In counties having a population of one hundred fifty thousand  
11 or more inhabitants, when any juvenile court petition is filed alleging  
12 jurisdiction of a juvenile pursuant to subdivision (1), (2), (3)(b), or  
13 (4) of section 43-247, counsel shall be appointed for such juvenile. The

14 court shall inform such juvenile and his or her parent or guardian of  
 15 such juvenile's right to counsel at county expense if none of them is  
 16 able to afford counsel. If the juvenile or his or her parent or guardian  
 17 desires to have counsel appointed for such juvenile, or the parent or  
 18 guardian of such juvenile cannot be located, and the court ascertains  
 19 that none of such persons are able to afford an attorney, the court shall  
 20 forthwith appoint an attorney to represent such juvenile for all  
 21 proceedings before the juvenile court, except that if an attorney is  
 22 appointed to represent such juvenile and the court later determines that  
 23 a parent of such juvenile is able to afford an attorney, the court shall  
 24 order such parent or juvenile to pay for services of the attorney to be  
 25 collected in the same manner as provided by section 43-290. If the parent  
 26 willfully refuses to pay any such sum, the court may commit him or her  
 1 for contempt, and execution may issue at the request of the appointed  
 2 attorney or the county attorney or by the court without a request.  
 3 4. On page 19, lines 19 and 20, strike the new matter and reinstate  
 4 the stricken matter.  
 5 5. On page 20, line 6, after "juvenile" insert "represented by an  
 6 attorney".  
 7 6. Renumber the remaining sections, correct internal references, and  
 8 correct the repealer accordingly.

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Krist moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Krist requested a roll call vote on his amendment.

Voting in the affirmative, 33:

Baker	Groene	Kintner	McCollister	Schumacher
Cook	Haar, K.	Kolowski	Mello	Seiler
Craighead	Hadley	Kolterman	Morfeld	Smith
Crawford	Hansen	Krist	Murante	Stinner
Davis	Hilkemann	Kuehn	Pansing Brooks	Watermeier
Friesen	Howard	Larson	Riepe	
Gloor	Hughes	Lindstrom	Scheer	

Voting in the negative, 7:

Bloomfield	Brasch	Schilz	Sullivan
Bolz	Chambers	Schnoor	

Present and not voting, 7:



Campbell	Fox	Harr, B.	Williams
Coash	Garrett	McCoy	

Excused and not voting, 2:

Ebke            Johnson

The Krist amendment was adopted with 33 ayes, 7 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Hansen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Bloomfield requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 910.** ER182, found on page 957, was adopted.

Senator Groene offered his amendment, AM2624, found on page 1075.

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 783.** Placed on Select File with amendment.  
ER219

- 1 1. In the Standing Committee amendments, AM2357:
- 2 a. On page 2, line 2, after the second "district" insert "as"; in
- 3 line 3 strike "which receives" and insert "receiving"; and in line 10
- 4 strike "section"; show as stricken, and insert "sections";
- 5 b. On page 5, line 22, after "vehicles" insert "or public power
- 6 district motor vehicles";
- 7 c. On page 7, line 27, after "vehicle" insert "or public power
- 8 district motor vehicle"; and in line 30 strike the comma and show as
- 9 stricken; and
- 10 d. On page 9, line 11, strike the comma; and in line 26 strike
- 11 "section 12 of this act" and insert "this section".
- 12 2. On page 1, line 2, after the second comma insert "60-3,101,".

**LEGISLATIVE BILL 783A.** Placed on Select File.

**LEGISLATIVE BILL 842.** Placed on Select File with amendment.

ER217

- 1 1. On page 1, line 3, strike "redefine" and insert "define".
- 2 2. On page 4, lines 5 and 7 and 8, strike "school of barbering",
- 3 show as stricken, and insert "barber school or college".

**LEGISLATIVE BILL 750.** Placed on Select File with amendment.

ER210

- 1 1. In the Standing Committee amendments, AM2378, on page 2, line 26,
- 2 strike "declarative" and insert "declaratory".
- 3 2. On page 1, strike lines 2 through 8 and insert "sections 38-175,
- 4 38-1,106, 38-1,121, 38-1,129, 38-1,130, 38-1,134, and 71-445, Reissue
- 5 Revised Statutes of Nebraska, section 38-1,126, Revised Statutes
- 6 Cumulative Supplement, 2014, and section 38-101, Revised Statutes
- 7 Supplement, 2015; to prohibit discrimination and retaliation for making
- 8 reports under the act as prescribed; to provide for confidentiality of
- 9 persons involved in making reports under the act as prescribed; to
- 10 harmonize provisions; and to repeal the original sections."

**LEGISLATIVE BILL 816.** Placed on Select File.

**LEGISLATIVE BILL 952.** Placed on Select File with amendment.

ER213

- 1 1. On page 1, strike beginning with "to" in line 2 through the
- 2 semicolon in line 4.

**LEGISLATIVE BILL 678.** Placed on Select File with amendment.

ER212

- 1 1. On page 1, strike lines 2 through 5 and insert "amend sections
- 2 81-885 and 81-885.24, Reissue Revised Statutes of Nebraska, and section
- 3 81-885.01, Revised Statutes Supplement, 2015; to define and redefine
- 4 terms; to provide duties for a team leader as prescribed; to provide
- 5 unfair trade practices;"

(Signed) Matt Hansen, Chairperson

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1083A.** Introduced by Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1083, One Hundred Fourth Legislature, Second Session, 2016.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 502.** Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to study the use of revolving funds within the Department of Administrative Services (DAS). Revolving funds are used to account for the financing of goods or services provided by one state agency to another on a cost-reimbursement basis. DAS has the statutory responsibility to provide centralized services to state agencies, boards, and commissions. Excluding the University of Nebraska and the Nebraska State College System, DAS accounts for 90.4 percent of all state revolving fund expenditures. This study shall include the following:

(1) A history of revolving fund expenditures and revenue for each revolving fund within DAS;

(2) A history of revolving fund balances for each revolving fund within DAS and the rationale for the levels of those balances; and

(3) An explanation of how fee structures are determined for each of the activities or centralized services within DAS that are paid for with revolving funds.

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

1. That the Appropriations 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 503.** Introduced by Krist, 10.

WHEREAS, Ryan Dahlke, a member of Troop 60 of Papillion, 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, Ryan 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, 13 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, Ryan bought and installed a telescoping flag pole for First Baptist Church of Bellevue. Ryan also constructed a large wooden cross that can be attached to the pole for special holidays such as Christmas and Easter; and

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

WHEREAS, Ryan, 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 Ryan Dahlke on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Ryan Dahlke.

Laid over.

**LEGISLATIVE RESOLUTION 504.** Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to examine the numerous deadlines involved in the election process. The study committee should examine how these deadlines work together, whether these deadlines are set appropriately, and any other issues related to election deadlines. In conducting this study, the study committee should seek the assistance of the Secretary of State and should consider the input of other interested persons as the committee deems necessary and beneficial.

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

1. That the Government, Military and Veterans 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 505.** Introduced by Murante, 49.

WHEREAS, Simon Thor Gissler, a member of Troop 405 of the Mid-America Council, Soaring Eagle District, 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, Simon 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. Simon has gone above and beyond, earning 38 merit badges. For his community service project, Simon led several other Scouts in the construction of 20 platform birdfeeders for the Gretna Community Living

Center, and researched and produced a birdwatcher's guide about local birds for the Center's residents; and

WHEREAS, Simon has participated in the Cub and then Boy Scouts since he was in first grade, and continues in Scouting as a freshman at the University of Nebraska-Lincoln by participating in the Venturing program. As a Boy Scout, Simon traveled to the 2010 National Scout Jamboree in Virginia, to Boundary Waters Canoe Area Wilderness in northern Minnesota, to Philmont Scout Ranch in New Mexico, and to several summer camps in Nebraska, Colorado, South Dakota, and Wisconsin. Simon also served as Youth Staff at the National Youth Leadership Training program at Little Sioux Scout Ranch in Iowa, including as Senior Patrol Leader; and

WHEREAS, Simon, 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 Simon Thor Gissler on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Simon Thor Gissler.

Laid over.

**LEGISLATIVE RESOLUTION 506.** Introduced by Seiler, 33; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10; Mello, 5; Morfeld, 46; Smith, 14; Williams, 36.

**PURPOSE:** The purpose of this resolution is to examine the efficacy of testing and monitoring programs, particularly the 24/7 sobriety program, in reducing recidivism for driving under the influence (DUI) and controlled substance offenses and to develop recommendations regarding the expansion of such programs throughout the state. The study committee is encouraged to work with the Transportation and Telecommunications Committee of the Legislature to examine the issues involved in this study.

The study shall examine, but not be limited to, the following issues:

- (1) How 24/7 sobriety programs in Douglas County are currently being used to monitor repeat DUI offenders;
- (2) Current success rates for dealing with repeat DUI offenders through 24/7 sobriety monitoring programs in Nebraska and other states;
- (3) Statewide expansion of 24/7 sobriety programs across Nebraska, issues and costs associated with such an expansion, and any available funding to offset such costs; and
- (4) Statutory changes necessary to implement a statewide 24/7 sobriety program.

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

1. That the Judiciary 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.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Barels, Brian - Nebraska Natural Resources Commission - Natural Resources  
Christensen, Joel - Nebraska Natural Resources Commission - Natural Resources  
Clouse, Stanley A. - Nebraska Natural Resources Commission - Natural Resources  
Davis, Jeffery - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs  
Dunbar, Brad B. - Nebraska Natural Resources Commission - Natural Resources  
Hegarty, Douglas - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs  
Hoch, Harry - Nebraska State Fair Board - Agriculture  
Knutson, Thomas - Nebraska Natural Resources Commission - Natural Resources  
Smathers, Scott - Nebraska Natural Resources Commission - Natural Resources  
Wright, Chad - Nebraska Natural Resources Commission - Natural Resources

(Signed) Bob Krist, Chairperson  
Executive Board

#### **AMENDMENT(S) - Print in Journal**

Senator Krist filed the following amendment to LB710:  
FA103  
Strike the enacting clause.

#### **VISITOR(S)**

Visitors to the Chamber were 38 fourth-grade students from Malcolm; 40 fourth-grade students from Johnson County Central School, Cook; 3rd grade student, Andrew Callison, from Bellevue; and members of TeenPact Leadership Schools from across the state.

**EASE**

The Legislature was at ease from 12:05 p.m. until 12:30 p.m.

**SENATOR KRIST PRESIDING****SELECT FILE**

**LEGISLATIVE BILL 910.** The Groene amendment, AM2624, found on page 1075 and considered in this day's Journal, was renewed.

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

Senator Hansen moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

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

Voting in the affirmative, 34:

Baker	Davis	Harr, B.	McCollister	Seiler
Bolz	Fox	Howard	Mello	Smith
Chambers	Garrett	Johnson	Morfeld	Stinner
Coash	Gloor	Kolterman	Murante	Sullivan
Cook	Haar, K.	Krist	Pansing Brooks	Watermeier
Craighead	Hadley	Larson	Scheer	Williams
Crawford	Hansen	Lindstrom	Schilz	

Voting in the negative, 9:

Bloomfield	Groene	Kintner	McCoy	Schnoor
Brasch	Hughes	Kuehn	Riepe	

Present and not voting, 4:

Ebke	Friesen	Hilkemann	Schumacher
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Excused and not voting, 2:

Campbell	Kolowski
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The motion to cease debate prevailed with 34 ayes, 9 nays, 4 present and not voting, and 2 excused and not voting.

Senator Groene requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 16:

Brasch	Fox	Kintner	Riepe
Craighead	Garrett	Kuehn	Schilz
Davis	Groene	McCoy	Schnoor
Ebke	Hughes	Murante	Watermeier

Voting in the negative, 18:

Baker	Cook	Hadley	McCollister	Sullivan
Bolz	Crawford	Harr, B.	Morfeld	Williams
Chambers	Gloor	Howard	Pansing Brooks	
Coash	Haar, K.	Krist	Seiler	

Present and not voting, 13:

Bloomfield	Hilkemann	Larson	Scheer	Stinner
Friesen	Johnson	Lindstrom	Schumacher	
Hansen	Kolterman	Mello	Smith	

Excused and not voting, 2:

Campbell      Kolowski

The Groene amendment lost with 16 ayes, 18 nays, 13 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Bloomfield offered the following motion:

MO223

Reconsider the vote taken on AM2624.

#### **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 23 ayes, 3 nays, and 23 not voting.

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

Voting in the affirmative, 34:



Baker	Fox	Hilkemann	Mello	Seiler
Bolz	Garrett	Howard	Morfeld	Smith
Chambers	Gloor	Johnson	Murante	Stinner
Coash	Haar, K.	Kolowski	Pansing Brooks	Sullivan
Cook	Hadley	Krist	Scheer	Watermeier
Crawford	Hansen	Lindstrom	Schilz	Williams
Ebke	Harr, B.	McCollister	Schumacher	

Voting in the negative, 11:

Bloomfield	Davis	Kintner	Riepe
Brasch	Friesen	Kuehn	Schnoor
Craighead	Hughes	McCoy	

Present and not voting, 2:

Groene          Kolterman

Excused and not voting, 2:

Campbell      Larson

The motion to cease debate prevailed with 34 ayes, 11 nays, 2 present and not voting, and 2 excused and not voting.

Senator Bloomfield requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 23:

Bloomfield	Friesen	Johnson	McCoy	Schumacher
Brasch	Garrett	Kintner	Murante	Stinner
Craighead	Groene	Kolterman	Riepe	Watermeier
Davis	Hilkemann	Kuehn	Schilz	
Fox	Hughes	Lindstrom	Schnoor	

Voting in the negative, 22:

Baker	Crawford	Hansen	McCollister	Sullivan
Bolz	Ebke	Harr, B.	Mello	Williams
Chambers	Gloor	Howard	Morfeld	
Coash	Haar, K.	Kolowski	Pansing Brooks	
Cook	Hadley	Krist	Seiler	

Present and not voting, 2:

Scheer          Smith

Excused and not voting, 2:

Campbell Larson

The Bloomfield motion to reconsider failed with 23 ayes, 22 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 507.** Introduced by Davis, 43; Bolz, 29; Campbell, 25; Cook, 13; Mello, 5.

**PURPOSE:** The purpose of this interim study is to examine the development of a public notification system to broadcast alerts when vulnerable adults go missing. Numerous states have instituted such programs, which are generally referred to as "Silver Alerts" or "Missing Person Advisories." Such alerts are designed to locate vulnerable adults whose health and safety are at risk while they remain missing. The Alzheimer's State Plan Subcommittee of the Aging Nebraskans Task Force has identified the need for such a system to locate missing persons with Alzheimer's disease or dementia.

The study shall include, but not be limited to, an examination of the following issues:

- (1) Identifying criteria and procedures that law enforcement agencies should use when instituting an alert;
- (2) Identifying eligibility criteria to determine which vulnerable adults should be included in the alert system, such as a specific age or diagnosis of cognitive impairment;
- (3) Determining who should be eligible to file a report of a missing vulnerable adult, such as spouses, legal custodians, or agencies;
- (4) Considering protocols to verify that a vulnerable adult is actually missing;
- (5) Determining how such alerts should be broadcast, such as via media reports, recorded calls, or highway signs;
- (6) Identifying potential community and statewide partners that are available to assist in developing and executing such an alert system; and
- (7) Determining whether the existing AMBER Alert System could be expanded to include additional types of missing persons.

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

1. That the Health and Human Services 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 508.** Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to study possible changes to the Nebraska Model Business Corporation Act. In particular, the study should include a review of amendments to the American Bar Association's Model Business Corporation Act which have been adopted or proposed since Nebraska adopted the act.

In order to carry out the purposes of this resolution, the study committee shall consider the input of interested persons, including the practicing bar, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance 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 509.** Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study the funding history, programs, and services offered by the Cooperative Extension Service of the University of Nebraska. The Smith-Lever Act of 1914 established a system of cooperative extension services connected to land-grant universities in order to inform citizens about current developments in agriculture, home economics, public policy and government, leadership, 4-H activities, and economic development. Extension services are found throughout Nebraska in 83 county or multi-county offices that serve all 93 counties, and at four Research and Extension Centers across the state.

This study shall examine the following:

(1) The funding history of extension services in Nebraska, including federal, state, and county contributions;

(2) A history of programs and services offered;

(3) A history of funding for such programs and services;

(4) The number of staff employed by the Cooperative Extensive Service by area or location; and

(5) A history of the funding of, and the programs and services offered by, the Rural Futures Institute at the University of Nebraska.

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

1. That the Appropriations 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.

**NOTICE OF COMMITTEE HEARING(S)**  
Nebraska Retirement Systems

Room 1525

Tuesday, April 5, 2016 8:00 a.m.

Omaha Public Power District Briefing

(Signed) Mark Kolterman, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 843.** Placed on Final Reading.  
ST72

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER195, on page 1, line 5, "to provide for a motion to dismiss a prostitution charge as prescribed;" has been inserted after the second semicolon.

**LEGISLATIVE BILL 956.** Placed on Final Reading.  
ST71

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER192:  
a. Section 44 has been renumbered as section 39 and the remaining sections renumbered accordingly; and  
b. On page 2, line 9, "72" has been struck and "73" inserted.

**LEGISLATIVE BILL 957.** Placed on Final Reading.

**LEGISLATIVE BILL 960.** Placed on Final Reading.

**LEGISLATIVE BILL 960A.** Placed on Final Reading.

**LEGISLATIVE BILL 981.** Placed on Final Reading.

**LEGISLATIVE BILL 1081.** Placed on Final Reading.  
ST73

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "sections 68-1708 and 68-1721, Revised Statutes Cumulative Supplement, 2014, and" has been inserted after "amend"; in line 4 "to eliminate termination dates relating to self-sufficiency contracts;" has

been inserted after the first semicolon and "and" has been struck; and in line 5 "; and to outright repeal section 68-1735.04, Revised Statutes Cumulative Supplement, 2014" has been inserted after "sections".

2. On page 9, line 6, "sections 68-1708 and 68-1721, Revised Statutes Cumulative Supplement, 2014, and" has been inserted after "Original".

(Signed) Matt Hansen, Chairperson

### ANNOUNCEMENT(S)

The Task Force on Behavioral and Mental Health (LR413) elected Senator Bolz as Chairperson and Senator Howard as Vice Chairperson.

### AMENDMENT(S) - Print in Journal

Senator K. Haar filed the following amendment to LB824:  
AM2353 is available in the Bill Room.

Senator Kuehn filed the following amendment to LR378CA:  
AM2638

(Amendments to Standing Committee amendments, AM2251)

1 1. On page 1, line 3, after the period insert paragraphing and  
2 "(3)"; in line 5 strike "or any ordinance adopted by any political  
3 subdivision"; in line 8 after the period insert "Nothing in this section  
4 shall be construed to modify or affect the jurisdiction of any political  
5 subdivision of the state."; and in line 9 strike "(3)" and insert "(4)".

### SELECT FILE

**LEGISLATIVE BILL 910.** Senator Schumacher asked unanimous consent to withdraw his amendment, AM2651, found on page 1131, and replace it with his substitute amendment, AM2715. No objections. So ordered.  
AM2715

(Amendments to E & R amendments, ER182)

1 1. Insert the following new section:  
2 Sec. 6. Section 83-173.03, Revised Statutes Supplement, 2015, is  
3 amended to read:  
4 83-173.03 (1) Beginning July 1, 2016, no inmate shall be held in  
5 restrictive housing unless done in the least restrictive manner  
6 consistent with maintaining order in the facility and pursuant to rules  
7 and regulations adopted and promulgated by the department pursuant to the  
8 Administrative Procedure Act.  
9 (2) Any inmate confined in restrictive housing may, after the  
10 ninetieth day in a calendar year of his or her confinement and after the  
11 effective date of this act, seek a review of the decision to place him or  
12 her in restrictive housing. The review shall be conducted by the district  
13 court of the county in which the correctional facility in which the  
14 inmate is confined is located. A district judge may appoint a special  
15 master to conduct the review. The district judge may hold further

16 proceedings with respect to the review or enter an order based upon  
 17 recommendations of the special master.  
 18 (3 2) The department shall adopt and promulgate rules and  
 19 regulations pursuant to the Administrative Procedure Act establishing  
 20 levels of restrictive housing as may be necessary to administer the  
 21 correctional system. Rules and regulations shall establish behavior,  
 22 conditions, and mental health status under which an inmate may be placed  
 23 in each confinement level as well as procedures for making such  
 24 determinations. Rules and regulations shall also provide for  
 25 individualized transition plans, developed with the active participation  
 26 of the committed offender, for each confinement level back to the general  
 1 population or to society.  
 2 (4 3) Rules and regulations may authorize the director to issue  
 3 written directives, guidance documents, and operational manuals not  
 4 inconsistent with law and rules and regulations. Such directives,  
 5 guidance documents, and operational manuals shall be made available to  
 6 the public in the same manner that rules and regulations are made  
 7 available unless the safety and security of a correctional facility  
 8 ~~institution~~ would be placed at imminent and substantial risk by such  
 9 publication. If any directive, guidance document, or operational manual  
 10 is not made available to the public, notice shall be given to the deputy  
 11 public counsel for corrections and to the Inspector General of the  
 12 Nebraska Correctional System. The notice shall identify all documents not  
 13 publicly available by title, number of pages, and date adopted. All  
 14 directives, guidance documents, and operational manuals shall be made  
 15 available to any member of the Legislature upon request. Security manuals  
 16 shall be made available to the Legislature for inspection upon request,  
 17 but shall not be copied or removed from secure locations as designated by  
 18 the director.  
 19 2. On page 8, after line 2, insert the following new subdivision:  
 20 "(e) The number of inmates who were released from restrictive  
 21 housing based upon an order of a district judge under subsection (2) of  
 22 section 83-173.03;"; in line 3 strike "(e)", show as stricken, and insert  
 23 "(f)"; in line 6 strike "(f)", show as stricken, and insert "(g)"; and in  
 24 line 9 strike "(g)", show as stricken, and insert "(h)".  
 25 3. Renumber the remaining sections and correct the repealer  
 26 accordingly.

#### SENATOR WATERMEIER PRESIDING

#### SPEAKER HADLEY PRESIDING

Senator Bolz offered the following motion:

MO224

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Senator Bolz requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 28:

Baker	Davis	Harr, B.	McCollister	Seiler
Campbell	Garrett	Hilkemann	Mello	Stinner
Chambers	Gloor	Howard	Morfeld	Sullivan
Coash	Haar, K.	Kolowski	Pansing Brooks	Williams
Cook	Hadley	Krist	Schilz	
Crawford	Hansen	Larson	Schumacher	

Voting in the negative, 15:

Craighead	Groene	Kintner	Lindstrom	Riepe
Fox	Hughes	Kolterman	McCoy	Schnoor
Friesen	Johnson	Kuehn	Murante	Watermeier

Present and not voting, 4:

Bloomfield	Bolz	Brasch	Smith
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Excused and not voting, 2:

Ebke	Scheer
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The Bolz motion to invoke cloture failed with 28 ayes, 15 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1093.** ER188, found on page 963, was adopted.

Senator Mello offered his amendment, AM2547, found on page 1000.

The Mello amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Morfeld offered his amendment, AM2632, found on page 1076.

The Morfeld amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 977.** ER189, found on page 969, was adopted.

Senator Smith withdrew his amendment, AM2478, found on page 908 and considered on page 929.

Senator Smith offered his amendment, AM2623, found on page 1063.

The Smith amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:

FA104

Page 2, line 22, strike "may" and insert "shall".

#### **SENATOR KRIST PRESIDING**

The Chambers amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:

FA105

Strike section 1.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 977A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1105.** ER184, found on page 970, was adopted.

Senator Larson withdrew his amendment, AM1927, found on page 473.

Senator Larson offered his amendment, AM2634, found on page 1132.

The Larson amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1105A.** ER198, found on page 1111, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 938.** Title read. Considered.

Committee AM2356, found on page 836, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Smith withdrew his amendment, AM2301, found on page 717.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.



**LEGISLATIVE BILL 938A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 774.** Title read. Considered.

Committee AM2422, found on page 893, was offered.

Senator Stinner offered his amendment, AM2648, found on page 1096, to the committee amendment.

The Stinner amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

### COMMITTEE REPORT(S)

#### Judiciary

**LEGISLATIVE BILL 1000.** Placed on General File with amendment. AM2704

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

3 Section 1. For purposes of sections 1 to 3 of this act, unless the  
4 context otherwise requires:

5 (1) Body-worn camera means a device worn by a peace officer in  
6 uniform which has the capability to record both audio and video of an  
7 interaction between a peace officer and a member of the public but does  
8 not include any device used by a plain clothes officer;

9 (2) Commission means the Nebraska Commission on Law Enforcement and  
10 Criminal Justice;

11 (3) Law enforcement agency means an agency or department of this  
12 state or of any political subdivision of this state which is responsible  
13 for the prevention and detection of crime, the enforcement of the penal,  
14 traffic, or highway laws of this state or any political subdivision of  
15 this state, and the enforcement of arrest warrants. Law enforcement  
16 agency includes a police department, an office of a town marshal, an  
17 office of a county sheriff, the Nebraska State Patrol, and any department  
18 to which a deputy state sheriff is assigned as provided in section  
19 84-106; and

20 (4) Peace officer means any officer or employee of a law enforcement  
21 agency authorized by law to make arrests.

22 Sec. 2. (1) On or before December 1, 2016, the commission shall  
23 develop and distribute a model body-worn camera policy that includes the

24 procedures and provisions required by section 3 of this act. Any law  
25 enforcement agency required to adopt a policy under this section that  
26 does not develop and adopt its own policy shall adopt the model body-worn  
27 camera policy developed by the commission.

1 (2)(a) Any law enforcement agency which uses body-worn cameras as of  
2 the effective date of this act shall, on or before January 1, 2017, adopt  
3 a written body-worn camera policy. Such policy shall include procedures  
4 and provisions in conformance with the minimum standards set forth in the  
5 model body-worn camera policy developed by the commission, and may  
6 include any other procedures and provisions the law enforcement agency  
7 deems appropriate.

8 (b) Beginning January 1, 2017, any law enforcement agency which uses  
9 body-worn cameras shall, prior to commencing such use, adopt a written  
10 body-worn camera policy. Such policy shall include procedures and  
11 provisions in conformance with the minimum standards set forth in the  
12 model body-worn camera policy developed by the commission, and may  
13 include any other procedures and provisions the law enforcement agency  
14 deems appropriate.

15 (3) The head of a law enforcement agency required to adopt a policy  
16 under this section shall provide a copy of such policy to the commission  
17 within three months of such policy's adoption.

18 (4) On or before January 1, 2018, and each January 1 thereafter,  
19 when any law enforcement agency required to adopt a policy under this  
20 section has made any change to its policy in the preceding year, the head  
21 of such agency shall provide an updated copy of such policy to the  
22 commission.

23 Sec. 3. A body-worn camera policy required by section 2 of this act  
24 shall include provisions which govern the use of body-worn cameras by  
25 peace officers and the retention and disposition of recordings created  
26 with such cameras by law enforcement agencies. Such body-worn camera  
27 policy shall include, but not be limited to:

28 (1) A requirement that training be provided to any peace officer who  
29 will use a body-worn camera and to any other employee who will come into  
30 contact with video or audio data recorded by a body-worn camera;

31 (2) A requirement that recordings created by body-worn cameras shall  
1 be retained for a minimum period of ninety days from the date of  
2 recording. Such recordings shall be retained for more than ninety days if  
3 required by the following circumstances:

4 (a) Upon notice to the law enforcement agency of a criminal or civil  
5 court proceeding in which the recording may have evidentiary value or in  
6 which the recording is otherwise involved, the recording shall be  
7 retained until final judgment has been entered in the proceeding;

8 (b) Upon notice to the law enforcement agency of a disciplinary  
9 proceeding against an employee of the agency in which the recording may  
10 have evidentiary value or in which the recording is otherwise involved,  
11 the recording shall be retained until a final determination has been made  
12 in such proceeding; and

13 (c) If the recording is part of a criminal investigation that has  
14 not resulted in an arrest or prosecution, the recording shall be retained

15 until the investigation is officially closed or suspended; and  
16 (3) A procedure governing the destruction of recordings after the  
17 retention period described in subdivision (2) of this section has  
18 elapsed.  
19 Sec. 4. (1) On or before January 1, 2017, the Nebraska State Patrol,  
20 each county sheriff, each city or village police department, and any  
21 other law enforcement agency in this state which conducts eyewitness  
22 suspect identifications shall adopt a written policy on eyewitness  
23 suspect identifications and provide a copy of such policy to the Nebraska  
24 Commission on Law Enforcement and Criminal Justice. The policy shall  
25 include the minimum standards developed by the commission relating to the  
26 following: (a) Standards which describe the administration of a lineup,  
27 (b) procedures governing the instructions given by a peace officer to an  
28 eyewitness, and (c) procedures for documentation of the eyewitness's  
29 level of certainty of an identification.  
30 (2) The Nebraska Commission on Law Enforcement and Criminal Justice  
31 shall distribute a standard model written policy on suspect  
1 identification by eyewitnesses. Any law enforcement agency described in  
2 subsection (1) of this section which fails to adopt its own policy as  
3 required by this section shall adopt the commission's standard model  
4 written policy.  
5 Sec. 5. Section 29-1401, Revised Statutes Cumulative Supplement,  
6 2014, is amended to read:  
7 29-1401 (1) The district courts are hereby vested with power to call  
8 grand juries.  
9 (2) A grand jury may be called and summoned in the manner provided  
10 by law on such day of a regular term of the district court in each year  
11 in each county of the state as the district court may direct and at such  
12 other times and upon such notice as the district court may deem  
13 necessary.  
14 (3) District courts shall call a grand jury in each case that a  
15 petition meets the requirements of section 32-628, includes a recital as  
16 to the reason for requesting the convening of the grand jury and a  
17 specific reference to the statute or statutes which are alleged to have  
18 been violated, and is signed not more than ninety days prior to the date  
19 of filing under section 29-1401.02 by not less than ten percent of the  
20 registered voters of the county who cast votes for the office of Governor  
21 in such county at the most recent general election held for such office.  
22 (4) District courts shall call a grand jury in each case upon  
23 certification by the county coroner or coroner's physician that a person  
24 has died while being apprehended by or while in the custody of a law  
25 enforcement officer or detention personnel. In each case subject to this  
26 subsection:  
27 (a) Law enforcement personnel from the jurisdiction in which the  
28 death occurred shall immediately secure the scene, preserve all evidence,  
29 and investigate the matter as in any other homicide. The case shall be  
30 treated as an open, ongoing matter until all evidence, reports, and other  
31 relevant material which has been assembled are transferred to a  
1 prosecuting attorney selected pursuant to subdivision (b) of this

2 subsection; and  
3 (b) The county attorney or a member of his or her staff shall be the  
4 prosecuting attorney. Except as provided in subdivision (d) of this  
5 subsection, the prosecuting attorney shall, as soon as practicable,  
6 select a team of three peace officers trained to investigate homicides.  
7 At least two of such investigators shall be from agencies other than the  
8 agency under which the death occurred. The team shall examine all  
9 evidence concerning the cause of death and present the findings of its  
10 investigation to the prosecuting attorney;  
11 (c) A grand jury shall be impaneled within thirty days after the  
12 certification by the county coroner or coroner's physician, unless the  
13 court extends such time period upon the showing of a compelling reason;  
14 and -  
15 (d) In those cases in which the death has been certified by a  
16 licensed practicing physician to be from natural causes, the county  
17 attorney or a member of his or her staff may present such finding to a  
18 grand jury without selecting a three-member team of peace officers to  
19 investigate.  
20 Sec. 6. Section 29-1404, Reissue Revised Statutes of Nebraska, is  
21 amended to read:  
22 29-1404 (1) Except as provided in subsection (2) of this section,  
23 when the foreperson foreman shall be appointed, an oath or  
24 affirmation shall be administered to him or her in the following words:  
25 Saving yourself and fellow jurors, you, as foreperson foreman of this  
26 grand inquest, shall diligently inquire and true presentment make, of all  
27 such matters and things as shall be given you in charge or otherwise come  
28 to your knowledge, touching the present service. The counsel of the  
29 state, your own and your fellows, you shall keep secret, unless called on  
30 in a court of justice to make disclosures. You shall present no person  
31 through malice, hatred, or ill will, nor shall you leave any person  
1 unpresented through fear, favor, or affection, or for any reward or hope  
2 thereof; but in all your presentments you shall present the truth, the  
3 whole truth, and nothing but the truth, according to the best of your  
4 skill and understanding.  
5 (2) For grand juries impaneled pursuant to subsection (4) of section  
6 29-1401, when the foreperson shall be appointed, an oath or affirmation  
7 shall be administered to him or her in the following words: Saving  
8 yourself and fellow jurors, you, as foreperson of this grand inquest,  
9 shall diligently inquire and true presentment make, of all such matters  
10 and things as shall be given you in charge or otherwise come to your  
11 knowledge, touching the present service. The counsel of the state, your  
12 own and your fellows, you shall keep secret during the course of the  
13 impaneled grand jury's investigation and deliberations, unless called on  
14 in a court of justice to make disclosures. You shall present no person  
15 through malice, hatred, or ill will, nor shall you leave any person  
16 unpresented through fear, favor, or affection, or for any reward or hope  
17 thereof; but in all your presentments you shall present the truth, the  
18 whole truth, and nothing but the truth, according to the best of your  
19 skill and understanding.

20 Sec. 7. Section 29-1406, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 29-1406 (1) The grand jury, after being sworn, shall be charged as  
23 to their duty by the judge, who shall call their attention particularly  
24 to the obligation of secrecy which their oaths impose, and to such  
25 offenses as he or she is by law required to specially charge.

26 (2) Upon impanelment of each grand jury, the court shall give to  
27 such grand jury adequate and reasonable written notice of and shall  
28 assure that the grand jury reasonably understands the nature of:

29 (a) Its duty to inquire into offenses against the criminal laws of  
30 the State of Nebraska alleged to have been committed or, in the case of a  
31 grand jury impaneled pursuant to subsection (4) of section 29-1401, its  
1 duty to inquire into offenses against the criminal laws of the State of  
2 Nebraska regarding the death of a person who has died while being  
3 apprehended or while in the custody of a law enforcement officer or  
4 detention personnel;

5 (b) Its right to call and interrogate witnesses;

6 (c) Its right to request the production of documents or other  
7 evidence;

8 (d) The subject matter of the investigation and the criminal  
9 statutes or other statutes involved, if these are known at the time the  
10 grand jury is impaneled;

11 (e) The duty of the grand jury by an affirmative vote of twelve or  
12 more members of the grand jury to determine, based on the evidence  
13 presented before it, whether or not there is probable cause for finding  
14 indictments and to determine the violations to be included in any such  
15 indictments; ~~and~~

16 (f) The requirement that the grand jury may not return an indictment  
17 in cases of perjury unless at least two witnesses to the same fact  
18 present evidence establishing probable cause to return such an  
19 indictment; ~~and -~~

20 (g) In the case of a grand jury impaneled pursuant to subsection (4)  
21 of section 29-1401, if the grand jury returns a no true bill:

22 (i) The grand jury shall create a grand jury report with the  
23 assistance of the prosecuting attorney. The grand jury report shall  
24 briefly provide an explanation of the grand jury's findings and any  
25 recommendations the grand jury determines to be appropriate based upon  
26 the grand jury's investigation and deliberations; and

27 (ii) The no true bill and the grand jury report shall be filed with  
28 the court, where they shall be available for public review, along with  
29 the grand jury transcript provided for in subdivision (2)(b) of section  
30 29-1407.01.

31 Sec. 8. Section 29-1407.01, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 29-1407.01 (1) A certified or authorized reporter shall be present  
3 at all grand jury sessions. All grand jury proceedings and testimony from  
4 commencement to adjournment shall be reported.

5 (2)(a) Except as provided in subdivision (2)(b) of this section, the  
6 ~~The~~ reporter's notes and any transcripts which may be prepared shall be

7 preserved, sealed, and filed with the court. No release or destruction of  
8 the notes or transcripts shall occur without prior court approval.

9 (b) In the case of a grand jury impaneled pursuant to subsection (4)  
10 of section 29-1401, a transcript, including any exhibits of the grand  
11 jury proceedings, shall be prepared at court expense and shall be filed  
12 with the court where it shall be available for public review. Such  
13 transcript shall not include the names of grand jurors or their  
14 deliberations.

15 (3 2) Upon application by the prosecutor, or by any witness after  
16 notice to the prosecutor, the court, for good cause, may enter an order  
17 to furnish to that witness a transcript of his or her own grand jury  
18 testimony, or minutes, reports, or exhibits relating thereto.

19 (4 3) Any witness summoned to testify before a grand jury, or an  
20 attorney for such witness with the witness's written approval, shall be  
21 entitled, prior to testifying, to examine and copy at the witness's  
22 expense any statement in the possession of the prosecuting attorney or  
23 the grand jury which such witness has made that relates to the subject  
24 matter under inquiry by the grand jury. If a witness is proceeding in  
25 forma pauperis, he or she shall be furnished, upon request, a copy of  
26 such transcript and shall not pay a fee.

27 Sec. 9. Section 29-1420, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 29-1420 (1) Except as provided in subdivision (2)(g) of section  
30 29-1406, the ~~The~~ report of the grand jury shall not be made public except  
31 when the report is filed, including indictments, or when required by  
1 statute or except that all of the report or a portion thereof may be  
2 released if the judge of the district court finds that such a release  
3 will exonerate a person or persons who have requested such a release.

4 (2) A district judge under whose direction a grand jury has been  
5 impaneled may, upon good cause shown, transfer to a court of competent  
6 jurisdiction in another county or jurisdiction any evidence gathered by  
7 the grand jury that offenses have been committed in such other county or  
8 jurisdiction.

9 Sec. 10. Original sections 29-1404, 29-1406, 29-1407.01, and  
10 29-1420, Reissue Revised Statutes of Nebraska, and section 29-1401,  
11 Revised Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Les Seiler, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 510.** Introduced by Howard, 9.

PURPOSE: Integrating palliative care into mainstream medicine for all patients and families facing serious illnesses offers an essential opportunity to deliver on the promise of person-centered and family-focused care. Palliative care means medical care that improves the quality of life of a patient and his or her family as they face problems associated with life-threatening illness, through the prevention and relief of suffering by means

of early identification, assessment, and treatment of pain and other physical, psychosocial, and spiritual problems.

Palliative care improves quality of life and creates care efficiencies that curb costs. Palliative care is concerned with treating the person beyond the disease. It is about improving quality of life and providing an extra layer of support to relieve the pain, symptoms, and stress of serious illness, and can be provided alongside curative treatment. It helps both the patient and family and is appropriate at any age and any stage. At its core, the focus of palliative care is to promote and protect patient and family quality of life by relieving the burden of illness and ensuring that treatment plans are tailored to personal goals.

The purpose of this interim study is to examine how to best integrate palliative care into the overall medical care structure of our health care system. This examination should include discussions about the establishment of a state advisory council on palliative care and quality of life and how this council could, by conducting educational programs or by other means, help increase access to and understanding of the usage and need for palliative care. The study committee should also examine whether legislation is necessary to maximize the effectiveness of palliative care initiatives in the state by ensuring that comprehensive and accurate information is available to the public, health care providers, and health care facilities.

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

1. That the Health and Human Services 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 the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 511.** Introduced by Davis, 43; Baker, 30; Bolz, 29; Brasch, 16; Cook, 13; Groene, 42; Haar, K., 21; Harr, B., 8; Hilkemann, 4; Howard, 9; Kolowski, 31; Krist, 10; Kuehn, 38; Mello, 5; Morfeld, 46; Pansing Brooks, 28; Scheer, 19; Schnoor, 15; Schumacher, 22; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1.

**PURPOSE:** The purpose of this interim study is to examine existing law governing the collection of sales and use tax on remote sales-those sales where the seller does not have a physical presence in Nebraska-and determine whether and how existing law can be improved to increase collection of these legally due and payable but generally uncollected taxes.

Under existing United States Supreme Court precedent, a state cannot require a business to collect use taxes if the business does not have a physical presence in the state. However, in a concurring opinion in *Direct Marketing Association v. Brohl*, 135 S. Ct. 1124, 1135 (2015) ("Brohl II"),

Justice Anthony Kennedy urged the Supreme Court to reconsider this precedent, stating that there "is a powerful case to be made that a retailer doing extensive business within a state has a sufficiently 'substantial nexus' to justify imposing some minor tax-collection duty, even if that business is done through mail or the Internet."

On remand from the United States Supreme Court, in *Direct Marketing Association v. Brohl*, case no. 12-1175 (Feb. 22, 2016) ("Brohl III"), the United States Court of Appeals for the Tenth Circuit upheld as constitutional a Colorado law that requires retailers who do not collect sales tax to instead provide notices regarding use taxes to purchasers and make an annual report to the state that will facilitate the collection of use taxes.

In light of these legal developments, the study committee shall conduct an examination that includes, but is not limited to, the following issues:

(1) Examining whether Nebraska's sales and use tax nexus law allows the state to require remote sellers to collect sales tax to the fullest extent permitted by the Constitution of the United States, as interpreted by existing United States Supreme Court precedent, including *Quill v. North Dakota*, 504 U.S. 298 (1992); *Tyler Pipe Industries v. Washington State Department of Revenue*, 483 U.S. 232 (1987); and *Scripto, Inc. v. Carson*, 362 U.S. 207 (1960);

(2) Considering, in light of Justice Kennedy's concurring opinion in *Brohl II*, whether Nebraska should require all sellers to collect sales and use tax regardless of whether a nexus would be found under existing United States Supreme Court precedent; and

(3) Considering, in light of the Tenth Circuit's decision in *Brohl III*, whether Nebraska should require all sellers who do not collect sales and use taxes to provide notices on use tax to their purchasers and provide reports to the state that will facilitate the collection of use taxes from those purchasers.

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

1. That the Revenue 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 512.** Introduced by Business and Labor Committee: Harr, B., 8, Chairperson; Bloomfield, 17; Crawford, 45; Ebke, 32; Howard, 9; Johnson, 23.

**PURPOSE:** The purpose of this resolution is to study the Commission of Industrial Relations (CIR). The CIR is a state agency designed to resolve public sector labor controversies with jurisdiction over state and local government employees, including public utilities. The Constitution of Nebraska authorizes the creation of such an agency, and in 1947, state legislation created the CIR. The CIR was designed as a compromise meant



to provide a meaningful avenue for workers to be heard and address fairness in the workplace while prohibiting workers from striking and ensuring public safety. The CIR is an option of last resort meant to be invoked only when the parties reach an impasse in their negotiations of wages, terms, or other conditions.

The study shall include, but not be limited to, an examination of the following:

- (1) Implementation, experience, and practice of the CIR;
- (2) Effectiveness of legislation in providing greater predictability and consistency to the CIR process of resolving labor disputes;
- (3) Similar laws, programs, or institutions in other states addressing public sector labor controversies; and
- (4) Costs and benefits to employers, employees, and taxpayers as a result of the Industrial Relations Act.

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

1. That the Business and Labor 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 513.** Introduced by Howard, 9; Kolterman, 24.

**PURPOSE:** The purpose of this resolution is to examine workforce issues within the child welfare and juvenile justice systems. Front-line professionals within juvenile probation and the Department of Health and Human Services' Division of Children and Family Services have extremely challenging jobs. These professionals do what is necessary to respond to the urgent needs of children, youth, and families every day of the week and at all hours of the day and night. Such tasks include staffing the abuse and neglect hotline, conducting initial assessments, providing ongoing case management, and operating juvenile probation. A skilled and stable workforce of such professionals is key to successful outcomes for Nebraska's vulnerable children, youth, and families. This can be achieved when staff have manageable caseloads and workloads, when they receive high-quality training and education, and when turnover is minimized.

The study shall include:

- (1) Examining whether there are adequate recruiting and retention efforts for front-line professionals within juvenile probation and the Department of Health and Human Services' Division of Children and Family Services;
- (2) Ascertaining whether the caseloads and workloads of such professionals are manageable and lead to successful outcomes;

(3) Determining whether statutes should be harmonized or amended to ensure clarity and consistency of caseload and workload requirements for caseworkers and juvenile probation officers; and

(4) Determining whether further efforts are needed to improve the professionalization and stability of the child welfare and juvenile justice workforce.

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

1. That the Health and Human Services Committee 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 Kintner filed the following amendment to LB910:  
AM2689

(Amendments to E&R amendments, ER182)

- 1 1. Strike section 5.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

Senator Groene filed the following amendment to LB910:  
AM2716

(Amendments to E & R amendments, ER182)

- 1 1. On page 6, line 8, strike the new matter and reinstate the
- 2 stricken matter; and after line 27 insert the following new subdivision:
- 3 "(b) A person with one or more felony convictions for the possession
- 4 or use of a controlled substance or a person with one or two felony
- 5 convictions involving the sale or distribution of a controlled substance
- 6 shall only be eligible to receive Supplemental Nutrition Assistance
- 7 Program benefits under this subsection if he or she (i) is participating
- 8 in or has completed a state-licensed or nationally accredited substance
- 9 abuse treatment program since the date of his or her most recent
- 10 conviction or (ii) voluntarily submits to a drug test, verified by a
- 11 laboratory approved by the Department of Health and Human Services, the
- 12 results of which test are negative with respect to any illegal substances
- 13 prior to receiving Supplemental Nutrition Assistance Program benefits and
- 14 continues to agree to drug tests at random intervals thereafter, no less
- 15 than every six months. The determination of participation or completion
- 16 of such a substance abuse treatment program or negative drug test results
- 17 shall be certified by the treatment provider administering the program or
- 18 the laboratory verifying the drug test to the department.
- 19 (c) A person shall be ineligible for Supplemental Nutrition
- 20 Assistance Program benefits under this subsection if he or she has been

21 convicted of three or more felonies involving the sale or distribution of  
22 a controlled substance."

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 1103A.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1103, One Hundred Fourth Legislature, Second Session, 2016; and to reduce an appropriation.

### GENERAL FILE

**LEGISLATIVE BILL 1038.** Title read. Considered.

Committee AM2472, found on page 907, was offered.

Senator Garrett offered his amendment, AM2688, found on page 1137, to the committee amendment.

The Garrett amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Davis offered the following amendment to the committee amendment:

AM2675

(Amendments to Standing Committee amendments, AM2472)

1 1. Insert the following new sections:

2 Sec. 8. Section 72-2007, Revised Statutes Supplement, 2015, is

3 amended to read:

4 72-2007 (1) The Niobrara Council is created. The council membership  
5 shall include:

6 (a) A commissioner from each of the county boards of Brown, Cherry,  
7 Keya Paha, and Rock counties chosen by the county board of the respective  
8 county;

9 (b) A representative of the Middle Niobrara Natural Resources  
10 District and the Lower Niobrara Natural Resources District chosen by the  
11 board of the respective district;

12 (c) The secretary of the Game and Parks Commission or his or her  
13 designee;

14 (d) The regional director for the National Park Service or his or  
15 her designee and the regional director for the United States Fish and  
16 Wildlife Service or his or designee. The members under this subdivision  
17 shall be nonvoting members unless and until the agencies represented by  
18 these members formally authorize such members to vote on all matters  
19 before the council by notifying the council and the Governor in writing;

20 (e) An individual from each of Brown, Cherry, Keya Paha, and Rock

21 counties who resides in the Niobrara River drainage area and owns land in  
22 the Niobrara scenic river corridor chosen by the Governor from a list of  
23 at least three individuals, or fewer if there are not at least three  
24 qualified individuals, from each county submitted by the county board  
25 members on the council;

26 (f) A representative from a recreational business operating within  
1 the Niobrara scenic river corridor chosen by the Governor from a list of  
2 at least three individuals, or fewer if there are not at least three  
3 qualified individuals, submitted by the county board members on the  
4 council;

5 (g) A timber industry representative operating within the Niobrara  
6 scenic river corridor chosen by the Governor from a list of at least  
7 three individuals, or fewer if there are not at least three qualified  
8 individuals, submitted by the county board members on the council; and

9 (h) A representative of a recognized, nonprofit environmental,  
10 conservation, or wildlife organization chosen by the Governor from a list  
11 of at least three individuals, or fewer if there are not at least three  
12 qualified individuals, submitted by the county board members on the  
13 council.

14 The appointments made pursuant to subdivisions (1)(e) through (h) of  
15 this section shall be subject to confirmation by the Legislature. The  
16 council members shall hold office for three-year terms and until a  
17 successor is appointed and qualified. The council members shall serve at  
18 the pleasure of the appointing board or the Governor.

19 (2) The council shall elect a chairperson, a vice-chairperson, a  
20 secretary, and a treasurer who shall jointly serve as the executive  
21 committee for the council. The council shall meet on a regular basis with  
22 a minimum of six meetings per year. Special meetings may be called by any  
23 member of the executive committee or at the request of a simple majority  
24 of the members of the council.

25 (3) A quorum shall be present at a meeting before any action may be  
26 taken by the council. A quorum shall be a majority of the members who are  
27 selected and serving and who vote on issues before the council. All  
28 actions of the council require a majority vote of the quorum present at  
29 any meeting, except that any vote to reject or adopt any zoning  
30 regulation or variance under section 72-2010 requires a vote of two-  
31 thirds of all the council members who are selected and serving and who  
1 vote on issues before the council.

2 (4) Members shall be reimbursed for actual and necessary expenses  
3 incurred in carrying out their duties on the council as provided in  
4 sections 81-1174 to 81-1177.

5 Sec. 9. Section 72-2008, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 72-2008 The mission of the Niobrara Council is to assist in all  
8 aspects of the management of the Niobrara scenic river corridor since  
9 portions of the Niobrara River have been designated as a national scenic  
10 river under 16 U.S.C. 1274(a)(117), as such section existed on May 24,  
11 1991, giving consideration and respect to local and governmental input  
12 and private landowner rights, and to maintain and protect the integrity

13 of the resources associated with the Niobrara scenic river corridor. The  
 14 council shall perform management functions related to the Niobrara scenic  
 15 river corridor, including, but not limited to, those authorized and  
 16 delegated to it by the National Park Service. The council may promulgate  
 17 its own rules and internal policies to carry out the purposes of the  
 18 Niobrara Scenic River Act. The Game and Parks Commission may provide  
 19 administrative, budgetary, operational, and programmatic support when  
 20 requested by the council to carry out its duties. ~~This support shall not~~  
 21 ~~exceed fifty thousand dollars in any calendar year.~~ In the Niobrara  
 22 scenic river corridor, the council may hold title to real estate in the  
 23 name of the council. The council may purchase, accept gifts of, or trade  
 24 real estate and may obtain conservation easements as provided in the  
 25 Conservation and Preservation Easements Act. Acquisition of conservation  
 26 easements outside the boundaries of the Niobrara scenic river corridor  
 27 shall require the approval of the appropriate governing body as provided  
 28 in section 76-2,112. On December 1, 2016, and on each December 1  
 29 thereafter, the council shall electronically submit an annual report to  
 30 the Clerk of the Legislature and the chairperson of the Natural Resources  
 31 Committee of the Legislature describing expenditures made pursuant to the  
 1 Niobrara Scenic River Act.  
 2 2. Renumber the remaining sections and correct the repealer  
 3 accordingly.

The Davis amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 1 nay, 8 present and not voting, and 3 excused and not voting.

Senator Schilz withdrew his amendment, AM1966, found on page 529.

Senator Bloomfield requested a record vote on the advancement of the bill.

Voting in the affirmative, 41:

Baker	Fox	Howard	McCoy	Smith
Bolz	Friesen	Hughes	Mello	Stinner
Brasch	Garrett	Johnson	Murante	Sullivan
Campbell	Gloor	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Scheer	Williams
Craighead	Hadley	Krist	Schilz	
Crawford	Hansen	Kuehn	Schnoor	
Davis	Harr, B.	Lindstrom	Schumacher	
Ebke	Hilkemann	McCollister	Seiler	

Voting in the negative, 0.

Present and not voting, 5:

Bloomfield Coash Groene Kintner Riepe

Excused and not voting, 3:

Chambers Larson Morfeld

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1038A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**AMENDMENT(S) - Print in Journal**

Senator Bolz filed the following amendment to LB1094:  
AM2721

(Amendments to Standing Committee amendments, AM2337)

- 1 1. Insert the following new sections:
- 2 Sec. 29. Section 47-901, Revised Statutes Supplement, 2015, is
- 3 amended to read:
- 4 47-901 Sections 47-901 to 47-918 and section 32 of this act shall be
- 5 known and may be cited as the Office of Inspector General of the Nebraska
- 6 Correctional System Act.
- 7 Sec. 30. Section 47-903, Revised Statutes Supplement, 2015, is
- 8 amended to read:
- 9 47-903 For purposes of the Office of Inspector General of the
- 10 Nebraska Correctional System Act, the following definitions apply:
- 11 (1) Administrator means a person charged with administration of a
- 12 program, an office, or a division of the department or administration of
- 13 a private agency;
- 14 (2) Department means the Department of Correctional Services;
- 15 (3) Director means the Director of Correctional Services;
- 16 (4) Inspector General means the Inspector General of the Nebraska
- 17 Correctional System appointed under section 47-904;
- 18 (5) Malfeasance means a wrongful act that the actor has no legal
- 19 right to do or any wrongful conduct that affects, interrupts, or
- 20 interferes with performance of an official duty;
- 21 (6) Management means supervision of subordinate employees;
- 22 (7) Misfeasance means the improper performance of some act that a
- 23 person may lawfully do;
- 24 (8) Obstruction means hindering an investigation, preventing an
- 25 investigation from progressing, stopping or delaying the progress of an
- 26 investigation, or making the progress of an investigation difficult or
- 1 slow;
- 2 (9) Office means the office of Inspector General of the Nebraska
- 3 Correctional System and includes the Inspector General and other
- 4 employees of the office;

5 (10) Office of Parole Administration means the office created  
 6 pursuant to section 83-1,100;

7 ~~(11) (10)~~ Private agency means an entity that contracts with the  
 8 department or contracts to provide services to another entity that  
 9 contracts with the department; and

10 ~~(12) (11)~~ Record means any recording in written, audio, electronic  
 11 transmission, or computer storage form, including, but not limited to, a  
 12 draft, memorandum, note, report, computer printout, notation, or message,  
 13 and includes, but is not limited to, medical records, mental health  
 14 records, case files, clinical records, financial records, and  
 15 administrative records.

16 Sec. 31. Section 47-908, Revised Statutes Supplement, 2015, is  
 17 amended to read:

18 47-908 All employees of the department, all employees of the Office  
 19 of Parole Administration, and all owners, operators, managers,  
 20 supervisors, and employees of private agencies shall cooperate with the  
 21 office. Cooperation includes, but is not limited to, the following:

22 (1) Provision of full access to and production of records and  
 23 information. Providing access to and producing records and information  
 24 for the office is not a violation of confidentiality provisions under any  
 25 statute, rule, or regulation if done in good faith for purposes of an  
 26 investigation under the Office of Inspector General of the Nebraska  
 27 Correctional System Act;

28 (2) Fair and honest disclosure of records and information reasonably  
 29 requested by the office in the course of an investigation under the act;

30 (3) Encouraging employees to fully comply with reasonable requests  
 31 of the office in the course of an investigation under the act;

1 (4) Prohibition of retaliation by owners, operators, or managers  
 2 against employees for providing records or information or filing or  
 3 otherwise making a complaint to the office;

4 (5) Not requiring employees to gain supervisory approval prior to  
 5 filing a complaint with or providing records or information to the  
 6 office;

7 (6) Provision of complete and truthful answers to questions posed by  
 8 the office in the course of an investigation; and

9 (7) Not willfully interfering with or obstructing the investigation.

10 Sec. 32. The Office of Parole Administration shall provide the  
 11 Public Counsel and the Inspector General with direct computer access to  
 12 all computerized records, reports, and documents maintained by the office  
 13 in connection with administration of the Nebraska parole system, except  
 14 that access for the Public Counsel and the Inspector General to a  
 15 parolee's medical or mental health records shall be subject to the  
 16 parolee's consent.

17 Sec. 37. Section 83-1,101, Reissue Revised Statutes of Nebraska, is  
 18 amended to read:

19 ~~83-1,101 The Director of Correctional Services with the consent of~~  
 20 ~~the Board of Parole shall appoint a Parole Administrator. The Parole~~  
 21 ~~Administrator, who shall be a person with appropriate experience and~~  
 22 ~~training, including, but not limited to, familiarity with the~~

23 implementation of evidence-based processes for utilizing risk and needs  
24 assessments to measure criminal risk factors and specific individual  
25 needs in the field of corrections, or with training in relevant  
26 disciplines at a recognized university.

27 Sec. 43. Section 83-4,114, Revised Statutes Supplement, 2015, is  
28 amended to read:

29 83-4,114 (1) There shall be no corporal punishment or disciplinary  
30 restrictions on diet.

31 (2) Disciplinary restrictions on clothing, bedding, mail,  
1 visitations, use of toilets, washbowls, or scheduled showers shall be  
2 imposed only for abuse of such privilege or facility and only as  
3 authorized by written directives, guidance documents, and operational  
4 manuals.

5 (3) No person shall be placed in solitary confinement.

6 (4) The director shall issue an annual report on or before September  
7 15 to the Governor and the Clerk of the Legislature. The report to the  
8 Clerk of the Legislature shall be issued electronically. For all inmates  
9 who were held in restrictive housing during the prior year, the report  
10 shall contain the race, gender, age, and length of time each inmate has  
11 continuously been held in restrictive housing. The report shall also  
12 contain:

13 (a) The number of inmates held in restrictive housing;

14 (b) The reason or reasons each inmate was held in restrictive  
15 housing;

16 (c) The number of inmates held in restrictive housing who have been  
17 diagnosed with a mental illness or behavioral disorder as defined in  
18 section 71-907 and the type of mental illness or behavioral disorder by  
19 inmate;

20 (d) The number of inmates who were released from restrictive housing  
21 directly to parole or into the general public and the reason for such  
22 release;

23 (e) The number of inmates who were placed in restrictive housing for  
24 his or her own safety and the underlying circumstances for each  
25 placement;

26 (f) To the extent reasonably ascertainable, comparable statistics  
27 for the nation and each of the states that border Nebraska pertaining to  
28 subdivisions (4)(a) through (e) of this section; and

29 (g) The mean and median length of time for all inmates held in  
30 restrictive housing.

31 (5)(a) There is hereby established within the department a long-term  
1 restrictive housing work group. The work group shall consist of:

2 (i) The director and all deputy directors. The director shall serve  
3 as the chairperson of the work group;

4 ~~(ii) The director of health services within the department;~~

5 ~~(ii) #~~ The behavioral health administrator within the department;

6 ~~(iii) #~~ Two employees of the department who currently work with  
7 inmates held in restrictive housing;

8 ~~(iv) #~~ Additional department staff as designated by the director;

9 and



10 (v ~~vi~~) Four members as follows appointed by the Governor:  
11 (A) Two representatives from a nonprofit prisoners' rights advocacy  
12 group, including at least one former inmate; and  
13 (B) Two mental health professionals independent from the department  
14 with particular knowledge of prisons and conditions of confinement.  
15 (b) The work group shall advise the department on policies and  
16 procedures related to the proper treatment and care of offenders in long-  
17 term restrictive housing.  
18 (c) The director shall convene the work group's first meeting no  
19 later than September 15, 2015, and the work group shall meet at least  
20 semiannually thereafter. The chairperson shall schedule and convene the  
21 work group's meetings.  
22 (d) The director shall provide the work group with quarterly updates  
23 on the department's policies related to the work group's subject matter.  
24 2. Renumber the remaining sections, amend the repealer, and correct  
25 internal references accordingly.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Pansing Brooks - LR506

#### **VISITOR(S)**

Visitors to the Chamber were Mike and Jeannette Bernskoetter from Jefferson City, MO; 24 fourth-grade students from Cedar Elementary, Beatrice; 27 fourth- and fifth-grade students from Sacred Heart School, Falls City; 21 grassroots coordinators of the Nebraska Rural Electric Association from across the state; and Maggie Morehouse from Lincoln.

The Doctor of the Day was Dr. Aaron Lanik from Geneva.

#### **ADJOURNMENT**

At 7:15 p.m., on a motion by Speaker Hadley, the Legislature adjourned until 9:00 a.m., Wednesday, March 23, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-EIGHTH DAY - MARCH 23, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 23, 2016

**PRAYER**

The prayer was offered by Senator Hilkemann.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Fox who was excused; and Senators Coash, Davis, Groene, Larson, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-seventh day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 1083.** Placed on Select File with amendment.  
ER220

1 1. On page 1, strike beginning with "adopt" in line 1 through line 5  
2 and insert "amend section 13-208, Revised Statutes Cumulative Supplement,  
3 2014; to adopt the Next Generation Business Growth Act; to state intent  
4 regarding funding; to change funding for tax credits under the Community  
5 Development Assistance Act; to provide a termination date; and to repeal  
6 the original section."

**LEGISLATIVE BILL 742.** Placed on Select File.

**LEGISLATIVE BILL 837.** Placed on Select File.

**LEGISLATIVE BILL 465.** Placed on Select File with amendment.  
ER222

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Sections 1 to 17 of this act shall be known and may be

4 cited as the Electronic Notary Public Act.

5 Sec. 2. For purposes of the Electronic Notary Public Act:

6 (1) Electronic means relating to technology having electrical,  
7 digital, magnetic, wireless, optical, electromagnetic, or similar  
8 capabilities;

9 (2) Electronic document means information that is created,  
10 generated, sent, communicated, received, or stored by electronic means;

11 (3) Electronic notarial act means an official act by an electronic  
12 notary public that involves electronic documents;

13 (4) Electronic notary public means a notary public registered with  
14 the Secretary of State that has the capability of performing electronic  
15 notarial acts in conformance with the Electronic Notary Public Act;

16 (5) Electronic notary seal means information within a notarized  
17 electronic document that includes the notary public's name, jurisdiction,  
18 and commission expiration date and generally corresponds to the data in  
19 notary seals used on paper documents;

20 (6) Electronic notary solution provider means a provider of any  
21 electronic notary seals or electronic signatures;

22 (7) Electronic signature means an electronic symbol or process  
23 attached to or logically associated with an electronic document and  
24 executed or adopted by a person with the intent to sign the document; and

25 (8) Notary public's electronic signature means an electronic  
26 signature which has been approved by the Secretary of State in rules and  
27 regulations adopted and promulgated under section 16 of this act as an  
1 acceptable means for an electronic notary public to attach or logically  
2 associate the notary public's official signature to an electronic  
3 document that is being notarized.

4 Sec. 3. (1) To be eligible to register as an electronic notary  
5 public, a person shall:

6 (a) Hold a valid commission as a notary public in the State of  
7 Nebraska;

8 (b) Satisfy the education requirement of section 5 of this act; and

9 (c) Pay the fee required under section 6 of this act.

10 (2) The Secretary of State shall not accept the registration if the  
11 requirements of subsection (1) of this section are not met.

12 Sec. 4. (1) Before performing an electronic notarial act, a notary  
13 public shall register with the Secretary of State in a manner prescribed  
14 by the Secretary of State.

15 (2) The registration shall specify the technology the notary public  
16 intends to use to perform an electronic notarial act. Such technology  
17 shall be provided by an electronic notary solution provider approved by  
18 the Secretary of State.

19 (3) The term of registration as an electronic notary public shall  
20 coincide with the term of the commission of the notary public.

21 (4) A person registered as an electronic notary public may renew his  
22 or her electronic notary public registration at the same time he or she  
23 renews his or her notary public commission.

24 Sec. 5. (1) Before registering as an electronic notary public, a  
25 notary public shall take a course of instruction approved by the

26 Secretary of State and pass an examination for such course in addition to  
27 the requirements provided in section 64-101.01.

28 (2) The content of the course and the basis for the examination  
29 shall include notarial laws, procedures, technology, and the ethics of  
30 electronic notarization.

31 Sec. 6. The fee for registering or reregistering as an electronic  
1 notary shall be in addition to the fee required in section 33-102. The  
2 Secretary of State shall establish the fee by rule and regulation in an  
3 amount sufficient to cover the costs of administering the Electronic  
4 Notary Public Act, but the fee shall not exceed one hundred dollars. The  
5 Secretary of State shall remit fees received under this section to the  
6 State Treasurer for credit to the Administration Cash Fund for use in  
7 administering the Electronic Notary Public Act.

8 Sec. 7. The following types of electronic notarial acts may be  
9 performed by an electronic notary public:

10 (1) Acknowledgments;

11 (2) Jurats;

12 (3) Verifications or proofs; and

13 (4) Oaths or affirmations.

14 Sec. 8. An electronic notarial act shall not be performed if the  
15 signer of the electronic document is not in the physical presence of the  
16 electronic notary public at the time of notarization and is not  
17 personally known to the electronic notary public or identified by the  
18 notary public through satisfactory evidence as provided in section  
19 64-105.

20 Sec. 9. In performing an electronic notarial act, all of the  
21 following components shall be attached to, or logically associated with,  
22 the electronic document by the electronic notary public and shall be  
23 immediately perceptible and reproducible in the electronic document to  
24 which the notary public's electronic signature is attached: (1) The  
25 electronic notary seal; (2) the notary public's electronic signature; and  
26 (3) the completed wording of one of the following notarial certificates:  
27 (a) Acknowledgment, (b) jurat, (c) verification or proof, or (d) oath or  
28 affirmation.

29 Sec. 10. (1) A notary public's electronic signature in combination  
30 with the electronic notary seal shall be used only for the purpose of  
31 performing an electronic notarial act.

1 (2) An electronic notary public shall safeguard his or her  
2 electronic signature, electronic notary seal, and all other notarial  
3 records. Notarial records shall be maintained by the electronic notary  
4 public, and the electronic notary public shall not surrender or destroy  
5 the records except as required by a court order or as allowed under rules  
6 and regulations adopted and promulgated by the Secretary of State.

7 (3) When not in use, the electronic notary public shall keep his or  
8 her electronic signature, electronic notary seal, and all other notarial  
9 records secure, under his or her exclusive control, and shall not allow  
10 them to be used by any other notary public or any other person.

11 (4) Within ten days after discovering that his or her electronic  
12 notary seal or electronic signature has been stolen, lost, damaged, or

13 otherwise rendered incapable of being attached to or logically associated  
14 with an electronic document, an electronic notary public shall notify the  
15 Secretary of State and appropriate law enforcement agency in the case of  
16 theft or vandalism.

17 Sec. 11. (1) When the registration of an electronic notary public  
18 expires or is resigned, canceled, or revoked or when an electronic notary  
19 public dies, he or she or his or her duly authorized representative shall  
20 erase, delete, or destroy the coding, disk, certificate, card, software,  
21 file, or program that enables the attachment or logical association of  
22 the notary public's electronic signature.

23 (2) A former electronic notary public whose previous registration  
24 was not revoked, canceled, or denied by the Secretary of State need not  
25 erase, delete, or destroy the coding, disk, certificate, card, software,  
26 file, or program that enables the attachment or logical association of  
27 the notary public's electronic signature if he or she is reregistered as  
28 an electronic notary public using the same electronic signature within  
29 three months after the registration expires.

30 Sec. 12. Electronic evidence of the authenticity of the notary  
31 public's electronic signature and electronic notary seal of an electronic  
1 notary public of this state, if required, shall be attached to, or  
2 logically associated with, a document with a notary public's electronic  
3 signature transmitted to another state or nation and shall be in the form  
4 of an electronic certificate of authority signed by the Secretary of  
5 State in conformance with any current and pertinent international  
6 treaties, agreements, and conventions subscribed to by the United States  
7 Government.

8 Sec. 13. (1) An electronic certificate of authority evidencing the  
9 authenticity of the notary public's electronic signature and electronic  
10 notary seal of an electronic notary public of this state shall contain  
11 substantially the following words:

12 Certificate of Authority for an Electronic Notarial Act  
13 I .....(name, title, jurisdiction of commissioning  
14 official) certify that ..... (name of electronic notary  
15 public), the person named as an electronic notary public in the attached  
16 or associated document, was indeed registered as an electronic notary  
17 public for the State of Nebraska and authorized to act as such at the  
18 time of the document's electronic notarization. To verify this  
19 Certificate of Authority for an Electronic Notarial Act, I have included  
20 herewith my electronic signature this ..... day  
21 of ....., 20.....

22 (Electronic signature (and seal) of commissioning official)  
23 (2) The Secretary of State may charge a fee of twenty dollars for  
24 issuing an electronic certificate of authority. The Secretary of State  
25 shall remit the fees to the State Treasurer for credit to the  
26 Administration Cash Fund.

27 Sec. 14. A person violating the Electronic Notary Public Act is  
28 subject to having his or her registration removed under the removal  
29 procedures provided in section 64-113.

30 Sec. 15. Nothing in the Electronic Notary Public Act requires a

31 notary public to register as an electronic notary public if he or she  
 1 does not perform electronic notarial acts.  
 2 Sec. 16. The Secretary of State may adopt and promulgate rules and  
 3 regulations to insure the integrity, security, and authenticity of  
 4 electronic notarizations in accordance with the Electronic Notary Public  
 5 Act. Such rules and regulations shall include procedures for the approval  
 6 of electronic notary solution providers by the Secretary of State. In  
 7 addition, the Secretary of State may require an electronic notary public  
 8 to create and to maintain a record, journal, or entry of each electronic  
 9 notarial act.  
 10 Sec. 17. Sections 64-101 to 64-119 and 64-211 to 64-215 and the  
 11 Uniform Recognition of Acknowledgments Act govern an electronic notary  
 12 public unless the provisions of such sections and act are in conflict  
 13 with the Electronic Notary Public Act, in which case the Electronic  
 14 Notary Public Act controls.  
 15 Sec. 18. This act becomes operative on July 1, 2017.  
 16 2. On page 1, line 2, after "Act" insert "; and to provide an  
 17 operative date".

**LEGISLATIVE BILL 465A.** Placed on Select File with amendment.  
 ER221

1 1. On page 1, line 3, strike "First Session, 2015" and insert  
 2 "Second Session, 2016".  
 3 2. On page 2, line 2, strike "FY2015-16" and insert "FY2016-17"; in  
 4 line 3 strike "FY2016-17" and insert "FY2017-18"; in line 5 strike  
 5 "First" and insert "Second"; and in line 6 strike "2015" and insert  
 6 "2016".

(Signed) Matt Hansen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Agriculture

Room 1524

Wednesday, March 30, 2016 12:00 p.m.

Harry Hoch - Nebraska State Fair Board

(Signed) Jerry Johnson, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 485, 486, 487, and 488 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 485, 486, 487, and 488.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Lindstrom.

**MOTION(S) - Confirmation Report(s)**

Senator Smith moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1107:

Board of Public Roads Classifications and Standards  
 LeRoy Gerrard  
 Lisa Kramer  
 Darold Tagge

Voting in the affirmative, 36:

Bloomfield	Ebke	Hughes	Morfeld	Stinner
Bolz	Friesen	Johnson	Pansing Brooks	Sullivan
Brasch	Garrett	Kintner	Riepe	Watermeier
Campbell	Gloor	Kolowski	Scheer	Williams
Chambers	Hadley	Kolterman	Schnoor	
Cook	Hansen	Krist	Schumacher	
Crawford	Harr, B.	Lindstrom	Seiler	
Davis	Hilkemann	McCollister	Smith	

Voting in the negative, 0.

Present and not voting, 8:

Baker	Haar, K.	Kuehn	Mello
Craighead	Howard	McCoy	Schilz

Excused and not voting, 5:

Coash	Fox	Groene	Larson	Murante
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The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 1083A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.



**SELECT FILE**

**LEGISLATIVE BILL 1101.** ER203, found on page 1122, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1080.** ER204, found on page 1122, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 899.** ER205, found on page 1122, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 895.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1039.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 677.** ER216, found on page 1123, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 978.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 877.** ER211, found on page 1123, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1050.** Senator Stinner offered the following amendment:

AM2728

1 1. On page 2, line 20, after the period insert "A domestic  
2 partnership converting into a domestic limited liability company or a  
3 foreign limited liability company shall, at least ten business days  
4 before the articles of conversion are filed, send written notice of such  
5 conversion to the last-known address of any holder of a security interest  
6 in collateral of such partnership.".

7 2. On page 3, line 6, after the period insert "A domestic limited  
8 liability partnership converting into a domestic limited liability  
9 company or a foreign limited liability company shall, at least ten  
10 business days before the articles of conversion are filed, send written  
11 notice of such conversion to the last-known address of any holder of a  
12 security interest in collateral of such limited liability partnership.".

The Stinner amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1075.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 973.** ER214, found on page 1123, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 712.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 902.** Senator Kolowski offered his amendment, AM2671, found on page 1118.

The Kolowski amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 694.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 908.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 908A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1010.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 913.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1011.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE RESOLUTION 381.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 783.** ER219, found on page 1145, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 783A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 842.** ER217, found on page 1146, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 750.** ER210, found on page 1146, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 816.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 952.** ER213, found on page 1146, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 678.** ER212, found on page 1146, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 1110.** Title read. Considered.

Committee AM2294, found on page 855, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1094.** Title read. Considered.

Committee AM2337, found on page 952, was offered.

Senator Bolz offered her amendment, AM2721, found on page 1174, to the committee amendment.

The Bolz amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 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 1093A.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1093, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

**GENERAL FILE**

**LEGISLATIVE BILL 586.** Committee AM289, found on page 521 and considered on page 1614, First Session, 2015, was renewed.

Senator Hansen asked unanimous consent to withdraw his motion, MO117, found on page 1631, First Session, 2015, to reconsider the vote taken on AM1644. No objections. So ordered.

Senator Morfeld withdrew his amendment, AM2639, found on page 1060.

Senator Coash offered the following amendment to the committee amendment:

AM2550

(Amendments to Standing Committee amendments, AM289)

- 1 1. Insert the following new amendments:
- 2 2. On page 2, line 6; page 12, line 24; and page 25, line 2,
- 3 3. Reinstate the stricken "creed,"
- 4 3. On page 25, line 3, after the period insert "Nothing contained in
- 5 the Nebraska Fair Employment Practice Act shall be deemed to affect the
- 6 ability of an employer to take action against an employee if such action
- 7 is otherwise lawful under local, state, and federal law, including, but
- 8 not limited to, actions taken in response to an employee's misconduct,
- 9 incompetency, behavior, violation of workplace policy, neglect of duty,
- 10 unprofessional conduct, or insubordination."; and in line 21 strike "or
- 11 perceived".
- 12 2. Renumber the remaining amendment accordingly.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 731.** Placed on Final Reading.  
**LEGISLATIVE BILL 790.** Placed on Final Reading.  
**LEGISLATIVE BILL 814.** Placed on Final Reading.  
**LEGISLATIVE BILL 814A.** Placed on Final Reading.  
**LEGISLATIVE BILL 909.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 774A.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 774, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 514.** Introduced by Bolz, 29.

**PURPOSE:** The purpose of this interim study is to examine the availability of transition services for youth who will leave or have left the juvenile justice system while in an out-of-home placement and to determine whether additional transition services are needed. The study shall include the following:

(1) Examining potential sources of increased funding, including federal funding, and other options to increase access to supportive services for youth leaving Nebraska's juvenile justice system and transitioning into adulthood;

(2) Identifying methods for gauging and accessing the population to be served;

(3) Investigating options for program structuring; and

(4) Mapping opportunities to collaborate with or utilize existing community and state programming for older youth who lack supportive connections.

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

1. That the Health and Human Services 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.

**WITHDRAW - Cointroducer**

Senator Sullivan withdrew her name as cointroducer to LR378CA.

**VISITOR(S)**

Visitors to the Chamber were Allison Derr, Miranda Rogers, and Kalli Gloudemans from the University of Nebraska College of Law; 45 fourth-grade students from Louisville Elementary; 8 members of TeenPact Leadership Schools from across the state; and Senator Davis' cousins, Daphne Davis from Julesburg, CO and Kim Schneider from Paxton.

**EASE**

The Legislature was at ease from 12:06 p.m. until 12:30 p.m.

**SENATOR SCHEER PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 586.** The Coash amendment, AM2550, found in this day's Journal, to the committee amendment, was renewed.

Pending.

**MOTION - Adjournment**

Senator Chambers moved to adjourn until 9:00 a.m., Thursday, March 24, 2016.

Senator Coash moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 44:

Baker	Davis	Hilkemann	Lindstrom	Schnoor
Bloomfield	Ebke	Howard	McCollister	Schumacher
Bolz	Friesen	Hughes	McCoy	Seiler
Brasch	Garrett	Johnson	Mello	Smith
Campbell	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Riepe	Watermeier
Craighead	Hadley	Krist	Scheer	Williams
Crawford	Hansen	Kuehn	Schilz	

Present and not voting, 1:

Pansing Brooks

Absent and not voting, 1:

Harr, B.

Excused and not voting, 2:

Fox                Larson

The Chambers motion to adjourn failed with 1 aye, 44 nays, 1 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### GENERAL FILE

**LEGISLATIVE BILL 586.** Senator Krist offered the following motion:

MO227

Bracket until April 20, 2016.

### SENATOR GLOOR PRESIDING

### SENATOR SCHEER PRESIDING

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

Senator Murante moved for a call of the house. The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

The motion to cease debate prevailed with 26 ayes, 10 nays, 12 present and not voting, and 1 excused and not voting.

The Krist motion to bracket prevailed with 26 ayes, 18 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 567.** Placed on Final Reading.  
**LEGISLATIVE BILL 680.** Placed on Final Reading.  
**LEGISLATIVE BILL 680A.** Placed on Final Reading.  
**LEGISLATIVE BILL 684.** Placed on Final Reading.  
**LEGISLATIVE BILL 725.** Placed on Final Reading.  
**LEGISLATIVE BILL 726.** Placed on Final Reading.  
**LEGISLATIVE BILL 770.** Placed on Final Reading.  
**LEGISLATIVE BILL 770A.** Placed on Final Reading.  
**LEGISLATIVE BILL 784.** Placed on Final Reading.  
**LEGISLATIVE BILL 813.** Placed on Final Reading.  
**LEGISLATIVE BILL 823.** Placed on Final Reading.  
**LEGISLATIVE BILL 865.** Placed on Final Reading.  
**LEGISLATIVE BILL 875.** Placed on Final Reading.  
**LEGISLATIVE BILL 924.** Placed on Final Reading.

**LEGISLATIVE BILL 942.** Placed on Final Reading.  
**LEGISLATIVE BILL 948.** Placed on Final Reading.  
**LEGISLATIVE BILL 1002.** Placed on Final Reading.  
**LEGISLATIVE BILL 1086.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 744.** Title read. Considered.

Committee AM2142, found on page 710, was offered.

Senator Watermeier withdrew his amendment, AM2416, found on page 1008.

Senator Watermeier offered the following amendment to the committee amendment:

AM2727

(Amendments to Standing Committee amendments, AM2142)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. (1) The adoptive parent or parents and the parent or
- 4 parents relinquishing a child for adoption may enter into a written
- 5 agreement to permit continuing communication and contact after the
- 6 placement of an adoptee between the adoptive parent or parents and the
- 7 relinquishing parent or parents in private or agency adoptions for
- 8 adoptees not in the custody of the Department of Health and Human
- 9 Services as provided under this section.
- 10 (2)(a) In private adoptions, a parent or parents who relinquish a
- 11 child for adoption shall be provided legal counsel of their choice
- 12 independent from that of the adoptive parent or parents at the expense of
- 13 the adoptive parent or parents prior to the execution of a written
- 14 relinquishment and consent to adoption, or a communication and contact
- 15 agreement under this section, unless specifically waived in writing.
- 16 (b) In private and agency adoptions, a parent or parents
- 17 contemplating relinquishment of a child for adoption shall be offered, at
- 18 the expense of the adoptive parent or parents or the agency, at least
- 19 three hours of professional counseling prior to executing a written
- 20 relinquishment of parental rights or written consent to adoption. Such
- 21 relinquishment or consent shall state whether the relinquishing parent or
- 22 parents received or declined counseling.
- 23 (3) The terms of a communication and contact agreement entered into
- 24 under this section may include provisions for (a) future contact or
- 25 communication between the relinquishing parent or parents and the adoptee
- 26 or the adoptive parent or parents, or both, (b) sharing information about
- 1 the adoptee, or (c) other matters related to communication or contact
- 2 agreed to by the parties.
- 3 (4) If the adoptee is fourteen years of age or older at the time of
- 4 placement, a communication and contact agreement under this section shall



5 not be valid unless consented to in writing by the adoptee.  
6 (5) A court may approve a communication and contact agreement  
7 entered into under this section by incorporating such agreement by  
8 reference and indicating the court's approval of such agreement in the  
9 decree of adoption. Enforceability of a communication and contact  
10 agreement is not contingent on court approval or its incorporation into  
11 the decree of adoption.  
12 (6) Neither the existence of, nor the failure of any party to comply  
13 with the terms of, a communication and contact agreement entered into  
14 under this section shall be grounds for (a) setting aside an adoption  
15 decree, (b) revoking a written relinquishment of parental rights or  
16 written consent to adoption, (c) challenging the adoption on the basis of  
17 duress or coercion, or (d) challenging the adoption on the basis that the  
18 agreement retains some aspect of parental rights by the relinquishing  
19 parent or parents.  
20 (7) A communication and contact agreement entered into under this  
21 section may be enforced by a civil action. A court in which such civil  
22 action is filed may enforce, modify, or terminate a communication and  
23 contact agreement entered into under this section if the court finds that  
24 (a) enforcing, modifying, or terminating the communication and contact  
25 agreement is necessary to serve the best interests of the adoptee, (b)  
26 the party seeking to enforce, modify, or terminate the communication and  
27 contact agreement participated in, or attempted to participate in,  
28 mediation in good faith or participated in other appropriate dispute  
29 resolution proceedings in good faith to resolve the dispute prior to  
30 filing the petition, and (c) when seeking to modify or terminate the  
31 agreement, a material change in circumstances has arisen since the  
1 parties entered into the communication and contact agreement that  
2 justifies modifying or terminating the agreement.  
3 (8) If the adoption was through an agency, the agency which accepted  
4 the relinquishment from the relinquishing parent or parents shall be  
5 invited to participate in any mediation or other appropriate dispute  
6 resolution proceedings as provided in subsection (7) of this act.  
7 (9) With any communication and contact agreement entered into under  
8 this section, the following shall appear on the communication and contact  
9 agreement: No adoption shall be set aside due to the failure of the  
10 adoptive parent or parents or the relinquishing parent or parents to  
11 follow the terms of this agreement or a later order modifying or  
12 terminating this agreement. Disagreement between the parties or a  
13 subsequent civil action brought to enforce, modify, or terminate this  
14 agreement shall not affect the validity of the adoption and shall not  
15 serve as a basis for orders affecting the custody of the child. The court  
16 shall not act on a petition to enforce, modify, or terminate this  
17 agreement unless the petitioner has participated in, or attempted to  
18 participate in, mediation in good faith or participated in other  
19 appropriate dispute resolution proceedings in good faith to resolve the  
20 dispute prior to filing the petition.  
21 (10) The court shall not award monetary damages as a result of the  
22 filing of a civil action pursuant to subsection (7) of this section.

**SPEAKER HADLEY PRESIDING**

The Watermeier amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 947.** Title read. Considered.

Committee AM2148, found on page 645, was offered.

Senator Mello moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Kintner requested a roll call vote on the committee amendment.

Voting in the affirmative, 31:

Baker	Davis	Hansen	Lindstrom	Stinner
Bolz	Ebke	Harr, B.	McCollister	Sullivan
Campbell	Friesen	Hilkemann	Mello	Williams
Chambers	Garrett	Howard	Morfeld	
Coash	Gloor	Johnson	Pansing Brooks	
Cook	Haar, K.	Kolowski	Schumacher	
Crawford	Hadley	Krist	Seiler	

Voting in the negative, 5:

Brasch	Groene	Kintner	Kuehn	McCoy
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Present and not voting, 9:

Bloomfield	Kolterman	Riepe	Schilz	Smith
Hughes	Murante	Scheer	Schnoor	

Excused and not voting, 4:

Craighead	Fox	Larson	Watermeier
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The committee amendment was adopted with 31 ayes, 5 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 27 ayes, 7 nays, 11 present and not voting, and 4 excused and not voting.

**AMENDMENT(S) - Print in Journal**

Senator K. Haar filed the following amendments to LB768:  
AM2678

(Amendments to Standing Committee amendments, AM2058)

- 1 1. On page 5, line 19; page 9, lines 4, 6, 14, 18, 22, and 26; page 2 10, lines 3, 11, 18, 21, 24, and 27 and 28; and page 11, lines 7 and 11, 3 strike "Choose Life" and insert "Legalize It".
- 4 2. On page 9, line 7, strike "protection of Nebraska's children" and 5 insert "legalization of marijuana".
- 6 3. On page 10, lines 7 and 8 and 16 and 17; and page 11, lines 9, 13 7 and 14, 15, and 21, strike "Choose Life Prenatal Care" and insert 8 "Marijuana Research and Education".
- 9 4. On page 11, strike lines 18 through 20 and insert "used to do 10 research and provide educational materials regarding the health benefits 11 of marijuana, the revenue benefits to the state from legalization, the 12 economic benefits to farmers, ranchers, and businesses, and the 13 environmental benefits of growing marijuana, which is a low-input and 14 drought-resistant crop.".

AM2684

(Amendments to Standing Committee amendments, AM2058)

- 1 1. On page 5, line 19; page 9, lines 4, 6, 14, 18, 22, and 26; page 2 10, lines 3, 11, 18, 21, 24, and 27 and 28; and page 11, lines 7 and 11, 3 strike "Choose Life" and insert "Ban Meat".
- 4 2. On page 9, line 7, strike "protection of Nebraska's children" and 5 insert "elimination of meat from our diet".
- 6 3. On page 10, lines 7 and 8 and 16 and 17; and page 11, lines 9, 13 7 and 14, 15, and 21, strike "Choose Life Prenatal Care" and insert "Ban 8 Meat Research and Education".
- 9 4. On page 11, strike lines 18 through 20 and insert "used to do 10 research and provide educational materials regarding the health and 11 environmental benefits from the elimination of meat from our diet and the 12 revenue benefits to the state and the economic benefits to the people of 13 the state from eliminating meat from our diet.".

AM2685

(Amendments to Standing Committee amendments, AM2058)

- 1 1. On page 5, line 19; page 9, lines 4, 6, 14, 18, 22, and 26; page 2 10, lines 3, 11, 18, 21, 24, and 27 and 28; and page 11, lines 7 and 11, 3 strike "Choose Life" and insert "Ban Genetically Modified Organisms".
- 4 2. On page 9, line 7, strike "protection of Nebraska's children" and 5 insert "elimination of genetically modified organisms".
- 6 3. On page 10, lines 7 and 8 and 16 and 17; and page 11, lines 9, 13 7 and 14, 15, and 21, strike "Choose Life Prenatal Care" and insert "Ban 8 Genetically Modified Organisms Research and Education".
- 9 4. On page 11, strike lines 18 through 20 and insert "used to do 10 research and provide educational materials regarding the health dangers 11 of genetically modified organisms and the revenue benefits to the state".

12 and the economic benefits to the people of the state from supporting  
 13 agriculture that does not involve genetically modified organisms.”.

AM2682

(Amendments to Standing Committee amendments, AM2058)

1 1. On page 5, line 19; page 9, lines 4, 6, 14, 18, 22, and 26; page  
 2 10, lines 3, 11, 18, 21, 24, and 27 and 28; and page 11, lines 7 and 11,  
 3 strike "Choose Life" and insert "Love Your Mother".  
 4 2. On page 9, line 7, strike "Nebraska's children" and insert "the  
 5 planet".  
 6 3. On page 10, lines 7 and 8 and 16 and 17; and page 11, lines 9, 13  
 7 and 14, 15, and 21, strike "Choose Life Prenatal Care" and insert "Love  
 8 Your Mother Research and Education".  
 9 4. On page 11, strike lines 18 through 20 and insert "used to do  
 10 research and provide educational materials regarding the health benefits  
 11 of protecting the planet, the revenue benefits to the state from  
 12 protecting the planet, and the economic benefits to the people of the  
 13 state from protecting the planet.".

AM2680

(Amendments to Standing Committee amendments, AM2058)

1 1. On page 5, line 19; page 9, lines 4, 6, 14, 18, 22, and 26; page  
 2 10, lines 3, 11, 18, 21, 24, and 27 and 28; and page 11, lines 7 and 11,  
 3 strike "Choose Life" and insert "Black Lives Matter".  
 4 2. On page 9, line 7, strike "protection of Nebraska's children" and  
 5 insert "Black Lives Matter movement".  
 6 3. On page 10, lines 7 and 8 and 16 and 17; and page 11, lines 9, 13  
 7 and 14, 15, and 21, strike "Choose Life Prenatal Care" and insert "Black  
 8 Lives Matter Support and Education".  
 9 4. On page 11, strike lines 18 through 20 and insert "used to do  
 10 research and provide educational materials regarding discrimination  
 11 against African Americans, particularly violence against African  
 12 Americans perpetrated by law enforcement personnel.".

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 515.** Introduced by Bolz, 29.

WHEREAS, National Professional Social Work Month is observed in the month of March; and

WHEREAS, the primary mission of social work is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable; and

WHEREAS, social work is the profession of hope, fueled by resiliency and advocacy. Social workers make a difference because they help millions of struggling people every day; and

WHEREAS, in the United States, there are more than 600,000 highly trained professional social workers who have helped clients find the strength, resiliency, and self-advocacy to navigate life's challenges; and

WHEREAS, resilience and determination alone cannot overcome all crises, but weaving those strengths with targeted advocacy can change people's lives; and

WHEREAS, the social work profession has a distinguished history of not only providing a social safety net for the most vulnerable people, but also challenging the systems that impede social mobility.

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

1. That the Legislature recognizes March 2016 as Professional Social Work Month in Nebraska.
2. That a copy of this resolution be sent to the National Association of Social Workers, Nebraska Chapter.

Laid over.

**LEGISLATIVE RESOLUTION 516.** Introduced by Kintner, 2.

WHEREAS, Shaun Brothers, the athletics and activities director of Plattsmouth High School, was named the 2016 District II Athletic Director of the Year by the Nebraska State Interscholastic Athletic Administrator Association; and

WHEREAS, this award recognizes athletic directors who have served for at least eight years as athletic administrators, been recognized in their communities as educational leaders, and improved the social and cultural environments at their schools through their work with athletics and activities; and

WHEREAS, Shaun also received the Nebraska State Bandmasters Association's 2015 Outstanding Administrator Award; and

WHEREAS, Shaun worked countless hours helping students achieve their goals within his school's music department and advocating for his school's band program; and

WHEREAS, Shaun has fostered a positive environment in which music students can thrive and has encouraged students involved in all activities to support one another at their performances and events.

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

1. That the Legislature congratulates Shaun Brothers on being named the 2016 District II Athletic Director of the Year and receiving the 2015 Outstanding Administrator Award.
2. That a copy of this resolution be sent to Shaun Brothers.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1110A.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1110, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 679.** Placed on Final Reading.

**LEGISLATIVE BILL 736.** Placed on Final Reading.

ST74

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "section 70-1904" has been struck and "sections 70-1904 and 77-2704.57" inserted.

**LEGISLATIVE BILL 881.** Placed on Final Reading.

**LEGISLATIVE BILL 887.** Placed on Final Reading.

**LEGISLATIVE BILL 891.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 886.** Title read. Considered.

**SENATOR KRIST PRESIDING**

**SENATOR COASH PRESIDING**

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 886A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**AMENDMENT(S) - Print in Journal**

Senator B. Harr filed the following amendment to LB843:  
AM2734

(Amendments to Final Reading copy)

- 1 1. On page 1, strike beginning with "to" in line 5 through the  
2 semicolon in line 6.
- 3 2. On page 3, strike lines 13 through 28.

**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

Friday, April 1, 2016 8:30 a.m.

Lisa May - Nebraska Educational Telecommunications Commission

(Signed) Kate Sullivan, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 894.** Placed on Final Reading.

ST75

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Krist amendments, AM2610, on page 1, line 8; and page 3, line 26, "15" has been struck and "14" inserted.
2. In the E & R amendments, ER181:
  - a. On page 21, line 20, "14" has been struck and "16" inserted;
  - b. On page 24, line 6; page 25, line 27; and page 26, lines 14 and 27, "22" has been struck and "24" inserted; and
  - c. On page 28, line 22, "29-3915," has been struck and "43-273," has been inserted after "43-260,"; and in line 26 "and 43-272" has been struck and "43-272, and 43-272.01" inserted.
3. On page 1, the matter beginning with "law" in line 1 through line 11 and all amendments thereto have been struck and "juveniles; to amend sections 43-248.01, 43-260, 43-273, 43-279, 43-3504, 83-4,125, 83-4,126, 83-4,132, and 83-4,134, Reissue Revised Statutes of Nebraska, sections 43-248, 43-253, 43-255, 43-256, 43-260.01, and 43-3503, Revised Statutes Cumulative Supplement, 2014, and sections 43-245, 43-247, 43-250, 43-251.01, 43-272, and 43-272.01, Revised Statutes Supplement, 2015; to provide, change, and eliminate definitions; to change provisions relating to court jurisdiction, temporary custody and disposition, detention, and placements and commitments under the Nebraska Juvenile Code; to change provisions relating to the advisement of rights given to a juvenile in custody; to provide for alternatives to detention and for creation of county guardian ad litem divisions; to change provisions for appointment and compensation

of a guardian ad litem; to require and change provisions relating to the appointment of counsel for juveniles; to prohibit the waiver of counsel in certain circumstances; to require the Supreme Court to provide guidelines for attorneys practicing in juvenile court; to set forth requirements for a valid waiver of the right to counsel by a juvenile; to provide requirements relating to room confinement of juveniles; to provide for reports; to provide a duty for the Inspector General of Nebraska Child Welfare; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 1093.** Placed on Final Reading.

ST76

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "public" in line 1 through line 6 and all amendments thereto have been struck and "economic development; to amend sections 50-501 and 81-1210.01, Reissue Revised Statutes of Nebraska, and sections 81-12,160 and 81-12,162, Revised Statutes Supplement, 2015; to eliminate provisions relating to a statewide strategic plan for biotechnology; to create the Bioscience Steering Committee; to provide powers and duties; to change provisions relating to the use of the Biotechnology Development Cash Fund; to redefine a term relating to a grant program for internships; to change the Business Innovation Act; to state findings and require reports relating to the Nebraska Innovation Campus; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Matt Hansen, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE RESOLUTION 378CA.** Senator Chambers offered the following motion:

MO226

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

**SENATOR GARRETT PRESIDING**

**SENATOR COASH PRESIDING**

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.



Senator Chambers requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 15:

Campbell	Cook	Hansen	Johnson	Pansing Brooks
Chambers	Crawford	Harr, B.	Kolowski	Schumacher
Coash	Haar, K.	Howard	Morfeld	Sullivan

Voting in the negative, 23:

Baker	Friesen	Kolterman	Riepe	Stinner
Brasch	Garrett	Kuehn	Scheer	Watermeier
Craighead	Groene	Lindstrom	Schilz	Williams
Davis	Hilkemann	McCoy	Seiler	
Ebke	Hughes	Murante	Smith	

Present and not voting, 5:

Bloomfield	Gloor	Hadley	McCollister	Schnoor
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Excused and not voting, 6:

Bolz	Kintner	Larson
Fox	Krist	Mello

The Chambers motion to indefinitely postpone failed with 15 ayes, 23 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Read. Considered.

Committee AM2251, found on page 914, was offered.

Senator Chambers offered the following motion:

MO229

Bracket until April 20, 2016.

#### **SPEAKER HADLEY PRESIDING**

Senator Kuehn moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

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

Voting in the affirmative, 18:

Baker	Cook	Hadley	Kolowski	Schumacher
Campbell	Crawford	Hansen	McCollister	Sullivan
Chambers	Gloor	Harr, B.	Morfeld	
Coash	Haar, K.	Howard	Pansing Brooks	

Voting in the negative, 24:

Bloomfield	Friesen	Kintner	Riepe	Smith
Brasch	Garrett	Kolterman	Scheer	Stinner
Craighead	Groene	Kuehn	Schilz	Watermeier
Davis	Hilkemann	McCoy	Schnoor	Williams
Ebke	Hughes	Murante	Seiler	

Present and not voting, 1:

Johnson

Excused and not voting, 6:

Bolz	Krist	Lindstrom
Fox	Larson	Mello

The Chambers motion to bracket failed with 18 ayes, 24 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 517.** Introduced by Howard, 9.

**PURPOSE:** The Nebraska Health Care Cash Fund was initially created with a \$50 million endowment for health care programs using the principal and investment income from the Nebraska Tobacco Settlement Trust Fund and the Nebraska Medicaid Intergovernmental Trust Fund. The purpose of this endowment was to create an ongoing funding mechanism for health care in Nebraska.

The purpose of this interim study is to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund. This study shall include:

(1) A review of the annual Nebraska Health Care Cash Fund reports provided by the Department of Health and Human Services;

(2) Input from interested parties regarding the funds necessary to continue using the Nebraska Health Care Cash Fund to pay for health care and related services; and

(3) Recommendations as to any statutory or funding changes that the Legislature should make in order to protect the ongoing viability of the Nebraska Health Care Cash Fund.

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

1. That the Health and Human Services 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 518.** Introduced by Hadley, 37.

**PURPOSE:** The purpose of this study is to review issues surrounding child custody proceedings and parenting time determinations as they pertain to families of divorce. This study shall examine the following:

(1) A review and an analysis of research studies that examine how custody and parenting time awards affect social and emotional outcomes for children;

(2) A review, a comparison, and an analysis of parenting plans created by parents, negotiated by attorneys, mediated, and determined by courts;

(3) A review and an analysis of relevant legal standards related to the constitutional rights of children and parents;

(4) A review and an analysis of current and proposed legislation in other states to examine how other states have addressed these issues;

(5) A review and an analysis of parenting time guidelines currently used in Nebraska in order to set and determine parenting time standards, including variations of these standards across the state;

(6) A review and an analysis of available data on Nebraska divorce and custody proceedings;

(7) A review and an analysis of custody decisions in cases of domestic violence;

(8) A review and an analysis of how litigants manipulate the current family law system and the incentives the current system creates for such manipulation;

(9) A review and an analysis of the effect of child support guidelines on parenting time decisions and the effect of custody decisions on child support payments;

(10) A review and an analysis of what measures could be taken to improve implementation and actual enforcement of custody decisions; and

(11) A review and an analysis of custody decisions on subsequent litigation.

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

1. That the Judiciary 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 K. Haar filed the following amendment to LB824:  
AM2720 is available in the Bill Room.

Senator Groene filed the following amendment to LB1022:  
AM2676

(Amendments to Final Reading copy)

1. On page 28, line 12, strike "2027" and insert "2025".
2. On page 29, lines 5, 6, 9, 17 and 18, 19, 22, 26, 27, and 30;  
3 page 30, lines 5, 6, 9, 21, 22, and 25; and page 31, lines 1 and 2, 3,  
4 and 6, strike "December 31, 2020", show the old matter as stricken, and  
5 insert "December 30, 2018".

#### **VISITOR(S)**

Visitors to the Chamber were 23 fourth-grade students from Washington Elementary, Norfolk; and 12 twelfth-grade students from Lincoln North Star.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

#### **ADJOURNMENT**

At 7:02 p.m., on a motion by Senator Murante, the Legislature adjourned until 9:00 a.m., Thursday, March 24, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-NINTH DAY - MARCH 24, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 24, 2016

**PRAYER**

The prayer was offered by Pastor Marco Morales, Iglesia El Buen Samaritano Latino Church, Kearney.

**ROLL CALL**

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

The roll was called and all members were present except Senator Kolowski who was excused; and Senators Davis, Kintner, Larson, Morfeld, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-eighth day was approved.

**SPEAKER HADLEY PRESIDING****COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 977.** Placed on Final Reading.

ST77

The following changes, required to be reported for publication in the Journal, have been made:

1. The Chambers amendment, FA104, has been incorporated into the Standing Committee amendments, AM2318, on page 2, line 22.

2. In the Smith amendment, AM2623, on page 3, line 8, "legislative bill" has been struck and "amendment" inserted.

3. In the E & R amendments, ER189, on page 1, line 8, "60-681," has been inserted after "60-4,148,"; in line 11 "23-187," has been inserted after "sections"; and in line 14 "to provide and change ordinance and resolution powers regarding weight restrictions;" has been inserted after the semicolon.

4. In the Standing Committee amendments, AM2318:

- a. On page 3, line 22; and page 4, lines 3 and 4, "8 and 9" has been struck and "9 and 10" inserted;
- b. On page 13, line 25; page 16, line 10; page 22, line 30; page 23, line 7; page 24, line 15; and page 26, lines 4 and 17, "14" has been struck and "15" inserted;
- c. On page 27, line 9; page 28, line 21; and page 29, line 29, "20" has been struck and "22" inserted; and
- d. On page 38, line 10, "10, 26, and 29" has been struck and "11, 28, and 31" inserted; in line 11 "11" has been struck and "10" inserted; in line 12 "and 28" has been struck and "26, 27, and 30" inserted; in line 16 "60-681," has been inserted after "60-4,148,"; and in line 18 "23-187," has been inserted after "sections".

**LEGISLATIVE BILL 977A.** Placed on Final Reading.

**LEGISLATIVE BILL 1105.** Placed on Final Reading.

**LEGISLATIVE BILL 1105A.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 519.** Introduced by Smith, 14.

**PURPOSE:** The purpose of this interim study is to examine whether the One-Call Notification System Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance and input of the board of directors of the statewide one-call notification center, the State Fire Marshal, the Attorney General, members of the underground construction industry, and operators of underground utility facilities.

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

1. That the Transportation and Telecommunications Committee 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.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 23, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Kelley Governmental Relations, LLC  
Waitt Outdoor, LLC  
Robertson, Rob J.  
Nebraska Farm Bureau Federation

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 492 and 494 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 492 and 494.

**GENERAL FILE**

**LEGISLATIVE BILL 774A.** Title read. Considered.

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

**LEGISLATIVE BILL 1093A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1110A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB956 with 42 ayes, 1 nay, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 956.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB500A, section 3; Laws 2015, LB591A, section 1; Laws 2015, LB598A, section 5; Laws 2015, LB657, sections 18, 22, 32, 48, 49, 96, 102, 103, 104, 106, 109, 146, 147, 148, 149, 172, 182, 187, 198, 207, 220, 227, 248, 254, 258, and 271; Laws 2015, LB659, sections 13 and 16; Laws 2015, LB660, sections 24, 31, and 36; and section 90-559, Revised Statutes Supplement, 2015; to state intent; to define terms; to provide, change, and eliminate appropriations for operation of state government, state aid, postsecondary education, and capital construction; to provide for transfers of funds; to require reports; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	McCoy	Seiler
Bloomfield	Ebke	Hilkemann	Mello	Smith
Bolz	Fox	Howard	Morfeld	Stinner
Brasch	Friesen	Hughes	Murante	Sullivan
Campbell	Garrett	Johnson	Pansing Brooks	Watermeier
Chambers	Gloor	Kolterman	Riepe	Williams
Coash	Groene	Krist	Scheer	
Cook	Haar, K.	Kuehn	Schilz	
Craighead	Hadley	Lindstrom	Schnoor	
Crawford	Hansen	McCollister	Schumacher	

Voting in the negative, 1:

Kintner

Excused and not voting, 2:

Kolowski      Larson

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



**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB957 with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 957.** With Emergency Clause.

A BILL FOR AN ACT relating to funds; to amend sections 37-913, 60-1513, 82-316, 82-326, 82-331, 84-1227, 85-419, 85-421, 85-422, 85-423, 85-424, and 85-425, Reissue Revised Statutes of Nebraska, sections 71-5714, 71-8805, and 72-2009, Revised Statutes Cumulative Supplement, 2014, and sections 2-1507, 66-204, 81-3140, 81-3714, and 84-612, Revised Statutes Supplement, 2015; to provide for and change distribution and use of certain funds; to provide for transfers and investment of funds; to create and eliminate funds and programs; to state intent; to change provisions relating to artwork in state buildings and renovation and replacement of university and state college buildings; to eliminate obsolete provisions; to repeal the original sections; to outright repeal sections 37-915, 37-916, 37-917, 37-918, 37-919, 37-920, and 37-921, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	McCollister	Schumacher
Bloomfield	Ebke	Hilkemann	McCoy	Seiler
Bolz	Fox	Howard	Mello	Smith
Brasch	Friesen	Hughes	Morfeld	Stinner
Campbell	Garrett	Johnson	Murante	Sullivan
Chambers	Gloor	Kintner	Pansing Brooks	Watermeier
Coash	Groene	Kolterman	Riepe	Williams
Cook	Haar, K.	Krist	Scheer	
Craighead	Hadley	Kuehn	Schilz	
Crawford	Hansen	Lindstrom	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski      Larson

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 981.** With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

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

Voting in the affirmative, 46:

Baker	Davis	Hilkemann	McCoy	Seiler
Bloomfield	Ebke	Howard	Mello	Smith
Bolz	Fox	Hughes	Morfeld	Stinner
Brasch	Friesen	Johnson	Murante	Sullivan
Campbell	Garrett	Kintner	Pansing Brooks	Watermeier
Chambers	Gloor	Kolterman	Riepe	Williams
Coash	Haar, K.	Krist	Scheer	
Cook	Hadley	Kuehn	Schilz	
Craighead	Hansen	Lindstrom	Schnoor	
Crawford	Harr, B.	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Kolowski      Larson

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

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 956, 957, and 981.

**MOTION - Return LB1109 to Select File**

Senator Chambers moved to return LB1109 to Select File for the following specific amendment:

FA107

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1109.**

A BILL FOR AN ACT relating to state government; to amend sections 84-712.05 and 85-106.06, Reissue Revised Statutes of Nebraska; to change provisions relating to documents which may be withheld from the public; to require notice and a public forum regarding priority candidates for certain positions at the University of Nebraska; and to repeal the original sections.

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

Voting in the affirmative, 38:

Baker	Garrett	Hughes	McCollister	Schumacher
Bolz	Gloor	Johnson	Mello	Seiler
Campbell	Haar, K.	Kintner	Morfeld	Smith
Coash	Hadley	Kolterman	Murante	Stinner
Craighead	Hansen	Krist	Pansing Brooks	Watermeier
Davis	Harr, B.	Kuehn	Scheer	Williams
Fox	Hilkemann	Larson	Schilz	
Friesen	Howard	Lindstrom	Schnoor	

Voting in the negative, 8:

Bloomfield	Chambers	Ebke	McCoy
Brasch	Cook	Groene	Sullivan

Present and not voting, 2:

Crawford Riepe

Excused and not voting, 1:

Kolowski

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

**WITHDRAW - Amendment to LB83**

Senator Larson withdrew his amendment, AM2672, found on page 1118, to LB83.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 83.**

A BILL FOR AN ACT relating to wages and sex discrimination; to amend section 48-1220, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

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

Voting in the affirmative, 32:

Baker	Crawford	Hansen	Lindstrom	Smith
Bolz	Davis	Harr, B.	McCollister	Stinner
Campbell	Ebke	Hilkemann	Mello	Sullivan
Chambers	Garrett	Howard	Morfeld	Williams
Coash	Gloor	Kolterman	Pansing Brooks	
Cook	Haar, K.	Krist	Scheer	
Craighead	Hadley	Larson	Seiler	

Voting in the negative, 11:

Bloomfield	Groene	Kintner	Schnoor
Fox	Hughes	Kuehn	Schumacher
Friesen	Johnson	McCoy	

Present and not voting, 5:

Brasch	Murante	Riepe	Schilz	Watermeier
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Excused and not voting, 1:

Kolowski

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

**WITHDRAW - Amendment to LB447**

Senator Kolterman withdrew his amendment, AM2546, found on page 971, to LB447.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB447 with 40 ayes, 1 nay, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 447.** With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 72-1237, 72-1239, 72-1249, 72-1249.02, 79-916, 79-931, 79-935, 79-954, 79-966, 79-978.01, 79-979, 79-980, 79-981, 79-982, 79-983, 79-984, 79-985, 79-986, 79-987, 79-989, 79-990, 79-991, 79-992, 79-996, 79-998, 79-9,102, 79-9,103, 79-9,105, 79-9,107, 79-9,108, 79-9,109, 79-9,111, 79-9,113, 79-9,115, 79-9,117, 84-712.05, and 84-1501, Reissue Revised Statutes of Nebraska, section 72-1243, Revised Statutes Cumulative Supplement, 2014, and sections 13-2402, 72-1239.01, 79-934, 79-978, 79-9,100, and 84-1503, Revised Statutes Supplement, 2015; to require certain political subdivisions to conduct actuarial experience studies and file copies of actuarial experience studies; to change provisions relating to the Nebraska Investment Council, school employees' retirement provisions, and the Public Employees Retirement Board; to define and redefine terms; to create and name funds; to provide immunity from liability as prescribed; to provide fiduciary duties; to provide for an annual financial audit as prescribed; to change a formula retirement annuity computation as prescribed; to require actuarial experience studies for the Nebraska Public Employees Retirement Systems; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal section 79-988.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	McCollister	Seiler
Bloomfield	Ebke	Howard	McCoy	Smith
Bolz	Fox	Hughes	Mello	Stinner
Brasch	Friesen	Johnson	Morfeld	Sullivan
Campbell	Garrett	Kintner	Murante	Watermeier
Chambers	Gloor	Kolterman	Pansing Brooks	Williams
Coash	Groene	Krist	Riepe	
Cook	Haar, K.	Kuehn	Scheer	
Craighead	Hadley	Larson	Schnoor	
Crawford	Hansen	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 2:

Hilkemann Schilz

Excused and not voting, 1:

Kolowski

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 447A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 447, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Lindstrom	Schnoor
Bloomfield	Ebke	Hilkemann	McCollister	Schumacher
Bolz	Fox	Howard	McCoy	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Stinner
Chambers	Gloor	Kintner	Murante	Sullivan
Coash	Groene	Kolterman	Pansing Brooks	Watermeier
Cook	Haar, K.	Krist	Riepe	Williams
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Kolowski

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB698 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 698.** With Emergency Clause.

A BILL FOR AN ACT relating to health; to amend sections 71-516.01, 71-516.02, 71-516.03, 81-2201, 81-2213, 81-2218, 81-2220, 81-2221, and 81-2235, Reissue Revised Statutes of Nebraska, section 71-516.04, Revised Statutes Cumulative Supplement, 2014, and sections 68-901, 71-401, and 71-403, Revised Statutes Supplement, 2015; to adopt the Home Care Consumer Bill of Rights Act; to provide a penalty; to adopt the Assisting Caregiver Transitions Act; to require that certain providers be subject to a national criminal history record information check as prescribed; to define and redefine terms; to provide for a memory care endorsement under the Health Care Facility Licensure Act; to change provisions of the Alzheimer's Special Care Disclosure Act; to change and eliminate provisions of the Nebraska Community Aging Services Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 81-2228, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Hilkemann	McCollister	Seiler
Bolz	Fox	Howard	McCoy	Smith
Brasch	Friesen	Hughes	Mello	Stinner
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Scheer	
Craighead	Hadley	Kuehn	Schilz	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Kolowski

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 698A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 698, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Hilkemann	McCollister	Seiler
Bolz	Fox	Howard	McCoy	Smith
Brasch	Friesen	Hughes	Mello	Stinner
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Scheer	
Craighead	Hadley	Kuehn	Schilz	
Crawford	Hansen	Larson	Schnoor	



Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Kolowski

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

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB704 with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 704.**

A BILL FOR AN ACT relating to political subdivisions; to amend sections 14-419, 16-102, 16-103, 16-104, 16-105, 16-117, 16-119, 16-120, 16-122, 16-124, 16-125, 16-126, 16-127, 16-128, 16-129, 16-202, 16-206, 16-212, 16-213, 16-214, 16-217, 16-218, 16-219, 16-220, 16-221, 16-222, 16-225, 16-226, 16-227, 16-229, 16-231, 16-232, 16-233, 16-236, 16-238, 16-239, 16-241, 16-246, 16-247, 16-249, 16-251, 16-253, 16-302.01, 16-304, 16-305, 16-306, 16-308, 16-309, 16-310, 16-312, 16-314, 16-319, 16-320, 16-321, 16-322, 16-323, 16-324, 16-325, 16-326, 16-327, 16-401, 16-402, 16-403, 16-404, 16-405, 16-406, 16-501, 16-502, 16-503, 16-606, 16-607, 16-609, 16-613, 16-617, 16-618, 16-619, 16-620, 16-621, 16-622, 16-623, 16-624, 16-625, 16-626, 16-627, 16-628, 16-632, 16-633, 16-634, 16-635, 16-636, 16-637, 16-646, 16-647, 16-649, 16-650, 16-651, 16-653, 16-654, 16-655, 16-661, 16-662, 16-665, 16-666, 16-667, 16-667.01, 16-667.02, 16-667.03, 16-670, 16-671, 16-672.01, 16-672.02, 16-672.03, 16-672.04, 16-672.05, 16-672.06, 16-672.07, 16-672.08, 16-672.11, 16-676, 16-677, 16-678, 16-679, 16-680, 16-681, 16-682, 16-683, 16-684, 16-684.01, 16-686, 16-686.01, 16-687, 16-688, 16-691, 16-691.01, 16-691.02, 16-692, 16-693, 16-694, 16-695, 16-696, 16-697, 16-697.01, 16-697.02, 16-698, 16-699, 16-6,100, 16-6,100.03, 16-6,100.05, 16-6,101, 16-6,102, 16-6,103, 16-6,104, 16-6,105, 16-6,107, 16-6,108, 16-6,109, 16-701, 16-702, 16-704, 16-706, 16-707, 16-709, 16-711, 16-712, 16-713, 16-714, 16-716, 16-717, 16-718, 16-719, 16-720, 16-721, 16-722, 16-723, 16-727, 16-728, 16-729, 16-801, 16-802, 16-803, 16-804, 16-805, 16-806, 16-807, 16-809, 16-810, 16-901, 16-902, 16-905, 16-1014, 16-1034, 16-1035, 18-132, and 19-2402, Reissue Revised Statutes of Nebraska, sections 15-905, 16-313, 16-317, 16-318, 19-922, 23-172, and 71-6404, Revised Statutes Cumulative

Supplement, 2014, and sections 16-207, 16-230, 16-240, 16-243, 16-250, 16-615, 16-630, 16-631, 16-664, 16-669, 16-672, 16-708, and 71-6406, Revised Statutes Supplement, 2015; to define terms regarding building codes and regulations; to change provisions relating to adoption and applicability of building codes by political subdivisions; to change provisions relating to cities of the first class; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Ebke	Hilkemann	McCollister	Seiler
Bloomfield	Fox	Howard	McCoy	Smith
Bolz	Friesen	Hughes	Mello	Stinner
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schilz	
Davis	Harr, B.	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 2:

Brasch            Schnoor

Excused and not voting, 1:

Kolowski

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

#### **WITHDRAW - Amendment to LB710**

Senator Krist withdrew his amendment, FA103, found on page 1150, to LB710.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 710.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section

28-311.06, Reissue Revised Statutes of Nebraska; to change provisions relating to hazing; to provide severability; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	McCollister	Schumacher
Bloomfield	Ebke	Howard	McCoy	Seiler
Bolz	Fox	Hughes	Mello	Smith
Brasch	Friesen	Johnson	Morfeld	Stinner
Campbell	Garrett	Kintner	Murante	Sullivan
Chambers	Gloor	Kolterman	Pansing Brooks	Watermeier
Coash	Haar, K.	Krist	Riepe	Williams
Cook	Hadley	Kuehn	Scheer	
Craighead	Hansen	Larson	Schilz	
Crawford	Harr, B.	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Kolowski

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

**LEGISLATIVE BILL 730.**

A BILL FOR AN ACT relating to grain warehouses; to amend section 88-530, Reissue Revised Statutes of Nebraska; to change a provision relating to security coverage for sellers of grain stored in a warehouse closed by the Public Service Commission; and to repeal the original section.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Lindstrom	Schnoor
Bloomfield	Ebke	Hilkemann	McCollister	Schumacher
Bolz	Fox	Howard	McCoy	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Stinner
Chambers	Gloor	Kintner	Murante	Sullivan
Coash	Groene	Kolterman	Pansing Brooks	Watermeier
Cook	Haar, K.	Krist	Riepe	Williams
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Kolowski

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB772 with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 772.** With Emergency Clause.

A BILL FOR AN ACT relating to insurance; to amend section 44-4404, Reissue Revised Statutes of Nebraska, and sections 44-2120, 44-2121, 44-2138, and 44-9004, Revised Statutes Cumulative Supplement, 2014; to adopt the Corporate Governance Annual Disclosure Act; to change provisions of the Insurance Holding Company System Act; to define terms; to provide for group-wide supervisors and international insurance groups as prescribed; to change provisions relating to risk retention groups; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

Baker	Davis	Hilkemann	McCoy	Seiler
Bloomfield	Ebke	Howard	Mello	Smith
Bolz	Friesen	Hughes	Morfeld	Stinner
Brasch	Garrett	Kintner	Murante	Sullivan
Campbell	Gloor	Kolterman	Pansing Brooks	Watermeier
Chambers	Groene	Krist	Riepe	Williams
Coash	Haar, K.	Kuehn	Scheer	
Cook	Hadley	Larson	Schilz	
Craighead	Hansen	Lindstrom	Schnoor	
Crawford	Harr, B.	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 2:

Fox                      Johnson

Excused and not voting, 1:

Kolowski

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB794 with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 794.**

A BILL FOR AN ACT relating to corporations; to amend sections 21-201, 21-214, 21-216, 21-227, 21-250, 21-253, 21-256, 21-2,110, 21-2,117, 21-2,172, and 21-303, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Model Business Corporation Act and corporate occupation taxes; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	McCollister	Schumacher
Bloomfield	Ebke	Hilkemann	McCoy	Seiler
Bolz	Fox	Howard	Mello	Smith
Brasch	Friesen	Hughes	Morfeld	Stinner
Campbell	Garrett	Kintner	Murante	Sullivan
Chambers	Gloor	Kolterman	Pansing Brooks	Watermeier
Coash	Groene	Krist	Riepe	Williams
Cook	Haar, K.	Kuehn	Scheer	
Craighead	Hadley	Larson	Schilz	
Crawford	Hansen	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Johnson

Excused and not voting, 1:

Kolowski

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 817.**

A BILL FOR AN ACT relating to health care; to adopt the Direct Primary Care Agreement Act.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Lindstrom	Schnoor
Bloomfield	Ebke	Hilkemann	McCollister	Schumacher
Bolz	Fox	Howard	McCoy	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Stinner
Chambers	Gloor	Kintner	Murante	Sullivan
Coash	Groene	Kolterman	Pansing Brooks	Watermeier
Cook	Haar, K.	Krist	Riepe	Williams
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Kolowski

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

**LEGISLATIVE BILL 857.**

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-222.02, Revised Statutes Supplement, 2015; to change a provision relating to employment of a full-time fire chief; and to repeal the original section.

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

Voting in the affirmative, 46:

Baker	Ebke	Hilkemann	McCoy	Seiler
Bloomfield	Fox	Hughes	Mello	Smith
Bolz	Friesen	Johnson	Morfeld	Stinner
Brasch	Garrett	Kintner	Murante	Sullivan
Campbell	Gloor	Kolterman	Pansing Brooks	Watermeier
Chambers	Groene	Krist	Riepe	Williams
Coash	Haar, K.	Kuehn	Scheer	
Cook	Hadley	Larson	Schilz	
Craighead	Hansen	Lindstrom	Schnoor	
Davis	Harr, B.	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 2:

Crawford      Howard

Excused and not voting, 1:

Kolowski

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

**LEGISLATIVE BILL 897.**

A BILL FOR AN ACT relating to the public power industry; to amend section 10-1103, Reissue Revised Statutes of Nebraska; to define terms; to authorize generating power agencies to engage in commodity futures financial hedging transactions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Lindstrom	Schnoor
Bloomfield	Ebke	Hilkemann	McCollister	Schumacher
Bolz	Fox	Howard	McCoy	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Stinner
Chambers	Gloor	Kintner	Murante	Sullivan
Coash	Groene	Kolterman	Pansing Brooks	Watermeier
Cook	Haar, K.	Krist	Riepe	Williams
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Kolowski

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

**LEGISLATIVE BILL 906.**

A BILL FOR AN ACT relating to law enforcement; to adopt the Law Enforcement Education Act.

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

Voting in the affirmative, 46:



Baker	Davis	Hilkemann	McCollister	Schumacher
Bloomfield	Ebke	Howard	McCoy	Seiler
Bolz	Fox	Hughes	Mello	Stinner
Brasch	Friesen	Johnson	Morfeld	Sullivan
Campbell	Garrett	Kintner	Murante	Watermeier
Chambers	Gloor	Kolterman	Pansing Brooks	Williams
Coash	Haar, K.	Krist	Riepe	
Cook	Hadley	Kuehn	Scheer	
Craighead	Hansen	Larson	Schilz	
Crawford	Harr, B.	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 2:

Groene            Smith

Excused and not voting, 1:

Kolowski

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1009 with 38 ayes, 1 nay, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1009.** With Emergency Clause.

A BILL FOR AN ACT relating to public health and safety; to amend sections 28-431, 28-1439.02, 28-1439.03, 87-301, and 87-302, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-401, and 28-401.01, Revised Statutes Supplement, 2015; to prohibit transactions involving certain lookalike substances; to provide a penalty; to define and redefine terms; to provide for the seizure of lookalike substances; to change provisions relating to seizure and forfeiture of property relating to violations of the Uniform Controlled Substances Act; to prohibit conduct related to transactions involving certain substances as a deceptive trade practice; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	McCollister	Schumacher
Bloomfield	Ebke	Howard	McCoy	Seiler
Bolz	Fox	Hughes	Mello	Smith
Brasch	Friesen	Johnson	Morfeld	Stinner
Campbell	Garrett	Kintner	Murante	Sullivan
Chambers	Gloor	Kolterman	Pansing Brooks	Watermeier
Coash	Groene	Krist	Riepe	Williams
Cook	Haar, K.	Kuehn	Scheer	
Craighead	Hadley	Larson	Schilz	
Crawford	Hansen	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Harr, B.

Excused and not voting, 1:

Kolowski

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1059.**

A BILL FOR AN ACT relating to municipalities; to amend sections 18-2119, 18-2701, 18-2703, and 18-2714, Reissue Revised Statutes of Nebraska, and section 18-2705, Revised Statues Supplement, 2015; to require certain disclosures under the Community Development Law and the Local Option Municipal Economic Development Act; to provide for redeveloper duties; to define and redefine terms; to provide for workforce housing plan and economic development program disclosures; to harmonize provisions; to provide severability; and to repeal the original sections.

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

Voting in the affirmative, 44:

Baker	Davis	Harr, B.	Lindstrom	Schnoor
Bolz	Ebke	Hilkemann	McCollister	Schumacher
Brasch	Fox	Howard	McCoy	Seiler
Campbell	Friesen	Hughes	Mello	Smith
Chambers	Garrett	Johnson	Morfeld	Stinner
Coash	Gloor	Kintner	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Larson	Schilz	

Voting in the negative, 1:

Groene

Present and not voting, 3:

Bloomfield Kuehn Scheer

Excused and not voting, 1:

Kolowski

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

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1081 with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 1081.**

A BILL FOR AN ACT relating to public assistance; to amend sections 68-1708 and 68-1721, Revised Statutes Cumulative Supplement, 2014, and sections 43-512, 68-1201, 68-1713, and 68-1726, Revised Statutes Supplement, 2015; to change provisions relating to eligibility for public assistance; to eliminate termination dates relating to self-sufficiency contracts; to harmonize provisions; to repeal the original sections; and to outright repeal section 68-1735.04, Revised Statutes Cumulative Supplement, 2014.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	McCollister	Schumacher
Bloomfield	Ebke	Hilkemann	McCoy	Seiler
Bolz	Fox	Howard	Mello	Smith
Brasch	Friesen	Hughes	Morfeld	Stinner
Campbell	Garrett	Johnson	Murante	Sullivan
Chambers	Gloor	Kintner	Pansing Brooks	Watermeier
Coash	Groene	Kolterman	Riepe	Williams
Cook	Haar, K.	Krist	Scheer	
Craighead	Hadley	Larson	Schilz	
Crawford	Hansen	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Kuehn

Excused and not voting, 1:

Kolowski

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

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1082 with 40 ayes, 1 nay, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 1082.**

A BILL FOR AN ACT relating to oil and gas; to amend sections 57-901, 57-903, 57-905, 57-911, 57-913, 57-914, 57-915, 57-916, 57-916.01, 57-917, 57-918, 57-919, 57-920, 57-921, 57-922, and 81-1531.01, Reissue Revised Statutes of Nebraska; to change and restate intent; to change powers and duties of the Nebraska Oil and Gas Conservation Commission as prescribed; to provide for a periodic injection well fluid analysis and report by certain operators; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Lindstrom	Schnoor
Bloomfield	Ebke	Hilkemann	McCollister	Schumacher
Bolz	Fox	Howard	McCoy	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Stinner
Chambers	Gloor	Kintner	Murante	Sullivan
Coash	Groene	Kolterman	Pansing Brooks	Watermeier
Cook	Haar, K.	Krist	Riepe	Williams
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Kolowski

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1082A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1082, One Hundred Fourth Legislature, Second Session, 2016.

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

Voting in the affirmative, 46:

Baker	Davis	Hilkemann	McCollister	Seiler
Bloomfield	Ebke	Howard	McCoy	Smith
Bolz	Fox	Hughes	Mello	Stinner
Brasch	Friesen	Johnson	Morfeld	Sullivan
Campbell	Garrett	Kintner	Murante	Watermeier
Chambers	Gloor	Kolterman	Pansing Brooks	Williams
Coash	Haar, K.	Krist	Scheer	
Cook	Hadley	Kuehn	Schilz	
Craighead	Hansen	Larson	Schnoor	
Crawford	Harr, B.	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 2:

Groene            Riepe

Excused and not voting, 1:

Kolowski

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1092 with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1092.**

A BILL FOR AN ACT relating to state budgeting; to amend sections 2-15,106, 81-132, 81-8,239.03, 81-1113, 81-1113.01, 81-2227, 81-3133.01, 81-3133.02, 81-3133.03, and 85-1416, Reissue Revised Statutes of Nebraska, and sections 81-3133 and 83-918, Revised Statutes Supplement, 2015; to change budget request reporting requirements; to change powers and duties of the Department of Administrative Services; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Lindstrom	Schnoor
Bloomfield	Ebke	Hilkemann	McCollister	Schumacher
Bolz	Fox	Howard	McCoy	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Stinner
Chambers	Gloor	Kintner	Murante	Sullivan
Coash	Groene	Kolterman	Pansing Brooks	Watermeier
Cook	Haar, K.	Krist	Riepe	Williams
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Kolowski

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

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1109, 83, 447, 447A, 698, 698A, 704, 710, 730, 772, 794, 817, 857, 897, 906, 1009, 1059, 1081, 1082, 1082A, and 1092.

**SENATOR KRIST PRESIDING****GENERAL FILE**

**LEGISLATIVE RESOLUTION 378CA.** Senator Kuehn offered the following motion:

MO231

Unanimous consent to bracket until April 20, 2016.

No objections. So ordered.

**LEGISLATIVE BILL 935.** Title read. Considered.

Committee AM2386, found on page 951, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1066.** Title read. Considered.

Committee AM2640, found on page 1095, was offered.

Senator Scheer offered the following amendment to the committee amendment:

AM2742

(Amendments to Standing Committee amendments, AM2640)

- 1 1. Strike section 5.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 938.** Placed on Select File with amendment.

ER225

- 1 1. On page 1, strike lines 2 through 5 and insert "86-163, 86-458,
- 2 and 86-463, Reissue Revised Statutes of Nebraska; to adopt the 911
- 3 Service System Act; to change a reporting requirement; to provide for the
- 4 transfer of funds; to remove obsolete provisions; to harmonize
- 5 provisions; and to repeal the original sections."

**LEGISLATIVE BILL 938A.** Placed on Select File.

**LEGISLATIVE BILL 774.** Placed on Select File with amendment.  
ER224 is available in the Bill Room.

**LEGISLATIVE BILL 1038.** Placed on Select File with amendment.  
ER223 is available in the Bill Room.

**LEGISLATIVE BILL 1038A.** Placed on Select File.  
**LEGISLATIVE BILL 1083A.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 24, 2016, at 9:25 a.m. were the following: LBs 956e, 957e, and 981e.

Presented to the Governor on March 24, 2016, at 11:13 a.m. were the following: LBs 1109, 83, 447e, 447Ae, 698e, 698Ae, 704, 710, 730, 772e, 794, 817, 857, 897, 906, 1009e, 1059, 1081, 1082, 1082A, and 1092.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 520.** Introduced by Harr, B., 8.

**PURPOSE:** The misclassification of employees as independent contractors presents a serious problem for workers, employers, and the economy. Misclassified employees are often denied access to critical benefits and protections to which they are entitled, such as minimum wage, overtime compensation, family and medical leave, unemployment insurance, and safe workplaces. Employee misclassification generates substantial losses for the federal and state governments in the form of lower tax revenues and improperly avoided contributions to state unemployment insurance and workers' compensation funds.

This study shall include the following:

- (1) A review of the administration and enforcement of the Employee Classification Act by the Department of Labor;
- (2) A consideration of the sufficiency of resources available for administration and enforcement of misclassification laws and a consideration of whether existing resources could be better utilized to properly address the issue of employee misclassification;
- (3) A review of reports issued by the Department of Labor pursuant to the Employee Classification Act to ascertain if there are consistent problems or concerns relating to worker misclassification that could be addressed through legislative changes; and



(4) An examination of the direct and indirect effects of misclassification on certain industries that result in complications and difficulties with unemployment insurance, workers' compensation, social security, tax withholding, temporary disability or other benefits, minimum wage and overtime laws, and in any other pertinent areas.

The study committee shall seek input from all interested parties, including the Department of Labor, business leaders, labor unions, and others, to examine how misclassification affects the relationship between employers and workers, how these parties may be able to contribute to more effective enforcement of existing worker misclassification laws, and to determine if legislative changes are necessary.

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

1. That the Business and Labor 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 the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 521.** Introduced by Fox, 7.

PURPOSE: The purpose of this resolution is to study the business practices of pharmacy benefit managers as those practices relate to such managers' arrangements with private entities, insurers, pharmacies, and the State of Nebraska. The study committee shall also examine the need for oversight and regulation of pharmacy benefit managers by the Department of Insurance.

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

1. That the Banking, Commerce and Insurance 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 522.** Introduced by Howard, 9.

PURPOSE: Skin cancer is the most commonly diagnosed cancer in the United States, yet most cases are preventable. Skin cancer greatly affects quality of life, and it can be disfiguring or even deadly. Medical treatment for skin cancer creates substantial health care costs for individuals, families,

and the nation. The number of people who have had skin cancer at some point in the last three decades is estimated to be higher than the number for all other cancers combined, and skin cancer incidence rates have continued to increase in recent years. In Nebraska, melanomas of the skin accounted for 1,781 diagnoses and 315 deaths between 2008 and 2012. The incidence of melanoma continues to increase significantly in Nebraska and throughout the United States.

Melanoma is responsible for the most deaths of all skin cancers, causing nearly 9,000 deaths each year. It is also one of the most common types of skin cancer among adolescents and young adults. Despite efforts to address skin cancer risk factors, such as inadequate sun protection and intentional tanning behaviors, skin cancer rates, including rates of melanoma, have continued to increase in Nebraska and the United States.

The purpose of this interim study is to examine the issue of how to best educate the public and create awareness about the risks associated with sun exposure and ultraviolet radiation exposure. The study should also focus on how to create awareness surrounding sun-safety education and changes in behavior to promote sun-safe behavior. The committee should further examine this issue to determine what legislation or policy development may be necessary to address skin cancer prevention and ensure that comprehensive and accurate information is available to the public, health care providers, and health care facilities.

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

1. That the Health and Human Services 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 the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 523.** Introduced by Howard, 9.

**PURPOSE:** The purpose of this resolution is to examine Nebraska law regarding the protection of children who have reached eighteen years of age but have not yet reached the age of majority. The study shall include an examination of the following:

- (1) The response by the Department of Health and Human Services when concerns are raised about the mistreatment of minors between the ages of eighteen and nineteen years by their parents and the department's authority to respond in such situations;
- (2) Services and protections available for young people who lack their parents' consent to live independently prior to reaching nineteen years of age;
- (3) Gaps in services, legal protections, or access to public benefits experienced by minors between the ages of eighteen and nineteen years; and

(4) Other states' policies and responses to these issues.

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

1. That the Health and Human Services 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 524.** Introduced by Schnoor, 15.

WHEREAS, David W. Voss, a member of Troop 1103 of Fremont, 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, David 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, 13 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, David planned and constructed a wheelchair access ramp for the dining hall at the Calvin Crest Camp Conference and Retreat Center near Fremont; and

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

WHEREAS, David, 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 David W. Voss on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to David W. Voss.

Laid over.

**LEGISLATIVE RESOLUTION 525.** Introduced by Seiler, 33.

PURPOSE: The purpose of this resolution is to examine the issues associated with treating an individual licensed under the Nebraska Real Estate License Act as a professional for purposes of civil actions for professional negligence.

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

1. That the Judiciary 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.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 677.** Placed on Final Reading.

ST79

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "to" in line 2 through "officers" in line 3 and all amendments thereto have been struck and "to provide, change, and eliminate qualifications for officers and personnel of the Department of Veterans' Affairs, the Veterans' Advisory Commission, and the state veterans service officers as prescribed" inserted.

**LEGISLATIVE BILL 694.** Placed on Final Reading.

**LEGISLATIVE BILL 712.** Placed on Final Reading.

**LEGISLATIVE BILL 783.** Placed on Final Reading.

**LEGISLATIVE BILL 783A.** Placed on Final Reading.

**LEGISLATIVE BILL 877.** Placed on Final Reading.

**LEGISLATIVE BILL 895.** Placed on Final Reading.

**LEGISLATIVE BILL 899.** Placed on Final Reading.

**LEGISLATIVE BILL 902.** Placed on Final Reading.

**LEGISLATIVE BILL 908.** Placed on Final Reading.

**LEGISLATIVE BILL 908A.** Placed on Final Reading.

**LEGISLATIVE BILL 913.** Placed on Final Reading.

**LEGISLATIVE BILL 973.** Placed on Final Reading.

**LEGISLATIVE BILL 978.** Placed on Final Reading.

**LEGISLATIVE BILL 1010.** Placed on Final Reading.

**LEGISLATIVE BILL 1011.** Placed on Final Reading.

**LEGISLATIVE BILL 1039.** Placed on Final Reading.

**LEGISLATIVE BILL 1050.** Placed on Final Reading.

ST78

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 5, "to require notice to certain holders of security interests as prescribed; to harmonize provisions;" has been inserted after the semicolon.

**LEGISLATIVE BILL 1075.** Placed on Final Reading.  
**LEGISLATIVE BILL 1080.** Placed on Final Reading.  
**LEGISLATIVE BILL 1101.** Placed on Final Reading.

**LEGISLATIVE RESOLUTION 381.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
 Government, Military and Veterans Affairs

Room 1507

Tuesday, April 5, 2016 12:00 p.m.

Kimberly Plouzek - State Emergency Response Commission (rehearing)  
 Jeffery Davis - Nebraska Accountability and Disclosure Commission  
 Douglas Hegarty - Nebraska Accountability and Disclosure Commission

(Signed) John Murante, Chairperson

**CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Pansing Brooks has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

**GENERAL FILE**

**LEGISLATIVE BILL 1066.** The Scheer amendment, AM2742, found in this day's Journal, to the committee, was renewed.

**SENATOR COASH PRESIDING**

Senator Scheer moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Scheer requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Brasch	Garrett	Johnson	McCoy	Schumacher
Cook	Gloor	Kolterman	Mello	Seiler
Ebke	Groene	Kuehn	Murante	Smith
Fox	Harr, B.	Lindstrom	Scheer	Watermeier
Friesen	Hughes	McCollister	Schnoor	Williams

Voting in the negative, 10:

Campbell	Coash	Hilkemann	Larson	Riepe
Chambers	Davis	Krist	Pansing Brooks	Sullivan

Present and not voting, 10:

Baker	Bolz	Haar, K.	Hansen	Morfeld
Bloomfield	Crawford	Hadley	Howard	Schilz

Excused and not voting, 4:

Craighead	Kintner	Kolowski	Stinner
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The Scheer amendment was adopted with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following amendment to the committee amendment:

AM2745

(Amendments to Standing Committee amendments, AM2640)

1 1. Insert the following new amendments:

2 "2. On page 7, strike beginning with 'give' in line 29 through line 3 31, show as stricken, and insert 'accept the enrollment of siblings of 4 option students'.

5 3. On page 8, strike lines 1 and 2 and show as stricken."

6 2. Renumber the remaining amendments accordingly.

Senator Larson moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Larson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 6:

Cook	Krist	Murante
Davis	Larson	Schilz

Voting in the negative, 25:

Baker	Crawford	Haar, K.	Kolterman	Schnoor
Bloomfield	Ebke	Hadley	McCollister	Schumacher
Bolz	Friesen	Harr, B.	Pansing Brooks	Seiler
Campbell	Gloor	Hilkemann	Riepe	Sullivan
Coash	Groene	Hughes	Scheer	Watermeier

Present and not voting, 10:

Brasch	Fox	Hansen	Kuehn	Mello
Chambers	Garrett	Johnson	McCoy	Smith

Excused and not voting, 8:

Craighead	Kintner	Lindstrom	Stinner
Howard	Kolowski	Morfeld	Williams

The Larson amendment lost with 6 ayes, 25 nays, 10 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Committee AM2640, found on page 1095 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 824.** Title read. Considered.

Committee AM2611, found on page 1004, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Senator K. Haar withdrew his amendment, AM2353, found on page 1157.

Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 7 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 874.** Title read. Considered.

Committee AM2385, found on page 945, was adopted with 25 ayes, 4 nays, 9 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

#### **COMMITTEE REPORT(S)** Enrollment and Review

**LEGISLATIVE BILL 678.** Placed on Final Reading.

**LEGISLATIVE BILL 750.** Placed on Final Reading.

**LEGISLATIVE BILL 816.** Placed on Final Reading.

**LEGISLATIVE BILL 842.** Placed on Final Reading.

**LEGISLATIVE BILL 952.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 526.** Introduced by Hansen, 26.

PURPOSE: The purpose of this interim study is to examine municipal classifications. The study shall include the following:

- (1) A review of the current classification structure for municipalities;
- (2) A review of current population thresholds for municipality classes, including whether or not those thresholds can only be met through the decennial census process or annexation; and
- (3) A review of other population thresholds for municipalities contained in Chapters 14 through 19 of the Nebraska statutes.

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 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 527.** Introduced by Schumacher, 22.

PURPOSE: An increasing number of states and the federal government have undertaken various degrees of criminal sentencing reform. State and federal policymakers have also begun to widely question the propriety of mandatory minimum sentencing laws.

Mandatory minimum sentencing laws require a minimum prison term of a particular length. With such laws judges have no discretion to go lower than the minimum sentence and probation is not an option. In Nebraska, an inmate serving a mandatory minimum sentence will not earn or receive good time credit for his or her behavior while serving the mandatory sentence.

Proponents of mandatory minimum sentences argue that these schemes reduce crime by acting as a general deterrent for potential criminals and repeat offenders. Proponents also contend that eliminating judicial discretion provides for fairness and uniformity in sentencing.

While these inflexible, one-size-fits-all sentencing laws may have initial appeal as a response to certain types of crimes, such laws fail to advance proportional justice because they prevent a judge from fitting punishment to the individual defendant and the exact circumstances of his or her crime.

In the last few legislative sessions, various members of the Legislature have introduced bills to limit or eliminate mandatory minimum sentences for some categories or types of crime or to amend the procedures which



prosecutors must follow in prosecuting crimes that carry mandatory minimum sentences.

The purpose of this interim study is to examine possible legislative reforms to Nebraska's mandatory minimum sentencing laws. The study shall include the following:

(1) A review of current mandatory minimum sentences presently in statute;

(2) A review of the types of crimes which carry mandatory minimum sentences;

(3) A review of the process by which a mandatory minimum sentence may be sought, for example, by election or choice of the prosecuting attorney or by authorization of a judge or a panel of judges;

(4) A consideration of an exemption or a safety-valve for a defendant who is convicted of a crime carrying a mandatory minimum sentence, whereby the sentencing judge or a panel of judges may deviate or decide not to impose the mandatory minimum sentence if the sentencing judge or panel finds that certain mitigating factors exist; and

(5) A review and examination of any potential consequences of implementing statutory changes to the mandatory minimum sentencing laws, with respect to amending penalty provisions, amending the procedures for filing charges carrying mandatory minimum sentences, or amending the procedures governing the imposition of mandatory minimum sentences.

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

1. That the Judiciary 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 528.** Introduced by Kuehn, 38.

WHEREAS, Nebraska's electricity is generated by power plants connected to a complex electrical grid consisting of over 6,000 miles of transmission lines and 100,000 miles of subtransmission and distribution lines that deliver energy to homes, businesses, hospitals, churches, and schools throughout our state; and

WHEREAS, the electrical grid must be maintained and operated twenty-four hours a day, seven days a week, and three hundred sixty-five days a year despite inclement weather, including blizzards, thunderstorms, floods, and other hazards; and

WHEREAS, Nebraska's 1,350 lineworkers have demonstrated outstanding skill and dedication to their jobs by working in hazardous conditions to build, maintain, and repair our electricity infrastructure; and

WHEREAS, the hardworking lineworkers of Nebraska who leave their families and risk their lives daily to ensure the reliable delivery of electricity to all citizens of the state are deserving of our respect, gratitude, and honor.

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

1. That the Legislature recognizes the significant contributions and efforts of Nebraska lineworkers who often work in challenging conditions to keep the lights on and expresses its appreciation to all of Nebraska's hardworking lineworkers.

2. That the Legislature designates April 11, 2016, as Lineworker Appreciation Day in Nebraska.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Davis - LR509

**VISITOR(S)**

Visitors to the Chamber were members of the Midwestern Higher Education Compact, Larry Isaak, and Senator David Pearce of Missouri; 21 fourth-grade students from McCool Junction; Senator Seiler's wife, Jo, and twin granddaughters, Seiler and Tenley Grubb from Kansas City; 94 fourth-grade students and sponsors from Castelar Elementary, Omaha; Mark Kirby from David City; 40 fourth-grade students from Milford; Meg and Ron Prybella from Long Island, NY; 26 fourth-grade students, teacher, and sponsors from Sutton; and 27 fourth-grade students from Concordia Academy, Omaha.

The Doctor of the Day was Dr. Susan Evans from Omaha.

**ADJOURNMENT**

At 1:45 p.m., on a motion by Senator Gloor, the Legislature adjourned until 9:00 a.m., Tuesday, March 29, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTIETH DAY - MARCH 29, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
 Tuesday, March 29, 2016

**PRAYER**

The prayer was offered by Reverend Jonathan Ripke, Immanuel Lutheran Church, Hooper.

**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 Bolz, Coash, Davis, Hansen, Scheer, and Stinner who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-ninth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 1093A.** Placed on Select File.

**LEGISLATIVE BILL 1110.** Placed on Select File with amendment.

ER228

- 1 1. In the Standing Committee amendments, AM2294:
- 2 a. On page 2, line 21, after "evaluation" insert an underscored
- 3 comma; and
- 4 b. On page 6, line 3, strike "Investment" and insert "Innovation";
- 5 and in lines 12 and 23 after "Development" insert an underscored comma.
- 6 2. On page 1, strike beginning with "adopt" in line 1 through line 2
- 7 and insert "amend section 48-622.02, Revised Statutes Cumulative
- 8 Supplement, 2014, and section 81-1201.21, Revised Statutes Supplement,
- 9 2015; to adopt the Nebraska Workforce Innovation and Opportunity Act and
- 10 the Sector Partnership Program Act; to create a fund; to transfer funds;
- 11 to harmonize provisions; to repeal the original sections; and to declare
- 12 an emergency."

**LEGISLATIVE BILL 1110A.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**COMMUNICATION**

Received communication from Tom Safranek, M.D., Acting Chief Medical Officer, Division of Public Health, Department of Health and Human Services, regarding the appointment of the following individual to the Stem Cell Research Advisory Committee:

Dr. Alysson Renato Muotri

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 491, 500, 501, 503, and 505 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 491, 500, 501, 503, and 505.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Krist.

**SELECT FILE**

**LEGISLATIVE BILL 1093A.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 1032.** Title read. Considered.

Committee AM2473, found on page 941, was offered.

Senator Campbell withdrew her amendment, AM2528, found on page 953.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 1094.** Placed on Select File with amendment. ER226 is available in the Bill Room.

**LEGISLATIVE BILL 744.** Placed on Select File with amendment.

ER227

- 1 1. In the Watermeier amendment, AM2727, on page 3, line 6, strike
- 2 "act" and insert "section".
- 3 2. On page 1, line 1, after "for" insert "written"; and strike line
- 4 3 and insert "to authorize enforcement, modification, or termination of
- 5 agreements in a civil action as prescribed; and to require certain
- 6 agreement disclosures."

**LEGISLATIVE BILL 947.** Placed on Select File with amendment.

ER229

- 1 1. On page 1, strike beginning with the semicolon in line 2 through
- 2 line 4 and insert ", and section 38-129, Revised Statutes Cumulative
- 3 Supplement, 2014; to state intent relating to professional or commercial
- 4 licenses; to provide for issuance of credentials as prescribed; to
- 5 harmonize provisions; to repeal the original sections; and to declare an
- 6 emergency."

**LEGISLATIVE BILL 886.** Placed on Select File.

**LEGISLATIVE BILL 886A.** Placed on Select File.

**LEGISLATIVE BILL 774A.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 529.** Introduced by Howard, 9.

**PURPOSE:** The purpose of this resolution is to study the ongoing implementation of the federal Preventing Sex Trafficking and Strengthening Families Act of 2014 (Strengthening Families Act), Public Law 113-183, and related state law and policy. This study shall assess needs arising from the implementation of the federal Strengthening Families Act and determine the next steps for the Strengthening Families Act Task Force of the Nebraska Children's Commission.

The study shall include the following:

- (1) Considering how to engage and empower affected individuals including youth, foster parents, and biological parents;
- (2) Considering normalcy for youth involved in the foster care, juvenile justice, and mental health systems across all placement levels;
- (3) Exploring the creation of a foster youth bill of rights;
- (4) Reviewing how cultural considerations are made and addressed in policy and practice related to normalcy;
- (5) Evaluating existing grievance processes for youth in foster care and examining the creation and implementation of a new grievance process;
- (6) Examining the training provided to foster parents, providers, and others regarding the federal Strengthening Families Act, with special attention paid to the implementation of the reasonable and prudent parent standard;

(7) Reviewing ongoing reforms regarding the permanency objective of Another Planned Permanent Living Arrangement;

(8) Assessing the need for and availability of financial and other resources that can be utilized to increase normalcy activities for children and youth in foster care throughout Nebraska; and

(9) Considering how to coordinate efforts between statewide programs to prevent sex trafficking of youth involved in foster care.

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

1. That the Health and Human Services 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 530.** Introduced by Howard, 9.

PURPOSE: In order to ensure a fair voting process for citizens who are hospitalized or who reside in nursing homes or extended care facilities, it is important to periodically reevaluate the process such individuals use to cast their ballots. Under current Nebraska law, local election officials bear primary responsibility for adopting voting procedures for such citizens.

Neb. Rev. Stat. section 32-944 authorizes the election commissioner or county clerk to train registered voters to act on his or her behalf in administering a ballot to a resident of a nursing home or hospital who has requested a ballot. Section 32-944 further provides that such ballots shall be administered by two registered voters who are not affiliated with the same political party. Finally, the section requires the election commissioner or county clerk to adopt procedures to carry out the section.

The purpose of this interim study is to examine the voting processes and procedures available for citizens who are hospitalized or who reside in nursing homes or extended care facilities and determine whether legislation is needed to bring clarity and uniformity to the law and to ensure a fair and honest voting process.

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

1. That the Government, Military and Veterans 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.

**EXPLANATION OF VOTES**

Had I been present, I would have voted "aye" on final passage of LBs 956e, 957e, 981e, 1109, and 83.

(Signed) Rick Kolowski

**GENERAL FILE**

**LEGISLATIVE BILL 1032.** Senator Bloomfield offered the following motion:  
MO234  
Bracket until April 20, 2016.

Senator Kintner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 14 nays, and 10 not voting.

Senator Schilz moved for a call of the house. The motion prevailed with 42 ayes, 1 nay, and 6 not voting.

Senator Bloomfield requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 28:

Bloomfield	Friesen	Kintner	McCoy	Seiler
Brasch	Garrett	Kolterman	Murante	Smith
Coash	Groene	Krist	Riepe	Watermeier
Craighead	Hilkemann	Kuehn	Scheer	Williams
Davis	Hughes	Larson	Schilz	
Ebke	Johnson	Lindstrom	Schnoor	

Voting in the negative, 20:

Baker	Cook	Haar, K.	Howard	Morfeld
Bolz	Crawford	Hadley	Kolowski	Pansing Brooks
Campbell	Fox	Hansen	McCollister	Schumacher
Chambers	Gloor	Harr, B.	Mello	Sullivan

Excused and not voting, 1:

Stinner

The Bloomfield motion to bracket prevailed with 28 ayes, 20 nays, and 1 excused and not voting.

The Chair declared the call raised.

**MOTION - Print in Journal**

Senator Chambers filed the following motion to LB1056:

MO233

Place on General File pursuant to Rule 3, Section 20(b).

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 531.** Introduced by Gloor, 35; Smith, 14.

WHEREAS, Marcella J. Echternacht, MS, RN, began her nursing career in 1971 as a recipient of a University of Nebraska Regents Scholarship. She graduated with high honors in 1974 from the University of Nebraska Medical Center (UNMC) College of Nursing; and

WHEREAS, from 1990 to 2000, Marcella taught psychiatric nursing at Central Community College in Grand Island; and

WHEREAS, in 2000, Marcella joined the faculty at the College of Saint Mary in Omaha as an assistant professor of nursing, where she continued her career teaching psychiatric nursing. Since then she has been the recipient of many accolades, including being named an Outstanding Faculty Member in 2004 and receiving the 2004 Inspiring Excellence Award; and

WHEREAS, Marcella also received the 2005 Distinguished Alumnus Award from the UNMC College of Nursing and the 2006 Outstanding Achievement in Nursing award from the Nebraska Nurses Association; and

WHEREAS, Marcella served as a member of the Board of Nursing from 2002 to 2009 and as president from 2005 to 2009; and

WHEREAS, in 2002, she was appointed to the National Council of State Boards of Nursing (NCSBN), serving from 2002 through 2009. In 2008, she was appointed chairperson of the NCSBN Transition to Practice Committee, where she worked to address the serious problem of retention rates among nursing graduates during their first year of practice; and

WHEREAS, to address retention problems in Nebraska's nursing workforce, Marcella was appointed by the Board of Nursing to help with implementation of the Center for Regulatory Excellence grant awarded to Nebraska by NCSBN in 2008. Marcella's work in this program over several years led to the development of a mentoring process designed to acclimate new graduates to the real world of nursing practice; and

WHEREAS, Marcella will complete a 26-year career of nursing education at the end of the College of Saint Mary's spring term in May 2016.

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

1. That the Legislature recognizes the many contributions and achievements of Marcella J. Echternacht and thanks her for her years of service to the people of the State of Nebraska and the nursing profession.

2. That a copy of this resolution be sent to Marcella J. Echternacht.

Laid over.



**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Muotri, Alysson Renato - Stem Cell Research Advisory Committee - Health and Human Services

(Signed) Bob Krist, Chairperson  
Executive Board

**GENERAL FILE**

**LEGISLATIVE BILL 1012.** Title read. Considered.

Committee AM2253, found on page 708, was offered.

**SPEAKER HADLEY PRESIDING**

Senator Mello offered his amendment, AM2602, found on page 1014, to the committee amendment.

The Mello amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 1037.** Title read. Considered.

Senator Smith offered the following amendment:  
AM2690

1 1. On page 3, line 3, after "land" insert ", excluding the first  
2 acre of any such farm home site which acre shall be valued at its actual  
3 value in accordance with subsection (1) of section 77-201".

Senator Chambers offered the following motion:  
MO235  
Bracket until April 20, 2016.

Pending.

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 532.** Introduced by Bolz, 29.

**PURPOSE:** Reducing violence is key to promoting the general welfare of the residents of Nebraska. Proactively reducing violence will also lead to less crowding in the state's prisons and jails. The Legislature created the Office of Violence Prevention in 2009, in order to develop, foster, promote, and assess violence prevention programs. The purpose of this resolution is to evaluate the effectiveness and success of the Office of Violence Prevention. The study shall include an examination of the following:

- (1) The effectiveness and impact of the Office of Violence Prevention in reducing violence in Nebraska;
- (2) The resources and authority available to the office;
- (3) The office's assessment of best practices for violence prevention;
- (4) Opportunities to expand, promote, and develop best practice initiatives to prevent violence in Nebraska; and
- (5) Opportunities for the future growth of efforts and initiatives to reduce violence statewide.

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

1. That the Judiciary 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 533.** Introduced by Bolz, 29.

**PURPOSE:** According to a 2015 survey of Nebraska businesses and organizations, workforce quality and availability is a top concern. By 2020, 38 percent of jobs in Nebraska will be middle-skill jobs: those requiring some postsecondary education but less than a bachelor's degree. To address the middle-skill employee gap, the federal Workforce Investment and Opportunity Act promotes career pathways as a workforce development strategy.

This study shall examine the following:

- (1) Nationwide best practices for promoting career education and training that can lead to job readiness for middle-skill positions;
- (2) Innovative processes and programs through which training opportunities and educational programs have been established and fostered in other states;
- (3) Opportunities available through the federal Workforce Investment and Opportunity Act to promote career pipeline programs; and
- (4) Strategies and opportunities to produce individuals prepared for middle-skill jobs and how to best implement such strategies.

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

1. That the Business and Labor 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 534.** Introduced by Haar, K., 21.

WHEREAS, in 1980, the Legislature adopted LR 43, which called for the Nebraska Investment Council to review the list of corporations and banks which invest in South Africa and remove them from the list approved for investment by the state; and

WHEREAS, in 1984, the Legislature passed LB 553, which required divestment of all funds from companies doing business in South Africa; and

WHEREAS, the campaign for divestment from South Africa that the Nebraska Legislature supported has been widely hailed as being an important component in leading to the end of apartheid in 1994; and

WHEREAS, climate change presents serious, many-layered, and ongoing issues for Nebraskans, with projections of far more serious impacts on future generations; and

WHEREAS, there is a scientific consensus that fossil fuels are the major contributor to accelerated rates of climate change; and

WHEREAS, fossil fuel investments, particularly coal and oil, are losing value, becoming more volatile, and increasingly failing to fulfill prudent investment standards; and

WHEREAS, the number of institutions, governmental bodies, and businesses that are divesting from fossil fuels is rapidly increasing, and by the end of 2015, investors controlling over \$3.4 trillion in assets have pledged to remove investments from fossil fuel companies; and

WHEREAS, clean energy investments, including wind, solar, and other methods of generating energy that do not produce greenhouse gases or that reduce the amount or impact of greenhouse gas emissions, are increasing throughout the world and represent greater stability and better rates of return, both now and in the future; and

WHEREAS, fiduciaries are acting prudently when they consider the direct risks of a fossil-dependent portfolio and the likely resilience and collateral benefits of clean energy investing; and

WHEREAS, it is appropriate for the Legislature to determine the amount of the state's investments in companies or funds that derive a majority of their income from the extraction or burning of fossil fuels; and

WHEREAS, it is appropriate for the Legislature to determine the amount of the state's investments in companies or funds that derive a majority of their income from clean energy; and

WHEREAS, it is appropriate to determine whether the state can effectively divest from fossil fuels and invest in clean energy consistent with its fiduciary obligations.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to examine the following:

- (a) The extent that state funds are invested in fossil fuels;
- (b) The extent that state funds are invested in clean energy; and
- (c) The feasibility of divestment from fossil fuels and investment in clean energy consistent with the state's fiduciary responsibilities.

2. That the study committee shall work with the state investment officer, the Nebraska Investment Council, and their consultants to determine the extent that state funds are invested in fossil fuels and clean energy and the feasibility of divestment and investment as outlined in this study, to the extent such examination can be conducted without additional cost to the council.

3. That the committee shall examine such other issues as are necessary for a complete examination of this matter.

4. 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 535.** Introduced by Johnson, 23.

**PURPOSE:** The purpose of this resolution is to examine how the Legislature can assist livestock producers involved in certain value-added activities. The study shall include an examination of the following:

(1) How the Legislature can assist livestock producers seeking to establish or enter into value-added activities related to the direct processing and marketing of meats in local or regional markets;

(2) How the Legislature can help such producers form or link to value networks from production through consumption in local or regional markets through cooperation and aggregation of small or mid-scale livestock producer inputs; and

(3) What opportunities are available to coordinate incentives and assistance available under the Livestock Growth Act with Value-Added Producer Grants operated by the United States Department of Agriculture Rural Development pursuant to 7 U.S.C. 1632a.

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

1. That the Agriculture 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 536.** Introduced by Johnson, 23.

**PURPOSE:** In 2013, the Legislature enacted LR 309, which called upon the Agriculture Committee of the Legislature to conduct an interim study to investigate ways to avoid and mitigate conflicts arising from herbicide drift damage to sensitive crops. The purpose of this resolution is to complete the work of the LR 309 study committee.

This study committee shall complete any updates to the LR 309 interim draft report and finalize recommendations to the Legislature.

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

1. That the Agriculture 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 537.** Introduced by Johnson, 23.

**PURPOSE:** The purpose of this resolution is to review the duties and authorities of the Department of Agriculture with respect to livestock animal identification pursuant to sections 54-702 and 54-702.01 of the Nebraska statutes and to assess the need to update and coordinate these sections with the final rule of the Animal and Plant Health Inspection Service of the United States Department of Agriculture regarding Traceability for Livestock Moving Interstate, published January 9, 2013.

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

1. That the Agriculture 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 538.** Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to study telecommunication services in Nebraska. The study shall include an examination of the following:

- (1) The existing structure of regulations governing telecommunication services within Nebraska;
- (2) The need to update and revise provisions of Nebraska law governing the regulation of telecommunication service providers;
- (3) The role and operation of federal and state subsidy mechanisms created to support voice-grade and broadband telecommunication services;
- (4) The availability and quality of broadband telecommunication services in Nebraska; and
- (5) The need to enact incentives to supplement existing support mechanisms and encourage investment in broadband telecommunication infrastructure in Nebraska.

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

1. That the Transportation and Telecommunications 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 539.** Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to undertake a study of the jurisdiction and structure of the Nebraska Public Service Commission. The study committee shall examine and review the statutory and constitutional jurisdiction of the commission as well as current provisions of law prescribing the commission's structure, organization, and operation. Additionally, the study shall examine the rules of procedure adopted by the commission, the provisions of the Administrative Procedure Act, and the advisability of exempting the commission, in whole or in part, from the provisions of the act.

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

1. That the Transportation and Telecommunications 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 540.** Introduced by Hadley, 37.

WHEREAS, Daniel Lynch, former state senator and longtime member of the Douglas County Board of Commissioners, passed away on March 17, 2016; and

WHEREAS, Dan represented the 13th District in the Legislature from 1985 to 2001, and is remembered for his advocacy for people who traditionally lacked a voice in government, including the working class and people with special needs; and

WHEREAS, Dan spearheaded the passage of Nebraska's motorcycle helmet law in 1989 during his fourth year in the Legislature and vigorously fought against many subsequent attempts to repeal the law; and

WHEREAS, as a member of the Douglas County Board, Dan was the driving force behind the creation of ENCOR, a five-county regionally administered agency which provides community-based services for people with developmental disabilities; and

WHEREAS, as a 10-year member of the Appropriations Committee of the Legislature, Dan continued to champion services for people with developmental disabilities through his staunch support for adequate state funding; and

WHEREAS, beyond his public service, Dan gave generously of his time and energy to his neighbors and community, whether he was helping with a plumbing repair or dressing as Santa Claus to visit the children at Boys and Girls Clubs.

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

1. That the Legislature honors the memory of Daniel Lynch and his many contributions and achievements and expresses its gratitude for his many years of service to his state and community.
2. That the Legislature extends its sympathy to the family of Daniel Lynch.
3. That a copy of this resolution be sent to each of Daniel's children: Debra, Julie, Marianne, Danny, and Maureen.

Laid over.

**LEGISLATIVE RESOLUTION 541.** Introduced by Larson, 40.

**PURPOSE:** The Nebraska County and City Lottery Act was established to allow any county, city, or village to conduct a lottery, including games of keno, for community betterment purposes. Since it has been established in Nebraska, the game of keno has provided funding for community betterment purposes across the state.

The purpose of this interim study is to examine the economic benefits of keno. This study shall include the following:

- (1) Reviewing the reported uses of keno community betterment dollars and an identification of the projects funded with such dollars;

(2) Examining the direct and indirect economic impacts of the game of keno, including how it helps support local businesses and the jobs it helps create in communities;

(3) Reviewing input from interested parties who could highlight the importance of keno, the impact that the money spent playing keno has on communities, and the benefits provided to communities through the use of community betterment dollars; and

(4) Developing recommendations as to any legislation that may be needed to ensure that the economic benefits of keno and the community betterment dollars keno provides can continue to support Nebraska communities.

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

1. That the General 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 542.** Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to examine the issues within the jurisdiction of the General Affairs Committee.

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

1. That the General 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 543.** Introduced by Hansen, 26.

PURPOSE: Birth certificates serve many important purposes. They are often necessary to obtain legal or other important documents and to obtain and enforce rights and privileges relating to personal identity, parental rights, and other significant matters.

The purpose of this resolution is to examine possible legislative reforms to Nebraska laws relating to birth certificates. The study shall include the following:

- (1) A review of current statutes relating to birth certificates;
- (2) A review of current regulations relating to birth certificates;



(3) A review of the contents and form of birth certificates and the means of recording information on birth certificates; and

(4) A review of the means by which a person may amend the contents of a birth certificate, such as amending the name of a parent or the gender listed on the certificate.

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

1. That the Judiciary 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 544.** Introduced by Crawford, 45.

PURPOSE: The purpose of this interim study is to examine the alternative response demonstration projects, also known as the alternative response pilot project, created in 2014 by LB 853 and to review the pilot project's implementation by the Division of Children and Family Services (DCFS) of the Department of Health and Human Services (DHHS). The study committee shall also examine the coordination of informal resources available in communities and formal assistance provided through state systems in order to better serve families in the child welfare system and to prevent at-risk families from entering the system.

This study shall include an examination of the following:

(1) The effectiveness of the implementation and administration of the alternative response pilot project in strengthening families and preventing out-of-home placement, including issues that may be addressed in the future reauthorization and expansion of the pilot project;

(2) Systemic barriers to optimal effectiveness and accessibility of the alternative response pilot project in serving families for which the project was originally intended, including rules and regulations, mental and behavioral health service gaps, and procedural requirements;

(3) The interaction or coordination of services available from DCFS, other divisions within DHHS administering public assistance programs, and informal community-based services or programs that support families within or at risk of entering the child welfare system and how such interaction or coordination can better protect children and families and reduce the future risk of maltreatment; and

(4) The feasibility of extending certain structures and service systems utilized formally and informally by alternative response sites to cases that come to the attention of the statewide child abuse and neglect hotline but are not accepted for service provision, in order to prevent subsequent allegations of parental abuse or neglect in a comprehensive manner.

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

1. That the Health and Human Services 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 545.** Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study medicaid and the Children's Health Insurance Program (CHIP), with an emphasis on children that are eligible but unenrolled in these programs. This study shall include an examination of the following:

- (1) Rates of participation for children in medicaid and CHIP in Nebraska;
- (2) Reasons children are eligible but unenrolled in such programs;
- (3) Outreach conducted by the Department of Health and Human Services to enroll children in such programs; and
- (4) Strategies to ensure all children eligible for medical assistance are enrolled.

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

1. That the Health and Human Services 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 546.** Introduced by Garrett, 3; Ebke, 32.

PURPOSE: The purpose of this study is to examine whether, under *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 135 S. Ct. 1101 (2015), Nebraska's occupational licensing boards are exposed to liability under antitrust laws.

The study committee shall examine the state of occupational licensing in Nebraska and may study the free movement of labor in Nebraska. The study committee shall also examine laws that have intentionally and unintentionally resulted in the closure of small Nebraska businesses. Additionally, the study committee shall evaluate proposals to reform Nebraska statutes governing occupational licensing in order to promote job

creation and ensure that Nebraska's occupational licensing boards are exempt from antitrust laws.

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

1. That the Judiciary 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 547.** Introduced by Larson, 40.

WHEREAS, the Legislature has a variety of tools that it can utilize to enhance economic development for the Native American population of Nebraska; and

WHEREAS, these tools include tax incentives, housing opportunities, grants, special education policies, and access to health care; and

WHEREAS, the Legislature would benefit from the advice and recommendations of the State-Tribal Relations Committee of the Legislature regarding the development of policies and refinements to existing laws that can be made to encourage and enhance economic development for the Native American population of Nebraska.

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

1. That the Legislature calls upon the State-Tribal Relations Committee of the Legislature to conduct a study examining the policy tools available to the Legislature to enhance economic development for the Native American population of Nebraska.

2. That the Legislature encourages the State-Tribal Relations Committee of the Legislature to seek the input of and meet with members of the Revenue, Appropriations, Education, and Health and Human Services Committees of the Legislature in conducting this study.

3. That the Legislature calls upon the State-Tribal Relations Committee of the Legislature to formulate draft legislation and policy recommendations and present them to the appropriate standing committee of the Legislature.

Laid over.

**LEGISLATIVE RESOLUTION 548.** Introduced by Riepe, 12; Gloor, 35.

PURPOSE: Cigarette smoking remains the leading preventable cause of sickness and mortality and is responsible for over 400,000 deaths in the United States each year. The purpose of this resolution is to examine issues surrounding youth tobacco use. The study shall include the following:

- (1) Examining health risks associated with the use of cigarettes, e-cigarettes, and other tobacco products by youth;
- (2) Examining the prevalence of underage use of cigarettes, e-cigarettes, and other tobacco products;
- (3) Reviewing legislation in other states addressing the use of tobacco products by youth; and
- (4) Identifying potential improvements that can be made to the Tobacco Free Nebraska program operated by the Division of Public Health of the Department of Health and Human Services.

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

1. That the Health and Human Services 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 549.** Introduced by Garrett, 3; Pansing Brooks, 28.

**PURPOSE:** U nonimmigrant status, also known as U visa status, was created by the federal Victims of Trafficking and Violence Protection Act of 2000, Public Law 106-386, which included the Battered Immigrant Women Protection Act of 2000. U visa status is designed to provide temporary lawful status to noncitizen crime victims who have suffered substantial physical or mental abuse as a result of having been a victim of certain criminal activity and who are willing to assist law enforcement in the investigation and prosecution of that criminal activity.

Congress created the U visa status to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, human trafficking, and other crimes and to offer protection to victims of such crimes. The legislation was also intended to help law enforcement to better serve such victims.

Nationwide, however, some law enforcement agencies have failed to certify any victims of crime as eligible for U visa status, either for political reasons or due to a lack of understanding of the law.

The purpose of this study is to examine issues relating to utilization of the U visa program in Nebraska. The study shall include the following:

- (1) A review of Nebraska law enforcement policies and practices to determine whether Nebraska law enforcement agencies are certifying cooperating individuals as eligible for U visa status;
- (2) A review of Nebraska law enforcement agencies' policies relating to identifying possible victims of human trafficking and their eligibility for U visa status; and

(3) An examination of whether any legislation is needed to encourage or require Nebraska law enforcement agencies to utilize the U visa program and certify victims as eligible for U visa status.

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

1. That the Judiciary 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 550.** Introduced by Schumacher, 22.

**PURPOSE:** The purpose of this resolution is to examine the feasibility of creating a common data collection site for the county jail information necessary to receive funding under the County Justice Reinvestment Grant Program under section 81-1426.01 of the Nebraska statutes and similar programs. A common data collection site will help to ensure that the evaluation procedures regarding county jail costs are providing reliable and uniform information. The need for such a review became apparent after discussions within the County Justice Reinvestment Group Subcommittee of the Committee on Justice Reinvestment Oversight that was created in response to passage of LB 605 (2015). This study shall include the following:

(1) Identifying methods to efficiently collect data required by the County Justice Reinvestment Grant Program;

(2) Examining where county jail data is currently collected;

(3) Identifying issues associated with creating a uniform and common data collection site for county jail information; and

(4) Clarifying the roles of the Nebraska Commission on Law Enforcement and Criminal Justice, the Office of Probation Administration, and other agencies to ensure that any differences are intentional and desired.

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

1. That the Judiciary 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 551.** Introduced by Krist, 10.

PURPOSE: The purpose of this resolution is to explore and assess the use of congregate care in Nebraska for youth in the child welfare and juvenile justice systems. The study shall include an examination of the following:

- (1) Statistics on youth in congregate care in Nebraska, including the number of youth who spend time in congregate care settings and the amount of time youth spend in congregate care placements;
- (2) The variety of congregate care placements that exist throughout Nebraska, when these placements are utilized for youth, and how often these placements are utilized;
- (3) The disproportionality that may exist in such placements;
- (4) The availability of and need for therapeutic or treatment foster care and other family-like placements in Nebraska;
- (5) Best practices related to congregate care; and
- (6) Consideration of the need for any changes to policies, practices, and programs.

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

1. That the Health and Human Services 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 Krist filed the following amendment to LB1067:

AM2549

- 1 1. Strike original sections 31, 54, 55, and 61 and insert the
- 2 following new sections:
- 3 Sec. 31. (1) School districts may apply to the department for a
- 4 limited English proficiency student growth adjustment, on a form
- 5 prescribed by the department, on or before October 15 of the school
- 6 fiscal year immediately preceding the school fiscal year for which aid is
- 7 being calculated. Such form shall require an estimate of the increase in
- 8 limited English proficiency students for the school fiscal year for which
- 9 aid is being calculated, the estimated limited English proficiency
- 10 student growth calculated by subtracting the number of limited English
- 11 proficiency students of the current school fiscal year from the estimated
- 12 number of limited English proficiency students for the school fiscal year
- 13 for which aid is being calculated, and evidence supporting the estimates.
- 14 On or before the immediately following December 1, the department shall
- 15 approve the estimated limited English proficiency student growth, approve
- 16 a modified limited English proficiency student growth, or deny the

17 application based on the requirements of this section, the evidence  
18 submitted on the application, and any other information provided by the  
19 department. The state board shall establish procedures for appeal of  
20 decisions of the department to the state board for final determination.

21 (2) The limited English proficiency student growth adjustment for  
22 each approved district shall equal the product of the school district's  
23 basic funding per formula student multiplied by the approved limited  
24 English proficiency student growth.

25 (3) The department shall calculate a limited English proficiency  
26 student growth adjustment correction for each district that received a  
27 limited English proficiency student growth adjustment for aid distributed  
1 in the most recently available complete data year. Such limited English  
2 proficiency student growth adjustment correction shall equal the product  
3 of the difference of the actual limited English proficiency student  
4 growth for such school fiscal year minus the estimated limited English  
5 proficiency student growth for such school fiscal year used to calculate  
6 the limited English proficiency student growth adjustment for such school  
7 fiscal year multiplied by the school district's basic funding per formula  
8 student used in the final calculation of aid pursuant to section 79-1065  
9 for such school fiscal year, except that the absolute value of a negative  
10 correction shall not exceed the original adjustment.

11 Sec. 32. (1) For school fiscal year 2017-18 and each school fiscal  
12 year thereafter, the department shall determine the extreme poverty  
13 adjustment for each school district with poverty students comprising more  
14 than forty percent of the formula students in the school district.

15 (2) The extreme poverty adjustment shall equal the sum of the  
16 statewide average general fund operating expenditures per formula student  
17 multiplied by 0.025 then multiplied by the number of poverty students.

18 2. On page 48, line 8, strike "and 39" and insert ", 32 and 40"; and  
19 in lines 24 and 25 reinstate the stricken matter.

20 3. On page 49, strike beginning with the comma in line 1 through the  
21 last "allowance" in line 9.

22 4. On page 62, strike lines 13 through 25 and insert the following  
23 new subsection:

24 "(3) Except as otherwise provided in this section, for school fiscal  
25 year 2017-18 and each school fiscal year thereafter, each school  
26 district's formula need shall equal the difference of the sum of the  
27 school district's basic funding, poverty allowance, limited English  
28 proficiency allowance, focus school and program allowance, summer school  
29 allowance, special receipts allowance, transportation allowance,  
30 elementary site allowance, best practices allowance, distance education  
31 and telecommunications allowance, averaging adjustment, new learning  
1 community transportation adjustment, student growth adjustment, any  
2 positive student growth adjustment correction, new school adjustment,  
3 extreme poverty adjustment, limited English proficiency student growth  
4 adjustment, and any positive limited English proficiency student growth  
5 adjustment correction minus the sum of the limited English proficiency  
6 allowance correction, poverty allowance correction, and any negative  
7 student growth adjustment correction."

- 8 5. On page 63, line 13, after "adjustment" insert "an extreme  
 9 poverty adjustment, or a limited English proficiency student growth  
 10 adjustment".
- 11 6. On page 69, strike beginning with "community" in line 12 through  
 12 the comma in line 13.
- 13 7. On page 97, strike lines 28 through 31.
- 14 8. On page 98, strike line 1; in line 2 strike "(5)", show as  
 15 stricken, and insert "(4)"; in line 5 strike "(6)", show as stricken, and  
 16 insert "(5)"; in line 7 strike "(7)", show as stricken, and insert "(6)";  
 17 in line 11 strike "(8)", show as stricken, and insert "(7)"; in line 16  
 18 strike "(9)", show as stricken, and insert "(8)"; in line 20 strike  
 19 "(10)", show as stricken, and insert "(9)"; in line 25 strike "(11)",  
 20 show as stricken, and insert "(10)"; in line 27 strike "(12)", show as  
 21 stricken, and insert "(11)"; and in line 29 strike "(13)", show as  
 22 stricken, and insert "(12)".
- 23 9. On page 99, line 1, strike "(14)", show as stricken, and insert  
 24 "(13)"; in line 3 strike "(15)", show as stricken, and insert "(14)"; in  
 25 line 8 strike "(16)", show as stricken, and insert "(15)"; in line 12  
 26 strike "(17)", show as stricken, and insert "(16)"; in line 16 strike  
 27 "(18)", show as stricken, and insert "(17)"; strike lines 25 through 27  
 28 and show the old matter as stricken; and in line 28 strike "(2)", show as  
 29 stricken, and insert "(1)".
- 30 10. On page 100, line 1, strike "3" and insert "2"; in line 3 strike  
 31 "4" and insert "3"; in line 7 strike "5" and insert "4"; and in line 12  
 1 strike "the community achievement plan".
- 2 11. On page 101, line 18, strike "4" and insert "3".
- 3 12. On page 110, lines 7 and 8, strike the new matter.
- 4 13. Renumber the remaining sections, amend the repealer, and correct  
 5 internal references accordingly.

#### **NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1524

Tuesday, April 5, 2016 8:00 a.m.

Patrick Berggren - Nebraska Game and Parks Commission  
 Brian Barels - Nebraska Natural Resources Commission  
 Joel Christensen - Nebraska Natural Resources Commission  
 Stan Clouse - Nebraska Natural Resources Commission  
 Brad B. Dunbar - Nebraska Natural Resources Commission  
 Thomas Knutson - Nebraska Natural Resources Commission  
 Scott Smathers - Nebraska Natural Resources Commission  
 Chad Wright - Nebraska Natural Resources Commission

(Signed) Ken Schilz, Chairperson



**GENERAL FILE**

**LEGISLATIVE BILL 1037.** The Chambers motion, MO235, found in this day's Journal, to bracket until April 20, 2016, was renewed.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 935.** Placed on Select File with amendment.

ER231

1 1. In the Standing Committee amendments, AM2386:  
2 a. On page 1, line 7, strike "(1)", show as stricken, and insert  
3 "(a)"; in line 8 strike "(2)", show as stricken, and insert "(b)"; and in  
4 line 21 after "remit" insert "to the State Treasurer for credit"; and  
5 b. On page 5, line 4, after "automobile" insert "travel".  
6 2. On page 1, strike beginning with "the" in line 1 through line 9  
7 and insert "state and local government; to amend sections 81-1118,  
8 81-1174, 81-1175, 81-1176, 81-1180, 81-1348, and 84-321, Reissue Revised  
9 Statutes of Nebraska, sections 13-513 and 73-506, Revised Statutes  
10 Cumulative Supplement, 2014, and sections 84-304 and 84-311, Revised  
11 Statutes Supplement, 2015; to change provisions relating to the Nebraska  
12 Budget Act; to provide for late fees and remedial fees; to change  
13 provisions relating to the duration of certain state agency contracts,  
14 procedures and rates for reimbursement for expenses incurred in the line  
15 of duty, and membership of the Suggestion Award Board; to authorize  
16 additional assistant deputies for and sharing of working papers by the  
17 Auditor of Public Accounts; to provide the rate of interest on and  
18 liability for certain delinquent payments; to harmonize provisions; and  
19 to repeal the original sections."

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 958.** Placed on General File with amendment.

AM2717

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 13-520, Revised Statutes Supplement, 2015, is  
4 amended to read:  
5 13-520 The limitations in section 13-519 shall not apply to (1)  
6 restricted funds budgeted for capital improvements, (2) restricted funds  
7 expended from a qualified sinking fund for acquisition or replacement of  
8 tangible personal property with a useful life of five years or more, (3)  
9 restricted funds pledged to retire bonded indebtedness, used by a public  
10 airport to retire interest-free loans from the Department of Aeronautics

11 in lieu of bonded indebtedness at a lower cost to the public airport, or  
12 used to pay other financial instruments that are approved and agreed to  
13 before July 1, 1999, in the same manner as bonds by a governing body  
14 created under section 35-501, (4) restricted funds budgeted in support of  
15 a service which is the subject of an agreement or a modification of an  
16 existing agreement whether operated by one of the parties to the  
17 agreement or by an independent joint entity or joint public agency, (5)  
18 restricted funds budgeted to pay for repairs to infrastructure damaged by  
19 a natural disaster which is declared a disaster emergency pursuant to the  
20 Emergency Management Act, (6) restricted funds budgeted to pay for  
21 judgments, except judgments or orders from the Commission of Industrial  
22 Relations, obtained against a governmental unit which require or obligate  
23 a governmental unit to pay such judgment, to the extent such judgment is  
24 not paid by liability insurance coverage of a governmental unit or a pool  
25 of funds maintained by the governmental unit to self-insure against such  
26 liabilities, or (7) the dollar amount by which restricted funds budgeted  
27 by a natural resources district to administer and implement ground water  
1 management activities and integrated management activities under the  
2 Nebraska Ground Water Management and Protection Act exceed its restricted  
3 funds budgeted to administer and implement ground water management  
4 activities and integrated management activities for FY2003-04.

5 Sec. 2. Section 13-521, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 13-521 (1) A governmental unit may choose not to increase its total  
8 of restricted funds by the full amount allowed by law in a particular  
9 year. In such cases, the governmental unit may carry forward to future  
10 budget years the amount of unused restricted funds authority. The  
11 governmental unit shall calculate its unused restricted funds authority  
12 and submit an accounting of such amount with the budget documents for  
13 that year. Such unused restricted funds authority may then be used in  
14 later years for increases in the total of restricted funds allowed by  
15 law. This subsection shall not apply to community colleges for fiscal  
16 years beginning on or after July 1, 2017. Any unused budget authority  
17 existing on April 8, 1998, by reason of any prior law may be used for  
18 increases in restricted funds authority.

19 (2) For any fiscal year beginning on or after July 1, 2017, a  
20 community college may choose not to increase its total of restricted  
21 funds by the full amount allowed by law in a particular year. In such  
22 cases, the community college may carry forward to future budget years the  
23 amount of unused restricted funds authority. The community college shall  
24 calculate its unused restricted funds authority and submit an accounting  
25 of such amount with the budget documents for that year. The amount of  
26 unused restricted funds authority that may be used by a community college  
27 in a single fiscal year to increase its total of restricted funds above  
28 the restricted funds authority as calculated pursuant to section 13-519  
29 shall be limited to three percent of the difference of the total of  
30 restricted funds minus the exclusions in section 13-520 for the  
31 immediately preceding fiscal year.

1 Sec. 3. Section 77-4212, Revised Statutes Cumulative Supplement,

2 2014, is amended to read:

3 77-4212 (1) For tax year 2007, the amount of relief granted under  
4 the Property Tax Credit Act shall be one hundred five million dollars.

5 For tax year 2008, the amount of relief granted under the act shall be  
6 one hundred fifteen million dollars. It is the intent of the Legislature  
7 to fund the Property Tax Credit Act for tax years after tax year 2008  
8 using available revenue. For tax year 2017, the amount of relief granted  
9 under the act shall be two hundred thirty-four million dollars. The  
10 relief shall be in the form of a property tax credit which appears on the  
11 property tax statement.

12 (2)(a) For tax years prior to tax year 2017, to ~~To~~ determine the  
13 amount of the property tax credit, the county treasurer shall multiply  
14 the amount disbursed to the county under ~~subdivision subsection~~ (4)(a) of  
15 this section by the ratio of the real property valuation of the parcel to  
16 the total real property valuation in the county. The amount determined  
17 shall be the property tax credit for the property.

18 (b) Beginning with tax year 2017, to determine the amount of the  
19 property tax credit, the county treasurer shall multiply the amount  
20 disbursed to the county under subdivision (4)(b) of this section by the  
21 ratio of the credit allocation valuation of the parcel to the total  
22 credit allocation valuation in the county. The amount determined shall be  
23 the property tax credit for the property.

24 (3) If the real property owner qualifies for a homestead exemption  
25 under sections 77-3501 to 77-3529, the owner shall also be qualified for  
26 the relief provided in the act to the extent of any remaining liability  
27 after calculation of the relief provided by the homestead exemption. If  
28 the credit results in a property tax liability on the homestead that is  
29 less than zero, the amount of the credit which cannot be used by the  
30 taxpayer shall be returned to the State Treasurer by July 1 of the year  
31 the amount disbursed to the county was disbursed. The State Treasurer  
1 shall immediately credit any funds returned under this section to the  
2 Property Tax Credit Cash Fund.

3 (4)(a) For tax years prior to tax year 2017, the ~~The~~ amount  
4 disbursed to each county shall be equal to the amount available for  
5 disbursement determined under subsection (1) of this section multiplied  
6 by the ratio of the real property valuation in the county to the real  
7 property valuation in the state. By September 15, the Property Tax  
8 Administrator shall determine the amount to be disbursed under this  
9 subdivision ~~subsection~~ to each county and certify such amounts to the  
10 State Treasurer and to each county. The disbursements to the counties  
11 shall occur in two equal payments, the first on or before January 31 and  
12 the second on or before April 1. After retaining one percent of the  
13 receipts for costs, the county treasurer shall allocate the remaining  
14 receipts to each taxing unit levying taxes on taxable property in the tax  
15 district in which the real property is located in the same proportion  
16 that the levy of such taxing unit bears to the total levy on taxable  
17 property of all the taxing units in the tax district in which the real  
18 property is located.

19 (b) Beginning with tax year 2017, the amount disbursed to each

20 county shall be equal to the amount available for disbursement determined  
 21 under subsection (1) of this section multiplied by the ratio of the  
 22 credit allocation valuation in the county to the credit allocation  
 23 valuation in the state. By September 15, the Property Tax Administrator  
 24 shall determine the amount to be disbursed under this subdivision to each  
 25 county and certify such amounts to the State Treasurer and to each  
 26 county. The disbursements to the counties shall occur in two equal  
 27 payments, the first on or before January 31 and the second on or before  
 28 April 1. After retaining one percent of the receipts for costs, the  
 29 county treasurer shall allocate the remaining receipts to each taxing  
 30 unit based on its share of the credits granted to all taxpayers in the  
 31 taxing unit.

1 (5) For purposes of this section, credit allocation valuation means  
 2 the taxable value for all real property except agricultural land and  
 3 horticultural land, one hundred thirty-three percent of taxable value for  
 4 agricultural land and horticultural land that is not subject to special  
 5 valuation, and one hundred thirty-three percent of taxable value for  
 6 agricultural land and horticultural land that is subject to special  
 7 valuation.

8 (6 ~~5~~) The State Treasurer shall transfer from the General Fund to  
 9 the Property Tax Credit Cash Fund one hundred five million dollars by  
 10 August 1, 2007, and one hundred fifteen million dollars by August 1,  
 11 2008.

12 (7 ~~6~~) The Legislature shall have the power to transfer funds from  
 13 the Property Tax Credit Cash Fund to the General Fund.  
 14 Sec. 4. Original section 13-521, Reissue Revised Statutes of  
 15 Nebraska, section 77-4212, Revised Statutes Cumulative Supplement, 2014,  
 16 and section 13-520, Revised Statutes Supplement, 2015, are repealed.

(Signed) Mike Gloor, Chairperson

#### **MOTION - Print in Journal**

Senator McCoy filed the following motion to LB1032:  
 MO232  
 Indefinitely postpone.

#### **EASE**

The Legislature was at ease from 12:04 p.m. until 12:30 p.m.

#### **GENERAL FILE**

**LEGISLATIVE BILL 1037.** The Chambers motion, MO235, found in this day's Journal, to bracket until April 20, 2016, was renewed.

Senator Brasch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Brasch moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Brasch requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 20:

Campbell	Haar, K.	Hilkemann	Krist	Schilz
Coash	Hadley	Howard	Morfeld	Schumacher
Cook	Hansen	Hughes	Pansing Brooks	Seiler
Craighead	Harr, B.	Kolowski	Scheer	Williams

Voting in the negative, 5:

Bloomfield	Brasch	Gloor	Kintner	Murante
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Present and not voting, 23:

Baker	Ebke	Johnson	McCollister	Smith
Bolz	Fox	Kolterman	McCoy	Sullivan
Chambers	Friesen	Kuehn	Mello	Watermeier
Crawford	Garrett	Larson	Riepe	
Davis	Groene	Lindstrom	Schnoor	

Excused and not voting, 1:

Stinner

The Chambers motion to bracket failed with 20 ayes, 5 nays, 23 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO236

Reconsider the vote taken to bracket.

**SENATOR COASH PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 26:

Baker	Crawford	Harr, B.	Morfeld	Watermeier
Bolz	Davis	Hilkemann	Pansing Brooks	Williams
Campbell	Friesen	Howard	Scheer	
Chambers	Haar, K.	Hughes	Schumacher	
Coash	Hadley	Kolowski	Seiler	
Cook	Hansen	Krist	Sullivan	

Voting in the negative, 5:

Bloomfield	Brasch	Gloor	Kintner	Murante
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Present and not voting, 16:

Ebke	Johnson	Lindstrom	Riepe
Fox	Kolterman	McCollister	Schilz
Garrett	Kuehn	McCoy	Schnoor
Groene	Larson	Mello	Smith

Excused and not voting, 2:

Craighead	Stinner
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The Chambers motion to reconsider prevailed with 26 ayes, 5 nays, 16 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Chambers motion, MO235, found in this day's Journal, to bracket until April 20, 2016, was reconsidered.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 23:

Baker	Crawford	Hansen	Kolowski	Seiler
Campbell	Davis	Harr, B.	Krist	Sullivan
Chambers	Ebke	Hilkemann	Morfeld	Williams
Coash	Haar, K.	Howard	Pansing Brooks	
Cook	Hadley	Hughes	Schumacher	

Voting in the negative, 10:

Bloomfield	Gloor	Kolterman	McCoy	Riepe
Brasch	Kintner	Kuehn	Murante	Schnoor

Present and not voting, 13:

Bolz	Garrett	Larson	Scheer	Watermeier
Fox	Groene	McCollister	Schilz	
Friesen	Johnson	Mello	Smith	

Excused and not voting, 3:

Craighead	Lindstrom	Stinner
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The Chambers motion to bracket failed with 23 ayes, 10 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 552.** Introduced by Haar, K., 21; Mello, 5.

WHEREAS, well-managed budgetary decisions and appropriation of state funds are vital to the health of Nebraska's economy through maintaining infrastructure, supporting educational systems, assisting political subdivisions, and providing for the necessary operations of state government; and

WHEREAS, vision and far-sighted fiscal and budgetary planning have helped Nebraska maintain a vibrant economy, an excellent educational system, and a strong infrastructure and support the necessary functions of state government and its political subdivisions; and

WHEREAS, climate change is already having impacts on revenue generation and the funding and budgetary needs of the state and its agencies, including, but not limited to, emergency management, natural resources, agriculture, game and parks, health and human services, forestry, education, economic development, and insurance. The state's fiscal and budgetary process is also affected by the impact of climate change on infrastructure, educational systems, and political subdivisions, including, but not limited to cities, counties, and natural resource districts; and

WHEREAS, future climate change is likely to have even more significant impacts on revenue generation and the funding and budgetary needs of the state and its agencies, infrastructure, educational systems, and aid to political subdivisions; and

WHEREAS, there exist opportunities for economic development and revenue generation arising from efforts to adapt to or mitigate the impacts of climate change that impact the budgetary process. These include budgetary decisions that support development of Nebraska's abundant wind and solar resources, biofuel development, changes to health systems and the insurance industry, investment in new technology, and development of opportunities that will benefit Nebraska's agricultural economy, including new crops and livestock; and

WHEREAS, vision and far-sighted fiscal and budgetary planning are needed to attract new businesses to Nebraska and attract and keep young people in the state; and

WHEREAS, the fiscal and budgetary process needs to consider the funding needed to enable academic and business research to develop the innovations to meet the challenges of the 21st century; and

WHEREAS, it is necessary to create the framework for a plan to address the economic, revenue, and budgetary implications of climate change on 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 Appropriations Committee of the Legislature shall be designated to conduct an interim study to develop a plan to address funding and budgetary issues related to climate change.

2. That the study shall examine the funding and budgetary impact of climate change on state agencies, including, but not limited to, issues related to the following areas:

- (a) Public health;
- (b) Agriculture;
- (c) Emergency management;
- (d) Natural resources;
- (e) Game and parks;
- (f) Forestry;
- (g) Water resources;
- (h) Education;
- (i) Insurance; and
- (j) Economic development.

3. That the study shall examine the funding and budgetary impact of climate change on the following:

- (a) Public infrastructure;
- (b) Rural and urban communities;
- (c) Colleges and universities;
- (d) Natural resource districts; and
- (e) Other political subdivisions.

4. That the study shall examine the funding and budgetary impact of climate change on efforts to take advantage of opportunities related to climate change, including, but not limited to, issues related to the following:

- (a) Academic research;
- (b) Business research; and
- (c) Economic development opportunities.



5. That the committee shall examine any other issues necessary for a complete examination of this matter.

6. 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 553.** Introduced by Riepe, 12.

PURPOSE: The purpose of this resolution is to study issues surrounding the Medicaid Reform Council. This study shall include an examination of the following:

(1) The structure, membership, and duties of the Medicaid Reform Council as set forth in section 68-948 of the Nebraska statutes;

(2) Changing demographics in the state and the need to reform Nebraska's medicaid program to address those changes;

(3) Recent federal changes to medicaid and the modifications necessary to implement those changes at the state level;

(4) Potential medicaid reforms including cost-sharing, health care delivery, coordinated care, patient-centered medical homes, direct primary care, and other innovations; and

(5) Whether such reforms should be implemented in Nebraska's current medicaid program.

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

1. That the Health and Human Services 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 554.** Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to review and examine information regarding air ambulance costs and the information available to consumers about such costs. Air ambulances most commonly transport patients with life-threatening conditions or in emergency situations. The Association of Air Medical Services estimates that more than 550,000 patients in the United States use air ambulances each year. However, using air ambulances is expensive and might not be covered by the patient's health insurance policy.

Air ambulances are generally utilized in situations in which patients have no control over how they are transported for treatment. Time is often a critical factor in deciding transportation for care. Patients are usually not

able to negotiate prices or refuse transport when requiring urgent medical care. Refusing service is not an easy choice when trained medical staff have determined an air ambulance is a necessity. Ill patients often cannot make a free choice whether to use an air ambulance, nor is there information available as to the cost of the transportation and whether it is covered by insurance.

According to the National Association of Insurance Commissioners, the average air ambulance trip is 52 miles and costs between \$12,000 to \$25,000 per flight. Many air and ground ambulance services refuse a preferred provider contract with payers, forcing patients to pay high, uncontrolled billed charges. There are reports of large balance bills to air ambulance patients that were unexpected and often uncovered by insurance. Air ambulance bills appear to be a nationwide issue.

The study shall include an examination of the following:

- (1) The cost of air ambulance services for patients in Nebraska for both in-network and out-of-network air ambulance services;
- (2) When and how consumers are notified of air ambulance costs and balance billing and what recourse is available for lack of coverage;
- (3) What effect federal law has on rates for air transport in medical trauma or emergency situations; and
- (4) How other states are addressing the need for transparency in air ambulance charges and what coverage is available for air transportation in medical emergencies.

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

1. That the Banking, Commerce and Insurance 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 555.** Introduced by Lindstrom, 18.

PURPOSE: The purpose of this resolution is to study the process and procedures used in appeals before the Tax Equalization and Review Commission. This study shall include an examination of the following:

- (1) Who may file an appeal or represent a party in an appeal from a decision of the county board of equalization regarding the taxation, valuation, or assessment of real or personal property;
- (2) The burden of proof required in such an appeal; and
- (3) Any other procedures of the Tax Equalization and Review Commission that the study committee chooses to examine.

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

1. That the Revenue 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 556.** Introduced by Harr, B., 8.

PURPOSE: The Conveyance Safety Act was enacted to ensure the safety of the general public and workers as they use and work on conveyances throughout the state. This study shall examine the conveyances currently covered by the act, the frequency of inspections, and the level of safety regulations in other states. The study committee shall also seek input from the members of industry serving on the Conveyance Advisory Committee.

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

1. That the Business and Labor 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 557.** Introduced by Garrett, 3; Krist, 10.

PURPOSE: The purpose of this interim study is to examine what actions the State of Nebraska needs to take to meet the United States Department of Defense's mandate that, by 2020, at least twenty percent of the department's energy demand come from renewable sources, at least twenty-five percent of the total energy consumed by the United States Army come from renewable sources, and that at least twenty-five percent of United States Air Force facilities' energy consumption come from renewable or alternative sources. The study shall also examine what actions the State of Nebraska needs to take to meet the department's requirement that all new buildings are designed to achieve zero net energy by 2030.

The study shall include an examination of the following:

- (1) Whether Nebraska needs to take any steps to assist Offutt Air Force Base in meeting these requirements;
- (2) Any difficulties the Nebraska National Guard may have in complying with these requirements;
- (3) The backlog of maintenance and repair projects that challenge the Nebraska National Guard's ability to meet these requirements;

(4) All military buildings and structures that are funded with help from the State of Nebraska and the possible cost of bringing such buildings and structures into compliance;

(5) Whether performance energy audits are a valuable tool in identifying priorities to achieve greater efficiencies; and

(6) Possible funding mechanisms to pay for the renewable technologies mandated by the Department of Defense requirements.

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

1. That the Government, Military and Veterans 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 558.** Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to evaluate the governance structure of Nebraska Educational Telecommunications Commission.

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

1. That the Government, Military and Veterans 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 559.** Introduced by Krist, 10.

PURPOSE: Too few high school students and citizens across the country-Nebraska included-know and understand basic American civics. According to the Pew Research Center, only one-third of Americans can correctly name one of the three branches of government, much less say what each branch does. Nationally, dozens of states are discussing possible solutions to ending the quiet crisis of civics education. Over the years, school districts have emphasized STEM (science, technology, engineering, and math) programs. While these programs and curricula are vastly important for the success of students, a new emphasis needs to be placed on civics education if students are to be active and engaged in the political process throughout their lives. To help increase students' education in civics, many states have passed the Civics Education Initiative into law.

The Civics Education Initiative is a first step to ensure that all students are taught basic civics about the United States and who we are as a nation. A strong civics education will serve as a foundation for informed, engaged, and successful citizens in the future. The State Board of Education has already created standards for social studies-which includes criteria for civics education-but these standards are not tested in ways similar to math or science. By implementing a civics test, either through legislation or regulation, Nebraska's school districts will have the tools needed to increase their students' understanding of civics.

The purpose of this interim study is to examine the feasibility and impact of implementing the Civics Education Initiative in Nebraska through legislation or in partnership with the State Board of Education through their regulation process. The study should also focus on the policies that other states are adopting to increase civics education. The committee should further examine this issue to determine what legislation or policy development may be necessary to implement the Civics Education Initiative or a similar program, while allowing local school districts to determine the best way to implement the civics test in a cost-effective manner by encouraging the State Board of Education to include the initiative as a part of Rule 10.

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

1. That the Education 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 560.** Introduced by Krist, 10.

PURPOSE: The purpose of this resolution is to examine the origins and utility of using court fees as a source of funding in Nebraska. The general purpose of this study is to analyze all of the state-funded and fee-based representation in the judicial system.

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

1. That the Judiciary 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 561.** Introduced by Krist, 10.

PURPOSE: The purpose of this resolution is to study the effectiveness, economic stability, and long-term viability of the Youth Rehabilitation and Treatment Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva.

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

1. That the Judiciary 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 562.** Introduced by Garrett, 3; Craighead, 6; Krist, 10; Lindstrom, 18; Smith, 14.

PURPOSE: The purpose of this resolution is to examine why LB 20, LB 357, and LB 454 failed to pass during the 104th legislative session. The study committee shall examine Nebraska's income tax rates and examine in detail how these rates affect the behavior of military retirees and seniors who receive Social Security benefits. The study committee may also conduct a cost-benefit analysis of property tax relief versus income tax relief and examine creative ways to reduce income tax rates in Nebraska.

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

1. That the Revenue 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 563.** Introduced by Garrett, 3; Craighead, 6; Lindstrom, 18.

PURPOSE: According to a 2015 study by the Tax Foundation, Nebraska ranks second highest in the nation in the imposition of taxes, fees, and government charges on wireless telephone service. According to the same study, Nebraska had the highest disparity between its rate of wireless taxes and fees and its general sales tax rate.

The purpose of this study is to examine the reasons for the substantial tax rates on wireless telephone service in Nebraska. The study committee shall examine what government entities receive funding from such taxes and how

those entities are spending and allocating those funds. It is imperative that the Legislature ascertain whether these tax dollars are earmarked for specific purposes or are being used for general operating expenses. The study shall also examine the broader impact of these tax rates on individual Nebraskans and the state as a whole.

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

1. That the Revenue 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 564.** Introduced by Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to study education in Nebraska, with an emphasis on adults and postsecondary education. This study shall include an examination of the following:

- (1) Student retention, graduation, employment, and earnings;
- (2) Access to postsecondary education for minority students;
- (3) Access to and use of awards under the Nebraska Opportunity Grant Act; and
- (4) The regulation of educational institutions in Nebraska.

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

1. That the Education 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 565.** Introduced by Pansing Brooks, 28.

PURPOSE: The purpose of this study is to examine land acquisition within municipalities for educational purposes. The study shall include an analysis of the existing laws relating to land acquisition within municipalities for educational purposes and an examination of the need for changes to such laws.

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 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 566.** Introduced by Pansing Brooks, 28; Ebke, 32.

**PURPOSE:** The purpose of this resolution is to examine the availability of education, rehabilitation, and reentry support for incarcerated men and women. This study shall include the following:

(1) Evaluation of education programs for prisoners and their effect on recidivism;

(2) Identification of program needs, including ways to accommodate more inmates;

(3) Evaluation of the availability of programming as required or recommended in a programming plan, including waiting lists and logistical needs;

(4) Evaluation of the availability of programs that assist and prepare incarcerated adult offenders to successfully reintegrate into society;

(5) Evaluation of the needs of released adult offenders in locating and retaining employment and housing; and

(6) Examination of the community support systems for adult offenders that use volunteers and existing community agencies and services.

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

1. That the Judiciary 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 567.** Introduced by Pansing Brooks, 28; Lindstrom, 18; Mello, 5.

**PURPOSE:** The purpose of this resolution is to examine and review the sale of alcohol in Whiteclay and the secondary effects of such sales. The study committee shall develop recommendations for what should be done to address the issues arising from such sales and shall seek the input of the State-Tribal Relations Committee.

The study shall include the following:



(1) An examination of the need for legislation to fund increased law enforcement in the area;

(2) A review of LB 713 (1961), which provided for the funding and appointment of deputy state sheriffs for certain counties, and consideration of whether similar legislation should be adopted now; and

(3) An examination of whether law enforcement efforts to enforce the Nebraska Liquor Control Act and other state and federal statutes are effective.

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

1. That the Appropriations 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 568.** Introduced by Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to study the membership, role, and duties of the Nebraska Police Standards Advisory Council. It is important that the council represent all aspects and membership of law enforcement officers statewide. Law enforcement officers have different duties and experiences based upon rank, role, and location across Nebraska. The study shall also review the membership, role, and duties of law enforcement oversight councils in other states.

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

1. That the Judiciary 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 569.** Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to examine the means available to fund the grant program established pursuant to the Livestock Growth Act.

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

1. That the Agriculture 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 570.** Introduced by Johnson, 23.

**PURPOSE:** The purpose of this resolution is to review the duties and authorities of the Department of Agriculture pursuant to section 2-3815 of the Nebraska statutes to establish an agriculture promotion and development program. Specifically, the study committee shall review the roles and resources of the Department of Agriculture and the Department of Economic Development with respect to recruiting and facilitating investment in agricultural processing. Additionally, the study committee shall examine the role of the agriculture promotion and development program in advising and assisting communities seeking investment in agricultural processing.

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

1. That the Agriculture 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 571.** Introduced by Nebraska Retirement Systems Committee: Kolterman, 24, Chairperson; Davis, 43; Groene, 42; Kolowski, 31; Lindstrom, 18; Mello, 5.

**PURPOSE:** The purpose of this study is to examine local political subdivision retirement plans for public employees. The study will examine issues relating to benefits, contributions, plan structures, fees, funding, and the administration of such plans.

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

1. That the Nebraska Retirement Systems 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 Scheer filed the following amendment to LB774A:  
AM2760

1 1. On page 2, line 11, strike "266" and insert "33".

Senator Bloomfield filed the following amendment to LB774:  
AM2725

(Amendments to E and R amendments, ER224)

1 1. Insert the following new section:

2 Sec. 3. Section 77-2704.10, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 77-2704.10 Sales and use taxes shall not be imposed on the gross  
5 receipts from the sale, lease, or rental of and the storage, use, or  
6 other consumption in this state of:

7 (1) Prepared food and food and food ingredients served by public or  
8 private schools, school districts, student organizations, or parent-  
9 teacher associations pursuant to an agreement with the proper school  
10 authorities, in an elementary or secondary school or at any institution  
11 of higher education, public or private, during the regular school day or  
12 at an approved function of any such school or institution. This exemption  
13 does not apply to sales by an institution of higher education at any  
14 facility or function which is open to the general public;

15 (2) Prepared food and food and food ingredients sold by a church at  
16 a function of such church;

17 (3) Prepared food and food and food ingredients served to patients  
18 and inmates of hospitals and other institutions licensed by the state for  
19 the care of human beings;

20 ~~(4) Prepared food and food and food ingredients sold at a political  
21 event by ballot question committees, candidate committees, independent  
22 committees, and political party committees as defined in the Nebraska  
23 Political Accountability and Disclosure Act or fees and admissions  
24 charged for such political event;~~

25 ~~(4 5)~~ Prepared food and food and food ingredients sold to the  
26 elderly, handicapped, or recipients of Supplemental Security Income by an  
1 organization that actually accepts electronic benefits transfer under  
2 regulations issued by the United States Department of Agriculture  
3 although it is not necessary for the purchaser to use electronic benefits  
4 transfer to pay for the prepared food and food and food ingredients;  
5 ~~(5 6)~~ Fees and admissions charged by a public or private elementary  
6 or secondary school and fees and admissions charged by a school district,  
7 student organization, or parent-teacher association, pursuant to an  
8 agreement with the proper school authorities, in a public or private  
9 elementary or secondary school during the regular school day or at an  
10 approved function of any such school;

11 ~~(6 7)~~ Fees and admissions charged for participants in any activity  
12 provided by a nonprofit organization that is exempt from income tax under  
13 section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which  
14 organization conducts statewide sport events with multiple sports for

15 both adults and youth; and  
16 (7 &) Fees and admissions charged for participants in any activity  
17 provided by a nonprofit organization that is exempt from income tax under  
18 section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which  
19 organization is affiliated with a national organization, primarily  
20 dedicated to youth development and healthy living, and offers sports  
21 instruction and sports leagues or sports events in multiple sports.  
22 2. Renumber the remaining sections and correct internal references  
23 accordingly.  
24 3. Correct the operative date and repealer sections so that the  
25 section added by this amendment becomes operative on October 1, 2016.

### GENERAL FILE

**LEGISLATIVE BILL 1037.** The Smith amendment, AM2690, found in this day's Journal, was renewed.

Senator Chambers offered the following motion:  
MO237  
Recommit to the Revenue Committee.

Senator Brasch offered the following motion:  
MO238  
Unanimous consent to bracket until April 20, 2016.

No objections. So ordered.

**LEGISLATIVE BILL 889.** Title read. Considered.

Committee AM2490, found on page 973, was offered.

Senator B. Harr withdrew his amendment, AM2637, found on page 1108.

Senator Bolz withdrew her amendment, AM2572, found on page 1000.

The committee amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Mello moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Mello requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Baker	Crawford	Hansen	McCollister	Seiler
Bolz	Davis	Harr, B.	Mello	Smith
Brasch	Ebke	Hilkemann	Morfeld	Stinner
Campbell	Garrett	Howard	Murante	Sullivan
Chambers	Gloor	Kolterman	Pansing Brooks	Williams
Coash	Haar, K.	Krist	Scheer	
Cook	Hadley	Lindstrom	Schumacher	

Voting in the negative, 6:

Bloomfield	Groene	Schnoor
Fox	Kuehn	Watermeier

Present and not voting, 5:

Friesen	Hughes	Johnson	Kintner	Riepe
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Excused and not voting, 5:

Craighead	Kolowski	Larson	McCoy	Schilz
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Advanced to Enrollment and Review Initial with 33 ayes, 6 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

#### AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB1037:  
AM2693

1 1. On page 3, line 1, strike "and farm home sites".

Senator Chambers filed the following amendment to LB1037:  
FA108

Page 2, strike and show as stricken lines 3-9.

Senator Kintner filed the following amendment to LB1037:  
AM2750

1 1. On page 2, line 12, after the first "land" insert "(i) over  
2 twenty acres in size"; and in line 14 after "purposes" insert "or (ii) of  
3 twenty acres or less in size, excluding buildings or enclosed structures  
4 located on the parcel, if such land (A) is managed in conjunction with  
5 other agricultural land and horticultural land which when totaled exceeds  
6 twenty acres in size or (B) has been certified by the owner of such land  
7 as having been used for the sale of agricultural or horticultural  
8 products in excess of one thousand five hundred dollars of gross revenue  
9 in two of the prior three tax years. The owner of such land shall certify  
10 to the county assessor of the county in which the parcel is located, on  
11 or before December 31 of the year prior to the year in which the parcel

12 will be claimed as agricultural land and horticultural land, that the  
13 parcel meets the requirements of this subdivision (B). Such additional  
14 schedules or workpapers as required by the county assessor shall  
15 accompany the certification”.

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 2102

Tuesday, April 5, 2016 12:00 p.m.

Alysson Renato Muotri - Stem Cell Research Advisory Committee  
CSBG Briefing by Department of Health and Human Services

(Signed) Kathy Campbell, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 572.** Introduced by Riepe, 12.

PURPOSE: The purpose of this resolution is to examine issues surrounding the Division of Veterans' Homes of the Department of Health of Human Services and wait times for admission to the Nebraska veterans' homes system.

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

1. That the Health and Human Services 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 573.** Introduced by Haar, K., 21; Garrett, 3.

PURPOSE: The purpose of this resolution is to study the historic and present state of industrial hemp as an alternative crop in Nebraska and its future potential. The study shall include an examination of the following:

(1) Industrial hemp growth, processing, production, marketing, use, and profitability in Europe, China, Canada, and other countries;

(2) The past, present, and future status of industrial hemp under federal law;

(3) The status and development of industrial hemp in other states;

(4) The present status and potential of industrial hemp as an alternative crop and source of marketable products for Nebraskans; and  
(5) Proposals regarding the future status of industrial hemp in Nebraska.

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

1. That the Judiciary and Agriculture Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 574.** Introduced by McCollister, 20; Crawford, 45; Hansen, 26; Howard, 9; Morfeld, 46.

PURPOSE: The purpose of this resolution is to study aspects of Nebraska's medicaid program that include share of cost or resource spend down components in order to evaluate such components' effectiveness and explore ways in which they can be improved for the Nebraskans served by Nebraska's medicaid program. Because medicaid is a joint federal and state program, each state can set different coverage requirements, subject to federal minimum standards. Nebraska's eligibility requirements and benefits have remained at the minimums required by the federal government for an extended period of time. Thus, the share of cost obligations in Nebraska are much more severe than those of other states.

This study shall include an examination of the following:

(1) A review of the current benefits and eligibility requirements of those aspects of Nebraska's medicaid program that include a share of cost or resource spend down component;

(2) A determination of the number of individuals currently served by these programs, the number who spend down because they choose to work, the number who meet the share of cost requirement, how monthly eligibility is verified, the amounts of spend down costs and share of cost obligations and the ranges, medians, and averages of such amounts, how many other policies are purchased so individuals can spend down, and how many claims are filed with these other policies so Nebraska medicaid does not have to cover any costs;

(3) An examination of the application process for Nebraska's medicaid share of cost and resource spend down components, and the ways in which clients are informed about why they are subject to such requirements, how the requirements work, and what participants subject to such requirements are expected to do each month to receive their benefits, from the initial point of intake through their ongoing use of medicaid; and

(4) A comparison of similar programs in other states to determine what flexibility is allowed by the federal government and what changes need to

be made to Nebraska medicaid to bring it more in line with current cost-of-living factors.

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

1. That the Health and Human Services 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 575.** Introduced by McCollister, 20; Crawford, 45; Hansen, 26; Howard, 9; Kolterman, 24; Morfeld, 46.

PURPOSE: The purpose of this resolution is to continue the ongoing study of access to healthcare in Nebraska. This study shall include the following:

(1) Examination of the funding mechanisms and revenue streams that support healthcare services for all Nebraskans;

(2) Review of the Medicaid Reform Council and changes needed to update the council; and

(3) Identification of and collaboration with all healthcare groups to determine how to improve access to healthcare for all Nebraskans.

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

1. That the Health and Human Services 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 576.** Introduced by Pansing Brooks, 28; Williams, 36.

PURPOSE: The purpose of this resolution is to examine children's access to legal counsel in juvenile proceedings across the state of Nebraska. The study shall include an examination of the following:

(1) State and federal legislation and case law regarding the right to legal counsel in juvenile delinquency and status offense proceedings;

(2) Current data from the State Court Administrator regarding numbers and rates of juveniles requesting or waiving counsel, as well as any legislative history, research, studies, or special investigations regarding waiver of counsel in juvenile delinquency and status offense proceedings;



(3) Local court rules, practices, and procedures surrounding appointment of counsel and access to legal counsel in juvenile delinquency and status offense proceedings;

(4) Local diversion policies and practices, including requirements found in section 43-260.04 of the Nebraska statutes;

(5) A review of national policies, recommendations, and best practices for ensuring meaningful access to legal counsel for juveniles in both urban and rural environments; and

(6) A review of scientific evidence and research surrounding a youth's cognitive and linguistic development with an emphasis on developmental considerations surrounding waiver of counsel.

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

1. That the Judiciary 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 577.** Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to investigate and review the issues within the jurisdiction of the Appropriations Committee of the Legislature.

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

1. That the Appropriations 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 578.** Introduced by Coash, 27.

PURPOSE: In LR 32 (2015), the Legislature created the Developmental Disabilities Special Investigative Committee of the Legislature. The LR 32 committee has been authorized to continue its work until the beginning of the One Hundred Fifth Legislature, First Session.

The purpose of this resolution is to conduct an interim study of the Developmental Disabilities Court-Ordered Custody Act. The Judiciary Committee of the Legislature, in consultation with the LR 32 committee, shall conduct the study.

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

1. That the Judiciary 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 579.** Introduced by Haar, K., 21; Williams, 36.

**PURPOSE:** There is a great deal of support for solar energy among the general population in Nebraska with polls consistently showing strong majorities supporting solar energy. Many communities and community organizations in Nebraska have shown interest in developing solar projects to benefit their communities. Businesses and agricultural operations have also shown interest in developing solar projects to reduce their electric bills and provide a hedge against increasing utility costs. Some businesses and agricultural operations have shown interest in developing projects that have greater capacity than permitted by the current net metering cap. Solar electricity generation can provide extra value to utilities, businesses, and individuals because it generates most of its electricity at times of peak demand. Solar heating can also provide value to businesses and individuals. There are opportunities for public power to work with private entities to take advantage of incentives, including grant and loan programs.

This study shall examine the following:

- (1) Methods of authorizing solar projects that have community ownership by both municipalities and community organizations;
- (2) Methods of assisting agricultural and business organizations in their efforts to develop solar energy;
- (3) Whether current net metering policies need to be revised, including increasing the net metering capacity limit;
- (4) Whether state incentives are needed to stimulate solar development;
- (5) Examination of the value of solar energy to businesses, individuals, and utilities;
- (6) Methods of assisting the use of solar heating for businesses and individuals; and
- (7) Such other issues as are necessary for a complete examination of this matter.

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

**LEGISLATIVE RESOLUTION 580.** Introduced by Stinner, 48.

**PURPOSE:** The purpose of this resolution is to examine the Department of Health and Human Services' policies and procedures for dealing with disallowances and audit exceptions by the federal government which have resulted in large fines and having to return money to the federal government.

The study shall include an examination of the following:

(1) Programs and procedures that resulted in disallowances and audit exceptions for the state and an analysis of disallowances and fines related to programs over the past five years;

(2) Changes in policy and procedure, organizational structure, or quality control or implementation of other qualitative measures that will prevent future such occurrences;

(3) Inventory of current issues or potential issues which may lead to future disallowances or fines;

(4) Reports from the Auditor of Public Accounts, program auditors, performance and internal audits of the past two years, including findings and management responses;

(5) Consultant reports, including recommendations and management responses;

(6) The department's management analysis of staff as to the quantity and quality of transaction matrices, length of employment, turnover rates for all six divisions, and any other relevant data; and

(7) Programs and procedures that resulted in disallowances and audit exceptions for the state.

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

1. That the Appropriations 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 581.** Introduced by Kintner, 2.

**PURPOSE:** The purpose of this resolution is to examine and identify the positive and negative effects of federal education funding if Nebraska would choose not to accept federal funds that are tied to federal mandates. These mandates reduce flexibility in the administration of education in Nebraska's

school districts. Over the last several decades, school districts have experienced ever-increasing involvement by the federal government in the education of students in our elementary and secondary schools through mandates tied to federal education dollars. This study shall examine the effects of this trend and whether there are fiscal or other benefits of increased flexibility and freedom gained by refusing to accept federal funds which outweigh the monetary benefits of accepting federal education money.

The study shall include, but not be limited to, identifying and categorizing:

- (1) All federal funds received by Nebraska to support school districts, excluding federal programs entered into directly by school districts;
- (2) What specific mandates are connected with any such funds;
- (3) The positive and negative fiscal impacts and other effects of refusing such money; and
- (4) Any recommendations from the findings.

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

1. That the Education 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 582.** Introduced by Riepe, 12; Baker, 30; Brasch, 16; Davis, 43; Fox, 7; Hilkemann, 4; Johnson, 23; Kolterman, 24; Krist, 10; Lindstrom, 18; Schnoor, 15; Stinner, 48; Williams, 36.

PURPOSE: The purpose of this resolution is to examine how, through better coordination of health services, including direct primary care and direct payment options and the use of federally qualified health centers, the state can better assist low-income individuals currently without insurance. The study committee shall also investigate alternatives to medicaid expansion.

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

1. That the Health and Human Services 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 583.** Introduced by Morfeld, 46.

PURPOSE: The purpose of this resolution is to study administrative law judges in Nebraska. This study shall include an examination of the adequacy, training, and retention of administrative law judges. The study shall also examine whether timeliness requirements for fair hearings and decisions are being met in Nebraska.

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

1. That the Government, Military and Veterans 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 584.** Introduced by Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine the possibility of providing direct and statewide funding for legal representation in order to provide more equitable access to civil justice in Nebraska. The study shall include the following:

- (1) A review of the current funding streams for the Legal Aid and Services Fund and an examination of the practical reasons and policies behind the funding trends within the Legal Aid and Services Fund;
- (2) An examination of additional methods for funding access to legal representation, including, but not limited to, fees for alternative dispute resolution, better tracking of alternative dispute resolution proceedings, direct annual appropriations, and increasing court fees;
- (3) A comparison of Nebraska's court fees and funding options with those of other states; and
- (4) An examination of any relevant factors that could improve equitable access to civil justice and legal representation in Nebraska.

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

1. That the Judiciary 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 585.** Introduced by Krist, 10.

WHEREAS, Christine Neighbors, Deputy Director and General Counsel for the Nebraska Department of Insurance, has received the 2015 Robert Dineen Award; and

WHEREAS, the Dineen Award was established in 1989 by the National Association of Insurance Commissioners and honors staff members of state insurance departments who have made outstanding contributions to state regulation of insurance and fostered the advancement of the insurance regulatory profession; and

WHEREAS, Christine is widely respected for her work in insurance group supervision and is known nationally for her work on international insurance matters; and

WHEREAS, Christine's efforts and the work of the Nebraska Department of Insurance have put Nebraska on the map for businesses, internationally and nationally, and is why companies want to do business in Nebraska.

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

1. That the Legislature congratulates Christine Neighbors on receiving the 2015 Robert Dineen Award and expresses its gratitude for her dedication and public service.
2. That a copy of this resolution be sent to Christine Neighbors.

Laid over.

**LEGISLATIVE RESOLUTION 586.** Introduced by Groene, 42; Harr, B., 8; Morfeld, 46; Schnoor, 15.

PURPOSE: The purpose of this interim study is to examine the effects, fiscal impact, and potential cost savings of transferring public school employees from the system of district-based health insurance plans to the Nebraska State Insurance Program. The study shall include an examination of the following:

(1) The fiscal impact to the districts and the state if the state takes on the administrative costs and the school districts and their employees pay the premium costs; and

(2) The option of including the school districts' health insurance costs within the present Tax Equity and Educational Opportunities Support Act (TEEOSA) calculations.

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

1. That the Education 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 884.** Title read. Considered.

Committee AM2522, found on page 973, was offered.

Pending.

### SELECT FILE

**LEGISLATIVE BILL 1083.** ER220, found on page 1179, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1083A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 742.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 837.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 465.** ER222, found on page 1179, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 465A.** ER221, found on page 1183, was adopted.

Senator B. Harr offered the following amendment:

AM2768

1 1. Strike the original section and all amendments thereto and insert  
2 the following new section:  
3 Section 1. There is hereby appropriated (1) \$77,672 from the General  
4 Fund for FY2016-17 and (2) \$64,604 from the General Fund for FY2017-18 to  
5 the Secretary of State, for Program 22, to aid in carrying out the  
6 provisions of Legislative Bill 465, One Hundred Fourth Legislature,  
7 Second Session, 2016.  
8 Total expenditures for permanent and temporary salaries and per  
9 diems from funds appropriated in this section shall not exceed \$22,500  
10 for FY2016-17 or \$46,125 for FY2017-18.

The B. Harr amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 835.** Title read. Considered.

Committee AM2138, found on page 716, was offered.

Senator Mello offered his amendment, AM2605, found on page 1078, to the committee amendment.

The Mello amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, 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 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 686.** Title read. Considered.

Committee AM1922, found on page 534, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1098.** Title read. Considered.

Senator Krist offered his amendment, AM2452, found on page 908.

Senator Krist withdrew his amendment.

Senator Krist offered his amendment, AM2451, found on page 908.

Senator Krist withdrew his amendment.

Senator Morfeld moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1098A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.



**LEGISLATIVE BILL 1000.** Title read. Considered.

Committee AM2704, found on page 1161, was offered.

**SENATOR SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

The committee amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 1093A.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Smith filed the following amendment to LB938:  
AM2769

(Amendments to Standing Committee amendments, AM2356)

1 1. On page 8, line 28, after the period insert "Within five days  
2 after the effective date of this act, the State Treasurer shall transfer  
3 two million one hundred thirty-eight thousand three hundred thirty-seven  
4 dollars from the Enhanced Wireless 911 Fund to the 911 Service System  
5 Fund. On or before July 5, 2017, the State Treasurer shall transfer one  
6 million nine hundred eighty-eight thousand seven hundred ninety dollars  
7 from the Enhanced Wireless 911 Fund to the 911 Service System Fund.".

Senator Smith filed the following amendment to LB938A:  
AM2752

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

3 Section 1. Laws 2015, LB657, section 63, is amended to read:

4 Sec. 63. AGENCY NO. 14 — PUBLIC SERVICE COMMISSION

5 Program No. 583 - Enhanced Wireless 911 Fund

6

	FY2015-16	FY2016-17
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7 CASH FUND	12,532,867	12,542,572
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8 PROGRAM TOTAL	12,532,867	12,542,572
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9 SALARY LIMIT	260,763	265,796
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10 There is included in the appropriation to this program for FY2015-16

11 ~~\$11,000,000~~ ~~\$12,000,000~~ Cash Funds for state aid, which shall only be

12 used for such purpose. There is included in the appropriation to this

13 program for FY2016-17 ~~\$11,000,000~~ ~~\$12,000,000~~ Cash Funds for state aid,

14 which shall only be used for such purpose.

15 Sec. 2. There is hereby appropriated (1) \$2,138,337 from the 911  
 16 Service System Fund for FY2016-17 and (2) \$1,988,790 from the 911 Service  
 17 System Fund for FY2017-18 to the Public Service Commission, for Program  
 18 583, to aid in carrying out the provisions of Legislative Bill 938, One  
 19 Hundred Fourth Legislature, Second Session, 2016.  
 20 Total expenditures for permanent and temporary salaries and per  
 21 diems from funds appropriated in this section shall not exceed \$558,604  
 22 for FY2016-17 or \$572,568 for FY2017-18.  
 23 Sec. 3. Original Laws 2015, LB657, section 63, is repealed.  
 24 Sec. 4. Since an emergency exists, this act takes effect when passed  
 25 and approved according to law.

Senator Sullivan filed the following amendment to LB959:  
 AM2771

(Amendments to Standing Committee amendments, AM2622)

1 1. On page 36, strike beginning with "if" in line 23 through  
 2 "prevented" in line 25.

Senator Sullivan filed the following amendment to LB959:  
 AM2692

(Amendments to Standing Committee amendments, AM2622)

1 1. On page 36, line 17, after "may" insert ", to the extent allowed  
 2 pursuant to subsection (4) of this section.".  
 3 2. On page 37, strike beginning with "and" in line 9 through "shall"  
 4 in line 11 and insert ".".  
 5 (2) On and after the effective date of this act, the school board of  
 6 any Class II, III, IV, or V school district may, to the extent allowed  
 7 pursuant to subsection (4) of this section, after a public hearing,  
 8 undertake any qualified capital purpose in any qualified zone academy  
 9 under its control and may levy a tax as provided in this section to repay  
 10 a qualified zone academy bond issued for such undertaking pursuant to 26  
 11 U.S.C. 54E, as such section existed on January 1, 2016. The board shall  
 12 designate: (a) The particular qualified capital purpose for which the  
 13 qualified zone academy bond was issued and for which the tax levy  
 14 provided for by this section will be expended; (b) the period of years  
 15 for which the tax will be levied to repay such qualified zone academy  
 16 bond, not exceeding the maturity term for such qualified zone academy  
 17 bond established pursuant to federal law; and (c) the estimated amount of  
 18 the levy for each year of the period based on the taxable valuation of  
 19 the district at the time of issuance. The hearing required by this  
 20 subsection shall be held only after notice of such hearing has been  
 21 published for three consecutive weeks prior to the hearing in a legal  
 22 newspaper published or of general circulation in the school district.  
 23 (3) On and after the effective date of this act, the school board of  
 24 any Class II, III, IV, or V school district may, to the extent allowed  
 25 pursuant to subsection (4) of this section, after a public hearing,  
 26 undertake any qualified school construction bond purpose and may levy a  
 1 tax to repay any qualified school construction bond issued for such

2 undertaking pursuant to 26 U.S.C. 54F, as such section existed on January  
3 1, 2016. The board shall designate: (a) The qualified school construction  
4 bond purpose for which the qualified school construction bond will be  
5 issued and for which the tax levy provided by this section will be  
6 expended; (b) the period of years for which the tax will be levied to  
7 repay such qualified school construction bond, not exceeding the maturity  
8 term for the type of qualified school construction bond established  
9 pursuant to federal law or, if no such term is established, thirty years;  
10 and (c) the estimated amount of the levy for each year of such period  
11 based on the taxable valuation of the district at the time of issuance.  
12 Prior to the public hearing, the school board shall prepare an itemized  
13 estimate of the amounts necessary to be expended for the qualified school  
14 construction bond purpose. The hearing required by this subsection shall  
15 be held only after notice of such hearing has been published for three  
16 consecutive weeks prior to the hearing in a legal newspaper published or  
17 of general circulation in the school district.  
18 (4) A Class II, III, IV, or V school district may only levy for the  
19 purposes of this section to the extent that any such levy, when combined  
20 with all other levies pursuant to this section and section 79-10,110,  
21 does"; in line 14 strike "(2)" and insert "(5)"; in line 17 after  
22 "account" insert " , qualified capital purpose undertaking account, or  
23 qualified school construction bond purpose undertaking account"; and in  
24 line 21 strike "(3)" and insert "(6)".  
25 3. On page 38, line 6, strike "(4)" and insert "(7)"; and in line 19  
26 strike "(5)" and insert "(8)".

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 587.** Introduced by Sullivan, 41.

PURPOSE: The purpose of this resolution is to examine the issues within the jurisdiction of the Education Committee of the Legislature.

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

1. That the Education 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 588.** Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to determine best practices in drafting tax legislation and determining the fiscal impact of tax policies.

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

1. That the Revenue 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 589.** Introduced by Seiler, 33.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Judiciary Committee of the Legislature.

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

1. That the Judiciary 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 590.** Introduced by Riepe, 12.

PURPOSE: The purpose of this resolution is to examine options to offer incentives to health care professionals who provide free care and services to qualified recipients. Such incentives may include a limited amount of continuing medical education credits or providing legal protection for health care professionals providing such care. The issues addressed in this study shall include what incentives other states offer for health care professionals and the cost to implement such incentives.

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

1. That the Health and Human Services 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 591.** Introduced by Hadley, 37.

PURPOSE: The purpose of this resolution is to examine and make recommendations on improving the health care coverage plans available to Nebraska small businesses with fifty or less employees.

The study shall include, but not be limited to, an examination of the following:

- (1) Current health insurance plans available to small businesses with fifty or less employees;
- (2) How the federal Patient Protection and Affordable Care Act has changed premium costs and coverage for plans available to small businesses and their employees;
- (3) The cause of small businesses reducing the availability of health care coverage plans to employees;
- (4) The economic disadvantages and challenges small businesses face to provide affordable health care coverage to employees; and
- (5) The formation of health care insurance consortiums with like groups of employees.

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

1. That the Banking, Commerce and Insurance 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 592.** Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to examine the structure, compliance, and administration of the state individual and corporate income taxes, including financial institution and insurance premium taxes.

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

1. That the Revenue 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 593.** Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to examine the structure, compliance, and administration of real and personal property taxes.

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

1. That the Revenue 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 594.** Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to examine the structure, compliance, and administration of state and local sales and use taxes and any other miscellaneous taxes.

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

1. That the Revenue 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 595.** Introduced by Hansen, 26.

PURPOSE: The purpose of this resolution is to examine the topic of food deserts and issues related to access to healthy food in Nebraska. The study shall:

- (1) Review relevant literature and consult experts in nutrition and other relevant fields to identify factors that limit access to healthy, affordable food choices within rural and urban communities and demographic groups;
- (2) Identify public and private initiatives that can stimulate private investment in grocery and other food-sourcing enterprises that serve communities and populations that lack access to healthy food and that can otherwise mitigate barriers to accessing healthy food;
- (3) Compile a reference guide to public and private funding sources and state and federal economic development tools available to support public and private efforts to increase access to healthy food; and
- (4) Examine the role of community organizations, economic development entities, local government agencies, and the private sector in expanding

access to healthy food in underserved communities and populations and identify state interventions that can stimulate and support local efforts.

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

1. That the Agriculture 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 596.** Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to examine the issues within the jurisdiction of the Government, Military and Veterans Affairs Committee of the Legislature.

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

1. That the Government, Military and Veterans 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 597.** Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to study the financing mechanisms available to counties, cities, villages, school districts, natural resource districts, public building commissions, and other political subdivisions of the State of Nebraska by which such entities issue bonds or assume future payment obligations without a direct vote of taxpayers that would be required for most general obligation bonds, as well as the authority allowing the use of such mechanisms. The mechanisms to be studied and the issues surrounding each shall include, but not be limited to, the following:

(1) Installment contracts entered into by political subdivisions for the purchase of real or personal property, the statutory or other authority by which such contracts are entered into, the outstanding amount of any payments to be made by political subdivisions that have entered into such contracts, any accompanying bonds issued for such contracts or future payments, and the statutory or other authority by which such bonds are issued and authorized;

(2) Certificates of participation issued by political subdivisions, the statutory or other authority by which such certificates are issued, and the

outstanding amount of any payments to be made by political subdivisions issuing such certificates;

(3) Lease-purchase agreements entered into by political subdivisions, the authority by which such agreements are entered into, and the outstanding amount of any payments to be made by political subdivisions that have entered into such agreements; and

(4) Any other financing mechanisms that obligate political subdivisions to make future payments for a number of years, the authority by which such mechanisms are employed, and the outstanding payments to be made by political subdivisions using such mechanisms.

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

1. That the Government, Military and Veterans 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 598.** Introduced by Haar, K., 21.

PURPOSE: Twenty-first century life is increasingly controlled by electronic devices, including computers, cell phones, and other digital communication and information technology devices. Electronic devices are embedded in most modern household, business, agricultural, and transportation devices, appliances, machinery, and equipment. Such electronic devices are controlled by codes and software that are developed and controlled by the manufacturers of such devices, appliances, machinery, and equipment. The owners of devices, appliances, machinery, and equipment controlled by codes and software rarely have the ability to repair these devices on their own because they lack access to the codes and software that control them.

There are economic and security benefits that result from allowing individuals and independent repair persons access to software and codes for the purpose of repairing such items. Such benefits include competition, community vitality, and greater access for consumers.

As part of this study, issues related to allowing owners and independent repair persons access to software and codes that will allow them to repair devices, appliances, machinery, and equipment shall be examined as well as any additional issues that are necessary for a complete examination of this matter.

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

1. That the Judiciary 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 599.** Introduced by Haar, K., 21.

**PURPOSE:** Some public power districts have adopted rate increases despite widespread opposition from their customers. There is no administrative process for review of electric rates, and seeking review through the court system is not economically feasible for most customers. Several public power districts have increased their fixed charges. In some cases, this has resulted in disproportionate increases in electric bills for many low-income customers. Increased fixed charges also negatively impact customers who have invested or intend to invest in energy efficient or renewable energy improvements. There are many factors involved in the process of setting retail rates including wholesale contract requirements and increases in costs of fuels. There is considerable disparity in the electric rates among public power districts. There are reports of municipalities using their electric utilities to generate revenue to offset other costs in the community. There have been a number of concerns raised about transparency in the process of setting rates, with power districts claiming proprietary exclusions to prevent their customers from obtaining information about the costs being used to set retail and wholesale electric rates. There are numerous examples of administrative review procedures for electric rates in other states. Since the Public Service Commission reviews rate increases of other utilities in Nebraska, it is appropriate to determine whether the Public Service Commission can conduct an administrative review process for electric rates in Nebraska.

This study shall include the following:

- (1) A review of the administrative rate review processes currently conducted by the Public Service Commission;
  - (2) A review of administrative electric rate review processes from other states;
  - (3) An examination of fixed charges and their impact on low-income customers, energy efficient and renewable energy efforts, and alternatives to fixed rate increases;
  - (4) An examination of the disparity of rates between communities and whether consolidation of some power districts would reduce the costs that are passed on to customers;
  - (5) Whether some communities are using municipal utility revenue to support other local government functions and whether this practice is appropriate;
  - (6) The methods of increasing transparency of the process for setting rates for the benefit of the customers;
  - (7) The impact of wholesale contracts on the process of setting retail rates;
- and

(8) Such other and additional issues as are necessary for a complete examination of this matter.

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

1. That the Transportation and Telecommunications 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 600.** Introduced by Johnson, 23.

**PURPOSE:** The purpose of this resolution is to examine alternatives for valuing agricultural land for property tax purposes. It is a goal of this study to identify valuation options that provide sustainability to landowners by more closely aligning assessed values of agricultural and horticultural land with measures of productivity and farm income while providing stability and growth in services and governmental responsibilities supported by property taxes. The Agriculture and Revenue Committees of the Legislature shall work jointly: to compile and review relevant literature including past studies conducted and data gathered by the Legislature, to examine the constitutional and legal context within which agricultural land valuation occurs, to develop data comparing changes in agricultural land valuation with measures of farm income and productivity, and to compile information regarding agricultural land valuation systems utilized in other states. In conducting the study, the committees shall consult with political subdivisions, agricultural producer organizations, tax policy experts in the public and private sectors, and appropriate state agencies.

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

1. That the Agriculture and Revenue Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 601.** Introduced by Hilkemann, 4; Kolowski, 31; Krist, 10; McCollister, 20.

**PURPOSE:** In 2015, the City of Omaha initiated discussions with Douglas County and the University of Nebraska Medical Center (UNMC) to explore

an opportunity to open an independent, full-service, accredited crime laboratory on the UNMC campus. The Attorney General joined the discussions in early 2016.

The facility would merge forensic testing currently offered by the Omaha Police Department, the Douglas County Sheriff, the State of Nebraska, and UNMC into one central facility, and provide timely and accurate evidence processing for prosecutors, investigators, suspects, and victims of crime. The crime laboratory would house UNMC academic and training programs, the Nebraska Organ Recovery System, the Lions Eye Bank of Nebraska, and forensic pathology and offer services to law enforcement agencies throughout eastern Nebraska.

The purpose of this resolution is to review present facilities, determine the needs and options for developing a regional certified crime laboratory in the Omaha area, and examine the feasibility of the state becoming a partner.

The study shall be conducted by a select committee consisting of: (1) The chairperson of the Appropriations Committee of the Legislature or his or her designee and one additional member of such committee, (2) the chairperson of the Judiciary Committee of the Legislature or his or her designee and one additional member of such committee, and (3) three at-large members appointed by the Executive Board of the Legislative Council.

In conducting the study, the select committee shall consult with the City of Omaha, the Omaha Police Department, Douglas County, the Douglas County Sheriff, the Douglas County Attorney, the Attorney General, UNMC, and law enforcement agencies and prosecutors in eastern Nebraska that currently use the crime evidence analysis services of the state, Douglas County, and UNMC.

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

1. That a select committee of the Legislature shall be designated as provided in this resolution 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.

Laid over.

**LEGISLATIVE RESOLUTION 602.** Introduced by Riepe, 12.

**PURPOSE:** The purpose of this resolution is to examine existing barriers to the delivery of health care services through telehealth technologies in Nebraska. This innovative health care delivery method has the potential to bring health care services to patients where provider shortages exist. Telehealth has been shown to reduce the cost of health care and increase efficiency through better management of chronic diseases, shared health professional staffing, reduced travel times, and fewer or shorter hospital stays. Telehealth offers strategies to overcome challenges to accessing care

in Nebraska, as well as an opportunity to promote preventive care and wellness in an effort to reduce preventable and costly medical interventions.

The issues addressed by this study shall include the following:

(1) Strategies to expand the use of telecommunications or electronic technology by licensed health care providers for diagnosis, consultation, or treatment for medically underserved areas or populations;

(2) The potential use of telecommunications or electronic technology to gather and transmit health information between the patient and the health care provider to monitor a patient's health status;

(3) The potential use of telecommunications or electronic technology to deliver patient education and public health interventions;

(4) The potential use of telecommunications or electronic technology to provide continuing medical education and consultation resources for health care providers;

(5) The standards and technology systems necessary to promote interoperability among provider systems to allow efficient information sharing;

(6) The potential advantages of participation in an interstate compact to set parameters for a unified system of multistate licensing regarding telehealth services;

(7) The existing reimbursement structure for telehealth services in the Nebraska medicaid program and in private insurance plans in our state;

(8) The ongoing need to protect patient privacy; and

(9) The removal of existing legal and policy barriers to realizing the full potential of telehealth services in Nebraska.

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

1. That the Health and Human Services and the Banking, Commerce and Insurance Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 603.** Introduced by Haar, K., 21.

**PURPOSE:** The purpose of this study is to examine the issues faced by residents of mobile home communities. These residents face many issues, including risks from fire and severe weather, lack of access to shelters or safe rooms during inclement weather, other health risks, and the impacts of poverty.

The study committee shall examine the following:

(1) Demographic information related to rates of income and poverty, employment, age, and the health of such residents;

(2) Methods of addressing such health risks;

(3) Methods of providing access to shelters and safe rooms during inclement weather; and

(4) Such other issues as are necessary for a complete examination of this matter.

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

1. That the Health and Human Services 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 604.** Introduced by Davis, 43.

PURPOSE: The purpose of this resolution is to study anomalies and inconsistencies in the practices utilized by county assessors in determining agricultural land value. The study committee should investigate how agricultural land categories are determined and valued at the county level. The study committee should also review the role of the property assessment division of the Department of Revenue in maintaining consistency among statewide county valuations.

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

1. That the Revenue 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 605.** Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to examine urban redevelopment. The following issues shall be examined by this interim study:

(1) Current urban redevelopment tools available to municipalities, including the Nebraska Advantage Transformational Tourism and Redevelopment Act;

(2) Potential urban redevelopment tools proposed under LB 806 (2016), which would have adopted the Riverfront Development District Act; and

(3) Other potential urban redevelopment tools that could be made available to municipalities.

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 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.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 866A.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 866, One Hundred Fourth Legislature, Second Session, 2016.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 1066.** Placed on Select File with amendment. ER233 is available in the Bill Room.

**LEGISLATIVE BILL 824.** Placed on Select File with amendment. ER230

1 1. On page 1, strike beginning with "public" in line 1 through line  
2 11 and insert "the Nebraska Power Review Board; to amend section 70-1003,  
3 Revised Statutes Cumulative Supplement, 2014; to change provisions  
4 relating to compensation for certain board members as prescribed; to  
5 harmonize provisions; and to repeal the original section."

**LEGISLATIVE BILL 874.** Placed on Select File with amendment. ER232

1 1. In the Standing Committee amendments, AM2385:  
2 a. On page 8, line 5, strike "before" and show as stricken; and  
3 b. On page 10, line 10, strike "9,".  
4 2. On page 1, strike beginning with "school" in line 1 through line  
5 4 and insert "the Election Act; to amend sections 32-1524 and 32-1527,  
6 Reissue Revised Statutes of Nebraska, sections 32-570, 32-618, and  
7 32-949.01, Revised Statutes Cumulative Supplement, 2014, and sections  
8 32-941, 32-947, and 32-953, Revised Statutes Supplement, 2015; to change  
9 procedures for filling vacancies on school boards, requirements for  
10 certain petition candidates, deadlines for ballots for early voting and  
11 special elections by mail, and prohibitions related to yard signs; to  
12 allow a voter to photograph and reveal a marked ballot as prescribed; to

13 harmonize provisions; to provide operative dates; to repeal the original 14 sections; and to declare an emergency."

**LEGISLATIVE BILL 1012.** Placed on Select File with amendment.  
ER234

1 1. On page 1, line 2, after "Act" insert "; and to provide a duty  
2 for the Revisor of Statutes".

(Signed) Matt Hansen, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 884.** Committee AM2522, found on page 973 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 5 nays, 13 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 821.** Title read. Considered.

Committee AM2210, found on page 678, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA109

Amend AM2210

Page 1, line 7 after "discrimination" insert ", including discrimination based on sexual orientation or gender identity".

Senator Larson requested a ruling of the Chair on whether the Chambers amendment is germane to the committee amendment.

The Chair ruled the Chambers amendment is germane to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 10:

Baker	Cook	Hansen	Howard	Pansing Brooks
Campbell	Haar, K.	Harr, B.	Mello	Schumacher

Voting in the negative, 26:

Bloomfield	Friesen	Hughes	McCoy	Watermeier
Brasch	Garrett	Johnson	Riepe	Williams
Coash	Gloor	Kintner	Scheer	
Davis	Groene	Kuehn	Schilz	
Ebke	Hadley	Larson	Schnoor	
Fox	Hilkemann	Lindstrom	Stinner	

Present and not voting, 8:

Bolz	Crawford	Kolterman	Seiler
Chambers	Kolowski	McCollister	Smith

Excused and not voting, 5:

Craighead	Krist	Morfeld	Murante	Sullivan
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The Chamber amendment lost with 10 ayes, 26 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO240

Reconsider the vote taken on FA109.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 7:

Bolz	Cook	Howard	Pansing Brooks
Chambers	Haar, K.	Kolowski	

Voting in the negative, 29:

Baker	Friesen	Hughes	McCoy	Smith
Bloomfield	Garrett	Johnson	Riepe	Stinner
Brasch	Gloor	Kintner	Scheer	Sullivan
Coash	Groene	Kuehn	Schilz	Watermeier
Ebke	Hadley	Larson	Schnoor	Williams
Fox	Hilkemann	Lindstrom	Seiler	

Present and not voting, 7:

Campbell	Harr, B.	Mello	Schumacher
Hansen	McCollister	Morfeld	



Excused and not voting, 6:

Craighead	Davis	Krist
Crawford	Kolterman	Murante

The Chambers motion to reconsider failed with 7 ayes, 29 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

FA110

Amend AM2210

Strike section 1.

Pending.

### **VISITOR(S)**

Visitors to the Chamber were Senator K. Haar's nephew, Tim, and brother, Dave, from Omaha, and Bill Moorhead from Omaha; 34 fourth-grade students from Papillion La Vista Community School; members of Lane Leadership from Falls City; 36 fourth-grade students from Wildwood Elementary; Ralston; 100 fourth-grade students from Field Club Elementary, Omaha; Elliott and Stephanie Haes from Lincoln; and Baggio Lucio and family from Castelfranco Veneto, Italy.

The Doctor of the Day was Dr. Jamil Neme from Omaha.

### **ADJOURNMENT**

At 7:59 p.m., on a motion by Senator McCoy, the Legislature adjourned until 9:00 a.m., Wednesday, March 30, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-FIRST DAY - MARCH 30, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 30, 2016

**PRAYER**

The prayer was offered by Reverend Adam White, UNL Lutheran Center, Lincoln.

**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 Coash, Davis, Hansen, McCoy, Morfeld, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fiftieth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 889.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 821.** Senator Chambers renewed his amendment, FA110, found on page 1313, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Cook Pansing Brooks

Voting in the negative, 33:

Baker	Fox	Hughes	McCoy	Smith
Bloomfield	Friesen	Johnson	Mello	Stinner
Brasch	Garrett	Kintner	Murante	Sullivan
Campbell	Gloor	Kolterman	Riepe	Watermeier
Craighead	Groene	Kuehn	Scheer	Williams
Davis	Hadley	Larson	Schnoor	
Ebke	Hilkemann	Lindstrom	Seiler	

Present and not voting, 10:

Bolz	Crawford	Harr, B.	Kolowski	McCollister
Chambers	Haar, K.	Howard	Krist	Schumacher

Excused and not voting, 4:

Coash	Hansen	Morfeld	Schilz
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The Chambers amendment lost with 2 ayes, 33 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO241

Reconsider the vote taken on FA110.

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

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 37:

Baker	Davis	Hadley	Larson	Seiler
Bloomfield	Ebke	Harr, B.	Lindstrom	Smith
Bolz	Fox	Hilkemann	McCollister	Stinner
Brasch	Friesen	Hughes	McCoy	Watermeier
Campbell	Garrett	Johnson	Murante	Williams
Coash	Gloor	Kintner	Riepe	
Cook	Groene	Krist	Schnoor	
Crawford	Haar, K.	Kuehn	Schumacher	

Present and not voting, 4:

Howard        Kolowski        Morfeld        Pansing Brooks

Excused and not voting, 7:

Craighead    Kolterman    Scheer        Sullivan  
Hansen        Mello        Schilz

The Chambers motion to reconsider failed with 1 aye, 37 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

FA111

Amend AM2210

Page 1, line 8 after "employee" insert ", including an employee who is lesbian, gay, bisexual, or transgender".

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Cook

Voting in the negative, 35:

Baker	Friesen	Hilkemann	Larson	Schnoor
Bloomfield	Garrett	Hughes	Lindstrom	Seiler
Brasch	Gloor	Johnson	McCollister	Smith
Campbell	Groene	Kintner	McCoy	Stinner
Davis	Haar, K.	Kolterman	Murante	Sullivan
Ebke	Hadley	Krist	Riepe	Watermeier
Fox	Harr, B.	Kuehn	Scheer	Williams

Present and not voting, 8:

Bolz            Crawford        Kolowski        Pansing Brooks  
Chambers        Howard        Morfeld        Schumacher

Excused and not voting, 5:

Coash          Craighead          Hansen          Mello          Schilz

The Chambers amendment lost with 1 aye, 35 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO242

Reconsider the vote taken on FA111.

**SPEAKER HADLEY PRESIDING**

Pending.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR547 was referred to the Reference Committee.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR547	Executive Board

(Signed) Bob Krist, Chairperson  
Executive Board

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 606.** Introduced by Bolz, 29.

WHEREAS, Al Borchardt founded Midland Medical Supply Company on April 1, 1970, as a partnership between himself and a group of Lincoln physicians; and

WHEREAS, for over 40 years, Mr. Borchardt has been a strong force in the business of medical and surgical products distribution; and

WHEREAS, Midland Medical is currently the only independently owned and operated medical and surgical supply distributor located in Nebraska; and

WHEREAS, Mr. Borchardt has worked to strengthen independent ownership in medical products distribution while serving as a member of the board of directors of the Health Industry Distributors Association and the Independent Medical Co-Op; and

WHEREAS, Mr. Borchardt has given back to the Lincoln community as a member of Sesostriis Shrine; and

WHEREAS, Mr. Borchardt will be retiring from Midland Medical on May 1, 2016.

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

1. That the Legislature congratulates Al Borchardt on the success of Midland Medical Supply Company and wishes him a happy retirement after his many years of service in the medical and surgical products distribution business.

2. That a copy of this resolution be sent to Al Borchardt.

Laid over.

**LEGISLATIVE RESOLUTION 607.** Introduced by Cook, 13.

WHEREAS, Tuesday, April 12, symbolizes the date in 2016 when the wages paid to American women catch up to the wages paid to men during the previous year; and

WHEREAS, Equal Pay Day has been observed annually since 1996; and

WHEREAS, more than 50 years after the passage of the Equal Pay Act, women, especially minority women, continue to suffer the consequences of unequal pay; and

WHEREAS, nearly four in ten mothers are the primary breadwinners in their households, and nearly two-thirds are primary or significant earners, making pay equity critical to families' economic security; and

WHEREAS, fair pay strengthens the security of families today and eases future retirement costs while enhancing the American economy.

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

1. That the Legislature designates April 12, 2016, as Equal Pay Day in Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 608.** Introduced by Mello, 5.

WHEREAS, the South Omaha Mural Project aims to create ten murals in South Omaha that represent the cultural traditions of South Omaha and honor the different ethnic groups that settled in South Omaha; and

WHEREAS, the South Omaha Mural Project is a collaboration by the Nebraska Arts Council, the South Omaha Business Association, artists, teachers, apprentices, and others; and

WHEREAS, the South Omaha Mural Project brings beauty to South Omaha's neighborhoods, highlights the cultural values of South Omaha's residents, and limits graffiti in its buildings and neighborhoods; and

WHEREAS, the South Omaha Mural Project is representative of the inclusive and diverse history of South Omaha.

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

1. That the Legislature finds that the South Omaha Mural Project enriches the State of Nebraska by presenting history through art and collaboration.
2. That the Legislature finds that the South Omaha Mural Project will have a lasting cultural impact on the City of Omaha and the State of Nebraska.
3. That a copy of this resolution be sent to the South Omaha Business Association and the Nebraska Arts Council.

Laid over.

**LEGISLATIVE RESOLUTION 609.** Introduced by Mello, 5; Smith, 14.

WHEREAS, the people of the State of Nebraska have enjoyed a well-established economic partnership with the people of the Republic of China (Taiwan); and

WHEREAS, beginning in 2014, Taiwan became Nebraska's eleventh largest import partner; and

WHEREAS, in 2014, Taiwan also became Nebraska's eleventh largest export partner, with \$119.6 million of Nebraska-based exports; and

WHEREAS, in 2013, the State of Nebraska embarked on a trade mission to Taiwan that led to a trade agreement for approximately \$400 million of Nebraska corn, soybeans, and wheat to be sold to Taiwan; and

WHEREAS, similar trade agreements between the State of Nebraska and Taiwan were signed in 2007 and 2010 that each resulted in nearly \$500 million in executed sales of Nebraska corn, soybeans, and wheat; and

WHEREAS, in 2015, Taiwan became the United States' tenth largest global trading partner and is the seventh largest export market for American agricultural products; and

WHEREAS, in 2015, the United States became Taiwan's second largest trading partner; and

WHEREAS, the United States and Taiwan continue to develop cultural and educational partnerships with universities, colleges, state economic development and agriculture agencies, state legislators, and chambers of commerce.

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

1. That the Legislature acknowledges the rich history of friendship and commerce between the State of Nebraska and Taiwan.
2. That copies of this resolution be sent to the Director General of the Taipei Economic and Cultural Office in Denver, Colorado and to the Secretary of State.

Laid over.



**LEGISLATIVE RESOLUTION 610.** Introduced by Stinner, 48.

WHEREAS, Andres Canales and Cole Kramer, members of Troop 17 of Gering, have 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 their scouting experience, Andres and Cole have 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, 13 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, Andres and Cole, through their hard work and perseverance, have 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 Andres Canales and Cole Kramer on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Andres Canales and Cole Kramer.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Smith filed the following amendment to LB958:  
AM2775 is available in the Bill Room.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 465.** Placed on Final Reading.

**LEGISLATIVE BILL 465A.** Placed on Final Reading.

**LEGISLATIVE BILL 742.** Placed on Final Reading.

ST80

The following changes, required to be reported for publication in the Journal, have been made:

1. The following new section has been inserted:

Sec. 10. Section 23-2517, Reissue Revised Statutes of Nebraska, is amended to read:

23-2517 (1) Sections 23-2517 to 23-2533 and section 12 of this act shall be known and may be cited as the County Civil Service Act.

(2) The general purpose of the County Civil Service Act is to establish a system of personnel administration that meets the social, economic, and program needs of county offices. This system shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, position classification, salary administration, fringe benefits, discharge and other related activities. All appointments and promotions under the County Civil Service Act shall be made based on merit and fitness.

2. On page 1, line 2; and page 33, line 19, "23-2517," has been inserted after "23-2503,".

3. The remaining sections have been renumbered accordingly.

**LEGISLATIVE BILL 837.** Placed on Final Reading.

**LEGISLATIVE BILL 1083.** Placed on Final Reading.

**LEGISLATIVE BILL 1083A.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Executive Board

Room 2102

Wednesday, April 6, 2016 12:00 p.m.

LR547

(Signed) Bob Krist, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 889A.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 889, One Hundred Fourth Legislature, Second Session, 2016.

**GENERAL FILE**

**LEGISLATIVE BILL 959.** Title read. Considered.

Committee AM2622, found on page 1075, was offered.

Senator Sullivan offered her amendment, AM2771, found on page 1298, to the committee amendment.

The Sullivan amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Sullivan offered her amendment, AM2692, found on page 1298, to the committee amendment.

The Sullivan amendment lost with 2 ayes, 26 nays, 19 present and not voting, and 2 excused and not voting.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Campbell filed the following amendment to LB746A:  
AM2782

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 Sec. 3. Laws 2015, LB657, section 10, is amended to read:

3 Sec. 10. AGENCY NO. 3 — LEGISLATIVE COUNCIL

4 Program No. 122 - Legislative Services

	FY2015-16	FY2016-17
5		
6 GENERAL FUND	9,271,131	9,574,405
7 <u>CASH FUND</u>	<u>60,000</u>	<u>70,000</u>
8 <del>CASH FUND</del>	<del>130,000</del>	<del>130,000</del>
9 FEDERAL FUND est.	39,270	39,270
10 <u>PROGRAM TOTAL</u>	<u>9,370,401</u>	<u>9,683,675</u>
11 <del>PROGRAM TOTAL</del>	<del>9,440,401</del>	<del>9,743,675</del>
12 SALARY LIMIT	6,834,905	7,047,126

13 There is included in the appropriation to this program for FY2015-16  
14 ~~\$5,000 \$75,000~~ Cash Funds and for FY2016-17 ~~\$15,000 \$75,000~~ Cash Funds  
15 from the Nebraska Health Care Cash Fund for the purpose of ongoing  
16 health-related research and public policy development by the Health and  
17 Human Services Committee of the Legislature. Such funds may be used for,  
18 but shall not be limited to, hiring temporary legal research assistance,  
19 consulting and research contracts, reimbursement for necessary and  
20 appropriate expenses incurred in connection with such research and policy  
21 development, and actual and necessary travel reimbursement for task  
22 forces and committees established to conduct health policy work.  
23 The unexpended General Fund appropriation balance existing on June  
24 30, 2015, is hereby reappropriated.

25 Sec. 4. Original Laws 2015, LB657, section 10, is repealed.

26 2. On page 2, after line 15 insert:

1 "The unexpended General Fund appropriation balance existing on June  
2 30, 2016, is hereby reappropriated.".

3 3. Renumber the remaining section accordingly.

4 4. On page 1, line 1, after the semicolon insert "to amend Laws

5 2015, LB657, section 10;"; and in line 3 after the semicolon insert "to  
6 change an appropriation; to repeal the original section;".

### EASE

The Legislature was at ease from 11:59 a.m. until 12:25 p.m.

### SENATOR COASH PRESIDING

#### GENERAL FILE

**LEGISLATIVE BILL 959.** Senator Friesen offered the following amendment to the committee amendment:

AM2772

(Amendments to Standing Committee amendments, AM2622)

1 1. Insert the following new section:

2 Sec. 8. Section 79-1022, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 79-1022 (1) On or before April 10, 2014, and on or before March 1 of  
5 each year thereafter for each ensuing fiscal year, the department shall  
6 determine the amounts to be distributed to each local system and each  
7 district for the ensuing school fiscal year pursuant to the Tax Equity  
8 and Educational Opportunities Support Act and shall certify the amounts  
9 to the Director of Administrative Services, the Auditor of Public  
10 Accounts, each learning community, and each district. The amounts to be  
11 distributed to each local system under this subsection shall be equal to  
12 at least five hundred dollars per formula student for school fiscal year  
13 2017-18, one thousand five hundred dollars per formula student for school  
14 fiscal year 2018-19, two thousand five hundred dollars per formula  
15 student for school fiscal year 2019-20, three thousand five hundred  
16 dollars per formula student for school fiscal year 2020-21, and four  
17 thousand five hundred dollars per formula student for school fiscal year  
18 2021-22 and each school fiscal year thereafter. The amount to be  
19 distributed to each district that is not a member of a learning community  
20 from the amount certified for a local system shall be proportional based  
21 on the formula students attributed to each district in the local system.  
22 The amount to be distributed to each district that is a member of a  
23 learning community from the amount certified for the local system shall  
24 be proportional based on the formula needs calculated for each district  
25 in the local system. On or before April 10, 2014, and on or before March  
26 1 of each year thereafter for each ensuing fiscal year, the department  
1 shall report the necessary funding level for the ensuing school fiscal  
2 year to the Governor, the Appropriations Committee of the Legislature,  
3 and the Education Committee of the Legislature. The report submitted to  
4 the committees of the Legislature shall be submitted electronically.  
5 Except as otherwise provided in this subsection, certified state aid  
6 amounts, including adjustments pursuant to section 79-1065.02, shall be  
7 shown as budgeted non-property-tax receipts and deducted prior to  
8 calculating the property tax request in the district's general fund

9 budget statement as provided to the Auditor of Public Accounts pursuant  
10 to section 79-1024.  
11 (2) Except as provided in this subsection, subsection (8) of section  
12 79-1016, and sections 79-1033 and 79-1065.02, the amounts certified  
13 pursuant to subsection (1) of this section shall be distributed in ten as  
14 nearly as possible equal payments on the last business day of each month  
15 beginning in September of each ensuing school fiscal year and ending in  
16 June of the following year, except that when a school district is to  
17 receive a monthly payment of less than one thousand dollars, such payment  
18 shall be one lump-sum payment on the last business day of December during  
19 the ensuing school fiscal year.  
20 2. Renumber the remaining sections, correct internal references, and  
21 correct the repealer accordingly.

#### **SPEAKER HADLEY PRESIDING**

Senator Friesen withdrew his amendment.

Committee AM2622, found on page 1075 and considered in this day's  
Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays,  
18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present  
and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1067.** Title read. Considered.

Senator Krist offered his amendment, AM2549, found on page 1262.

#### **SENATOR COASH PRESIDING**

Pending.

#### **AMENDMENT(S) - Print in Journal**

Senator Johnson filed the following amendment to LB958:  
AM2786

(Amendments to Standing Committee amendments, AM2717)

1 1. Insert the following new section:  
2 Sec. 3. Section 77-1301, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:  
4 77-1301 (1) All real property in this state subject to taxation  
5 shall be assessed as of January 1 at 12:01 a.m., which assessment shall  
6 be used as a basis of taxation until the next assessment. For the  
7 assessment occurring on January 1, 2016, the assessed value for all real  
8 property in this state subject to taxation shall be the same as the  
9 property's assessed value on January 1, 2015, except that for any

10 property that was improved after January 1, 2015, as determined by the  
 11 county assessor, the assessed value for such property shall add the value  
 12 of any such improvement.

13 (2) Beginning January 1, 2014, in any county with a population of at  
 14 least one hundred fifty thousand inhabitants according to the most recent  
 15 federal decennial census, the county assessor shall provide notice of  
 16 preliminary valuations to real property owners on or before January 15 of  
 17 each year. Such notice shall be (a) mailed to the taxpayer or (b)  
 18 published on a web site maintained by the county assessor or by the  
 19 county.

20 (3) The county assessor shall complete the assessment of real  
 21 property on or before March 19 of each year, except beginning January 1,  
 22 2014, in any county with a population of at least one hundred fifty  
 23 thousand inhabitants according to the most recent federal decennial  
 24 census, the county assessor shall complete the assessment of real  
 25 property on or before March 25 of each year.

26 2. Renumber the remaining sections and correct the repealer  
 1 accordingly.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 959A.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 959, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR601 was referred to the Reference Committee.

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR601	Executive Board

(Signed) Bob Krist, Chairperson  
 Executive Board

**NOTICE OF COMMITTEE HEARING(S)**

Executive Board

Room 2102

Wednesday, April 6, 2016 12:00 p.m.

LR601

(Signed) Bob Krist, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 1067.** Senator Krist offered the following motion:

MO243

Bracket until April 20, 2016.

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The Krist motion to bracket failed with 0 ayes, 38 nays, 9 present and not voting, and 2 excused and not voting.

The Krist amendment, AM2549, found on page 1262 and considered in this day's Journal, was renewed.

**SPEAKER HADLEY PRESIDING****PRESIDENT FOLEY PRESIDING**

Senator Krist moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Krist requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 16:

Baker	Davis	Kolowski	Morfeld
Bolz	Gloor	Krist	Pansing Brooks
Campbell	Haar, K.	Lindstrom	Schumacher
Cook	Hansen	Mello	Seiler

Voting in the negative, 22:

Brasch	Garrett	Kintner	Murante	Sullivan
Coash	Groene	Kolterman	Scheer	Watermeier
Crawford	Hilkemann	Kuehn	Schilz	
Ebke	Hughes	McCollister	Schnoor	
Friesen	Johnson	McCoy	Smith	

Present and not voting, 9:

Bloomfield	Fox	Harr, B.	Riepe	Williams
Craighead	Hadley	Howard	Stinner	

Excused and not voting, 2:

Chambers      Larson

The Krist amendment lost with 16 ayes, 22 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT(S)

#### Enrollment and Review

**LEGISLATIVE BILL 835.** Placed on Select File with amendment.  
ER235 is available in the Bill Room.

**LEGISLATIVE BILL 686.** Placed on Select File.

**LEGISLATIVE BILL 1098.** Placed on Select File.

**LEGISLATIVE BILL 1098A.** Placed on Select File.

**LEGISLATIVE BILL 1000.** Placed on Select File with amendment.

ER236

1 1. In the Standing Committee amendments, AM2704, on page 2, lines 5  
2 and 12, strike the comma.  
3 2. On page 1, strike beginning with the second "to" in line 1  
4 through line 6 and insert "to amend sections 29-1404, 29-1406,  
5 29-1407.01, and 29-1420, Reissue Revised Statutes of Nebraska, and  
6 section 29-1401, Revised Statutes Cumulative Supplement, 2014; to provide  
7 for adoption of policies relating to body-worn cameras and eyewitness  
8 suspect identifications; to provide and change provisions relating to  
9 grand juries; to harmonize provisions; and to repeal the original  
10 sections."

(Signed) Matt Hansen, Chairperson



**GENERAL FILE**

**LEGISLATIVE BILL 1067.** Senator Sullivan offered the following amendment:

AM2781

1 1. Insert the following new section:

2 Sec. 32. Section 79-1007.06, Revised Statutes Supplement, 2015, is  
3 amended to read:

4 79-1007.06 (1) ~~The For school fiscal year 2008-09 and each school~~  
5 ~~fiscal year thereafter,~~ the department shall determine the poverty  
6 allowance for each school district that meets the requirements of this  
7 section and section 79-1007.07. Each school district shall designate a  
8 maximum poverty allowance on a form prescribed by the department on or  
9 before October 15 of the school fiscal year immediately preceding the  
10 school fiscal year for which aid is being calculated. The school district  
11 may decline to participate in the poverty allowance by providing the  
12 department with a maximum poverty allowance of zero dollars on such form  
13 on or before October 15 of the school fiscal year immediately preceding  
14 the school fiscal year for which aid is being calculated. Each school  
15 district designating a maximum poverty allowance greater than zero  
16 dollars shall submit a poverty plan pursuant to section 79-1013.

17 (2) ~~For school fiscal years prior to school fiscal year 2019-20, the~~  
18 ~~The~~ poverty allowance for each school district shall equal the lesser of:

19 (a) The maximum amount designated pursuant to subsection (1) of this  
20 section by the school district in the local system, if such school  
21 district designated a maximum amount, for the school fiscal year for  
22 which aid is being calculated; or

23 (b) The sum of:

24 (i) The statewide average general fund operating expenditures per  
25 formula student multiplied by 0.0375 then multiplied by the poverty  
26 students comprising more than five percent and not more than ten percent  
27 of the formula students in the school district; plus

1 (ii) The statewide average general fund operating expenditures per  
2 formula student multiplied by 0.0750 then multiplied by the poverty  
3 students comprising more than ten percent and not more than fifteen  
4 percent of the formula students in the school district; plus

5 (iii) The statewide average general fund operating expenditures per  
6 formula student multiplied by 0.1125 then multiplied by the poverty  
7 students comprising more than fifteen percent and not more than twenty  
8 percent of the formula students in the school district; plus

9 (iv) The statewide average general fund operating expenditures per  
10 formula student multiplied by 0.1500 then multiplied by the poverty  
11 students comprising more than twenty percent and not more than twenty-  
12 five percent of the formula students in the school district; plus

13 (v) The statewide average general fund operating expenditures per  
14 formula student multiplied by 0.1875 then multiplied by the poverty  
15 students comprising more than twenty-five percent and not more than  
16 thirty percent of the formula students in the school district; plus

17 (vi) The statewide average general fund operating expenditures per

18 formula student multiplied by 0.2250 then multiplied by the poverty  
19 students comprising more than thirty percent of the formula students in  
20 the school district.

21 (3) For school fiscal year 2019-20 and each school fiscal year  
22 thereafter, the poverty allowance for each school district shall equal  
23 the lesser of:

24 (a) The maximum amount designated pursuant to subsection (1) of this  
25 section by the school district in the local system, if such school  
26 district designated a maximum amount, for the school fiscal year for  
27 which aid is being calculated; or

28 (b) The sum of:

29 (i) The statewide average general fund operating expenditures per  
30 formula student multiplied by 0.0375 then multiplied by the poverty  
31 students comprising more than five percent and not more than ten percent  
1 of the formula students in the school district; plus

2 (ii) The statewide average general fund operating expenditures per  
3 formula student multiplied by 0.0750 then multiplied by the poverty  
4 students comprising more than ten percent and not more than fifteen  
5 percent of the formula students in the school district; plus

6 (iii) The statewide average general fund operating expenditures per  
7 formula student multiplied by 0.1125 then multiplied by the poverty  
8 students comprising more than fifteen percent and not more than twenty  
9 percent of the formula students in the school district; plus

10 (iv) The statewide average general fund operating expenditures per  
11 formula student multiplied by 0.1500 then multiplied by the poverty  
12 students comprising more than twenty percent and not more than twenty-  
13 five percent of the formula students in the school district; plus

14 (v) The statewide average general fund operating expenditures per  
15 formula student multiplied by 0.1875 then multiplied by the poverty  
16 students comprising more than twenty-five percent and not more than  
17 thirty percent of the formula students in the school district; plus

18 (vi) The statewide average general fund operating expenditures per  
19 formula student multiplied by 0.2250 then multiplied by the poverty  
20 students comprising more than thirty percent and not more than forty  
21 percent of the formula students in the school district; plus

22 (vii) The statewide average general fund operating expenditures per  
23 formula student multiplied by 0.2450 then multiplied by the poverty  
24 students comprising more than forty percent of the formula students in  
25 the school district.

26 (4) For school fiscal year 2017-18, each school district with  
27 poverty students comprising more than forty percent of the formula  
28 students in the school district shall have a poverty allowance adjustment  
29 calculated equal to the statewide average general fund operating  
30 expenditures per formula student multiplied by 0.0125 then multiplied by  
31 the difference of the poverty students minus forty percent of the formula  
1 students for such school district.

2 (5) For school fiscal year 2018-19, each school district with  
3 poverty students comprising more than forty percent of the formula  
4 students in the school district shall have a poverty allowance adjustment

5 calculated equal to the statewide average general fund operating  
6 expenditures per formula student multiplied by 0.0200 then multiplied by  
7 the difference of the poverty students minus forty percent of the formula  
8 students for such school district.  
9 2. On page 60, line 19, strike "five" and insert "two"; and in line  
10 20 after "79-1007.06" insert "plus two percent of the limited English  
11 proficiency allowance calculated pursuant to section 79-1007.08".  
12 3. On page 62, line 16, after "allowance," insert "poverty allowance  
13 adjustment.".  
14 4. On page 71, line 8, strike "2019-20" and insert "2018-19"; in  
15 lines 15 and 19 before "district" insert "individual"; in lines 26 and 27  
16 strike "local" through "79-1015.01" and insert "allocated income tax  
17 funds calculated pursuant to section 79-1005.01"; in line 29 after  
18 "total" insert "equalization plus allocated income taxes"; and in line 30  
19 after "total" insert "equalization plus allocated income taxes".  
20 5. On page 72, line 1, after "total" insert "equalization plus  
21 allocated income taxes"; in line 2 after "(e)" insert "Dividing the  
22 difference of the formula need for the individual member district minus  
23 the share of the aggregate total equalization plus allocated income taxes  
24 minus the individual member district net option funding by the difference  
25 of the aggregate total formula need for all member school districts minus  
26 the aggregate total equalization plus allocated income taxes minus the  
27 aggregate total net option funding for all member school districts to  
28 determine the member school district share of unmet formula need;  
29 (f) Multiplying the aggregate yield from local effort rate for all  
30 member school districts by the member school district share of unmet  
31 formula need to determine the member school district share of common levy  
1 yield from local effort rate;  
2 (g) Adding the member school district share of the aggregate total  
3 equalization plus allocated income taxes to the member school district  
4 share of the common levy yield from local effort rate to determine the  
5 individual common levy total for the member school district;  
6 (h)" and before "equalization" insert "individual"; in line 3 strike  
7 "for the member school district" and insert "and allocated income tax  
8 funds calculated pursuant to section 79-1005.01"; in line 5 before  
9 "comparison" insert "individual"; in line 6 strike "(f)" and insert  
10 "(i)", before "comparison" insert "individual", and before "member"  
11 "insert individual common levy total for"; in line 7 strike "share of the  
12 aggregate total"; in line 10 strike "(g)" and insert "(j)"; in lines 10  
13 and 11 strike "seventy-five" through "2017-18,"; in line 12 strike  
14 "2018-19," and insert "2017-18" and strike "2019-20" and insert  
15 "2018-19".  
16 6. Renumber the remaining sections and correct the repealer  
17 accordingly.

Senator Crawford offered the following amendment to the Sullivan amendment:

AM2787

(Amendments to AM2781)

- 1 1. Strike amendments 1 and 6.
- 2 2. On page 4, line 9, strike "and"; and in line 11 after the final
- 3 quotation mark insert "; and in line 25 after the period insert 'In
- 4 school fiscal year 2017-18, the new community achievement plan adjustment
- 5 paid to all eligible districts shall not exceed in the aggregate two
- 6 million dollars. In school fiscal year 2018-19, such adjustment paid to
- 7 all eligible districts shall not exceed in the aggregate two million
- 8 dollars. In school fiscal year 2019-20 and each school fiscal year
- 9 thereafter, such adjustment paid to eligible districts shall not exceed
- 10 in the aggregate three million dollars. If the adjustment exceeds the
- 11 aggregate allowed, each district shall receive a distribution equal to
- 12 its proportional share of limited English proficiency allowance and the
- 13 poverty allowance calculations for all eligible school districts.'".
- 14 3. On page 5, strike beginning with the first "in" in line 12
- 15 through line 15 and insert "and strike lines 10 through 14 and insert
- 16 '(j) The transition difference shall be the difference
- 17 proportionally distributed to districts not to exceed two million dollars
- 18 in school fiscal year 2017-18 and not to exceed five hundred thousand
- 19 dollars in school fiscal year 2018-19.'".
- 20 4. Renumber the remaining amendments accordingly.

Senator Crawford withdrew her amendment.

The Sullivan amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Groene offered the following amendment:

AM2778

- 1 1. Strike original sections 29, 31, 32, 39, 54, 55, and 61 and
- 2 insert the following new section:
- 3 Sec. 52. Section 79-2103, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 79-2103 The State Department of Education shall provide learning
- 6 community funds to learning communities pursuant to this section.
- 7 Learning community funds shall be distributed to each qualified learning
- 8 community on or before January 30 of the school fiscal year during which
- 9 the learning community is established and on or before September 15 of
- 10 each school fiscal year thereafter in an amount equal to the product of
- 11 the ratio of the amount appropriated for learning community funds divided
- 12 by the sum of the number of formula students in all learning communities
- 13 that will be established during such fiscal year plus two times the
- 14 number of formula students in all other learning communities for the
- 15 calculation of state aid for member school districts for such school
- 16 fiscal year multiplied by the number of such formula students in the
- 17 learning community for learning communities that will be established in

18 such school fiscal year or two times the number of such formula students  
 19 for all other learning communities. It is the intent of the Legislature  
 20 to appropriate for each fiscal year up to an amount equal to three  
 21 million five hundred thousand dollars for each learning community to be  
 22 established in such fiscal year plus one million dollars for each  
 23 learning community that will be in the first full fiscal year for such  
 24 learning community in such fiscal year plus the amount appropriated in  
 25 the prior year for all other learning communities increased by the basic  
 26 allowable growth rate described in section 79-1025.

27 2. On page 69, strike beginning with "community" in line 12 through  
 1 the comma in line 13.

2 3. On page 73, line 16, strike "and section 31 of this act".

3 4. On page 97, strike lines 28 through 31.

4 5. On page 98, strike line 1; in line 2 strike "(5)", show as  
 5 stricken, and insert "(4)"; in line 5 strike "(6)", show as stricken, and  
 6 insert "(5)"; in line 7 strike "(7)", show as stricken, and insert "(6)";  
 7 in line 11 strike "(8)", show as stricken, and insert "(7)"; in line 16  
 8 strike "(9)", show as stricken, and insert "(8)"; in line 20 strike  
 9 "(10)", show as stricken, and insert "(9)"; in line 25 strike "(11)",  
 10 show as stricken, and insert "(10)"; in line 27 strike "(12)", show as  
 11 stricken, and insert "(11)"; and in line 29 strike "(13)", show as  
 12 stricken, and insert "(12)".

13 6. On page 99, line 1, strike "(14)", show as stricken, and insert  
 14 "(13)"; in line 3 strike "(15)", show as stricken, and insert "(14)"; in  
 15 line 8 strike "(16)", show as stricken, and insert "(15)"; in line 12  
 16 strike "(17)", show as stricken, and insert "(16)"; in line 16 strike  
 17 "(18)", show as stricken, and insert "(17)"; strike lines 25 through 27  
 18 and show the old matter as stricken; and in line 28 strike "(2)", show as  
 19 stricken, and insert "(1)".

20 7. On page 100, line 1, strike "3" and insert "2"; in line 3, strike  
 21 "4" and insert "3"; in line 7 strike "5" and insert "4"; and in line 12  
 22 strike "the community achievement plan".

23 8. On page 110, strike beginning with the last "and" in line 7  
 24 through "plan" in line 8.

25 9. Renumber the remaining sections and correct the repealer  
 26 accordingly.

Senator Groene withdrew his amendment.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, and 8  
 present and not voting.

**LEGISLATIVE BILL 1067A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, and 11  
 present and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 884.** Placed on Select File with amendment.

ER237

1 1. On page 1, strike beginning with “political” in line 1 through  
2 line 8 and insert “revenue and taxation; to amend sections 13-2603,  
3 13-2604, 13-2605, 13-2609, 13-3102, 13-3103, 13-3104, and 13-3106,  
4 Reissue Revised Statutes of Nebraska, sections 13-2709, 77-908, 77-2717,  
5 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2014,  
6 and sections 13-2610, 13-3108, and 77-2715.07, Revised Statutes  
7 Supplement, 2015; to change provisions of the Convention Center Facility  
8 Financing Assistance Act and the Sports Arena Facility Financing  
9 Assistance Act; to adopt the Affordable Housing Tax Credit Act; to  
10 harmonize provisions; to provide operative dates; and to repeal the  
11 original sections.”.

(Signed) Matt Hansen, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

March 30, 2016

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 83, 447e, 447Ae, 698e, 698Ae, 704, 710, 730,  
772e, 794, 817, 857, 897, 906, 956e, 957e, 981e, 1009e, 1059, 1081, 1082,  
1082A, 1092, and 1109 were received in my office on March 24, 2016.

These bills were signed and delivered to the Secretary of State on March  
30, 2016.

Sincerely,  
(Signed) Pete Ricketts  
Governor

March 30, 2016

Mr. President, Mr. Speaker,  
and Members of the Nebraska Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I have reviewed LB 956e and LB 957e which comprise the 104th  
Legislature's mid-biennium adjustments to the previously enacted two year

budget for Nebraska state government. In the 2015 legislative session, we worked together to establish a state budget that cut spending growth from 6.5% to 3.5%.

The mid-biennium budget process provides an opportunity to address critical situations that cannot be managed within existing appropriations enacted during the first legislative session. I am concerned that LB 956e and LB 957e contain some items that expand non-critical services, replace the loss of federal funds, or attempt to advantage certain organizations in future biennial budgets. For example, I am concerned the adjustments arbitrarily included another \$1 million for community colleges at a time when their taxes levied increased over 10% last year alone and the average annual increase is 12.91% for the last decade. Furthermore, this is not appropriate for a mid-biennium adjustment, which is intended for urgent requests. Additionally, as worthy as the ACE scholarship program may be, in principle I oppose replacing lost federal dollars with state dollars. Moreover, this budget also includes intent language to appropriate an additional \$5 million for the Cultural Preservation Endowment Fund in the coming years. With sales tax receipts declining, I would not consider this funding a priority, especially considering the Legislature has increased this endowment 60% in the last few years. While I have concerns about these items, I recognize that the Appropriations Committee and the Legislature has made its mid-biennium budget adjustments at the same overall 3.5% spending target of the current enacted budget.

I thank you for working with me to address the \$124 million downward revision in General Fund tax receipt forecasts, however, we must remain vigilant as we start to prepare the next biennium budget. Three percent spending growth will be my target for the next biennium.

I have signed LB 956e and LB 957e as presented to me and look forward to working with you to address the remaining business of the 104th Legislature including delivering much-needed property tax relief.

Sincerely,  
(Signed) Pete Ricketts  
Governor

#### **GENERAL FILE**

**LEGISLATIVE BILL 821.** The Chambers motion, MO242, found in this day's Journal, to reconsider the vote taken on FA111, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 2:

Chambers      Pansing Brooks

Voting in the negative, 45:

Baker	Ebke	Harr, B.	Kuehn	Schilz
Bloomfield	Fox	Hilkemann	Larson	Schnoor
Bolz	Friesen	Howard	Lindstrom	Schumacher
Brasch	Garrett	Hughes	McCollister	Seiler
Campbell	Gloor	Johnson	McCoy	Smith
Coash	Groene	Kintner	Mello	Stinner
Craighead	Haar, K.	Kolowski	Murante	Sullivan
Crawford	Hadley	Kolterman	Riepe	Watermeier
Davis	Hansen	Krist	Scheer	Williams

Present and not voting, 1:

Morfeld

Excused and not voting, 1:

Cook

The Chambers motion to reconsider failed with 2 ayes, 45 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

FA112

Amend AM2210

Page 1, line 7 strike "form of discrimination" and insert "action".

#### **SPEAKER HADLEY PRESIDING**

Senator Chambers withdrew his amendment.

Senator Larson offered the following amendment to the committee amendment:

FA113

Amend AM2210

On page 1, line 7, strike "form of discrimination" and insert "act", and on line 8, place a period after "employment", and strike the word "including" through the word "employment" in line 11.



The Larson amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Committee AM2210, found on page 678 and considered on page 1311, as amended, was renewed.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, and 8 present and not voting.

### **VISITOR(S)**

Visitors to the Chamber were Jacob Geilenkirchen from North Platte High School; 65 high school students from Lincoln High; 54 fourth-grade students from Bel Air Elementary, Norfolk; members of Alpha Kappa Alpha Sorority from Lincoln, Omaha, and Kansas City; 18 staff and clients from Madonna Shop including Senator Krist's daughter, Courtney, from Omaha; Senator Hughes' cousin and her granddaughter, Kay Thurston and Lindsay Brinson from Eagle; and 13 fourth-grade students and sponsors from Faith Lutheran, Lincoln.

The Doctor of the Day was Dr. Danielle Wooldrik from Lincoln.

### **ADJOURNMENT**

At 6:47 p.m., on a motion by Senator Larson, the Legislature adjourned until 9:00 a.m., Thursday, March 31, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SECOND DAY - MARCH 31, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 31, 2016

**PRAYER**

The prayer was offered by Pastor Bob Lawrence, Auburn Church of Christ, York.

**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 Hilkemann and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1259, line 38, strike "Referred to the Executive Board." and insert "Laid over."

Page 1307, line 37, strike "Referred to the Executive Board." and insert "Laid over."

The Journal for the fiftieth day was approved as corrected.

The Journal for the fifty-first day was approved.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 567.**

A BILL FOR AN ACT relating to pharmacies; to amend section 38-2871, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to transfer of prescription refill information; to provide for forwarding original prescriptions as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	Lindstrom	Seiler
Bloomfield	Ebke	Howard	McCollister	Smith
Bolz	Fox	Hughes	Mello	Stinner
Brasch	Friesen	Johnson	Morfeld	Sullivan
Campbell	Garrett	Kintner	Murante	Watermeier
Chambers	Gloor	Kolowski	Pansing Brooks	Williams
Coash	Groene	Kolterman	Riepe	
Cook	Haar, K.	Krist	Scheer	
Craighead	Hadley	Kuehn	Schnoor	
Crawford	Hansen	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

McCoy

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 677.**

A BILL FOR AN ACT relating to veterans; to amend section 80-410, Reissue Revised Statutes of Nebraska; to provide, change, and eliminate qualifications for officers and personnel of the Department of Veterans' Affairs, the Veterans' Advisory Commission, and the state veterans service officers as prescribed; to change a military service requirement for certain officers and personnel; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB678 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 678.**

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885 and 81-885.24, Reissue Revised Statutes of Nebraska, and section 81-885.01, Revised Statutes Supplement, 2015; to define and redefine terms; to provide duties for a team leader as prescribed; to provide unfair trade practices; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 679.**

A BILL FOR AN ACT relating to the Community Corrections Act; to amend section 47-624, Revised Statutes Cumulative Supplement, 2014; to change reporting requirements; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 680.** With Emergency Clause.

A BILL FOR AN ACT relating to pharmacy technicians; to amend section 38-2890, Revised Statutes Supplement, 2015; to change requirements for pharmacy technicians; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 680A.** With Emergency Clause.

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.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

#### **LEGISLATIVE BILL 684.**

A BILL FOR AN ACT relating to adoption; to amend section 43-107, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to adoptive home studies and medical histories as prescribed; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz



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

**LEGISLATIVE BILL 694.**

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend section 84-602.02, Revised Statutes Supplement, 2015; to change provisions relating to exempt contracts; and to repeal the original section.

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

Voting in the affirmative, 46:

Baker	Ebke	Howard	McCollister	Seiler
Bloomfield	Fox	Hughes	McCoy	Smith
Bolz	Friesen	Johnson	Mello	Stinner
Brasch	Garrett	Kintner	Morfeld	Sullivan
Campbell	Gloor	Kolowski	Murante	Watermeier
Chambers	Groene	Kolterman	Pansing Brooks	Williams
Coash	Haar, K.	Krist	Riepe	
Cook	Hadley	Kuehn	Scheer	
Craighead	Hansen	Larson	Schnoor	
Davis	Harr, B.	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Crawford

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 712.**

A BILL FOR AN ACT relating to environmental protection; to amend sections 25-21,255 and 81-1577.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of aboveground motor vehicle fuel storage tanks; to remove an obsolete provision; to eliminate certain provisions relating to the storage of hazardous substances; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1575, 81-1576, and 81-1577, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 725.**

A BILL FOR AN ACT relating to real property; to amend section 76-214, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to a requirement to file statements regarding conveyances of real estate; and to repeal the original section.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	McCollister	Seiler
Bloomfield	Ebke	Howard	McCoy	Smith
Bolz	Fox	Hughes	Mello	Stinner
Brasch	Friesen	Johnson	Morfeld	Sullivan
Campbell	Garrett	Kolowski	Murante	Watermeier
Chambers	Gloor	Kolterman	Pansing Brooks	Williams
Coash	Groene	Krist	Riepe	
Cook	Haar, K.	Kuehn	Scheer	
Craighead	Hadley	Larson	Schnoor	
Crawford	Hansen	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 726.**

A BILL FOR AN ACT relating to universities and colleges; to require providing information to students relating to federal student loans.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB731 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 731.** With Emergency Clause.

A BILL FOR AN ACT relating to real property; to amend section 76-2217.03, Revised Statutes Cumulative Supplement, 2014, and sections 76-2202, 76-2207.13, 76-2207.14, 76-2216.01, 76-2218.02, 76-2221, 76-2222, 76-2227, 76-2227.01, 76-2228.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2236, 76-2238, and 76-2241, Revised Statutes Supplement, 2015; to change provisions relating to the Real Property Appraiser Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 736.**

A BILL FOR AN ACT relating to the Rural Community-Based Energy Development Act; to amend sections 70-1905, 70-1906, and 70-1908, Reissue Revised Statutes of Nebraska, sections 70-1904 and 77-2704.57, Revised Statutes Cumulative Supplement, 2014, and section 70-1903, Revised Statutes Supplement, 2015; to provide, change, and eliminate definitions; to change provisions relating to power purchase agreements and community-based energy development projects; to eliminate annual statements as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	Lindstrom	Seiler
Bloomfield	Ebke	Howard	McCoy	Smith
Bolz	Fox	Hughes	Mello	Stinner
Brasch	Friesen	Johnson	Morfeld	Sullivan
Campbell	Garrett	Kintner	Murante	Watermeier
Chambers	Gloor	Kolowski	Pansing Brooks	Williams
Coash	Groene	Kolterman	Riepe	
Cook	Haar, K.	Krist	Scheer	
Craighead	Hadley	Kuehn	Schnoor	
Crawford	Hansen	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

McCollister

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 750.**

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-175, 38-1,106, 38-1,121, 38-1,129, 38-1,130, 38-1,134, and 71-445, Reissue Revised Statutes of Nebraska, section 38-1,126, Revised Statutes Cumulative Supplement, 2014, and section 38-101, Revised Statutes Supplement, 2015; to prohibit discrimination and retaliation for making reports under the act as prescribed; to provide for confidentiality of persons involved in making reports under the act as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 45:

Baker	Crawford	Hadley	Kuehn	Riepe
Bloomfield	Davis	Hansen	Larson	Schnoor
Bolz	Ebke	Harr, B.	Lindstrom	Schumacher
Brasch	Fox	Howard	McCollister	Seiler
Campbell	Friesen	Hughes	McCoy	Smith
Chambers	Garrett	Kintner	Mello	Stinner
Coash	Gloor	Kolowski	Morfeld	Sullivan
Cook	Groene	Kolterman	Murante	Watermeier
Craighead	Haar, K.	Krist	Pansing Brooks	Williams

Voting in the negative, 0.

Present and not voting, 2:

Johnson      Scheer

Excused and not voting, 2:

Hilkemann      Schilz

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

**LEGISLATIVE BILL 770.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska Exchange Transparency Act; to amend sections 44-8703 and 44-8706, Revised Statutes Cumulative Supplement, 2014; to change the termination date of the act and the terms of certain commission members; to repeal the original sections; and to declare an emergency.

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

emergency clause attached?' "

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 770A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, section 87; to reduce an appropriation to aid in carrying out the provisions of Legislative Bill 770, One Hundred Fourth Legislature, Second Session, 2016; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB783 with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 783.**

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend sections 60-316, 60-317, 60-3,101, and 60-3,151, Reissue Revised Statutes of Nebraska, sections 60-3,147, 60-3,148, and 60-3,221, Revised Statutes Cumulative Supplement, 2014, and sections 60-301, 60-302, and 60-3,104, Revised Statutes Supplement, 2015; to define and redefine terms; to provide for registration of public power district vehicles as prescribed; to provide fees; to provide duties for the Department of Motor Vehicles; to change provisions relating to increase of gross vehicle weight and trailer towing restrictions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Ebke	Howard	McCollister	Seiler
Bloomfield	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	
Davis	Harr, B.	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:



Bolz

Excused and not voting, 2:

Hilkemann Schilz

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 783A.**

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.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 784.** With Emergency Clause.

A BILL FOR AN ACT relating to the County Budget Act of 1937; to amend section 23-914, Reissue Revised Statutes of Nebraska; to authorize counties to expend funds prior to the adoption of a budget as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB790 with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 790.**

A BILL FOR AN ACT relating to retirement systems; to amend section 24-710.01, Reissue Revised Statutes of Nebraska, section 16-1002, Revised Statutes Cumulative Supplement, 2014, and sections 24-701, 79-902, 79-904.01, 79-934, and 79-978, Revised Statutes Supplement, 2015; to alphabetize defined terms; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 813.**

A BILL FOR AN ACT relating to public health and welfare; to authorize certain persons to donate plasma as prescribed.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	McCollister	Seiler
Bloomfield	Ebke	Howard	McCoy	Smith
Bolz	Fox	Hughes	Mello	Stinner
Brasch	Friesen	Johnson	Morfeld	Sullivan
Campbell	Garrett	Kolowski	Murante	Watermeier
Chambers	Gloor	Kolterman	Pansing Brooks	Williams
Coash	Groene	Krist	Riepe	
Cook	Haar, K.	Kuehn	Scheer	
Craighead	Hadley	Larson	Schnoor	
Crawford	Hansen	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 2:

Hilkemann Schilz

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

#### **LEGISLATIVE BILL 814.**

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,124, Revised Statutes Supplement, 2015; to change a requirement for issuance of a school permit; and to repeal the original section.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	McCollister	Seiler
Bloomfield	Ebke	Howard	McCoy	Smith
Bolz	Fox	Hughes	Mello	Stinner
Brasch	Friesen	Johnson	Morfeld	Sullivan
Campbell	Garrett	Kintner	Murante	Watermeier
Chambers	Gloor	Kolowski	Pansing Brooks	Williams
Coash	Groene	Krist	Riepe	
Cook	Haar, K.	Kuehn	Scheer	
Craighead	Hadley	Larson	Schnoor	
Crawford	Hansen	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Kolterman

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 814A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 814, One Hundred Fourth Legislature, Second Session, 2016.

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

Voting in the affirmative, 44:

Baker	Crawford	Hansen	Larson	Scheer
Bloomfield	Davis	Harr, B.	Lindstrom	Schnoor
Bolz	Ebke	Howard	McCollister	Schumacher
Brasch	Fox	Hughes	McCoy	Seiler
Campbell	Friesen	Johnson	Mello	Smith
Chambers	Garrett	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Watermeier
Cook	Haar, K.	Krist	Pansing Brooks	Williams
Craighead	Hadley	Kuehn	Riepe	

Voting in the negative, 0.

Present and not voting, 3:

Gloor	Kolterman	Sullivan
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Excused and not voting, 2:

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

**LEGISLATIVE BILL 816.**

A BILL FOR AN ACT relating to public health; to amend section 83-109, Reissue Revised Statutes of Nebraska, and section 50-424, Revised Statutes Supplement, 2015; to change provisions relating to release of patient and resident records; to eliminate certain reporting requirements; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-825, Revised Statutes Cumulative Supplement, 2014.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	McCollister	Seiler
Bloomfield	Ebke	Howard	McCoy	Smith
Bolz	Fox	Hughes	Mello	Stinner
Brasch	Friesen	Johnson	Morfeld	Sullivan
Campbell	Garrett	Kintner	Murante	Watermeier
Chambers	Gloor	Kolowski	Pansing Brooks	Williams
Coash	Groene	Krist	Riepe	
Cook	Haar, K.	Kuehn	Scheer	
Craighead	Hadley	Larson	Schnoor	
Crawford	Hansen	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Kolterman

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 823.** With Emergency Clause.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend section 81-8,139, Revised Statutes Supplement, 2015; to change the powers of the commissioner; to provide for identification of banned substances and banned substance testing; to provide for suspension and civil penalties as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 842.**

A BILL FOR AN ACT relating to health and human services; to amend section 71-208, Reissue Revised Statutes of Nebraska, and section 71-202.01, Revised Statutes Cumulative Supplement, 2014; to define a term; to change provisions relating to prerequisites to admission to and graduation from barber schools or colleges as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 865.**

A BILL FOR AN ACT relating to handicapped parking; to amend sections 60-331.02 and 60-3,113.05, Revised Statutes Cumulative Supplement, 2014; to redefine handicapped or disabled person; to eliminate obsolete parking permit provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

**LEGISLATIVE BILL 875.**

A BILL FOR AN ACT relating to cities and villages; to amend section 18-3001, Reissue Revised Statutes of Nebraska; to change conditions for approval of a planned unit development for certain cities of the second class or villages; and to repeal the original section.

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

Voting in the affirmative, 47:



Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kintner	Morfeld	Sullivan
Chambers	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Hilkemann Schilz

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

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 567, 677, 678, 679, 680, 680A, 684, 694, 712, 725, 726, 731, 736, 750, 770, 770A, 783, 783A, 784, 790, 813, 814, 814A, 816, 823, 842, 865, and 875.

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 959.** Placed on Select File with amendment.

ER238

1 1. On page 1, strike beginning with "79-1022.02" in line 1 through  
 2 line 7 and insert "79-1005.01, 79-1007.18, 79-1008.01, 79-1008.02,  
 3 79-1075, 79-10,110, and 79-10,110.01, Reissue Revised Statutes of  
 4 Nebraska, and sections 77-3442, 79-1003, and 79-1017.01, Revised Statutes  
 5 Supplement, 2015; to change provisions relating to minimum levy  
 6 adjustments and averaging adjustments under the Tax Equity and  
 7 Educational Opportunities Support Act; to change provisions relating to  
 8 and provide for school district levy and bonding authority for certain  
 9 projects as prescribed; to eliminate obsolete provisions; to harmonize  
 10 provisions; to repeal the original sections; and to declare an  
 11 emergency."

(Signed) Matt Hansen, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 611.** Introduced by Mello, 5.

WHEREAS, since the founding of the State of Nebraska, innovation, creativity, industriousness, and entrepreneurship have formed the economic fiber of the state; and

WHEREAS, entrepreneurs have long been vital to the economic growth of the State of Nebraska by advancing innovation, improving productivity, and creating jobs; and

WHEREAS, the willingness of entrepreneurs to assume risk has resulted in unparalleled contributions to the development of the State of Nebraska; and

WHEREAS, entrepreneur-led innovation has built and continues to sustain a critical Nebraska competitive advantage; and

WHEREAS, research shows that businesses five years or younger were responsible for nearly every net new job in America between 1982 and 2011; and

WHEREAS, collaboration and cooperation among a broad coalition of organizations, including nonprofit entrepreneurial incubators, angel investors, venture capitalists, crowdfunding initiatives, and other early-stage investors catalyzes entrepreneurial ventures; and

WHEREAS, support for entrepreneurs, including firms managed and owned by women and minorities, strengthens the overall economy of the State of Nebraska; and

WHEREAS, entrepreneurial literacy skills are critical to success in communities and workplaces in the 21st century; and

WHEREAS, positive outcomes for youth who participate in entrepreneurship education programs include improved academic performance, increased critical thinking skills, and heightened occupational aspirations; and

WHEREAS, entrepreneurs face regulatory barriers that state government and state agencies must work to reduce so that all entrepreneurs in the State of Nebraska have a chance at success; and

WHEREAS, encouraging entrepreneurship and the creation of new firms serves as a foundation for economic growth in the State of Nebraska; and

WHEREAS, the third Tuesday in November has been recognized nationally as National Entrepreneurs' Day.

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

1. That the Legislature designates November 15, 2016, as Entrepreneurs' Day in Nebraska.

2. That the Legislature recognizes the considerable contributions of entrepreneurs and economic innovators to the State of Nebraska.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 958.** Title read. Considered.

Committee AM2717, found on page 1265, was offered.

Senator B. Harr requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

AM2780

1 1. Insert the following new sections:

2 Sec. 3. Section 77-4212, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 77-4212 (1) For tax year 2007, the amount of relief granted under  
5 the Property Tax Credit Act shall be one hundred five million dollars.  
6 For tax year 2008, the amount of relief granted under the act shall be  
7 one hundred fifteen million dollars. It is the intent of the Legislature  
8 to fund the Property Tax Credit Act for tax years after tax year 2008  
9 using available revenue. For tax year 2017, the amount of relief granted  
10 under the act shall be two hundred thirty-four million dollars. The  
11 relief shall be in the form of a property tax credit which appears on the  
12 property tax statement.

13 (2)(a) For tax years prior to tax year 2017, to ~~To~~ determine the  
14 amount of the property tax credit, the county treasurer shall multiply  
15 the amount disbursed to the county under subdivision ~~subsection~~ (4)(a) of  
16 this section by the ratio of the real property valuation of the parcel to  
17 the total real property valuation in the county. The amount determined  
18 shall be the property tax credit for the property.

19 (b) Beginning with tax year 2017, to determine the amount of the  
20 property tax credit, the county treasurer shall multiply the amount  
21 disbursed to the county under subdivision (4)(b) of this section by the  
22 ratio of the credit allocation valuation of the parcel to the total  
23 credit allocation valuation in the county. The amount determined shall be  
24 the property tax credit for the property.

25 (3) If the real property owner qualifies for a homestead exemption  
26 under sections 77-3501 to 77-3529, the owner shall also be qualified for  
27 the relief provided in the act to the extent of any remaining liability  
1 after calculation of the relief provided by the homestead exemption. If  
2 the credit results in a property tax liability on the homestead that is  
3 less than zero, the amount of the credit which cannot be used by the  
4 taxpayer shall be returned to the State Treasurer by July 1 of the year  
5 the amount disbursed to the county was disbursed. The State Treasurer  
6 shall immediately credit any funds returned under this section to the  
7 Property Tax Credit Cash Fund.

8 (4)(a) For tax years prior to tax year 2017, the ~~The~~ amount  
9 disbursed to each county shall be equal to the amount available for

10 disbursement determined under subsection (1) of this section multiplied  
 11 by the ratio of the real property valuation in the county to the real  
 12 property valuation in the state. By September 15, the Property Tax  
 13 Administrator shall determine the amount to be disbursed under this  
 14 ~~subdivision subsection~~ to each county and certify such amounts to the  
 15 State Treasurer and to each county. The disbursements to the counties  
 16 shall occur in two equal payments, the first on or before January 31 and  
 17 the second on or before April 1. After retaining one percent of the  
 18 receipts for costs, the county treasurer shall allocate the remaining  
 19 receipts to each taxing unit levying taxes on taxable property in the tax  
 20 district in which the real property is located in the same proportion  
 21 that the levy of such taxing unit bears to the total levy on taxable  
 22 property of all the taxing units in the tax district in which the real  
 23 property is located.

24 (b) Beginning with tax year 2017, the amount disbursed to each  
 25 county shall be equal to the amount available for disbursement determined  
 26 under subsection (1) of this section multiplied by the ratio of the  
 27 credit allocation valuation in the county to the credit allocation  
 28 valuation in the state. By September 15, the Property Tax Administrator  
 29 shall determine the amount to be disbursed under this subdivision to each  
 30 county and certify such amounts to the State Treasurer and to each  
 31 county. The disbursements to the counties shall occur in two equal  
 1 payments, the first on or before January 31 and the second on or before  
 2 April 1. After retaining one percent of the receipts for costs, the  
 3 county treasurer shall allocate the remaining receipts to each taxing  
 4 unit based on its share of the credits granted to all taxpayers in the  
 5 taxing unit.

6 (5) For purposes of this section, credit allocation valuation means  
 7 the taxable value for all real property except agricultural land and  
 8 horticultural land, one hundred thirty-three percent of taxable value for  
 9 agricultural land and horticultural land that is not subject to special  
 10 valuation, and one hundred thirty-three percent of taxable value for  
 11 agricultural land and horticultural land that is subject to special  
 12 valuation.

13 ~~(6 5)~~ The State Treasurer shall transfer from the General Fund to  
 14 the Property Tax Credit Cash Fund one hundred five million dollars by  
 15 August 1, 2007, and one hundred fifteen million dollars by August 1,  
 16 2008.

17 ~~(7 6)~~ The Legislature shall have the power to transfer funds from  
 18 the Property Tax Credit Cash Fund to the General Fund.  
 19 Sec. 4. Original section 13-521, Reissue Revised Statutes of  
 20 Nebraska, section 77-4212, Revised Statutes Cumulative Supplement, 2014,  
 21 and section 13-520, Revised Statutes Supplement, 2015, are repealed.

The second committee amendment is as follows:

AM2779

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

2 sections:

3 Section 1. Section 13-520, Revised Statutes Supplement, 2015, is

4 amended to read:

5 13-520 The limitations in section 13-519 shall not apply to (1)  
6 restricted funds budgeted for capital improvements, (2) restricted funds  
7 expended from a qualified sinking fund for acquisition or replacement of  
8 tangible personal property with a useful life of five years or more, (3)  
9 restricted funds pledged to retire bonded indebtedness, used by a public  
10 airport to retire interest-free loans from the Department of Aeronautics  
11 in lieu of bonded indebtedness at a lower cost to the public airport, or  
12 used to pay other financial instruments that are approved and agreed to  
13 before July 1, 1999, in the same manner as bonds by a governing body  
14 created under section 35-501, (4) restricted funds budgeted in support of  
15 a service which is the subject of an agreement or a modification of an  
16 existing agreement whether operated by one of the parties to the  
17 agreement or by an independent joint entity or joint public agency, (5)  
18 restricted funds budgeted to pay for repairs to infrastructure damaged by  
19 a natural disaster which is declared a disaster emergency pursuant to the  
20 Emergency Management Act, (6) restricted funds budgeted to pay for  
21 judgments, except judgments or orders from the Commission of Industrial  
22 Relations, obtained against a governmental unit which require or obligate  
23 a governmental unit to pay such judgment, to the extent such judgment is  
24 not paid by liability insurance coverage of a governmental unit or a pool  
25 of funds maintained by the governmental unit to self-insure against such  
26 liabilities, or (7) the dollar amount by which restricted funds budgeted  
27 by a natural resources district to administer and implement ground water  
1 management activities and integrated management activities under the  
2 Nebraska Ground Water Management and Protection Act exceed its restricted  
3 funds budgeted to administer and implement ground water management  
4 activities and integrated management activities for FY2003-04.

5 Sec. 2. Section 13-521, Reissue Revised Statutes of Nebraska, is

6 amended to read:

7 13-521 (1) A governmental unit may choose not to increase its total  
8 of restricted funds by the full amount allowed by law in a particular  
9 year. In such cases, the governmental unit may carry forward to future  
10 budget years the amount of unused restricted funds authority. The  
11 governmental unit shall calculate its unused restricted funds authority  
12 and submit an accounting of such amount with the budget documents for  
13 that year. Such unused restricted funds authority may then be used in  
14 later years for increases in the total of restricted funds allowed by  
15 law. This subsection shall not apply to community colleges for fiscal  
16 years beginning on or after July 1, 2017 ~~Any unused budget authority~~  
17 ~~existing on April 8, 1998, by reason of any prior law may be used for~~  
18 ~~increases in restricted funds authority.~~

19 (2) For any fiscal year beginning on or after July 1, 2017, a  
20 community college may choose not to increase its total of restricted  
21 funds by the full amount allowed by law in a particular year. In such  
22 cases, the community college may carry forward to future budget years the  
23 amount of unused restricted funds authority. The community college shall  
24 calculate its unused restricted funds authority and submit an accounting  
25 of such amount with the budget documents for that year. The amount of

26 unused restricted funds authority that may be used by a community college  
 27 in a single fiscal year to increase its total of restricted funds above  
 28 the restricted funds authority as calculated pursuant to section 13-519  
 29 shall be limited to three percent of the difference of the total of  
 30 restricted funds minus the exclusions in section 13-520 for the  
 31 immediately preceding fiscal year.

1 Sec. 4. Original section 13-521, Reissue Revised Statutes of  
 2 Nebraska, section 77-4212, Revised Statutes Cumulative Supplement, 2014,  
 3 and section 13-520, Revised Statutes Supplement, 2015, are repealed.

The first committee amendment, AM2780, found in this day's Journal, was offered.

Senator Smith withdrew his amendment, AM2775, found on page 1321.

Senator Smith offered the following amendment to the first committee amendment:

AM2795 is available in the Bill Room.

**SENATOR KRIST PRESIDING**

**SENATOR SCHEER PRESIDING**

**SENATOR LINDSTROM PRESIDING**

**SENATOR SCHEER PRESIDING**

Pending.

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 612.** Introduced by Agriculture Committee: Johnson, 23, Chairperson; Bloomfield, 17; Harr, B., 8; Kolterman, 24; Riepe, 12; Friesen, 34.

**PURPOSE:** The purpose of this resolution is to examine any issues within the jurisdiction of the Agriculture Committee of the Legislature.

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

1. That the Agriculture 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.

**EASE**

The Legislature was at ease from 12:00 p.m. until 12:25 p.m.

**SPEAKER HADLEY PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 958.** The Smith amendment, AM2795, found in this day's Journal, to the first committee amendment, was renewed.

**SENATOR KRIST PRESIDING****PRESIDENT FOLEY 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 27 ayes, 1 nay, and 21 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Senator Smith withdrew his amendment.

The Chair declared the call raised.

Senator Johnson withdrew his amendment, AM2786, found on page 1325.

Senator Johnson offered the following amendment to the first committee amendment:

AM2796

(Amendments to AM2780)

1 1. Insert the following new section:

2 Sec. 3. Section 77-1301, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 77-1301 (1) All real property in this state subject to taxation  
5 shall be assessed as of January 1 at 12:01 a.m., which assessment shall  
6 be used as a basis of taxation until the next assessment. For the  
7 assessment occurring on January 1, 2016, the assessed value for all real  
8 property in this state subject to taxation shall be the same as the  
9 property's assessed value on January 1, 2015, except that for any  
10 property that was improved after January 1, 2015, as determined by the  
11 county assessor, the assessed value for such property shall add the value  
12 of any such improvement.

13 (2) Beginning January 1, 2014, in any county with a population of at  
14 least one hundred fifty thousand inhabitants according to the most recent  
15 federal decennial census, the county assessor shall provide notice of

16 preliminary valuations to real property owners on or before January 15 of  
 17 each year. Such notice shall be (a) mailed to the taxpayer or (b)  
 18 published on a web site maintained by the county assessor or by the  
 19 county.

20 (3) The county assessor shall complete the assessment of real  
 21 property on or before March 19 of each year, except beginning January 1,  
 22 2014, in any county with a population of at least one hundred fifty  
 23 thousand inhabitants according to the most recent federal decennial  
 24 census, the county assessor shall complete the assessment of real  
 25 property on or before March 25 of each year.

26 2. Renumber the remaining sections and correct the repealer  
 1 accordingly.

### SENATOR SCHEER PRESIDING

Senator Johnson withdrew his amendment.

The first committee amendment, AM2780, found in this day's Journal, was renewed.

Pending.

### AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB947:  
 AM2741

(Amendments to Standing Committee amendments, AM2148)

1 1. On page 2, line 6, after the period insert "Such license shall be  
 2 valid only for the period of time during which such person's employment  
 3 authorization document is valid."

4 2. On page 3, line 14, after the period insert "Such credential  
 5 shall be valid only for the period of time during which such person's  
 6 employment authorization document is valid."

Senator Mello filed the following amendment to LB835:  
 AM2789

(Amendments to E and R amendments, ER235)

1 1. On page 6, line 19, after "freeze" insert "placed under section  
 2 8-2603".

3 2. On page 30, line 3, reinstate the stricken matter.



**COMMITTEE REPORT(S)**

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Michael Hansen - State Board of Health  
 Diane Jackson - State Board of Health  
 Debra Parsow - State Board of Health  
 Wayne Stuberg - State Board of Health  
 Jim Trebbein - State Board of Health  
 Douglas Vander Broek - State Board of Health

Aye: 5 Campbell, Fox, Howard, Kolterman, Riepe. Nay: 0. Absent: 2 Baker, Crawford. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 958.** Senator Schumacher offered the following motion:

MO244

Recommit to the Revenue Committee.

Senator Mello moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Schumacher moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Schumacher requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 10:

Bolz	Coash	Crawford	Hilkemann	Morfeld
Chambers	Cook	Hansen	Howard	Pansing Brooks

Voting in the negative, 28:

Baker	Friesen	Johnson	McCoy	Stinner
Bloomfield	Garrett	Kintner	Mello	Sullivan
Brasch	Gloor	Kolterman	Murante	Watermeier
Craighead	Hadley	Kuehn	Scheer	Williams
Davis	Harr, B.	Lindstrom	Schilz	
Fox	Hughes	McCollister	Schnoor	

Present and not voting, 7:

Campbell      Haar, K.      Riepe      Smith  
Ebke          Kolowski      Schumacher

Excused and not voting, 4:

Groene      Krist      Larson      Seiler

The Schumacher motion to recommit to committee failed with 10 ayes, 28 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Schumacher offered the following motion:

MO246

Reconsider the vote taken to recommit to committee.

#### **SENATOR WATERMEIER PRESIDING**

Senator Schumacher asked unanimous consent to withdraw his motion, MO246, to reconsider the vote taken to recommit to committee.

No objections. So ordered.

Senator Gloor offered the following amendment to the first committee amendment:

AM2807

(Amendments to AM2780)

- 1 1. On page 1, line 10, strike "thirty-four" and insert "twenty-  
2 four".
- 3 2. On page 3, lines 8 and 10, strike "thirty-three" and insert  
4 "twenty".

Senator Chambers offered the following motion:

MO247

Bracket until April 20, 2016.

#### **SPEAKER HADLEY PRESIDING**

Senator Gloor offered the following motion:

MO248

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Gloor moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Gloor requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 41:

Baker	Friesen	Hughes	McCoy	Smith
Bloomfield	Garrett	Johnson	Mello	Stinner
Brasch	Gloor	Kintner	Murante	Sullivan
Campbell	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Crawford	Hadley	Krist	Scheer	
Davis	Harr, B.	Kuehn	Schilz	
Ebke	Hilkemann	Lindstrom	Schnoor	
Fox	Howard	McCollister	Schumacher	

Voting in the negative, 2:

Chambers Coash

Present and not voting, 2:

Bolz Hansen

Excused and not voting, 4:

Craighead Larson Morfeld Seiler

The Gloor motion to invoke cloture prevailed with 41 ayes, 2 nays, 2 present and not voting, and 4 excused and not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 45:

Baker	Davis	Hansen	Krist	Scheer
Bloomfield	Ebke	Harr, B.	Kuehn	Schilz
Bolz	Fox	Hilkemann	Lindstrom	Schnoor
Brasch	Friesen	Howard	McCollister	Schumacher
Campbell	Garrett	Hughes	McCoy	Smith
Coash	Gloor	Johnson	Mello	Stinner
Cook	Groene	Kintner	Murante	Sullivan
Craighead	Haar, K.	Kolowski	Pansing Brooks	Watermeier
Crawford	Hadley	Kolterman	Riepe	Williams

Excused and not voting, 3:

Larson Morfeld Seiler

The Chambers motion to bracket failed with 1 aye, 45 nays, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the Gloor amendment, AM2807, to the committee amendment.

Voting in the affirmative, 44:

Baker	Davis	Hansen	Krist	Schilz
Bloomfield	Ebke	Harr, B.	Kuehn	Schnoor
Bolz	Fox	Hilkemann	Lindstrom	Schumacher
Brasch	Friesen	Howard	McCollister	Smith
Campbell	Garrett	Hughes	Mello	Stinner
Coash	Gloor	Johnson	Murante	Sullivan
Cook	Groene	Kintner	Pansing Brooks	Watermeier
Craighead	Haar, K.	Kolowski	Riepe	Williams
Crawford	Hadley	Kolterman	Scheer	

Voting in the negative, 1:

Chambers

Present and not voting, 1:

McCoy

Excused and not voting, 3:

Larson Morfeld Seiler

The Gloor amendment was adopted with 44 ayes, 1 nay, 1 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the original committee amendment, AM2717, as amended.

Voting in the affirmative, 43:

Baker	Ebke	Hilkemann	Lindstrom	Schnoor
Bloomfield	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Coash	Gloor	Kintner	Murante	Sullivan
Cook	Groene	Kolowski	Pansing Brooks	Watermeier
Craighead	Haar, K.	Kolterman	Riepe	Williams
Crawford	Hadley	Krist	Scheer	
Davis	Harr, B.	Kuehn	Schilz	

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Bolz Hansen

Excused and not voting, 3:

Larson Morfeld Seiler

The original committee amendment, as amended, was adopted with 43 ayes, 1 nay, 2 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Baker	Ebke	Harr, B.	Kuehn	Schilz
Bloomfield	Fox	Hilkemann	Lindstrom	Schnoor
Brasch	Friesen	Howard	McCollister	Smith
Campbell	Garrett	Hughes	McCoy	Stinner
Cook	Gloor	Johnson	Mello	Sullivan
Craighead	Groene	Kintner	Murante	Watermeier
Crawford	Haar, K.	Kolowski	Riepe	Williams
Davis	Hadley	Kolterman	Scheer	

Voting in the negative, 2:

Chambers Coash

Present and not voting, 5:

Bolz Hansen Krist Pansing Brooks Schumacher

Excused and not voting, 3:

Larson Morfeld Seiler

Advanced to Enrollment and Review Initial with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**

## Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Harry Hoch - Nebraska State Fair Board

Aye: 8 Bloomfield, Chambers, Harr, B., Johnson, Kolterman, Larson, Riepe, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jerry Johnson, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Hughes filed the following amendment to LB1038:  
AM2743

(Amendments to E and R amendments, ER223)

1 1. On page 4, line 24, strike "the office of the Governor"; in line  
2 26 after "representatives" insert "selected from a list of at least ten  
3 individuals"; and in line 27 after "representatives" insert "selected  
4 from a list of at least five individuals".

**GENERAL FILE**

**LEGISLATIVE BILL 1103.** Title read. Considered.

**SENATOR KRIST PRESIDING**

Committee AM2394, found on page 929, was offered.

Senator Kuehn offered the following motion:

MO249

Bracket until April 20, 2016.

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

Senator Craighead moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

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

Voting in the affirmative, 26:

Baker	Fox	Johnson	Pansing Brooks	Sullivan
Bloomfield	Friesen	Kintner	Riepe	Watermeier
Brasch	Garrett	Kolowski	Scheer	
Coash	Gloor	Kolterman	Schnoor	
Cook	Hadley	Kuehn	Smith	
Crawford	Hughes	McCoy	Stinner	

Voting in the negative, 7:

Campbell	Haar, K.	McCollister	Williams
Ebke	Krist	Schumacher	

Present and not voting, 12:

Bolz	Davis	Hilkemann	Mello
Chambers	Groene	Howard	Murante
Craighead	Harr, B.	Lindstrom	Schilz

Excused and not voting, 4:

Hansen	Larson	Morfeld	Seiler
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The motion to cease debate prevailed with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

Senator Schumacher requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 23:

Bloomfield	Fox	Kintner	McCoy	Smith
Brasch	Friesen	Kolowski	Murante	Sullivan
Coash	Hadley	Kolterman	Scheer	Watermeier
Craighead	Hughes	Kuehn	Schilz	
Davis	Johnson	Lindstrom	Schnoor	

Voting in the negative, 16:

Baker	Cook	Harr, B.	Pansing Brooks
Bolz	Ebke	Hilkemann	Riepe
Campbell	Groene	Krist	Stinner
Chambers	Haar, K.	McCollister	Williams

Present and not voting, 6:

Crawford	Gloor	Mello
Garrett	Howard	Schumacher

Excused and not voting, 4:

Hansen      Larson      Morfeld      Seiler

The Kuehn motion to bracket failed with 23 ayes, 16 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Committee AM2394, found on page 929 and considered in this day's Journal, was renewed.

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Senator Schumacher moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Schumacher requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 20:

Baker	Crawford	Haar, K.	Krist	Riepe
Campbell	Ebke	Harr, B.	McCollister	Schumacher
Chambers	Garrett	Hilkemann	Mello	Stinner
Cook	Groene	Kolowski	Pansing Brooks	Williams

Voting in the negative, 19:

Bloomfield	Fox	Johnson	McCoy	Schnoor
Brasch	Friesen	Kintner	Murante	Sullivan
Craighead	Hadley	Kuehn	Scheer	Watermeier
Davis	Hughes	Lindstrom	Schilz	

Present and not voting, 5:

Coash	Gloor	Howard	Kolterman	Smith
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Excused and not voting, 5:

Bolz	Hansen	Larson	Morfeld	Seiler
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The committee amendment lost with 20 ayes, 19 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.



**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 613.** Introduced by Smith, 14; Craighead, 6; Crawford, 45; Fox, 7; Garrett, 3; Kintner, 2; McCoy, 39; Murante, 49; Riepe, 12.

WHEREAS, Jerry C. Anderson served twenty years in the United States Air Force, retiring as a lieutenant colonel; and

WHEREAS, Jerry was stationed at Offutt Air Force Base from 1973 to 1977 before retiring to Papillion in 1981; and

WHEREAS, Jerry was a dedicated public servant, serving on the Papillion City Council from 2002 to 2006; and

WHEREAS, Jerry was a passionate advocate for veterans and helped found the Nebraska Veterans Coalition; and

WHEREAS, Jerry passed away unexpectedly on March 28, 2016; and

WHEREAS, Jerry is survived by his wife Louise and his three children, four grandchildren, and two great-grandchildren; and

WHEREAS, Jerry will be remembered as an active member of his community, an enthusiastic patriot, and a devoted husband, father, grandfather, great-grandfather, and friend.

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

1. That the Legislature honors Jerry C. Anderson for his life of service to the United States of America, the State of Nebraska, and his community.

2. That the Legislature extends its deepest sympathy to the family of Jerry C. Anderson.

3. That a copy of this resolution be sent to the family of Jerry C. Anderson.

Laid over.

**LEGISLATIVE RESOLUTION 614.** Introduced by Howard, 9.

WHEREAS, Nate Johnson of Omaha 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, Nate 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his project, Nate designed and constructed an outdoor classroom at Blumfield Elementary School. The outdoor classroom includes easily

accessible benches that are used by the students at recess and during class;  
and

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

WHEREAS, Nate, 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 Nate Johnson on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nate Johnson.

Laid over.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 2016, at 5:24 p.m. were the following: LBs 567, 677, 678, 679, 680e, 680Ae, 684, 694, 712, 725, 726, 731e, 736, 750, 770e, 770Ae, 783, 783A, 784e, 790, 813, 814, 814A, 816, 823e, 842, 865, and 875.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

### AMENDMENT(S) - Print in Journal

Senator Gloor filed the following amendment to LB958:  
AM2814

(Amendments to E and R amendments, ER240)

- 1 1. Strike sections 1 and 2.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 3 accordingly.

Senator Davis filed the following amendment to LB958:  
AM2813

(Amendments to E and R amendments, ER240)

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 85-1517, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 85-1517 (1) For fiscal years 2011-12 and 2012-13:
- 5 (a) The board may certify to the county board of equalization of
- 6 each county within the community college area a tax levy not to exceed
- 7 ten and one-quarter cents on each one hundred dollars on the taxable
- 8 valuation of all property subject to the levy within the community
- 9 college area, uniform throughout the area, for the purpose of supporting
- 10 operating expenditures of the community college area;
- 11 (b) In addition to the levies provided in subdivisions (1)(a) and

12 (c) of this section, the board may certify to the county board of  
13 equalization of each county within the community college area a tax levy  
14 not to exceed one cent on each one hundred dollars on the taxable  
15 valuation of all property within the community college area, uniform  
16 throughout such area, for the purposes of paying off bonds issued under  
17 sections 85-1520 to 85-1527 and establishing a capital improvement and  
18 bond sinking fund as provided in section 85-1515. The levy provided by  
19 this subdivision may be exceeded by that amount necessary to retire the  
20 general obligation bonds assumed by the community college area or issued  
21 pursuant to section 85-1515 according to the terms of such bonds or for  
22 any obligation pursuant to section 85-1535 entered into prior to January  
23 1, 1997; and

24 (c) In addition to the levies provided in subdivisions (1)(a) and  
25 (b) of this section, the board may also certify to the county board of  
26 equalization of each county within the community college area a tax levy  
1 on each one hundred dollars on the taxable valuation of all property  
2 within the community college area, uniform throughout such area, in the  
3 amount which will produce funds only in the amount necessary to pay for  
4 funding accessibility barrier elimination project costs and abatement of  
5 environmental hazards as such terms are defined in section 79-10,110.  
6 Such tax levy shall not be so certified unless approved by an affirmative  
7 vote of a majority of the board taken at a public meeting of the board  
8 following notice and a hearing. The board shall give at least seven days'  
9 notice of such public hearing and shall publish such notice once in a  
10 newspaper of general circulation in the area to be affected by the  
11 increase. The proceeds of such tax levy shall be deposited in the capital  
12 improvement and bond sinking fund provided for in section 85-1515 for use  
13 in funding the projects authorized pursuant to this subdivision.

14 (2) For fiscal year 2013-14 and each fiscal year thereafter:

15 (a) The board may certify to the county board of equalization of  
16 each county within the community college area a tax levy not to exceed,  
17 for fiscal years 2013-14 through 2016-17, the difference between eleven  
18 and one-quarter cents and the rate levied for such fiscal year pursuant  
19 to subdivision (b) of this subsection on each one hundred dollars on the  
20 taxable valuation of all property subject to the levy within the  
21 community college area, uniform throughout the area, or, for fiscal year  
22 2017-18 and each fiscal year thereafter, the difference between ten and  
23 one-quarter cents and the rate levied for such fiscal year pursuant to  
24 subdivision (b) of this subsection on each one hundred dollars on the  
25 taxable valuation of all property subject to the levy within the  
26 community college area, uniform throughout the area, for the purpose of  
27 supporting operating expenditures of the community college area. For  
28 purposes of calculating the amount of levy authority available for  
29 operating expenditures pursuant to this subdivision, the rate levied  
30 pursuant to subdivision (b) of this subsection shall not include amounts  
31 to retire general obligation bonds assumed by the community college area  
1 or issued pursuant to section 85-1515 according to the terms of such  
2 bonds or for any obligation pursuant to section 85-1535 entered into  
3 prior to January 1, 1997;

4 (b) In addition to the levies provided in subdivisions (a) and (c)  
 5 of this subsection, the board may certify to the county board of  
 6 equalization of each county within the community college area a tax levy  
 7 not to exceed two cents on each one hundred dollars on the taxable  
 8 valuation of all property within the community college area, uniform  
 9 throughout such area, for the purposes of paying off bonds issued under  
 10 sections 85-1520 to 85-1527 and establishing a capital improvement and  
 11 bond sinking fund as provided in section 85-1515. The levy provided by  
 12 this subdivision may be exceeded by that amount necessary to retire  
 13 general obligation bonds assumed by the community college area or issued  
 14 pursuant to section 85-1515 according to the terms of such bonds or for  
 15 any obligation pursuant to section 85-1535 entered into prior to January  
 16 1, 1997; and

17 (c) In addition to the levies provided in subdivisions (a) and (b)  
 18 of this subsection, the board of a community college area with a campus  
 19 located on the site of a former ammunition depot may certify to the  
 20 county board of equalization of each county within the community college  
 21 area a tax levy not to exceed three-quarters of one cent on each one  
 22 hundred dollars on the taxable valuation of all property within the  
 23 community college area, uniform throughout such area, to pay for funding  
 24 accessibility barrier elimination project costs and abatement of  
 25 environmental hazards as such terms are defined in section 79-10,110.  
 26 Such tax levy shall not be so certified unless approved by an affirmative  
 27 vote of a majority of the board taken at a public meeting of the board  
 28 following notice and a hearing. The board shall give at least seven days'  
 29 notice of such public hearing and shall publish such notice once in a  
 30 newspaper of general circulation in the area to be affected by the  
 31 increase. The proceeds of such tax levy shall be deposited in the capital  
 1 improvement and bond sinking fund provided for in section 85-1515 for use  
 2 in funding accessibility barrier elimination project costs and abatement  
 3 of environmental hazards as such terms are defined in section 79-10,110.

4 (3) The taxes provided by this section shall be levied and assessed  
 5 in the same manner as other property taxes and entered on the books of  
 6 the county treasurer. The proceeds of the tax, as collected, shall be  
 7 remitted to the treasurer of the board not less frequently than once each  
 8 month.

9 2. Renumber the remaining sections and correct the repealer  
 10 accordingly.

Senator Murante filed the following amendment to LB580:  
 AM2800

(Amendments to Standing Committee amendments, AM1961)

1 1. Insert the following new sections:

2 Sec. 3. Nothing in the Redistricting Act shall be construed or  
 3 understood as altering the rules or procedures of the Legislature that  
 4 apply after any bill, including a bill developed and introduced pursuant  
 5 to the Redistricting Act, has been placed on General File.

6 Sec. 7. Constitutional officer means any individual elected or  
 7 appointed to an office enumerated in Article III, section 5, Article IV,

8 section 1 or 20, or Article VII, section 3, 10, or 13, of the  
 9 Constitution of Nebraska during his or her term of office.  
 10 2. On page 1, line 1, strike "29" and insert "31"; and in line 26  
 11 strike "4 to 18" and insert "5 to 20".  
 12 3. On page 4, line 11, strike "29" and insert "31"; in line 14  
 13 strike "28" and insert "30"; and in line 30 after the period insert "The  
 14 chairperson of the Executive Board of the Legislative Council shall  
 15 coordinate the process of selecting the members of the commission to  
 16 ensure compliance with this section.".  
 17 4. On page 5, lines 1 and 12 after "votes" insert "statewide"; and  
 18 strike beginning with "The" in line 24 through "(5)" in line 28.  
 19 5. On page 6, line 13, before "The" insert "(1)"; and after line 25  
 20 insert the following new subsection:  
 21 "(2) The commission shall be reconstituted in the event of a special  
 22 session of the Legislature called for purposes of redistricting or in the  
 23 event of a successful legal challenge to any part of any redistricting  
 24 plan for the purpose of reformulating the challenged redistricting  
 25 plan.".  
 26 6. On page 7, line 5, strike "or the Legislature"; in line 9 strike  
 1 "Prior to legislative approval, each" and insert "Each"; in line 25  
 2 strike "23" and insert "25"; and in line 29 strike "20" and insert "22".  
 3 7. On page 8, line 2, strike "commission" and insert "Executive  
 4 Board of the Legislative Council"; in line 6 strike both occurrences of  
 5 "commission" and insert "executive board" and after "Legislature" insert  
 6 "for approval"; in line 8 after the period insert "The guidelines shall  
 7 include, but not be limited to, a process by which citizens can apply to  
 8 serve on the commission."; strike lines 24 and 25 and insert the  
 9 following new subdivision:  
 10 "(k) Protect the officeholder's constitutional right to serve a full  
 11 term or, if appointed, a remainder of the term as specified in sections  
 12 32-560 to 32-574, before being subject to another election or term  
 13 limits."; and in line 27 strike "not later than March 1 of the year  
 14 ending in one".  
 15 8. On page 11, strike beginning with "Not" in line 28 through the  
 16 first "the" in line 30 and insert "The".  
 17 9. On page 12, line 4, strike "19" and insert "21"; and in line 6  
 18 strike "26" and insert "28".  
 19 10. Renumber the remaining sections accordingly.

Senator B. Harr filed the following amendment to LB768:  
 AM2797

(Amendments to Standing Committee amendments, AM2058)

1 1. Insert the following new section:  
 2 Sec. 5. Section 60-3,101, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 60-3,101 Except for license plates issued pursuant to section  
 5 60-3,203, license plates shall be issued every six years beginning with  
 6 the license plates issued in the year 2005, except that the license  
 7 plates issued in the year 2011 shall be issued for seven years. Except

8 for plates issued pursuant to ~~such~~ section 60-3.203, in the years in  
9 which plates are not issued, in lieu of issuing such license plates, the  
10 department shall furnish to every person whose motor vehicle or trailer  
11 is registered one or two validation decals, as the case may be, which  
12 validation decals shall bear the year for which issued and be so  
13 constructed as to permit them to be permanently affixed to the plates.  
14 2. Renumber the remaining sections, correct internal references, and  
15 correct the repealer accordingly.

#### **MOTION - Print in Journal**

Senator Schnoor filed the following motion to LB1103:  
MO250  
Indefinitely postpone.

#### **VISITOR(S)**

Visitors to the Chamber were Hannah Bitenieks; members of Leadership Washington County; 54 fourth-grade students, teachers, and sponsors from Holling Heights Elementary School, Omaha; Ed and Kathy Leech from Omaha; Ted McConnell originally from Lincoln; 43 fourth-grade students from Anderson Grove, Bellevue; Virginia and Jerry Beckmann from Lincoln; 23 fourth-grade students from Shelby Elementary, Rising City; Jason, Amy, Ben, and Sam Fraterelli from Centennial, CO; and Dr. Jerry Green from Cedar Falls, IA.

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

#### **ADJOURNMENT**

At 7:01 p.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Friday, April 1, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-THIRD DAY - APRIL 1, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, April 1, 2016

**PRAYER**

The prayer was offered by Senator Johnson.

**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 Senator Seiler who was excused; and Senators Bolz, Cook, Craighead, Larson, Murante, Schilz, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-second day was approved.

**REFERENCE COMMITTEE REPORT**

2016 Resolutions calling for an Interim Study

LR397	Interim study to monitor the health care transformation in Nebraska	Health and Human Services
LR406	Interim study to examine issues surrounding the blending of various fuels in Nebraska and the impact of right to blend laws in other states	Natural Resources
LR412	Interim study to improve communication access for movie theaters in Nebraska to ensure all persons can fully experience the movie theater experience	Health and Human Services

LR430	Interim study to examine whether the Nebraska Banking Act should be updated	Banking, Commerce and Insurance
LR431	Interim study to examine whether the Securities Act of Nebraska should be updated	Banking, Commerce and Insurance
LR439	Interim study to examine the use of tax-increment financing by municipalities for residential development	Urban Affairs
LR452	Interim study to establish a study group to examine issues surrounding the need to provide financial assistance for home accessibility modifications for people with disabilities, including the elderly	Revenue
LR463	Interim study to examine ways to improve the coverage of hearing aid costs for Nebraska families	Health and Human Services
LR464	Interim study to examine the effects of the use of tax-increment financing by municipalities	Urban Affairs
LR483	Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board	Nebraska Retirement Systems
LR489	Interim study to examine issues relating to housing authorities	Urban Affairs
LR490	Interim study to examine the enforcement of state and local building codes	Urban Affairs
LR493	Interim study to examine whether the Nebraska Appraisal Management Company Registration Act should be updated	Banking, Commerce and Insurance
LR495	Interim study to examine state law governing cities of the second class and villages in Chapter 17 of the Nebraska statutes	Urban Affairs
LR496	Interim study to examine issues within the jurisdiction of the Urban Affairs Committee	Urban Affairs



LR498	Interim study to examine the Nebraska Right to Farm Act	Agriculture
LR499	Interim study to examine any issues within the jurisdiction of the Health and Human Services Committee	Health and Human Services
LR502	Interim study to examine the use of revolving funds within the Dept. of Administrative Services	Appropriations
LR504	Interim study to examine the numerous deadlines involved in the election process	Government, Military and Veterans Affairs
LR506	Interim study to examine the efficacy of testing and monitoring programs, particularly the 24/7 sobriety program, in reducing recidivism for driving under the influence and controlled substance offenses	Judiciary
LR507	Interim study to examine the development of a public notification system to broadcast alerts when vulnerable adults go missing	Health and Human Services
LR508	Interim study to examine possible changes to the Nebraska Model Business Corporation Act	Banking, Commerce and Insurance
LR509	Interim study to examine the funding history, programs, and services offered by the Cooperative Extension Service of the University of Nebraska	Appropriations
LR510	Interim study to examine how to best integrate palliative care into the overall medical care structure of our health care system	Health and Human Services
LR511	Interim study to examine existing law governing the collection of sales and use tax on remote sales	Revenue
LR512	Interim study to examine the Commission of Industrial Relations	Business and Labor
LR513	Interim study to examine workforce issues within the child welfare and juvenile justice systems	Health and Human Services

LR514	Interim study to examine the availability of transition services for youth who will leave or have left the juvenile justice system while in an out-of-home placement	Health and Human Services
LR517	Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund	Appropriations
LR518	Interim study to review issues surrounding child custody proceedings and parenting time determinations as they pertain to families of divorce	Judiciary
LR519	Interim study to examine whether the One-Call Notification System Act should be updated	Transportation and Telecommunications
LR520	Interim study to provide a review of the administration and enforcement of the Employee Classification Act by the Dept. of Labor	Business and Labor
LR521	Interim study to examine the business practices of pharmacy benefit managers as those practices relate to such managers' arrangements with private entities, insurers, pharmacies, and the State of Nebraska	Banking, Commerce and Insurance
LR522	Interim study to examine the issue of how to best educate the public and create awareness about the risks associated with sun exposure and ultraviolet radiation exposure	Health and Human Services
LR523	Interim study to examine Nebraska law regarding the protection of children who have reached eighteen years of age but have not yet reached the age of majority	Health and Human Services
LR525	Interim study to examine issues associated with treating an individual licensed under the Nebr. Real Estate License Act as a professional for purposes of civil actions for professional negligence	Judiciary
LR526	Interim study to examine municipal classifications	Urban Affairs

LR527	Interim study to examine possible legislative reforms to Nebraska's mandatory minimum sentencing laws	Judiciary
LR529	Interim study to examine the ongoing implementation of the federal Preventing Sex Trafficking and Strengthening Families Act of 2014 and related state law and policy	Health and Human Services
LR530	Interim study to examine the voting processes and procedures available for citizens who are hospitalized or who reside in nursing homes or extended care facilities	Government, Military and Veterans Affairs
LR532	Interim study to evaluate the effectiveness and success of the Office of Violence Prevention	Judiciary
LR533	Interim study to examine promoting career education and training that can lead to job readiness for middle-skill jobs	Business and Labor
LR534	Interim study to examine the extent that state funds are invested in fossil fuels and clean energy, and the feasibility of divestment consistent with the state's fiduciary responsibilities	Nebraska Retirement Systems
LR535	Interim study to examine how the Legislature can assist livestock producers involved in certain value-added activities	Agriculture
LR536	Interim study to complete the work of the LR 309 committee which investigated ways to avoid and mitigate conflicts arising from herbicide drift damage to sensitive crops	Agriculture
LR537	Interim study to review the duties and authorities of the Dept. of Agriculture with respect to livestock animal identification	Agriculture
LR538	Interim study to examine telecommunication services in Nebraska	Transportation and Telecommunications

LR539	Interim study to undertake a study of the jurisdiction and structure of the Nebraska Public Service Commission	Transportation and Telecommunications
LR541	Interim study to examine the economic benefits of keno	General Affairs
LR542	Interim study to examine the issues within the jurisdiction of the General Affairs Committee	General Affairs
LR543	Interim study to examine possible legislative reforms to Nebraska laws relating to birth certificates	Judiciary
LR544	Interim study to examine the alternative response demonstration projects created in LB 853, 2014	Health and Human Services
LR545	Interim study to examine medicaid and the Children's Health Insurance Program, with an emphasis on children that are eligible but unenrolled in these programs	Health and Human Services
LR546	Interim study to examine whether Nebraska's occupational licensing boards are exposed to liability under antitrust laws	Judiciary
LR548	Interim study to examine issues surrounding youth tobacco use	Health and Human Services
LR549	Interim study to examine issues relating to utilization of the U visa program in Nebraska	Judiciary
LR550	Interim study to examine the feasibility of creating a common data collection site for county jail information necessary to receive funding under the County Justice Reinvestment Grant Program	Judiciary
LR551	Interim study to explore and assess the use of congregate care in Nebraska for youth in the child welfare and juvenile justice systems	Health and Human Services
LR552	Interim study to develop a plan to address funding and budgetary issues relating to climate change	Appropriations

LR553	Interim study to examine issues surrounding the Medicaid Reform Council	Health and Human Services
LR554	Interim study to examine information regarding air ambulance costs	Banking, Commerce and Insurance
LR555	Interim study to examine the process and procedures used in appeals before the Tax Equalization and Review Commission	Revenue
LR556	Interim study to examine the conveyances currently covered by the Conveyance Safety Act	Business and Labor
LR557	Interim study to examine what actions the State of Nebraska needs to take to meet the United States Dept. of Defense's mandates regarding energy and renewable resources	Government, Military and Veterans Affairs
LR558	Interim study to evaluate the governance structure of the Nebraska Educational Telecommunications Commission	Government, Military and Veterans Affairs
LR559	Interim study to examine the feasibility and impact of implementing the Civics Education Initiative in Nebraska through legislation or in partnership with the State Board of Education	Education
LR560	Interim study to examine the origins and utility of using court fees as a source of funding in Nebraska	Judiciary
LR561	Interim study to examine the effectiveness, economic stability, and long-term viability of the Youth Rehabilitation and Treatment Center in Kearney and the Youth Rehabilitation and Treatment Center in Geneva	Judiciary
LR562	Interim study to examine why LB 20, LB 357, and LB 454 failed to pass during the 104th legislative session	Revenue
LR563	Interim study to examine the reasons for the substantial tax rates on wireless telephone service in Nebraska	Revenue

LR564	Interim study to examine education in Nebraska	Education
LR565	Interim study to examine land acquisition within municipalities for educational purposes	Urban Affairs
LR566	Interim study to examine the availability of education, rehabilitation, and reentry support for incarcerated men and women	Judiciary
LR567	Interim study to examine and review the sale of alcohol in Whiteclay and the need for additional funding for law enforcement	General Affairs
LR568	Interim study to examine the membership, role, and duties of the Nebraska Police Standards Advisory Council	Judiciary
LR569	Interim study to examine the means available to fund the grant program established pursuant to the Livestock Growth Act	Agriculture
LR570	Interim study to review the duties and authorities of the Dept. of Agriculture to establish an agriculture promotion and development program	Agriculture
LR571	Interim study to examine local political subdivision retirement plans for public employees	Nebraska Retirement Systems
LR572	Interim study to examine issues surrounding the Division of Veterans' Homes of the Dept. of Health and Human Services and wait times for admission to the veterans' homes system	Health and Human Services
LR573	Interim study to examine the historic and present state of industrial hemp as an alternative crop in Nebraska and its future potential	Agriculture
LR574	Interim study to examine aspects of Nebraska's medicaid program that include share of cost or resource spend down components	Health and Human Services

LR575	Interim study to continue the ongoing study of access to healthcare in Nebraska	Health and Human Services
LR576	Interim study to examine children's access to legal counsel in juvenile proceedings across the state of Nebraska	Judiciary
LR577	Interim study to examine issues under the jurisdiction of the Appropriations Committee	Appropriations
LR578	Interim study to examine the Developmental Disabilities Court-Ordered Custody Act	Judiciary
LR579	Interim study to examine issues relating to solar energy development	Natural Resources
LR580	Interim study to examine the Dept. of Health and Human Services' policies for dealing with disallowances and audit exceptions by the federal government which have resulted in large fines and having to return money to the federal government	Appropriations
LR581	Interim study to examine the positive and negative effects of federal education funding if Nebraska would choose not to accept federal funds that are tied to federal mandates	Education
LR582	Interim study to examine how, through better coordination of health services, the state can better assist low-income individuals currently without insurance	Health and Human Services
LR583	Interim study to examine administrative law judges in Nebraska	Government, Military and Veterans Affairs
LR584	Interim study to examine the possibility of providing direct and statewide funding for legal representation in order to provide more equitable access to civil justice in Nebraska	Judiciary

LR586	Interim study to examine the effects of transferring public school employees from the system of district-based health insurance plans to the Nebraska State Insurance Program	Education
LR587	Interim study to examine the issues within the jurisdiction of the Education Committee	Education
LR588	Interim study to determine best practices in drafting tax legislation and determining the fiscal impact of tax policies	Appropriations
LR589	Interim study to examine issues within the jurisdiction of the Judiciary Committee	Judiciary
LR590	Interim study to examine options to offer incentives to health care professionals who provide free care and services to qualified recipients	Health and Human Services
LR591	Interim study to examine and make recommendations on improving health care coverage plans available to Nebraska small businesses with fifty or less employees	Banking, Commerce and Insurance
LR592	Interim study to examine the structure, compliance, and administration of the state individual and corporate income taxes, including financial institution and insurance premium taxes	Revenue
LR593	Interim study to examine the structure, compliance, and administration of real and personal property taxes	Revenue
LR594	Interim study to examine the structure, compliance, and administration of state and local sales and use taxes and any other miscellaneous taxes	Revenue
LR595	Interim study to examine the topic of food deserts and issues relating to access to healthy food in Nebraska	Agriculture



LR596	Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee	Government, Military and Veterans Affairs
LR597	Interim study to examine financing mechanisms available to various political subdivisions to issue bonds or assume future payment obligations without a direct vote of taxpayers	Government, Military and Veterans Affairs
LR598	Interim study to examine issues related to allowing owners and independent repair persons access to software and codes that will allow them to repair electronic devices	Agriculture
LR599	Interim study to review the administrative rate review processes currently conducted by the Public Service Commission	Transportation and Telecommunications
LR600	Interim study to examine alternatives for valuing agricultural land for property tax purposes	Revenue
LR602	Interim study to examine existing barriers to the delivery of health care services through telehealth technologies in Nebraska	Health and Human Services
LR603	Interim study to examine the issues faced by residents of mobile home communities	Health and Human Services
LR604	Interim study to examine inconsistencies in the practices utilized by county assessors in determining agricultural land value	Revenue
LR605	Interim study to examine issues relating to urban redevelopment	Urban Affairs
LR612	Interim study to examine issues under the jurisdiction of the Agriculture Committee	Agriculture

(Signed) Bob Krist, Chairperson  
Executive Board

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 615.** Introduced by Hughes, 44.

WHEREAS, Spencer Hartman was elected President of the Association of Students of the University of Nebraska-Lincoln (ASUN); and

WHEREAS, Spencer will represent the students of the University of Nebraska-Lincoln by acting as their voice and relaying student opinions to faculty and staff of the university; and

WHEREAS, Spencer will serve as a Student Regent on the Board of Regents of the University of Nebraska and offer input on behalf of the students of the University of Nebraska-Lincoln to the decisionmakers for the entire university system; and

WHEREAS, the ASUN presidency is bestowed democratically upon a student by his or her peers, reflecting great trust and confidence in the office by the over twenty-five thousand students of the University of Nebraska-Lincoln.

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

1. That the Legislature congratulates Spencer Hartman on his election as President of the Association of Students of the University of Nebraska-Lincoln.

2. That a copy of this resolution be sent to Spencer Hartman.

Laid over.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 31, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Heartland Strategy Group, LLC  
AmeriHealth Caritas  
O'Hara Lindsay & Associates, Inc.  
SourceGas Distribution, LLC (Withdrawn 03/31/2016)  
Reiman, Charlene  
SourceGas Distribution, LLC (Withdrawn 03/31/2016)  
Thompson, Brian  
Consolidated Companies, Inc.

**REPORTS**

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

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

**GENERAL FILE**

**LEGISLATIVE BILL 889A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 959A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**WITHDRAW - Amendment to LB746A**

Senator Campbell withdrew her amendment, AM2583, found on page 984, to LB746A.

**MOTION - Return LB746A to Select File**

Senator Campbell moved to return LB746A to Select File for her specific amendment, AM2782, found on page 1323.

The Campbell motion to return prevailed with 45 ayes, 0 nays, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 746A.** The Campbell specific amendment, AM2782, found on page 1323, was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**MOTION - Return LB843 to Select File**

Senator B. Harr moved to return LB843 to Select File for his specific amendment, AM2734, found on page 1199.

The B. Harr motion to return prevailed with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 843.** The B. Harr specific amendment, AM2734, found on page 1199, was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 877.**

A BILL FOR AN ACT relating to suburban development; to amend section 17-1002, Reissue Revised Statutes of Nebraska; to change provisions relating to reviewing and commenting on proposed subdivision plats in certain counties as prescribed; and to repeal the original section.

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

Voting in the affirmative, 45:

Baker	Crawford	Hansen	Krist	Riepe
Bloomfield	Davis	Harr, B.	Kuehn	Scheer
Bolz	Ebke	Hilkemann	Larson	Schnoor
Brasch	Fox	Howard	Lindstrom	Schumacher
Campbell	Friesen	Hughes	McCollister	Smith
Chambers	Garrett	Johnson	McCoy	Stinner
Coash	Gloor	Kintner	Mello	Sullivan
Cook	Groene	Kolowski	Morfeld	Watermeier
Craighead	Hadley	Kolterman	Pansing Brooks	Williams

Voting in the negative, 0.

Present and not voting, 1:

Haar, K.

Excused and not voting, 3:

Murante      Schilz      Seiler

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

**LEGISLATIVE BILL 881.**

A BILL FOR AN ACT relating to energy financing contracts; to amend sections 66-1062, 66-1064, and 66-1065, Reissue Revised Statutes of Nebraska; to redefine terms; to change governmental unit duties; to change provisions relating to contract contents and bond requirements as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 43:

Baker	Davis	Hansen	Kuehn	Scheer
Bloomfield	Ebke	Harr, B.	Larson	Schnoor
Bolz	Fox	Hilkemann	Lindstrom	Schumacher
Brasch	Friesen	Howard	McCollister	Smith
Campbell	Garrett	Hughes	McCoy	Stinner
Chambers	Gloor	Johnson	Mello	Sullivan
Coash	Groene	Kintner	Morfeld	Watermeier
Cook	Haar, K.	Kolterman	Pansing Brooks	
Crawford	Hadley	Krist	Riepe	

Voting in the negative, 0.

Present and not voting, 3:

Craighead      Kolowski      Williams

Excused and not voting, 3:

Murante      Schilz      Seiler

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

**LEGISLATIVE BILL 887.** With Emergency Clause.

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Act; to amend sections 66-1519, 66-1523, 66-1525, and 66-1529.02, Revised Statutes Cumulative Supplement, 2014; to extend use of the Petroleum Release Remedial Action Cash Fund as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	Larson	Schumacher
Bloomfield	Ebke	Hilkemann	Lindstrom	Smith
Bolz	Fox	Howard	McCollister	Stinner
Brasch	Friesen	Hughes	McCoy	Sullivan
Campbell	Garrett	Johnson	Mello	Watermeier
Chambers	Gloor	Kintner	Morfeld	Williams
Coash	Groene	Kolowski	Pansing Brooks	
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schnoor	

Voting in the negative, 0.

Excused and not voting, 3:

Murante      Schilz      Seiler

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

### **LEGISLATIVE BILL 891.**

A BILL FOR AN ACT relating to public health and welfare; to adopt the Down Syndrome Diagnosis Information and Support Act.

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

Voting in the affirmative, 46:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Smith
Bolz	Fox	Hughes	McCoy	Stinner
Brasch	Friesen	Johnson	Mello	Sullivan
Campbell	Garrett	Kintner	Morfeld	Watermeier
Chambers	Gloor	Kolowski	Pansing Brooks	Williams
Coash	Haar, K.	Kolterman	Riepe	
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Murante Seiler

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

**LEGISLATIVE BILL 895.** With Emergency Clause.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1201, Reissue Revised Statutes of Nebraska; to require a report regarding the Beatrice State Developmental Center and the Bridges program as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 46:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Smith
Bolz	Fox	Hughes	McCoy	Stinner
Brasch	Friesen	Johnson	Mello	Sullivan
Campbell	Garrett	Kintner	Morfeld	Watermeier
Chambers	Groene	Kolowski	Pansing Brooks	Williams
Coash	Haar, K.	Kolterman	Riepe	
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Gloor

Excused and not voting, 2:

Murante Seiler

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

**LEGISLATIVE BILL 899.**

A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend section 71-5301.01, Reissue Revised Statutes of Nebraska, and section 71-5301, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to lead content; to redefine a term; to provide for rules and regulations and eliminate requirements relating to public water systems; and to repeal the original sections.

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

Voting in the affirmative, 45:

Baker	Davis	Harr, B.	Kuehn	Scheer
Bloomfield	Ebke	Hilkemann	Larson	Schilz
Bolz	Fox	Howard	Lindstrom	Schnoor
Campbell	Friesen	Hughes	McCollister	Schumacher
Chambers	Garrett	Johnson	McCoy	Smith
Coash	Groene	Kintner	Mello	Stinner
Cook	Haar, K.	Kolowski	Morfeld	Sullivan
Craighead	Hadley	Kolterman	Pansing Brooks	Watermeier
Crawford	Hansen	Krist	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 2:

Brasch          Gloor

Excused and not voting, 2:

Murante          Seiler

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

**LEGISLATIVE BILL 902.**

A BILL FOR AN ACT relating to the Nebraska Clean-burning Motor Fuel Development Act; to amend sections 66-202, 66-203, and 66-204, Revised Statutes Supplement, 2015; to redefine a term; to change provisions relating to qualification for rebates and use of funds; and to repeal the original sections.

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

Voting in the affirmative, 44:



Baker	Davis	Hilkemann	Larson	Schilz
Bolz	Fox	Howard	Lindstrom	Schnoor
Brasch	Friesen	Hughes	McCollister	Schumacher
Campbell	Garrett	Johnson	McCoy	Smith
Chambers	Groene	Kintner	Mello	Stinner
Coash	Haar, K.	Kolowski	Morfeld	Sullivan
Cook	Hadley	Kolterman	Pansing Brooks	Watermeier
Craighead	Hansen	Krist	Riepe	Williams
Crawford	Harr, B.	Kuehn	Scheer	

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield Ebke Gloor

Excused and not voting, 2:

Murante Seiler

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

**LEGISLATIVE BILL 908.**

A BILL FOR AN ACT relating to veterinary technicians; to amend section 38-3325, Reissue Revised Statutes of Nebraska; to provide for temporary licenses; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 45:

Baker	Crawford	Hansen	Krist	Scheer
Bloomfield	Davis	Harr, B.	Kuehn	Schilz
Bolz	Ebke	Hilkemann	Larson	Schnoor
Brasch	Fox	Howard	Lindstrom	Schumacher
Campbell	Friesen	Hughes	McCollister	Smith
Chambers	Garrett	Johnson	McCoy	Stinner
Coash	Groene	Kintner	Mello	Sullivan
Cook	Haar, K.	Kolowski	Morfeld	Watermeier
Craighead	Hadley	Kolterman	Pansing Brooks	Williams

Voting in the negative, 0.

Present and not voting, 2:

Gloor Riepe

Excused and not voting, 2:

Murante Seiler

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

**LEGISLATIVE BILL 908A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 908, One Hundred Fourth Legislature, Second Session, 2016.

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

Voting in the affirmative, 43:

Baker	Crawford	Hansen	Krist	Schilz
Bloomfield	Davis	Harr, B.	Kuehn	Schnoor
Bolz	Ebke	Hilkemann	Larson	Schumacher
Brasch	Fox	Howard	Lindstrom	Smith
Campbell	Friesen	Hughes	McCoy	Stinner
Chambers	Garrett	Johnson	Mello	Watermeier
Coash	Groene	Kintner	Morfeld	Williams
Cook	Haar, K.	Kolowski	Pansing Brooks	
Craighead	Hadley	Kolterman	Scheer	

Voting in the negative, 0.

Present and not voting, 4:

Gloor McCollister Riepe Sullivan

Excused and not voting, 2:

Murante Seiler

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB909 with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 909.**

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 2-1807, 2-1808, 54-635, 54-850, 54-856, 54-1371, 54-1382, 54-1704, 54-1904, 54-2306, 54-2320, 81-2,147.10, 89-187, 89-187.02, 89-188, 89-197, and 89-1,100, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to penalties; to provide for administrative fees; to state intent; to provide for remittance of certain fees; to eliminate requirements for social security numbers on applications as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	McCoy	Stinner
Campbell	Garrett	Johnson	Mello	Sullivan
Chambers	Gloor	Kintner	Morfeld	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Murante      Seiler

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 913.**

A BILL FOR AN ACT relating to state disasters; to adopt the Facilitating Business Rapid Response to State Declared Disasters Act.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	McCoy	Stinner
Campbell	Garrett	Johnson	Mello	Sullivan
Chambers	Gloor	Kintner	Morfeld	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Murante      Seiler

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

#### **LEGISLATIVE BILL 924.**

A BILL FOR AN ACT relating to the Income Withholding for Child Support Act; to amend section 43-1718.01, Reissue Revised Statutes of Nebraska; to provide for an additional withholding procedure for certain payments; and to repeal the original section.

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

Voting in the affirmative, 46:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Smith
Bolz	Fox	Hughes	McCoy	Stinner
Brasch	Friesen	Johnson	Mello	Sullivan
Campbell	Garrett	Kintner	Morfeld	Watermeier
Chambers	Gloor	Kolowski	Pansing Brooks	Williams
Coash	Haar, K.	Kolterman	Riepe	
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 2:

Murante        Seiler

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

**LEGISLATIVE BILL 942.** With Emergency Clause.

A BILL FOR AN ACT relating to marketing plans and trade practices; to amend sections 59-1724, 87-402, and 87-404, Reissue Revised Statutes of Nebraska; to provide a disclosure requirement to the Department of Banking and Finance for seller-assisted marketing plan contracts as prescribed; to define a term; to provide for reformation of a franchise agreement which unreasonably restrains competition; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	McCoy	Sinner
Campbell	Garrett	Johnson	Mello	Sullivan
Chambers	Gloor	Kintner	Morfeld	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Murante        Seiler

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

**LEGISLATIVE BILL 948.**

A BILL FOR AN ACT relating to enterprise zones; to amend section 13-2103, Revised Statutes Cumulative Supplement, 2014; to change an application period limitation for the designation of enterprise zones as prescribed; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	McCoy	Stinner
Campbell	Garrett	Johnson	Mello	Sullivan
Chambers	Gloor	Kintner	Morfeld	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Murante      Seiler

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

**LEGISLATIVE BILL 952.**

A BILL FOR AN ACT relating to emergency medical services; to amend section 38-1215, Revised Statutes Cumulative Supplement, 2014; to change membership of the Board of Emergency Medical Services; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	McCoy	Stinner
Campbell	Garrett	Johnson	Mello	Sullivan
Chambers	Gloor	Kintner	Morfeld	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Murante        Seiler

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

**LEGISLATIVE BILL 973.**

A BILL FOR AN ACT relating to electric utilities; to amend section 48-442, Reissue Revised Statutes of Nebraska, and sections 48-437, 60-6,288.01, 60-6,291, and 60-6,299, Revised Statutes Cumulative Supplement, 2014; to change penalties for prohibited acts relating to high voltage lines and violation of certain permits and notification requirements; to change notice and permit provisions relating to moving certain buildings on a road or highway; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	McCoy	Stinner
Campbell	Garrett	Johnson	Mello	Sullivan
Chambers	Gloor	Kintner	Morfeld	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	
Davis	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

Murante Seiler

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

**LEGISLATIVE BILL 978.**

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-118.02, 81-1108.15, and 81-1108.43, Reissue Revised Statutes of Nebraska; to change provisions relating to the state purchasing card program and facilities construction and administration; to eliminate obsolete provisions relating to a United States Savings Bond withholding program and the selling or leasing of a state building; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1126, 81-1127, 81-1128, 81-1129, and 90-244, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	McCoy	Stinner
Campbell	Garrett	Johnson	Mello	Sullivan
Chambers	Gloor	Kintner	Morfeld	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Murante Seiler

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



**LEGISLATIVE BILL 1002.**

A BILL FOR AN ACT relating to educational service units; to amend section 79-1204, Reissue Revised Statutes of Nebraska; to authorize educational service unit boards to pay membership dues in associations of school boards as prescribed; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	McCoy	Stinner
Campbell	Garrett	Johnson	Mello	Sullivan
Chambers	Gloor	Kintner	Morfeld	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Murante      Seiler

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

**LEGISLATIVE BILL 1010.**

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-261, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to a juvenile court petition; and to repeal the original section.

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

Voting in the affirmative, 46:

Baker	Ebke	Hilkemann	Lindstrom	Schumacher
Bloomfield	Fox	Howard	McCollister	Smith
Bolz	Friesen	Hughes	McCoy	Stinner
Brasch	Garrett	Johnson	Mello	Sullivan
Campbell	Gloor	Kintner	Morfeld	Watermeier
Chambers	Groene	Kolowski	Pansing Brooks	Williams
Coash	Haar, K.	Kolterman	Riepe	
Cook	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	
Davis	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Craighead

Excused and not voting, 2:

Murante        Seiler

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

#### **LEGISLATIVE BILL 1011.**

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend section 71-831, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to contracts and agreements relating to the medical assistance program governing at-risk managed care service delivery for behavioral health services; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	McCoy	Stinner
Campbell	Garrett	Johnson	Mello	Sullivan
Chambers	Gloor	Kintner	Morfeld	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Murante Seiler

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

**LEGISLATIVE BILL 1039.**

A BILL FOR AN ACT relating to developmental disabilities; to amend sections 83-381, 83-1201, and 83-1205, Reissue Revised Statutes of Nebraska, and section 71-1108.01, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	McCoy	Stinner
Campbell	Garrett	Johnson	Mello	Sullivan
Chambers	Gloor	Kintner	Morfeld	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Murante Seiler

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

**LEGISLATIVE BILL 1050.**

A BILL FOR AN ACT relating to partnerships; to amend section 67-401, Reissue Revised Statutes of Nebraska; to authorize the conversion of domestic partnerships and domestic limited liability partnerships into domestic limited liability companies or foreign limited liability companies as prescribed; to require notice to certain holders of security interests as prescribed; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Murante	Watermeier
Cook	Haar, K.	Kolterman	Pansing Brooks	Williams
Craighead	Hadley	Krist	Riepe	
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Seiler

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

**LEGISLATIVE BILL 1075.**

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend sections 69-2304 and 69-2308, Revised Statutes Cumulative Supplement, 2014; to change a provision relating to the disposition of personal property; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Murante	Watermeier
Cook	Haar, K.	Kolterman	Pansing Brooks	Williams
Craighead	Hadley	Krist	Riepe	
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Seiler

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

### **LEGISLATIVE BILL 1080.**

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 81-161.03 and 83-150, Reissue Revised Statutes of Nebraska, and section 81-1185, Revised Statutes Supplement, 2015; to increase the dollar amount authorized for direct purchases for correctional industries; to change provisions relating to recyclable material used by the correctional industries program; and to repeal the original sections.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Murante	Watermeier
Cook	Haar, K.	Kolterman	Pansing Brooks	Williams
Craighead	Hadley	Krist	Riepe	
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Seiler

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

**LEGISLATIVE BILL 1086.**

A BILL FOR AN ACT relating to schools; to amend section 79-224, Reissue Revised Statutes of Nebraska; to change provisions relating to student self-management of asthma or anaphylaxis as prescribed; and to repeal the original section.

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

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Murante	Watermeier
Cook	Haar, K.	Kolterman	Pansing Brooks	Williams
Craighead	Hadley	Krist	Riepe	
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Seiler

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

**LEGISLATIVE BILL 1101.**

A BILL FOR AN ACT relating to the Department of Environmental Quality; to amend sections 81-15,158.01 and 81-15,160, Reissue Revised Statutes of Nebraska; to require a study to examine the status of solid waste management programs; to create an advisory committee; to require reports; to provide for costs; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Murante	Watermeier
Cook	Haar, K.	Kolterman	Pansing Brooks	Williams
Craighead	Hadley	Krist	Riepe	
Crawford	Hansen	Kuehn	Scheer	
Davis	Harr, B.	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 1:

Seiler

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

**RESOLUTION ON FINAL READING**

The following resolution was read and put upon final passage:

**LEGISLATIVE RESOLUTION 381.**

WHEREAS, The first Congress of the United States, at its first session, held in New York, New York, on the twenty-fifth day of September, in the year one thousand seven hundred and eighty-nine, passed the following resolution to amend the Constitution of the United States of America, in the following words and figures in part, to wit:

The Conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government will best ensure the beneficent ends of its institution;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

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

1. That such proposed amendment to the Constitution of the United States be ratified.

2. That the Clerk of the Legislature send copies of this resolution to the Administrator of the General Services Administration, the President of the United States Senate, and the Speaker of the United States House of Representatives.

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

Voting in the affirmative, 46:

Baker	Fox	Howard	McCollister	Schumacher
Bloomfield	Friesen	Hughes	McCoy	Smith
Bolz	Garrett	Johnson	Mello	Stinner
Brasch	Gloor	Kintner	Morfeld	Sullivan
Campbell	Groene	Kolowski	Murante	Watermeier
Coash	Haar, K.	Kolterman	Pansing Brooks	Williams
Craighead	Hadley	Krist	Riepe	
Crawford	Hansen	Kuehn	Scheer	
Davis	Harr, B.	Larson	Schilz	
Ebke	Hilkemann	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 2:

Chambers      Cook

Excused and not voting, 1:

Seiler

A constitutional majority having voted in the affirmative, the resolution was declared passed.



**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB742 with 40 ayes, 1 nay, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 742.**

A BILL FOR AN ACT relating to counties; to amend sections 2-955, 8-157, 23-150, 23-151, 23-1723, 23-1723.01, 23-1732, 23-2503, 23-2517, 23-2518, 23-3502, 23-3582, 29-902.01, 32-221, 32-555, 33-114.01, and 71-1631, Reissue Revised Statutes of Nebraska, section 32-554, Revised Statutes Cumulative Supplement, 2014, and sections 23-148 and 32-528, Revised Statutes Supplement, 2015; to change county population thresholds; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	McCollister	Schumacher
Bloomfield	Ebke	Hilkemann	McCoy	Smith
Bolz	Fox	Howard	Mello	Stinner
Brasch	Friesen	Hughes	Morfeld	Sullivan
Campbell	Garrett	Johnson	Murante	Watermeier
Chambers	Gloor	Kintner	Pansing Brooks	Williams
Coash	Groene	Kolterman	Riepe	
Cook	Haar, K.	Kuehn	Scheer	
Craighead	Hadley	Larson	Schilz	
Crawford	Hansen	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 2:

Kolowski      Krist

Excused and not voting, 1:

Seiler

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 837.**

A BILL FOR AN ACT relating to the Surplus Lines Insurance Act; to amend sections 44-5506 and 44-5515, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to premium taxes and quarterly statements; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	Mello	Stinner
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

McCoy          Seiler

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

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 877, 881, 887, 891, 895, 899, 902, 908, 908A, 909, 913, 924, 942, 948, 952, 973, 978, 1002, 1010, 1011, 1039, 1050, 1075, 1080, 1086, 1101, 742, 837, and LR381.

**SPEAKER HADLEY PRESIDING**

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB894 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 894.**

A BILL FOR AN ACT relating to juveniles; to amend sections 43-248.01, 43-260, 43-273, 43-279, 43-3504, 83-4,125, 83-4,126, 83-4,132, and 83-4,134, Reissue Revised Statutes of Nebraska, sections 43-248, 43-253, 43-255, 43-256, 43-260.01, and 43-3503, Revised Statutes Cumulative Supplement, 2014, and sections 43-245, 43-247, 43-250, 43-251.01, 43-272, and 43-272.01, Revised Statutes Supplement, 2015; to provide, change, and eliminate definitions; to change provisions relating to court jurisdiction, temporary custody and disposition, detention, and placements and commitments under the Nebraska Juvenile Code; to change provisions relating to the advisement of rights given to a juvenile in custody; to provide for alternatives to detention and for creation of county guardian ad litem divisions; to change provisions for appointment and compensation of a guardian ad litem; to require and change provisions relating to the appointment of counsel for juveniles; to prohibit the waiver of counsel in certain circumstances; to require the Supreme Court to provide guidelines for attorneys practicing in juvenile court; to set forth requirements for a valid waiver of the right to counsel by a juvenile; to provide requirements relating to room confinement of juveniles; to provide for reports; to provide a duty for the Inspector General of Nebraska Child Welfare; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	Mello	Stinner
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	
Davis	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 2:

McCoy        Seiler

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1083.**

A BILL FOR AN ACT relating to economic development; to amend section 13-208, Revised Statutes Cumulative Supplement, 2014; to adopt the Next Generation Business Growth Act; to state intent regarding funding; to change funding for tax credits under the Community Development Assistance Act; to provide a termination date; and to repeal the original section.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	Larson	Schnoor
Bloomfield	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Smith
Brasch	Friesen	Hughes	Mello	Stinner
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Williams
Coash	Groene	Kolowski	Pansing Brooks	
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 0.

Excused and not voting, 3:

McCoy        Seiler        Watermeier

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

**LEGISLATIVE BILL 1083A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1083, One Hundred Fourth Legislature, Second Session, 2016.

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

Voting in the affirmative, 45:

Baker	Crawford	Hadley	Kolterman	Riepe
Bloomfield	Davis	Hansen	Krist	Scheer
Bolz	Ebke	Harr, B.	Kuehn	Schilz
Brasch	Fox	Hilkemann	Lindstrom	Schnoor
Campbell	Friesen	Howard	McCollister	Schumacher
Chambers	Garrett	Hughes	Mello	Smith
Coash	Gloor	Johnson	Morfeld	Stinner
Cook	Groene	Kintner	Murante	Sullivan
Craighead	Haar, K.	Kolowski	Pansing Brooks	Williams

Voting in the negative, 0.

Excused and not voting, 4:

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1093 with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1093.** With Emergency Clause.

A BILL FOR AN ACT relating to economic development; to amend sections 50-501 and 81-1210.01, Reissue Revised Statutes of Nebraska, and sections 81-12,160 and 81-12,162, Revised Statutes Supplement, 2015; to eliminate provisions relating to a statewide strategic plan for biotechnology; to create the Bioscience Steering Committee; to provide powers and duties; to change provisions relating to the use of the Biotechnology Development Cash Fund; to redefine a term relating to a grant program for internships; to change the Business Innovation Act; to state findings and require reports relating to the Nebraska Innovation Campus; to provide operative dates; to

repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Baker	Davis	Hansen	Krist	Scheer
Bolz	Ebke	Harr, B.	Kuehn	Schilz
Brasch	Fox	Hilkemann	Lindstrom	Schnoor
Campbell	Friesen	Howard	McCollister	Schumacher
Chambers	Garrett	Hughes	Mello	Smith
Coash	Gloor	Johnson	Morfeld	Stinner
Cook	Groene	Kintner	Murante	Sullivan
Craighead	Haar, K.	Kolowski	Pansing Brooks	Williams
Crawford	Hadley	Kolterman	Riepe	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 4:

Larson          McCoy          Seiler          Watermeier

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1093A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1093, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

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

Voting in the affirmative, 43:

Baker	Crawford	Hansen	Krist	Schilz
Bloomfield	Davis	Harr, B.	Kuehn	Schnoor
Bolz	Ebke	Hilkemann	Lindstrom	Schumacher
Brasch	Fox	Howard	McCollister	Smith
Campbell	Friesen	Hughes	Mello	Stinner
Chambers	Garrett	Johnson	Morfeld	Sullivan
Coash	Gloor	Kintner	Murante	Williams
Cook	Haar, K.	Kolowski	Pansing Brooks	
Craighead	Hadley	Kolterman	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 5:

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

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 894, 1083, 1083A, 1093, and 1093A.

#### **SELECT FILE**

**LEGISLATIVE BILL 1110.** ER228, found on page 1243, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1110A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 744.** ER227, found on page 1245, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 886.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 886A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 935.** ER231, found on page 1265, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1066.** ER233, found on page 1310, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 874.** ER232, found on page 1310, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1012.** ER234, found on page 1311, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 889.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 686.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1098.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1098A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1000.** ER236, found on page 1328, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 938.** ER225, found on page 1231, was adopted.

Senator Smith offered his amendment, AM2769, found on page 1297.

The Smith amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 938A.** Senator Smith offered his amendment, AM2752, found on page 1297.

The Smith amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.



**LEGISLATIVE BILL 774.** ER224, found on page 1232, was adopted.

Senator Bloomfield withdrew his amendment, AM2725, found on page 1283.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 774A.** Senator Scheer offered his amendment, AM2760, found on page 1283.

The Scheer amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1038.** ER223, found on page 1232, was adopted.

Senator Hughes offered his amendment, AM2743, found on page 1374.

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1038A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 835.** ER235, found on page 1328, was adopted.

Senator Mello offered his amendment, AM2789, found on page 1368.

The Mello amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### **COMMITTEE REPORT(S)**

#### Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Lisa May - Nebraska Educational Telecommunications Commission

Aye: 5 Baker, Krist, Pansing Brooks, Schnoor, Sullivan. Nay: 0. Absent: 3 Groene, Kolowski, Morfeld. Present and not voting: 0.

(Signed) Kate Sullivan, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Kintner filed the following amendment to LB884:  
AM2819

(Amendments to Standing Committee amendments, AM2522)

- 1 1. On page 8, line 21, after "determines" insert "by an affirmative
- 2 vote of at least five members of the governing body of the city that".

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 1, 2016, at 11:05 a.m. were the following: LBs 877, 881, 887e, 891, 895e, 899, 902, 908, 908A, 909, 913, 924, 942e, 948, 952, 973, 978, 1002, 1010, 1011, 1039, 1050, 1075, 1080, 1086, 1101, 742, 837, 894, 1083, 1083A, 1093e, and 1093Ae.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**GENERAL FILE**

**LEGISLATIVE BILL 1103.** Senator Schnoor offered his motion, MO250, found on page 1382, to indefinitely postpone.

**SENATOR KRIST PRESIDING**

Senator Morfeld offered the following motion:  
MO251  
Reconsider the vote taken on Committee AM2394.

Senator Larson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Morfeld motion to reconsider prevailed with 27 ayes, 13 nays, 8 present and not voting, and 1 excused and not voting.

Committee AM2394, found on page 929 and considered on pages 1374 and 1376, was reconsidered.

Senator Larson offered the following motion:  
MO253  
Bracket until April 20, 2016.

Senator Schumacher offered the following motion:  
MO256  
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Schumacher moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Schumacher requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 29:

Baker	Ebke	Hansen	Kolterman	Riepe
Bolz	Garrett	Harr, B.	Krist	Schumacher
Campbell	Gloor	Hilkemann	McCollister	Smith
Chambers	Groene	Howard	Mello	Stinner
Cook	Haar, K.	Johnson	Morfeld	Williams
Crawford	Hadley	Kolowski	Pansing Brooks	

Voting in the negative, 19:

Bloomfield	Davis	Kintner	McCoy	Schnoor
Brasch	Fox	Kuehn	Murante	Sullivan
Coash	Friesen	Larson	Scheer	Watermeier
Craighead	Hughes	Lindstrom	Schilz	

Excused and not voting, 1:

Seiler

The Schumacher motion to invoke cloture failed with 29 ayes, 19 nays, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 975.** Title read. Considered.

Senator Kolterman offered the following motion:  
MO239

Unanimous consent to bracket until April 20, 2016.

No objections. So ordered.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 884A.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 884, One Hundred Fourth Legislature, Second Session, 2016.

**MOTION - Print in Journal**

Senator Scheer filed the following motion to LB884A:  
MO255  
Withdraw bill.

**VISITOR(S)**

Visitors to the Chamber were State Representative, David Sieck, from Glenwood, IA, and State Senator Mark Castello, from Imogene, IA; 8 twelfth-grade students and teacher from Sutherland; 41 fourth-grade students from St. Johns, Lincoln; Bill and Emma Loeffler from Cedar Rapids, Jill Loeffler from San Francisco, CA, and Aram Sohigian from San Francisco, CA; 70 fourth-grade students from Longfellow Elementary, Hastings; 21 fourth- and fifth-grade students, teacher, and sponsors from St. Luke's Catholic School, Ogallala; Karl and Phyl Kostbahn from Grand Island; 60 fourth-grade students from Falls City South School; Mick, Julie, Greg, and Josie Downing from Chadron; the Klintworth family from Seward; former Senator Mark Christensen; and 20 fifth- and sixth-grade students from Mullen.

The Doctor of the Day was Dr. Stephanie Larson from Omaha.

**ADJOURNMENT**

At 3:28 p.m., on a motion by Senator Morfeld, the Legislature adjourned until 9:00 a.m., Monday, April 4, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-FOURTH DAY - APRIL 4, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 4, 2016

**PRAYER**

The prayer was offered by Pastor Jean Vargo, Grace Lutheran Church, West Point.

**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 Bolz, Coash, Cook, Davis, Garrett, Groene, Krist, Kuehn, Larson, Mello, Murante, Pansing Brooks, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-third day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 686.** Placed on Final Reading.  
**LEGISLATIVE BILL 744.** Placed on Final Reading.  
**LEGISLATIVE BILL 746A.** Placed on Final Reading Second.  
**LEGISLATIVE BILL 774.** Placed on Final Reading.  
**LEGISLATIVE BILL 774A.** Placed on Final Reading.

**LEGISLATIVE BILL 835.** Placed on Final Reading.  
ST83

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER235, on page 26, line 9, "or she" has been inserted after "he".

**LEGISLATIVE BILL 843.** Placed on Final Reading Second.  
**LEGISLATIVE BILL 874.** Placed on Final Reading.  
**LEGISLATIVE BILL 886.** Placed on Final Reading.

**LEGISLATIVE BILL 886A.** Placed on Final Reading.  
**LEGISLATIVE BILL 889.** Placed on Final Reading.  
**LEGISLATIVE BILL 935.** Placed on Final Reading.

**LEGISLATIVE BILL 938.** Placed on Final Reading.  
ST82

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER225, on page 1, line 5, "and" has been struck and "; and to declare an emergency" inserted after "sections".

**LEGISLATIVE BILL 938A.** Placed on Final Reading.  
ST81

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "to amend Laws 2015, LB657, section 63;" has been inserted after the semicolon; and in line 3 "; to change an appropriation; to repeal the original section; and to declare an emergency" has been inserted after "2016".

**LEGISLATIVE BILL 1000.** Placed on Final Reading.  
**LEGISLATIVE BILL 1012.** Placed on Final Reading.  
**LEGISLATIVE BILL 1038.** Placed on Final Reading.  
**LEGISLATIVE BILL 1038A.** Placed on Final Reading.  
**LEGISLATIVE BILL 1066.** Placed on Final Reading.  
**LEGISLATIVE BILL 1098.** Placed on Final Reading.  
**LEGISLATIVE BILL 1098A.** Placed on Final Reading.  
**LEGISLATIVE BILL 1110.** Placed on Final Reading.  
**LEGISLATIVE BILL 1110A.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 1067.** Placed on Select File with amendment.  
ER241 is available in the Bill Room.

**LEGISLATIVE BILL 1067A.** Placed on Select File.

**LEGISLATIVE BILL 821.** Placed on Select File with amendment.  
ER239

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Sections 1 to 11 of this act shall be known and may be

4 cited as the Workplace Privacy Act.

5 Sec. 2. For purposes of the Workplace Privacy Act:

6 (1) Adverse action means the discharge of an employee, a threat

7 against an employee, or any other act against an employee that negatively

8 affects the employee's employment;

9 (2) Applicant means a prospective employee applying for employment;

10 (3) Electronic communication device means a cellular telephone,

11 personal digital assistant, electronic device with mobile data access,

12 laptop computer, pager, broadband personal communication device, two-way

13 messaging device, electronic game, or portable computing device;

14 (4) Employee means an individual employed by an employer;

15 (5) Employer means a public or nonpublic entity or an individual

16 engaged in a business, an industry, a profession, a trade, or other

17 enterprise in the state, including any agent, representative, or designee

18 acting directly or indirectly in the interest of such an employer; and

19 (6)(a) Personal Internet account means an individual's online

20 account that requires login information in order to access or control the

21 account.

22 (b) Personal Internet account does not include:

23 (i) An online account that an employer or educational institution

24 supplies or pays for, except when the employer or educational institution

25 pays only for additional features or enhancements to the online account;

26 or

27 (ii) An online account that is used exclusively for a business

1 purpose of the employer.

2 Sec. 3. No employer shall:

3 (1) Require or request that an employee or applicant provide or

4 disclose any user name or password or any other related account

5 information in order to gain access to the employee's or applicant's

6 personal Internet account by way of an electronic communication device;

7 (2) Require or request that an employee or applicant log into a

8 personal Internet account by way of an electronic communication device in

9 the presence of the employer in a manner that enables the employer to

10 observe the contents of the employee's or applicant's personal Internet

11 account or provides the employer access to the employee's or applicant's

12 personal Internet account;

13 (3) Require an employee or applicant to add anyone, including the

14 employer, to the list of contacts associated with the employee's or

15 applicant's personal Internet account or require or otherwise coerce an

16 employee or applicant to change the settings on the employee's or

17 applicant's personal Internet account which affects the ability of others

18 to view the content of such account; or

19 (4) Take adverse action against, fail to hire, or otherwise penalize

20 an employee or applicant for failure to provide or disclose any of the

21 information or to take any of the actions specified in subdivisions (1)

22 through (3) of this section.

23 Sec. 4. An employer shall not require an employee or applicant to

24 waive or limit any protection granted under the Workplace Privacy Act as

25 a condition of continued employment or of applying for or receiving an

26 offer of employment. Any agreement to waive any right or protection under

27 the act is against the public policy of this state and is void and

28 unenforceable.

29 Sec. 5. An employer shall not retaliate or discriminate against an

30 employee or applicant because the employee or applicant:  
31 (1) Files a complaint under the Workplace Privacy Act; or  
1 (2) Testifies, assists, or participates in an investigation,  
2 proceeding, or action concerning a violation of the act.  
3 Sec. 6. An employee shall not download or transfer an employer's  
4 private proprietary information or private financial data to a personal  
5 Internet account without authorization from the employer. This section  
6 shall not apply if the proprietary information or the financial data is  
7 otherwise disclosed by the employer to the public pursuant to other  
8 provisions of law or practice.  
9 Sec. 7. Nothing in the Workplace Privacy Act limits an employer's  
10 right to:  
11 (1) Promulgate and maintain lawful workplace policies governing the  
12 use of the employer's electronic equipment, including policies regarding  
13 Internet use and personal Internet account use;  
14 (2) Request or require an employee or applicant to disclose access  
15 information to the employer to gain access to or operate:  
16 (a) An electronic communication device supplied by or paid for in  
17 whole or in part by the employer; or  
18 (b) An account or service provided by the employer, obtained by  
19 virtue of the employee's employment relationship with the employer, or  
20 used for the employer's business purposes;  
21 (3) Restrict or prohibit an employee's access to certain web sites  
22 while using an electronic communication device supplied by or paid for in  
23 whole or in part by the employer or while using an employer's network or  
24 resources, to the extent permissible under applicable laws;  
25 (4) Monitor, review, access, or block electronic data stored on an  
26 electronic communication device supplied by or paid for in whole or in  
27 part by the employer or stored on an employer's network, to the extent  
28 permissible under applicable laws;  
29 (5) Access information about an employee or applicant that is in the  
30 public domain or is otherwise obtained in compliance with the Workplace  
31 Privacy Act;  
1 (6) Conduct an investigation or require an employee to cooperate in  
2 an investigation under any of the following circumstances:  
3 (a) If the employer has specific information about potentially  
4 wrongful activity taking place on the employee's personal Internet  
5 account, for the purpose of ensuring compliance with applicable laws,  
6 regulatory requirements, or prohibitions against work-related employee  
7 misconduct; or  
8 (b) If the employer has specific information about an unauthorized  
9 download or transfer of the employer's private proprietary information,  
10 private financial data, or other confidential information to an  
11 employee's personal Internet account;  
12 (7) Take adverse action against an employee for downloading or  
13 transferring an employer's private proprietary information or private  
14 financial data to a personal Internet account without the employer's  
15 authorization;  
16 (8) Comply with requirements to screen employees or applicants



17 before hiring or to monitor or retain employee communications that are  
18 established by state or federal law or by a self-regulatory organization  
19 as defined in 15 U.S.C. 78c(a)(26), as such section existed on January 1,  
20 2016; or  
21 (9) Comply with a law enforcement investigation conducted by a law  
22 enforcement agency.  
23 Sec. 8. Nothing in the Workplace Privacy Act limits a law  
24 enforcement agency's right to screen employees or applicants in  
25 connection with a law enforcement employment application or a law  
26 enforcement officer conduct investigation.  
27 Sec. 9. (1) The Workplace Privacy Act does not create a duty for an  
28 employer to search or monitor the activity of a personal Internet  
29 account.  
30 (2) An employer is not liable under the act for failure to request  
31 or require that an employee or applicant grant access to, allow  
1 observation of, or disclose information that allows access to or  
2 observation of the employee's or applicant's personal Internet account.  
3 Sec. 10. If an employer inadvertently learns the user name,  
4 password, or other means of access to an employee's or applicant's  
5 personal Internet account through the use of otherwise lawful technology  
6 that monitors the employer's computer network or employer-provided  
7 electronic communication devices for service quality or security  
8 purposes, the employer is not liable for obtaining the information, but  
9 the employer shall not use the information to access the employee's or  
10 applicant's personal Internet account or share the information with  
11 anyone. The employer shall delete such information as soon as  
12 practicable.  
13 Sec. 11. Upon violation of the Workplace Privacy Act, an aggrieved  
14 employee or applicant may, in addition to any other available remedy,  
15 institute a civil action within one year after the date of the alleged  
16 violation or the discovery of the alleged violation, whichever is later.  
17 The employee or applicant shall file an action directly in the district  
18 court of the county where such alleged violation occurred. The district  
19 court shall docket and try such case as any other civil action, and any  
20 successful complainant shall be entitled to appropriate relief, including  
21 temporary or permanent injunctive relief, general and special damages,  
22 reasonable attorney's fees, and costs.  
23 Sec. 12. If any section in this act or any part of any section is  
24 declared invalid or unconstitutional, the declaration shall not affect  
25 the validity or constitutionality of the remaining portions.  
26 2. On page 1, line 2, after "Act" insert "; and to provide  
27 severability".

**LEGISLATIVE BILL 958.** Placed on Select File with amendment.  
ER240

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 13-520, Revised Statutes Supplement, 2015, is  
4 amended to read:

5 13-520 The limitations in section 13-519 shall not apply to (1)  
6 restricted funds budgeted for capital improvements, (2) restricted funds  
7 expended from a qualified sinking fund for acquisition or replacement of  
8 tangible personal property with a useful life of five years or more, (3)  
9 restricted funds pledged to retire bonded indebtedness, used by a public  
10 airport to retire interest-free loans from the Department of Aeronautics  
11 in lieu of bonded indebtedness at a lower cost to the public airport, or  
12 used to pay other financial instruments that are approved and agreed to  
13 before July 1, 1999, in the same manner as bonds by a governing body  
14 created under section 35-501, (4) restricted funds budgeted in support of  
15 a service which is the subject of an agreement or a modification of an  
16 existing agreement whether operated by one of the parties to the  
17 agreement or by an independent joint entity or joint public agency, (5)  
18 restricted funds budgeted to pay for repairs to infrastructure damaged by  
19 a natural disaster which is declared a disaster emergency pursuant to the  
20 Emergency Management Act, (6) restricted funds budgeted to pay for  
21 judgments, except judgments or orders from the Commission of Industrial  
22 Relations, obtained against a governmental unit which require or obligate  
23 a governmental unit to pay such judgment, to the extent such judgment is  
24 not paid by liability insurance coverage of a governmental unit or a pool  
25 of funds maintained by the governmental unit to self-insure against such  
26 liabilities, or (7) the dollar amount by which restricted funds budgeted  
27 by a natural resources district to administer and implement ground water  
1 management activities and integrated management activities under the  
2 Nebraska Ground Water Management and Protection Act exceed its restricted  
3 funds budgeted to administer and implement ground water management  
4 activities and integrated management activities for FY2003-04.

5 Sec. 2. Section 13-521, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 13-521 (1) A governmental unit may choose not to increase its total  
8 of restricted funds by the full amount allowed by law in a particular  
9 year. In such cases, the governmental unit may carry forward to future  
10 budget years the amount of unused restricted funds authority. The  
11 governmental unit shall calculate its unused restricted funds authority  
12 and submit an accounting of such amount with the budget documents for  
13 that year. Such unused restricted funds authority may then be used in  
14 later years for increases in the total of restricted funds allowed by  
15 law. This subsection shall not apply to community colleges for fiscal  
16 years beginning on or after July 1, 2017. Any unused budget authority  
17 existing on April 8, 1998, by reason of any prior law may be used for  
18 increases in restricted funds authority.

19 (2) For any fiscal year beginning on or after July 1, 2017, a  
20 community college may choose not to increase its total of restricted  
21 funds by the full amount allowed by law in a particular year. In such  
22 cases, the community college may carry forward to future budget years the  
23 amount of unused restricted funds authority. The community college shall  
24 calculate its unused restricted funds authority and submit an accounting  
25 of such amount with the budget documents for that year. The amount of  
26 unused restricted funds authority that may be used by a community college

27 in a single fiscal year to increase its total of restricted funds above  
28 the restricted funds authority as calculated pursuant to section 13-519  
29 shall be limited to three percent of the difference of the total of  
30 restricted funds minus the exclusions in section 13-520 for the  
31 immediately preceding fiscal year.

1 Sec. 3. Section 77-4212, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3 77-4212 (1) For tax year 2007, the amount of relief granted under  
4 the Property Tax Credit Act shall be one hundred five million dollars.  
5 For tax year 2008, the amount of relief granted under the act shall be  
6 one hundred fifteen million dollars. It is the intent of the Legislature  
7 to fund the Property Tax Credit Act for tax years after tax year 2008  
8 using available revenue. For tax year 2017, the amount of relief granted  
9 under the act shall be two hundred twenty-four million dollars. The  
10 relief shall be in the form of a property tax credit which appears on the  
11 property tax statement.

12 (2)(a) For tax years prior to tax year 2017, to ~~To~~ determine the  
13 amount of the property tax credit, the county treasurer shall multiply  
14 the amount disbursed to the county under ~~subdivision subsection~~ (4)(a) of  
15 this section by the ratio of the real property valuation of the parcel to  
16 the total real property valuation in the county. The amount determined  
17 shall be the property tax credit for the property.

18 (b) Beginning with tax year 2017, to determine the amount of the  
19 property tax credit, the county treasurer shall multiply the amount  
20 disbursed to the county under subdivision (4)(b) of this section by the  
21 ratio of the credit allocation valuation of the parcel to the total  
22 credit allocation valuation in the county. The amount determined shall be  
23 the property tax credit for the property.

24 (3) If the real property owner qualifies for a homestead exemption  
25 under sections 77-3501 to 77-3529, the owner shall also be qualified for  
26 the relief provided in the act to the extent of any remaining liability  
27 after calculation of the relief provided by the homestead exemption. If  
28 the credit results in a property tax liability on the homestead that is  
29 less than zero, the amount of the credit which cannot be used by the  
30 taxpayer shall be returned to the State Treasurer by July 1 of the year  
31 the amount disbursed to the county was disbursed. The State Treasurer  
1 shall immediately credit any funds returned under this section to the  
2 Property Tax Credit Cash Fund.

3 (4)(a) For tax years prior to tax year 2017, the ~~The~~ amount  
4 disbursed to each county shall be equal to the amount available for  
5 disbursement determined under subsection (1) of this section multiplied  
6 by the ratio of the real property valuation in the county to the real  
7 property valuation in the state. By September 15, the Property Tax  
8 Administrator shall determine the amount to be disbursed under this  
9 ~~subdivision subsection~~ to each county and certify such amounts to the  
10 State Treasurer and to each county. The disbursements to the counties  
11 shall occur in two equal payments, the first on or before January 31 and  
12 the second on or before April 1. After retaining one percent of the  
13 receipts for costs, the county treasurer shall allocate the remaining

14 receipts to each taxing unit levying taxes on taxable property in the tax  
 15 district in which the real property is located in the same proportion  
 16 that the levy of such taxing unit bears to the total levy on taxable  
 17 property of all the taxing units in the tax district in which the real  
 18 property is located.

19 (b) Beginning with tax year 2017, the amount disbursed to each  
 20 county shall be equal to the amount available for disbursement determined  
 21 under subsection (1) of this section multiplied by the ratio of the  
 22 credit allocation valuation in the county to the credit allocation  
 23 valuation in the state. By September 15, the Property Tax Administrator  
 24 shall determine the amount to be disbursed under this subdivision to each  
 25 county and certify such amounts to the State Treasurer and to each  
 26 county. The disbursements to the counties shall occur in two equal  
 27 payments, the first on or before January 31 and the second on or before  
 28 April 1. After retaining one percent of the receipts for costs, the  
 29 county treasurer shall allocate the remaining receipts to each taxing  
 30 unit based on its share of the credits granted to all taxpayers in the  
 31 taxing unit.

1 (5) For purposes of this section, credit allocation valuation means  
 2 the taxable value for all real property except agricultural land and  
 3 horticultural land, one hundred twenty percent of taxable value for  
 4 agricultural land and horticultural land that is not subject to special  
 5 valuation, and one hundred twenty percent of taxable value for  
 6 agricultural land and horticultural land that is subject to special  
 7 valuation.

8 ~~(6)~~ The State Treasurer shall transfer from the General Fund to  
 9 the Property Tax Credit Cash Fund one hundred five million dollars by  
 10 August 1, 2007, and one hundred fifteen million dollars by August 1,  
 11 2008.

12 ~~(7)~~ The Legislature shall have the power to transfer funds from  
 13 the Property Tax Credit Cash Fund to the General Fund.

14 Sec. 4. Original section 13-521, Reissue Revised Statutes of  
 15 Nebraska, section 77-4212, Revised Statutes Cumulative Supplement, 2014,  
 16 and section 13-520, Revised Statutes Supplement, 2015, are repealed.  
 17 2. On page 1, strike beginning with "sections" in line 1 through  
 18 line 8 and insert "section 13-521, Reissue Revised Statutes of Nebraska,  
 19 section 77-4212, Revised Statutes Cumulative Supplement, 2014, and  
 20 section 13-520, Revised Statutes Supplement, 2015; to change provisions  
 21 relating to budget limitation exceptions, use of unused restricted funds  
 22 by community colleges, and property tax credits; and to repeal the  
 23 original sections."

**LEGISLATIVE BILL 889A.** Placed on Select File.

**LEGISLATIVE BILL 959A.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**ATTORNEY GENERAL'S OPINION**Opinion 16-008

SUBJECT:           Constitutionality of LB 830—Requiring Cash Payouts  
                  of Accrued Vacation Leave Which Exceeds Maximum  
                  Limits in Lieu of Forfeiture

REQUESTED BY:   Senator Jim Scheer  
                      Nebraska State Legislature

WRITTEN BY:     Douglas J. Peterson, Attorney General  
                      Leslie S. Donley, Assistant Attorney General

You have requested an opinion from this office regarding the constitutionality of legislation "that would provide state employees with additional compensation in the form of payment for unused vacation leave that exceeds statutory limits in certain circumstances." You indicate that the current version of Legislative Bill 830<sup>1</sup> requires a payout in those instances where an employee has made a "reasonable written request" to use the leave prior to December 31, but was denied the ability to do so by the employing agency. You further state that LB 830 would apply to all state employees except those employed in the legislative and judicial branches.

**QUESTIONS PRESENTED**

Your first question deals with the applicability of LB 830 to "employees of other constitutional officers." You indicate that the Department of Administrative Services has the authority to adopt and promulgate rules and regulations governing the pay and hours of state employees within the State Personnel System. However, you point out that Neb. Rev. Stat. § 81-1316 (2014) exempts from the State Personnel System the personnel of constitutional offices and other at-will, discretionary agency heads.<sup>2</sup>

Your second question relates to LB 830 in the context of the State Employees Collective Bargaining Act, Neb. Rev. Stat. §§ 81-1369 to 81-1388 (2014) ("Act"). You indicate that under the Act, the executive branch is authorized to negotiate terms and conditions of employment, including compensation and vacation leave, with union contract-covered employees. However, you note that "the Legislature did not retain a right to approve or an ability to modify the resulting collectively bargained contracts." You state that you have been advised that the proposed legislation would conflict with the state employee bargaining agreements currently in place.

You have posed the following questions:

1. May the Legislature constitutionally mandate payout of unused vacation leave for the discretionary employees of these constitutional or elected officers or employees?
2. Whether LB 830 would violate or conflict with portions of the State Employees Collective Bargaining Act?

### **LB 830**

The proposed language in LB 830 would add a new subsection to Neb. Rev. Stat. § 81-1328 (2014), as follows:

(7) It is the responsibility of the head of an employing agency to provide reasonable opportunity for a state employee to use rather than forfeit accumulated vacation leave. If a state employee makes a reasonable written request to use vacation leave before the leave must be forfeited under this section and the employing agency denies the request, the employing agency shall pay the state employee the cash equivalent of the amount of forfeited vacation leave that was requested and denied. Such cash payment shall be made within thirty days after the requested and denied vacation leave is forfeited under this section. Such cash payment shall be considered compensation for purposes of a state employee's retirement benefit in a defined contribution or cash balance benefit plan administered by the Public Employees Retirement Board but shall not be considered compensation for purposes of a state employee's retirement benefit in any other defined benefit plan administered by the Public Employees Retirement Board. In determining whether a state employee's request to use vacation leave is reasonable, the employing agency shall consider the amount of vacation leave requested, the number of days remaining prior to forfeiture during which the state employee may take vacation leave, the amount of notice given to the employing agency prior to the requested vacation leave, any effects on public safety, and other relevant factors. This subsection shall not apply to state employees who are exempt from the State Personnel System pursuant to subdivisions (1)(g) and (h) of section 81-1316.

Final Reading Version of LB 830, section 2, pp. 16-17.

### **DISCUSSION**

You have inquired as to whether the Legislature can impose the proposed legislation on the "employees of other constitutional officers." Although not expressly articulated in your opinion request letter, we believe your first question relates to whether the proposed legislation violates the separation of powers provision in Neb. Const. art. II, § 1. That provision states, in pertinent part:

The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments shall exercise any power properly belonging to either of the others except as expressly directed or permitted in this Constitution.

"In other words, the Nebraska Constitution prohibits one branch of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives." *State ex rel. Shepherd v. Nebraska Equal Opportunity Com'n*, 251 Neb. 517, 524, 557 N.W.2d 684, 690 (1997). "This aspect of the separation of powers clause serves as the beam from which our system of checks and balances is suspended." *Id.*; *State ex rel. Spire v. Conway*, 238 Neb. 766, 472 N.W.2d 403 (1991). "The federal separation of powers principle is inferred from the overall structure of the U.S. Constitution. In contrast, Neb. Const. art. II, § 1, prohibits one department of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives, except as the Constitution itself otherwise directs or permits." *State v. Phillips*, 246 Neb. 610, 614, 521 N.W.2d 913, 916 (1994). "The people of the state, by adopting a Constitution, have put it beyond the power of the Legislature to pass laws in violation thereof." *State ex rel. Randall v. Hall*, 125 Neb. 236, 242-243, 249 N.W. 756, 759 (1933).

The question presented by LB 830 is whether mandating a payout to state employees for vacation leave which would otherwise be forfeited would unduly encroach on the duties and prerogatives of the constitutional officers exempted from the State Personnel System by § 81-1316. Our analysis begins with the fundamental proposition that the Nebraska Legislature has plenary legislative authority except as limited by the state and federal Constitutions. *Lenstrom v. Thone*, 209 Neb. 783, 789, 311 N.W.2d 884, 888 (1981). "The Nebraska Constitution is not a grant but, rather, a restriction on legislative power, and the Legislature may legislate on any subject not inhibited by the Constitution." *Id.*; *State ex rel. Stenberg v. Moore*, 249 Neb. 589, 595, 544 N.W.2d 344, 349 (1996).

With those principles in mind, we have examined the executive branch provisions in article IV of the Nebraska Constitution to ascertain those duties and prerogatives of the constitutional bodies at issue which may be affected by LB 830. Section 1 of article IV expressly provides:

The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. . . . The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of

the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.

While the Governor is authorized to present a "complete itemized budget of the financial requirements of all departments, institutions and agencies of the state" (Neb. Const. art. IV, § 7), we have identified no other constitutional provision which sets out the salaries and other fringe benefits to be provided to the *employees* of the executive officers enumerated above.<sup>3</sup>

However, we did identify a limited number of statutes involving the constitutional executive officers and their duties relating to salaries and fringe benefits for employees under their control. For example, Neb. Rev. Stat. § 81-107 (2014) authorizes the Governor to appoint "deputies, assistants, employees, and clerical help, . . . fix the salaries of such appointees and prescribe their duties." The Attorney General shall determine the salary of the deputy attorney general, whose salary, as well as the salaries of the assistant attorneys general, shall not be less than twenty thousand dollars. Neb. Rev. Stat. § 84-206 (2014). The Auditor of Public Accounts, the Secretary of State and the State Treasurer all have the power to appoint a deputy, and determine his or her salary. *See* Neb. Rev. Stat. §§ 84-314, 84-509, and 84-608 (2014). There are no specific provisions relating to the salaries for the other employees in the offices, or for fringe benefits, like sick or vacation leave.

In *State ex rel. Beck v. Young*, 154 Neb. 588, 48 N.W.2d 677 (1951), the Nebraska Supreme Court decided an action in *quo warranto* involving a member of the Liquor Control Commission. The governor, after notice and hearing, had determined that the commissioner should be removed from office for accepting commissions on insurance policies issued to liquor licensees, which violated the statute prohibiting members of the commission from soliciting or accepting gifts or gratuities from any person subject to the provisions of the liquor control act. The commissioner refused to surrender the office. In its analysis, the court stated:

The power of the Legislature in the creation of an office, admittedly a legislative function, is limited to those matters which are defined as ingredients of the office. The general rule is that the power to appoint carries with it the power to remove, and even if the occupant may be subject to impeachment, the power of the Governor to remove remains wholly unaffected by such fact. *It is within the power of the Legislature to create an office, define its powers, limit its duration, and provide for the compensation of the occupant.* The power of appointment and removal is in the Governor except as limited by Article IV, section 12, of the Constitution, and the legislative or judicial branches may not properly trench upon the executive power thus granted.



*Id.* at 593-594, 48 N.W.2d at 680-681 (emphasis added). In entering its judgment of ouster, the court concluded that since the commissioner had received notice and a hearing, and that the specification of charges were supported by the evidence, the Governor's order to remove the commissioner was appropriate. *Id.* at 595, 48 N.W.2d at 681.

In *State ex rel. Meyer v. State Board of Equalization and Assessment*, 185 Neb. 490, 176 N.W.2d 920 (1970), the court considered whether the Legislature could impose annual limits on personal services expenditures on a biennial appropriation. At that time, the Legislature only convened biennially. The court indicated that

[t]he Legislature has plenary or absolute power over appropriations. It may make them upon such conditions and with such restrictions as it pleases within constitutional limits. There is one thing, however, which it cannot do, and this is inherent in Article II, section 1, Constitution of Nebraska. It cannot through the power of appropriation exercise or invade the constitutional rights and powers of the executive branch of the government. It cannot administer the appropriation once it has been made. When the appropriation is made, its work is complete and the executive authority takes over to administer the appropriation to accomplish its purpose, subject to the limitations imposed. Is the condition imposed an attempt to administer the appropriation?

*Id.* at 499-500, 176 N.W.2d at 926. The court noted that it was "impossible" to define exact limits when dealing with issues involving separation of powers, and that all states consider the problem on a "case-by-case basis." *Id.* at 500, 176 N.W.2d at 926. However, the court "realize[d] that the Legislature cannot be permitted to hamper the necessary operation of constitutional officers by unreasonable appropriation restraints." *Id.* Ultimately, the court found that since most governments operate on a fiscal year basis, and that public officials' salaries are determined on an annual basis, the Legislature's imposition of an annual personal services limitation was not unreasonable. "It is within the power of the Legislature to fix the amount it will appropriate for personal services in any state department or agency. . . . It has seen fit to divide that portion of the appropriation allocated for personal services by imposing an annual ceiling. This is within the legislative prerogative and is not an unlawful attempt to control the operation of the executive department or to administer the appropriation." *Id.*

In the present case, the proposed language would require a cash payout for earned vacation leave which would otherwise be forfeited or lost due to management's denial of an employee's request to use the vacation leave. The proposed legislation requires that the request for leave be "reasonable." As discussed above, there are no duties enumerated in the Nebraska Constitution which relate to salary or fringe benefits for the employees of the constitutional officers and few statutes address these items. It appears to

us that the proposed language in LB 830 is not unlike other current provisions in § 81-1328, where cash payouts for earned vacation leave are mandated upon termination of state employment,<sup>4</sup> and upon death of the employee while employed by the state. We believe that these cases, together with the dearth of constitutional provisions relating to salary and vacation leave, lend support to conclude that the proposed language in LB 830 does not unduly impinge on the duties and prerogatives of the constitutional officers at issue here.

We find additional reasons to support this conclusion. First, the vacation leave statute—§ 81-1328—broadly defines "state employee" as any "person or officer employed by the state including the head of any department or agency, except when such a head is a board or commission, and who works a full-time or part-time schedule on an ongoing basis." "In the absence of anything to the contrary, statutory language is to be given its plain and ordinary meaning; an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous. *Swift and Company v. Nebraska Department of Revenue*, 278 Neb. 763, 773 N.W.2d 381 (2009). The plain and unambiguous language defining state employee establishes that all full or part-time persons employed by the state, including agency heads, shall be eligible to receive vacation leave. The only individuals expressly excluded are members of Nebraska boards and commissions. Beyond that one exclusion, the definition does not differentiate between personnel in the State Personnel System, constitutional agencies, branches of government, or any other category of employee.

A fundamental principle of statutory construction is to attempt to ascertain legislative intent and to give effect to that intent. *Spence v. Terry*, 215 Neb. 810, 814, 340 N.W.2d 884, 886 (1983). "To ascertain the intent of the Legislature, a court may examine the legislative history of the act in question." *Goolsby v. Anderson*, 250 Neb. 306, 309, 549 N.W.2d 153, 156 (1996). The statute governing vacation time for state employees was enacted by 1973 Neb. Laws LB 469. When asked about the extent of the proposed legislation during the committee hearing on LB 469, the then director of State Personnel, William C. Peters, testified that it would encompass "approximately 22,000 employees. We're talking about all the employees of the state government. . . . Both the constitutional bodies, the Universities, state and so forth." Committee Records on LB 469, 83<sup>rd</sup> Neb. Leg., 1<sup>st</sup> Sess. 17 (March 1, 1973).

While our review of the legislative history of the vacation leave statute for state employees indicates a legislative intent to apply its provisions to all state employees, including all "constitutional" bodies, subsequent case law addressing the Legislature's power to enact legislation affecting the governance of the University of Nebraska precludes applying the statute to the University. In *Board of Regents v. Exon*, 199 Neb. 146, 149, 256 N.W.2d 330, 333 (1977), the Nebraska Supreme Court held that "the general government of the University must remain vested in the Board of Regents

and the powers or duties that should remain in the Regents cannot be delegated to other officers or agencies." Application of § 81-1328 to the University is foreclosed by specific language set out in *Exon*, where the court stated: "We believe the finding by the trial court that the Legislature may fix and determine the manner in which raises are to be given to employees of the Board of Regents was erroneous. The determination of salary schedules and the compensation to be paid to the employees of the Board of Regents is an integral part of the general government of the University." *Id.* at 153, 256 N.W.2d at 335. Accordingly, § 81-1328 does not apply to University employees.<sup>5</sup>

In Op. Att'y Gen. No. 89015 (March 20, 1989), we noted that the language creating the Board of Trustees of the State Colleges in Neb. Const. art. VII, § 13 was virtually identical to the language creating the Board of Regents in Neb. Const. art. VII, § 10. *Id.* at 6. We indicated that, by analogy, it would seem that "the court's language in the *Exon* case would apply equally to section 13 of Article VII." *Id.* Accordingly, the Board of Trustees would likely be in the same position as the University with respect to the ability to determine salary and other compensation for its personnel. However, unlike the Board of Regents, we have identified no decision from any Nebraska court which has conclusively applied *Exon* to the Board of Trustees. As a result, whether an exemption applies to the Board of Trustees in this instance is not clear. Apart from the University and, potentially, the state colleges, we see no impediment to applying § 81-1328 to employees of other constitutional bodies or officers, subject, of course, to the right of those bodies or entities to negotiate terms and conditions of employment through collective bargaining or, alternatively, to adjust terms and conditions of employment under the authority in § 81-1317.01.

We now turn to your second question which seeks our opinion as to whether LB 830 would violate or conflict with the State Employees Collective Bargaining Act. Your question arises out of concern that LB 830, which mandates a new process relating to vacation leave "buyouts," would conflict with the current labor contracts, which do not contain such a provision. You indicate that the Legislature has retained no right to approve or modify current contracts.

Under Neb. Rev. Stat. § 81-1376 (2014), the Chief Negotiator of the Division of Employee Relations within the Department of Administrative Services "shall be responsible for negotiating and administering all labor contracts entered into by the State of Nebraska," except for the contracts entered into by the constitutional offices, the Board of Regents of the University of Nebraska, and the Board of Trustees of the Nebraska State Colleges. The Chief Negotiator is charged with negotiating or supervising the negotiation of labor contracts on a statewide basis for those agencies within the division's jurisdiction. § 81-1376(1). As defined in Neb. Rev. Stat. § 81-1371(9) (2014), "[m]andatory topic or topics of bargaining shall mean those subjects of negotiation on which employers must negotiate pursuant to the Industrial Relations Act, *including terms and conditions of*

*employment which may otherwise be provided by law for state employees, except when specifically prohibited by law from being a subject of bargaining . . . ." (Emphasis added.)* Vacation leave is a mandatory subject of bargaining under Neb. Rev. Stat. § 48-824(1) of the Industrial Relations Act. *Service Employees International Union (AFL-CIO) Local 226 v. Douglas County School District 001*, 286 Neb. 755, 839 N.W.2d 290 (2013).

The Act expressly provides that bargained-for terms and conditions of employment can supersede state statute. A comparison of the vacation leave provisions in § 81-1328 with the current labor contract between the State of Nebraska and the Nebraska Association of Public Employees Local 61 of the American Federation of State, County and Municipal Employees (NAPE/AFSCME) (July 1, 2015 through June 30, 2017) ("Agreement") indicates substantive differences. For example, the statute provides that the amount of leave an employee may accumulate as of December 31 of each year shall be "the number of hours of vacation leave which he or she earned during that calendar year." Any vacation hours over that amount shall be lost when the account is balanced. Under § 81-1328, the maximum amount of hours that could be earned by a state employee in a calendar year is two hundred hours. In contrast, the Agreement provides that "[a]n employee's accumulated vacation time in excess of *thirty-five days* [280 hours] shall be forfeited as of the end of business on December 31<sup>st</sup> of each calendar year." Agreement, § 14.7 (emphasis added). In addition, the statute allows an employee to carry over vacation leave in "special and meritorious cases," in instances where forfeiture "would work a peculiar hardship," and the carryover is approved by the Governor or the Executive Board of the Legislative Council, as applicable. There is no such corresponding provision in the Agreement.

Upon review, we do not believe that LB 830 violates the State Employees Collective Bargaining Act. Since there are collective bargaining contracts currently in place, LB 830 would likely impact only those state employees not covered under a labor agreement. In the course of our research, we learned that based on the principle of past practice, employees under the Agreement have been allowed to carry over vacation leave in the manner described in the statute. Generally, "[a] past practice that does not derive from the parties' collective bargaining agreement may become a 'term or condition of employment' which is binding on the parties. Such practices must be mutually accepted by both parties . . . ." 51 C.J.S. Labor Relations § 217 (2010). It is unclear to what extent LB 830 may be applied to employees covered under current collective bargaining agreements based on past practice. Going forward, the impact of LB 830 would depend on whether its provisions are agreed to in the course of future collective bargaining. And as noted above, the Act does not require that the process contemplated by LB 830 shall be made a part of any collective bargaining agreement unless negotiated and agreed to by the parties.

## CONCLUSION

In conclusion, we believe that LB 830, which seeks to amend the general statute relating to vacation leave for state employees, does not unduly encroach on the duties and prerogatives of the constitutional officers exempted from the State Personnel System by § 81-1316. However, our conclusion in this regard does not apply to the University of Nebraska and, potentially, the state colleges, based on express language set out in *Board of Regents v. Exon*. Legislative Bill 830, if enacted, would conflict with collective bargaining agreements currently in place. The bill, however, would not apply to employees covered under current collective bargaining agreements. Finally, LB 830 does not violate the State Employees Collective Bargaining Act, which authorizes that mandatory terms and conditions of employment may be negotiated in a manner which may be otherwise provided by statute.

<sup>1</sup> We note that LB 830 is on Final Reading. Nebraska Legislative Journal at 941 (March 10, 2016).

<sup>2</sup> Pursuant to Neb. Rev. Stat. § 81-1316(1) (2014), "[a]ll agencies and personnel of state government shall be covered by sections 81-1301 to 81-1319 and shall be considered subject to the State Personnel System . . . ." Section 81-1316 specifically excludes from the system the personnel of the constitutional officers (i.e., Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, and Auditor of Public Accounts); the personnel of the Legislature and the "court systems"; the personnel from other agencies created by the Nebraska Constitution (e.g., the University of Nebraska, State Department of Education); the personnel of other state agencies (e.g., Brand Committee); agency heads; and certain enumerated officers and personnel from the Departments of Banking and Finance, Correctional Services, Health and Human Services, and Insurance. Section 81-1316(2) also excludes a certain number of discretionary, nonclassified employees who serve at the pleasure of the agency head.

<sup>3</sup> Neb. Const. art. IV does address, however, the salaries of the executive officers enumerated in § 1, who "shall receive such salaries as may be provided by law." Neb. Const. art. IV, § 25. Members of the Public Service Commission shall receive compensation as fixed by the Legislature. Neb. Const. art. IV, § 20. With respect to the members of the Tax Equalization and Review Commission, "[t]he terms of office and compensation of members of the commission shall be as provided by law." Neb. Const. art. IV, § 28.

<sup>4</sup> See Neb. Rev. Stat. § 48-1229(6) (Cum. Supp. 2014)

<sup>5</sup> In Op. Att'y Gen. No. 98006 (January 21, 1998), we discussed whether the University was subject to legislation which authorized state agencies and other governmental entities "to accept credit card payments as cash payments in certain instances." *Id.* at 1. We concluded that the credit card

legislation applied to the University, stating in part "that statutes which pertain generally to state agencies and which do not purport to direct the Board of Regents as to matters which are central to the University's educational function or its 'government,' can have application to the University, even under *Exon*." *Id.* at 3. While the vacation leave statute could be viewed as one which pertains generally to state agencies, and is not, therefore, precluded by *Exon*, the specific language in *Exon* stating the determination of compensation paid to employees of the Board of Regents is an "integral part of the general government of the University" forecloses application of the vacation leave statute to University employees.

Sincerely,  
DOUGLAS J. PETERSON  
Attorney General  
(Signed) Leslie S. Donley  
Assistant Attorney General

pc Patrick J. O'Donnell  
Clerk of the Nebraska Legislature

49-1544-29

**MOTION - Place LB1056 on General File**

Senator Chambers offered his motion, MO233, found on page 1248, to place LB1056 on General File pursuant to Rule 3, Section 20(b).

Senator Chambers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Chambers requested a roll call vote on the motion to place on General File.

Voting in the affirmative, 9:

Bloomfield	Cook	Howard	Morfeld	Schumacher
Chambers	Haar, K.	Kolowski	Pansing Brooks	

Voting in the negative, 28:

Bolz	Gloor	Kolterman	Riepe	Stinner
Brasch	Hadley	Larson	Scheer	Sullivan
Crawford	Hilkemann	Lindstrom	Schilz	Watermeier
Ebke	Hughes	McCoy	Schnoor	Williams
Friesen	Johnson	Mello	Seiler	
Garrett	Kintner	Murante	Smith	

Present and not voting, 6:

Baker	Craighead	Hansen
Campbell	Fox	McCollister

Excused and not voting, 6:

Coash	Groene	Krist
Davis	Harr, B.	Kuehn

The Chambers motion to place on General File failed with 9 ayes, 28 nays, 6 present and not voting, and 6 excused and not voting.

LB1056 stands indefinitely postponed.

The Chair declared the call raised.

### **GENERAL FILE**

**LEGISLATIVE BILL 756.** Title read. Considered.

Committee AM2375, found on page 855, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 829.** Title read. Considered.

### **SPEAKER HADLEY PRESIDING**

Committee AM2056, found on page 716, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 851.** Title read. Considered.

Committee AM2149, found on page 690, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 851A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 930.** Title read. Considered.

Committee AM2280, found on page 708, was offered.

Senator Sullivan withdrew her amendment, AM2551, found on page 988.

Senator Sullivan offered the following amendment to the committee amendment:

AM2836

(Amendments to Standing Committee amendments, AM2280)

- 1 1. On page 7, line 24, strike "Beginning" through "year", show the 2 old matter as stricken, and insert "No later than the 2017-18 school 3 year".
- 4 2. On page 8, line 2, strike "tests" and insert "test".

The Sullivan amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 580.** Title read. Considered.

Committee AM1961, found on page 637, was offered.

Senator Murante offered his amendment, AM2800, found on page 1380, to the committee amendment.

The Murante amendment was adopted with 28 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.



Senator Kintner moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Kintner requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Baker	Crawford	Hansen	Mello	Schumacher
Bolz	Davis	Harr, B.	Morfeld	Seiler
Campbell	Fox	Howard	Murante	Stinner
Chambers	Gloor	Kolowski	Pansing Brooks	Sullivan
Coash	Haar, K.	Krist	Riepe	Watermeier
Cook	Hadley	McCollister	Scheer	Williams

Voting in the negative, 5:

Bloomfield	Brasch	Craighead	Groene	Kintner
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Present and not voting, 11:

Ebke	Hilkemann	Larson	Schnoor
Friesen	Hughes	Lindstrom	Smith
Garrett	Johnson	McCoy	

Absent and not voting, 1:

Kolterman

Excused and not voting, 2:

Kuehn	Schilz
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Advanced to Enrollment and Review Initial with 30 ayes, 5 nays, 11 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

#### **AMENDMENT(S) - Print in Journal**

Senator Scheer filed the following amendment to LB884:  
AM2828 is available in the Bill Room.

#### **COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 804.** Placed on General File with amendment.

AM2791

1 1. On page 2, line 8, after "would" insert "soon"; and in line 30

2 strike "and".

3 2. On page 3, line 1, after "act" insert ": and

4 (6) Not be a patient receiving inpatient treatment in a hospital

5 licensed pursuant to the Health Care Facility Licensure Act"; and in line

6 14 after "outcomes" insert ", if known".

7 3. On page 4, lines 17 and 18, strike "medicare"; in line 17 after

8 "certification" insert "under the medical assistance program established

9 pursuant to the Medical Assistance Act"; and strike beginning with "who"

10 in line 21 through "of" in line 22 and insert "while acting in good faith

11 in the course of his or her professional practice as authorized by".

12 4. On page 5, strike beginning with "and" in line 5 through "care"

13 in line 6.

(Signed) Kathy Campbell, Chairperson

### EASE

The Legislature was at ease from 12:27 p.m. until 12:55 p.m.

### PRESIDENT FOLEY PRESIDING

#### GENERAL FILE

**LEGISLATIVE BILL 1106.** Title read. Considered.

Committee AM2389, found on page 933, was offered.

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Seiler moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Seiler requested a roll call vote on the committee amendment.

Voting in the affirmative, 27:

Baker	Cook	Garrett	Johnson	Schumacher
Bloomfield	Craighead	Gloor	Krist	Seiler
Bolz	Crawford	Haar, K.	Lindstrom	Sullivan
Brasch	Davis	Hadley	Morfeld	
Campbell	Ebke	Hansen	Pansing Brooks	
Chambers	Fox	Howard	Scheer	

Voting in the negative, 9:

Friesen	Hilkemann	Kintner	Riepe	Watermeier
Groene	Hughes	Larson	Stinner	

Present and not voting, 12:

Coash	Kolterman	Mello	Schnoor
Harr, B.	McCollister	Murante	Smith
Kolowski	McCoy	Schilz	Williams

Excused and not voting, 1:

Kuehn

The committee amendment was adopted with 27 ayes, 9 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Garrett moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Garrett requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

Baker	Ebke	Howard	Mello	Seiler
Bloomfield	Fox	Hughes	Morfeld	Stinner
Bolz	Garrett	Johnson	Murante	Sullivan
Brasch	Gloor	Kintner	Pansing Brooks	Williams
Campbell	Groene	Kolowski	Scheer	
Chambers	Haar, K.	Kolterman	Schilz	
Cook	Hadley	Krist	Schnoor	
Crawford	Hansen	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 9:

Coash	Harr, B.	McCollister	Riepe	Watermeier
Friesen	Hilkemann	McCoy	Smith	

Excused and not voting, 4:

Craighead	Davis	Kuehn	Larson
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Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 616.** Introduced by Johnson, 23.

WHEREAS, the David City High School speech team won the 2016 Class C-1 State Speech Championship; and

WHEREAS, the David City Scouts earned their first place finish with a score of 156 points; and

WHEREAS, this is the Scouts' third state speech championship in the last five years; and

WHEREAS, this victory is a testament to the dedication and hard work of the Scouts and the leadership of Coach Jarod Ockander; 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 David City High School speech team on winning the 2016 Class C-1 State Speech Championship.
2. That a copy of this resolution be sent to the David City High School speech team and Coach Jarod Ockander.

Laid over.

**COMMITTEE REPORT(S)**

## General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Mark Canada - Nebraska Commission on Problem Gambling  
Susan Lutz - Nebraska Commission on Problem Gambling  
James D. Patterson - Nebraska Commission on Problem Gambling

Aye: 7 Coash, Hansen, Kolterman, Larson, McCollister, Riepe, Schilz. Nay: 0. Absent: 1 Hughes. Present and not voting: 0.

(Signed) Tyson Larson, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 721.** Title read. Considered.

Committee AM2057, found on page 600, was adopted with 29 ayes, 0 nays, 16 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 235.** Title read. Considered.

Committee AM751, found on page 883, First Session, 2015, was offered.

Senator Howard offered her amendment, AM2577, found on page 1007, to the committee amendment.

The Howard amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 768.** Title read. Considered.

Senator Garrett offered the following motion:

MO257

Unanimous consent to bracket until April 20, 2016.

No objections. So ordered.

**LEGISLATIVE BILL 716.** Title read. Considered.

Committee AM2134, found on page 731, was offered.

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

Senator Hansen moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

The committee amendment was adopted with 34 ayes, 4 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Hilkemann moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 5 nays, 11 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 10.** Senator Chambers renewed his amendment, AM528, found on page 639 and considered on pages 762, 864, and 885, First Session, 2015.

**SPEAKER HADLEY PRESIDING****SENATOR SCHEER PRESIDING**

Senator McCoy offered the following motion:

MO259

Unanimous consent to bracket until April 5, 2016.

Senator Hansen objected.

Senator McCoy offered the following motion:

MO260

Bracket until April 5, 2016.

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

Senator Cook moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Senator McCoy withdrew his motion to bracket.

The Chair declared the call raised.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Chambers requested a roll call vote on his amendment, AM528.

Voting in the affirmative, 8:

Cook	Haar, K.	Harr, B.	Pansing Brooks
Crawford	Hansen	Howard	Schumacher

Voting in the negative, 31:

Baker	Fox	Hughes	McCoy	Stinner
Bloomfield	Friesen	Johnson	Murante	Watermeier
Brasch	Garrett	Kintner	Riepe	Williams
Campbell	Gloor	Kolterman	Schilz	
Coash	Groene	Kuehn	Schnoor	
Craighead	Hadley	Larson	Seiler	
Ebke	Hilkemann	Lindstrom	Smith	

Present and not voting, 8:

Bolz	Kolowski	McCollister	Morfeld
Chambers	Krist	Mello	Sullivan

Excused and not voting, 2:

Davis	Scheer
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The Chambers amendment lost with 8 ayes, 31 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO261

Reconsider the vote taken on AM528.

Pending.

### COMMITTEE REPORT(S)

#### Enrollment and Review

**LEGISLATIVE BILL 756.** Placed on Select File with amendment.

ER242

1 1. On page 1, strike beginning with "section" in line 1 through line 2 7 and insert "sections 77-6101 and 77-6105, Reissue Revised Statutes of 3 Nebraska, and section 77-2716, Revised Statutes Supplement, 2015; to 4 terminate the Long-Term Care Savings Plan Act; to harmonize provisions; 5 and to repeal the original sections.".

**LEGISLATIVE BILL 829.** Placed on Select File with amendment.

ER243 is available in the Bill Room.

**LEGISLATIVE BILL 851.** Placed on Select File with amendment.

ER246

1 1. On page 1, line 4, after the second semicolon insert "to change 2 provisions relating to exempt contracts;".

**LEGISLATIVE BILL 851A.** Placed on Select File.

**LEGISLATIVE BILL 930.** Placed on Select File with amendment.

ER244

1 1. On page 1, line 4, strike "a" through "to"; and strike beginning  
2 with the first "to" in line 5 through "districts" in line 6 and insert  
3 "to provide powers and duties for the State Board of Education".

(Signed) Matt Hansen, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 10.** The Chambers motion, MO261, found in this day's Journal, to reconsider the vote taken on AM528, was renewed.

**SPEAKER HADLEY PRESIDING**

Senator Chambers offered the following motion:

MO262

Bracket until April 20, 2016.

Senator McCoy offered the following motion:

MO258

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCoy moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator McCoy requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:

Baker	Fox	Hughes	Lindstrom	Schnoor
Bloomfield	Friesen	Johnson	McCollister	Seiler
Brasch	Garrett	Kintner	McCoy	Smith
Coash	Gloor	Kolterman	Murante	Stinner
Craighead	Groene	Krist	Riepe	Watermeier
Davis	Hadley	Kuehn	Scheer	Williams
Ebke	Hilkemann	Larson	Schilz	

Voting in the negative, 15:

Bolz	Cook	Hansen	Kolowski	Pansing Brooks
Campbell	Crawford	Harr, B.	Mello	Schumacher
Chambers	Haar, K.	Howard	Morfeld	Sullivan

The McCoy motion to invoke cloture prevailed with 34 ayes, 15 nays, and 0 not voting.

The Chambers motion to bracket failed with 14 ayes, 32 nays, and 3 present and not voting.



The Chambers motion to reconsider AM528 failed with 12 ayes, 31 nays, and 6 present and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 32:

Baker	Friesen	Johnson	McCoy	Smith
Bloomfield	Garrett	Kintner	Murante	Stinner
Brasch	Gloor	Kolterman	Riepe	Watermeier
Coash	Groene	Kuehn	Scheer	Williams
Craighead	Hadley	Larson	Schilz	
Davis	Hilkemann	Lindstrom	Schnoor	
Fox	Hughes	McCollister	Seiler	

Voting in the negative, 15:

Bolz	Cook	Hansen	Kolowski	Pansing Brooks
Campbell	Crawford	Harr, B.	Mello	Schumacher
Chambers	Haar, K.	Howard	Morfeld	Sullivan

Present and not voting, 2:

Ebke	Krist
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Advanced to Enrollment and Review for Engrossment with 32 ayes, 15 nays, and 2 present and not voting.

The Chair declared the call raised.

### VISITOR(S)

Visitors to the Chamber were 35 twelfth-grade students and teacher from Wilber-Clatonia; members of the Department of Education FCCLA from across the state; 10 eleventh- and twelfth-grade students and teachers from Papillion-La Vista High School and Papillion-La Vista South High School; Lisa Nun from Lincoln; 75 fourth-grade students from Ezra Millard Elementary, Omaha; Spencer Hartman from Champion; Yvonne Zegers, Alexander Lanza, Chelsea Hsu, Daniel Cambrono of A.S.S.E. Foreign Exchange Program; 100 fourth-grade students and sponsors from Wheeler Elementary, Omaha; Jeremy, Jennifer, and Carter Cleveland from Wisner; 57 fourth-grade students from Grant Elementary, Norfolk; 15 third-, fourth-, and fifth-grade youth ambassadors from Huntington Elementary, Lincoln; and 12 students from an American Government class at Doane College.

**ADJOURNMENT**

At 7:49 p.m., on a motion by Senator Watermeier, the Legislature adjourned until 9:00 a.m., Tuesday, April 5, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-FIFTH DAY - APRIL 5, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 5, 2016

**PRAYER**

The prayer was offered by Pastor Rebecca Hjelle, First United Methodist Church, Blair.

**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 Bolz, Craighead, Davis, Larson, Morfeld, Murante, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fourth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 580.** Placed on Select File with amendment.  
ER247 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 515, 516, 524, 528, 531, and 585 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 515, 516, 524, 528, 531, and 585.

**MOTION(S) - Confirmation Report(s)**

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:

State Board of Health  
 Michael Hansen  
 Diane Jackson  
 Debra Parsow  
 Wayne Stuberg  
 Jim Trebbein  
 Douglas Vander Broek

Senator Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:

State Board of Health  
 Michael Hansen

Voting in the affirmative, 29:

Baker	Ebke	Hansen	Kuehn	Schnoor
Bloomfield	Fox	Hilkemann	Lindstrom	Schumacher
Brasch	Garrett	Howard	McCollister	Stinner
Campbell	Gloor	Johnson	Pansing Brooks	Sullivan
Chambers	Haar, K.	Kolowski	Riepe	Watermeier
Crawford	Hadley	Kolterman	Scheer	

Voting in the negative, 0.

Present and not voting, 13:

Coash	Groene	Kintner	Mello	Williams
Cook	Harr, B.	Krist	Seiler	
Friesen	Hughes	McCoy	Smith	

Excused and not voting, 7:

Bolz	Davis	Morfeld	Schilz
Craighead	Larson	Murante	

The appointment was confirmed with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

The second division is as follows:

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:

State Board of Health  
Diane Jackson

Voting in the affirmative, 29:

Baker	Crawford	Hilkemann	Lindstrom	Schnoor
Bolz	Garrett	Howard	McCollister	Schumacher
Brasch	Gloor	Johnson	Mello	Seiler
Campbell	Haar, K.	Kintner	Pansing Brooks	Sullivan
Chambers	Hadley	Kolowski	Riepe	Williams
Craighead	Hansen	Kolterman	Scheer	

Voting in the negative, 0.

Present and not voting, 15:

Bloomfield	Ebke	Groene	Krist	Smith
Coash	Fox	Harr, B.	Kuehn	Stinner
Cook	Friesen	Hughes	McCoy	Watermeier

Excused and not voting, 5:

Davis	Larson	Morfeld	Murante	Schilz
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The appointment was confirmed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

The third division is as follows:

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:

State Board of Health  
Debra Parsow

Voting in the affirmative, 26:

Baker	Crawford	Howard	Lindstrom	Seiler
Bolz	Ebke	Johnson	McCollister	Sullivan
Brasch	Garrett	Kintner	Mello	
Campbell	Gloor	Kolowski	Riepe	
Chambers	Haar, K.	Kolterman	Schnoor	
Craighead	Hansen	Krist	Schumacher	

Voting in the negative, 0.

Present and not voting, 17:

Bloomfield	Friesen	Hilkemann	Scheer	Williams
Coash	Groene	Hughes	Smith	
Cook	Hadley	Kuehn	Stinner	
Fox	Harr, B.	McCoy	Watermeier	

Excused and not voting, 6:

Davis	Morfeld	Pansing Brooks
Larson	Murante	Schilz

The appointment was confirmed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The fourth division is as follows:

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:

State Board of Health  
Wayne Stuberg

Voting in the affirmative, 25:

Baker	Ebke	Haar, K.	Kintner	Mello
Bloomfield	Fox	Hansen	Kolowski	Riepe
Bolz	Garrett	Hilkemann	Kolterman	Schumacher
Campbell	Gloor	Howard	Krist	Sullivan
Chambers	Groene	Johnson	McCollister	Williams

Voting in the negative, 0.

Present and not voting, 18:

Brasch	Crawford	Hughes	Scheer	Stinner
Coash	Friesen	Kuehn	Schnoor	Watermeier
Cook	Hadley	Lindstrom	Seiler	
Craighead	Harr, B.	McCoy	Smith	

Excused and not voting, 6:

Davis	Morfeld	Pansing Brooks
Larson	Murante	Schilz

The appointment was confirmed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The fifth division is as follows:

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:

State Board of Health  
Jim Trebbein

Voting in the affirmative, 25:

Baker	Crawford	Howard	Krist	Schumacher
Bloomfield	Ebke	Hughes	Lindstrom	Seiler
Bolz	Gloor	Kintner	McCollister	Smith
Campbell	Haar, K.	Kolowski	Mello	Sullivan
Chambers	Hilkemann	Kolterman	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 17:

Brasch	Friesen	Hansen	McCoy	Watermeier
Coash	Garrett	Harr, B.	Scheer	
Cook	Groene	Johnson	Schnoor	
Fox	Hadley	Kuehn	Stinner	

Excused and not voting, 7:

Craighead	Larson	Murante	Schilz
Davis	Morfeld	Pansing Brooks	

The appointment was confirmed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The sixth division is as follows:

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1369:

State Board of Health  
Douglas Vander Broek

Voting in the affirmative, 27:

Baker	Coash	Haar, K.	Kolterman	Smith
Bloomfield	Crawford	Howard	McCollister	Sullivan
Bolz	Ebke	Hughes	Murante	Williams
Brasch	Fox	Johnson	Riepe	
Campbell	Friesen	Kintner	Schumacher	
Chambers	Gloor	Kolowski	Seiler	

Voting in the negative, 0.

Present and not voting, 15:

Cook	Hansen	Krist	McCoy	Schnoor
Garrett	Harr, B.	Kuehn	Mello	Stinner
Hadley	Hilkemann	Lindstrom	Scheer	Watermeier

Excused and not voting, 7:

Craighead	Groene	Morfeld	Schilz
Davis	Larson	Pansing Brooks	

The appointment was confirmed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 1374:

Nebraska State Fair Board  
Harry Hoch

Voting in the affirmative, 27:

Baker	Ebke	Hansen	Krist	Schumacher
Bloomfield	Friesen	Hilkemann	McCoy	Sullivan
Brasch	Garrett	Hughes	Murante	Watermeier
Campbell	Gloor	Johnson	Pansing Brooks	
Chambers	Haar, K.	Kintner	Riepe	
Crawford	Hadley	Kolterman	Schnoor	

Voting in the negative, 0.

Present and not voting, 17:

Bolz	Groene	Larson	Scheer	Williams
Coash	Howard	Lindstrom	Seiler	
Cook	Kolowski	McCollister	Smith	
Fox	Kuehn	Mello	Stinner	

Excused and not voting, 5:

Craighead	Davis	Harr, B.	Morfeld	Schilz
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The appointment was confirmed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.



**MOTION - Adjourn Sine Die**

Senator Ebke moved that the One Hundred Fourth Legislature, Second Session, now at 11:14 a.m., adjourn sine die.

Senator Hadley moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, 26 and not voting.

The Ebke motion to adjourn sine die failed with 0 ayes, 45 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**AMENDMENT(S) - Print in Journal**

Senator Coash filed the following amendment to LB716:

AM2360

- 1 1. On page 4, line 24, after the stricken "(3)" insert "(4)";
- 2 reinstate the stricken matter beginning with "Except" in line 24 through 3 line 26; and in line 27 strike "(4)" and insert "(5)".
- 4 2. On page 5, line 3, strike "(5)" and insert "(6)".

**COMMITTEE REPORT(S)**

## Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Brian Barels - Nebraska Natural Resources Commission  
Joel Christensen - Nebraska Natural Resources Commission  
Stan Clouse - Nebraska Natural Resources Commission  
Brad B. Dunbar - Nebraska Natural Resources Commission  
Thomas Knutson - Nebraska Natural Resources Commission  
Scott Smathers - Nebraska Natural Resources Commission  
Chad Wright - Nebraska Natural Resources Commission

Aye: 5 Friesen, Johnson, McCollister, Schilz, Schnoor. Nay: 0. Absent: 3 Hughes, Kolowski, Lindstrom. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Patrick Berggren - Nebraska Game and Parks Commission

Aye: 5 Friesen, Johnson, McCollister, Schilz, Schnoor. Nay: 0. Absent: 3 Hughes, Kolowski, Lindstrom. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 1106.** Placed on Select File with amendment.  
ER251

1 1. On page 1, strike beginning with "civil" in line 1 through line 6  
2 and insert "forfeiture of property; to amend sections 28-431, 28-1111,  
3 and 28-1463.01, Reissue Revised Statutes of Nebraska, and sections  
4 25-21,302, 28-101, 28-109, 28-416, and 28-813.01, Revised Statutes  
5 Supplement, 2015; to change and provide forfeiture provisions for certain  
6 offenses as prescribed; to provide for reports regarding forfeitures; to  
7 provide duties for a prosecuting attorney seeking forfeiture; to  
8 harmonize provisions; to provide severability; and to repeal the original  
9 sections."

**LEGISLATIVE BILL 721.** Placed on Select File with amendment.  
ER248

1 1. In the Standing Committee amendments, AM2057, on page 2, line 9,  
2 after "surgical" insert "first"; and in line 17 after "strike" insert  
3 "the first".  
4 2. On page 1, line 5, after the second semicolon insert "to provide  
5 an operative date;".

**LEGISLATIVE BILL 235.** Placed on Select File with amendment.  
ER245

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. This act shall be known and may be cited as the Consumer  
4 Protection in Eye Care Act.  
5 Sec. 2. For purposes of the Consumer Protection in Eye Care Act:  
6 (1) Contact lens means any lens placed directly on the surface of  
7 the eye, regardless of whether or not it is intended to correct a visual  
8 defect. Contact lens includes, but is not limited to, any cosmetic,  
9 therapeutic, or corrective lens;  
10 (2) Department means the Department of Health and Human Services;  
11 (3) Dispense means the act of furnishing spectacles or contact  
12 lenses to a patient;  
13 (4) Eye examination means an assessment of the ocular health and  
14 visual status of a patient that does not consist solely of objective  
15 refractive data or information generated by an automated testing device,  
16 including an autorefractor, in order to establish a medical diagnosis or  
17 for the establishment of a refractive error;  
18 (5) Kiosk means automated equipment or application designed to be  
19 used on a telephone, a computer, or an Internet-based device that can be  
20 used either in person or remotely to conduct an eye examination;  
21 (6) Over-the-counter spectacles means eyeglasses or lenses in a  
22 frame for the correction of vision that may be sold by any person, firm,

23 or corporation at retail without a prescription;  
24 (7) Prescription means a provider's handwritten or electronic order  
25 based on an eye examination that corrects refractive error;  
26 (8) Provider means a physician, an osteopathic physician, or a  
27 physician assistant licensed under the Medicine and Surgery Practice Act  
1 or an optometrist licensed under the Optometry Practice Act;  
2 (9) Spectacles means an optical instrument or device worn or used by  
3 an individual that has one or more lenses designed to correct or enhance  
4 vision addressing the visual needs of the individual wearer, commonly  
5 known as glasses or eyeglasses, including spectacles that may be adjusted  
6 by the wearer to achieve different types or levels of visual correction  
7 or enhancement. Spectacles does not include an optical instrument or  
8 device that is not intended to correct or enhance vision or sold without  
9 consideration of the visual status of the individual who will use the  
10 optical instrument or device.  
11 Sec. 3. No person in this state may dispense contact lenses or  
12 spectacles, other than over-the-counter spectacles, to a patient without  
13 a valid prescription from a provider. A valid prescription for spectacles  
14 or contact lenses (1) shall contain an expiration date of not less than  
15 two years for spectacles or one year for contact lenses from the date of  
16 the eye examination by the provider or a statement by the provider of the  
17 reasons why a shorter time is appropriate based on the medical needs of  
18 the patient and (2) may not be made based solely on information about the  
19 human eye generated by a kiosk. The prescription shall take into  
20 consideration any medical findings and any refractive error discovered  
21 during the eye examination. A provider may not refuse to release a  
22 prescription for spectacles or contact lenses to a patient.  
23 Sec. 4. No person shall operate a kiosk in Nebraska unless:  
24 (1) The kiosk is registered or approved by the federal Food and Drug  
25 Administration for the intended use;  
26 (2) The kiosk is designed and operated in a manner that provides any  
27 accommodation required by the federal Americans with Disabilities Act of  
28 1990, 42 U.S.C. 12101 et seq., as such act existed on January 1, 2015;  
29 (3) The kiosk and accompanying technology used for the collection  
30 and transmission of information and data, including photographs and  
31 scans, gathers and transmits protected health information in compliance  
1 with the federal Health Insurance Portability and Accountability Act of  
2 1996, as such act existed on January 1, 2015;  
3 (4) The procedure for which the kiosk is used has a recognized  
4 Current Procedural Terminology code maintained by the American Medical  
5 Association;  
6 (5)(a) If the kiosk has a physical location, the name and state  
7 license number of the provider who will read and interpret the diagnostic  
8 information and data shall be prominently displayed on the kiosk; or  
9 (b) If the kiosk is an application, the name and state license  
10 number of the provider who will read and interpret the diagnostic  
11 information and data shall be displayed on the patient's prescription;  
12 (6) Diagnostic information and data, including photographs and  
13 scans, gathered by the kiosk is read and interpreted by a provider if

14 clinically appropriate; and  
15 (7) The owner or lessee of the kiosk maintains liability insurance  
16 in an amount adequate to cover claims made by individuals diagnosed or  
17 treated based on information and data, including photographs and scans,  
18 generated by the kiosk.  
19 Sec. 5. The lenses in over-the-counter spectacles shall be of  
20 uniform focus power in each eye and shall not exceed +3.25 diopters.  
21 Sec. 6. (1) The Uniform Credentialing Act shall apply to any person  
22 alleged or believed to have violated the Consumer Protection in Eye Care  
23 Act. The department shall investigate potential violations of the  
24 Consumer Protection in Eye Care Act according to the procedures of the  
25 Uniform Credentialing Act and shall take appropriate action as provided  
26 by the Uniform Credentialing Act.  
27 (2) In addition to the remedies, penalties, or relief available  
28 under the Uniform Credentialing Act, the department may impose a civil  
29 penalty against a person who does not hold a credential under the Uniform  
30 Credentialing Act who has violated or attempted to violate the Consumer  
31 Protection in Eye Care Act. The civil penalty shall not exceed ten  
1 thousand dollars for each violation, up to the maximum provided in  
2 section 38-198. If the department finds that a violation or attempted  
3 violation occurred and did not result in significant harm to human  
4 health, the department may issue a warning instead of imposing a civil  
5 penalty. Any civil penalty imposed pursuant to this section may be  
6 collected as provided in section 38-198.  
7 (3) At the request of the department, the Attorney General may file  
8 a civil action seeking an injunction or other appropriate relief to  
9 enforce the Consumer Protection in Eye Care Act and the rules and  
10 regulations adopted and promulgated under the Consumer Protection in Eye  
11 Care Act.  
12 Sec. 7. The department, in consultation with the Board of Optometry  
13 and the Board of Medicine and Surgery, may adopt and promulgate rules and  
14 regulations to carry out the Consumer Protection in Eye Care Act.

**LEGISLATIVE BILL 716.** Placed on Select File with amendment.

ER250

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 60-6,153, Reissue Revised Statutes of Nebraska,  
4 is amended to read:  
5 60-6,153 (1) Except at a point where a pedestrian tunnel or overhead  
6 pedestrian crossing has been provided, when traffic control signals are  
7 not in place or not in operation, the driver of a vehicle shall yield the  
8 right-of-way to a pedestrian crossing the roadway within a crosswalk who  
9 is in the lane in which the driver is proceeding or is in the lane  
10 immediately adjacent thereto by bringing his or her vehicle to a complete  
11 stop.  
12 (2) No pedestrian shall suddenly leave a curb or other place of  
13 safety and walk or run into the path of a vehicle which is so close that  
14 it is impossible for the driver to stop.

15 (3) Whenever any vehicle is stopped at a marked crosswalk or at any  
16 unmarked crosswalk at an intersection to permit a pedestrian to cross the  
17 roadway, the driver of any other vehicle approaching from the rear shall  
18 not overtake and pass such stopped vehicle.

19 (4) At or adjacent to the intersection of two highways at which a  
20 path designated for bicycles and pedestrians is controlled by a traffic  
21 control signal, a pedestrian who lawfully enters a highway where the path  
22 crosses the highway shall have the right-of-way within the crossing with  
23 respect to vehicles and bicycles.

24 (5 4) The Department of Roads and local authorities in their  
25 respective jurisdictions may, after an engineering and traffic  
26 investigation, designate unmarked crosswalk locations where pedestrian  
27 crossing is prohibited or where pedestrians shall yield the right-of-way  
1 to vehicles. Such restrictions shall be effective only when traffic  
2 control devices indicating such restrictions are in place.

3 Sec. 2. Section 60-6,154, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 60-6,154 (1) Every pedestrian who crosses a roadway at any point  
6 other than within a marked crosswalk, or within an unmarked crosswalk at  
7 an intersection, shall yield the right-of-way to all vehicles upon the  
8 roadway.

9 (2) Any pedestrian who crosses a roadway at a point where a  
10 pedestrian tunnel or overhead pedestrian crossing has been provided shall  
11 yield the right-of-way to all vehicles upon the roadway.

12 (3) Between adjacent intersections at which traffic control signals  
13 are in operation, pedestrians shall not cross at any place except in a  
14 marked crosswalk.

15 (4) Where a path designated for bicycles and pedestrians crosses a  
16 highway, a pedestrian who is in the crossing in accordance with the  
17 traffic control device shall have the right-of-way within the crossing  
18 with respect to vehicles and bicycles.

19 (5 4) No pedestrian shall cross a roadway intersection diagonally  
20 unless authorized by traffic control devices, and when authorized to  
21 cross diagonally, pedestrians shall cross only in accordance with the  
22 traffic control devices pertaining to such crossing movements.

23 (6 5) Local authorities and the Department of Roads, by erecting  
24 appropriate official traffic control devices, may, within their  
25 respective jurisdictions, prohibit pedestrians from crossing any roadway  
26 in a business district or any designated highway except in a crosswalk.

27 Sec. 3. Section 60-6,317, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 60-6,317 (1)(a) Any person who operates a bicycle upon a roadway at  
30 less than the normal speed of traffic at the time and place and under  
31 conditions then existing shall ride as near to the right-hand curb or  
1 right-hand edge of the roadway as practicable except when:

2 (i a) Overtaking and passing another bicycle or vehicle proceeding  
3 in the same direction;

4 (ii b) Preparing for a left turn onto a private road or driveway or  
5 at an intersection;

6 (iii e) Reasonably necessary to avoid conditions that make it unsafe  
7 to continue along the right-hand curb or right-hand edge of the roadway,  
8 including fixed or moving objects, stopped or moving vehicles, bicycles,  
9 pedestrians, animals, or surface hazards;  
10 (iv d) Riding upon a lane of substandard width which is too narrow  
11 for a bicycle and a vehicle to travel safely side by side within the  
12 lane; or  
13 (v e) Lawfully operating a bicycle on the paved shoulders of a  
14 highway included in the state highway system as provided in section  
15 60-6,142.  
16 (b) Any person who operates a bicycle upon a roadway with a posted  
17 speed limit of thirty-five miles per hour or less on which traffic is  
18 restricted to one direction of movement and which has two or more marked  
19 traffic lanes may ride as near to the left-hand curb or left-hand edge of  
20 the roadway as practicable.  
21 (c) Whenever a person operating a bicycle leaves the roadway to ride  
22 on the paved shoulder or leaves the paved shoulder to enter the roadway,  
23 the person shall clearly signal his or her intention and yield the right-  
24 of-way to all other vehicles.  
25 (2) No bicyclist shall suddenly leave a curb or other place of  
26 safety and walk or ride into the path of a vehicle which is so close that  
27 it is impossible for the driver to stop.  
28 ~~(3 2) Any person who operates a bicycle upon a highway shall not~~  
29 ~~ride more than single file except on paths or parts of highways set aside~~  
30 ~~for the exclusive use of bicycles.~~  
31 ~~(3) Except as provided in section 60-6,142, whenever a usable path~~  
1 ~~for bicycles has been provided adjacent to a highway, a person operating~~  
2 ~~a bicycle shall use such path and shall not use such highway.~~  
3 (4) A person who is operating a bicycle on a path designated for  
4 bicycles and who lawfully enters a highway when indicated by a traffic  
5 control device where the path crosses the highway shall have the right-  
6 of-way within the crossing with respect to any vehicle. Nothing in this  
7 subsection relieves the bicyclist or the driver of a vehicle from the  
8 duty to exercise care.  
9 (5 4) A local authority may by ordinance further regulate the  
10 operation of bicycles and may provide for the registration and inspection  
11 of bicycles.  
12 Sec. 4. Original sections 60-6,153, 60-6,154, and 60-6,317, Reissue  
13 Revised Statutes of Nebraska, are repealed.

(Signed) Matt Hansen, Chairperson

**MOTION(S) - Confirmation Report(s)**

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1425:

Nebraska Educational Telecommunications Commission  
Lisa May

**SENATOR KRIST PRESIDING**

Senator Schnoor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Voting in the affirmative, 38:

Baker	Crawford	Hilkemann	Lindstrom	Schnoor
Bloomfield	Ebke	Howard	McCollister	Schumacher
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Garrett	Kolowski	Murante	Sullivan
Chambers	Gloor	Kolterman	Pansing Brooks	Watermeier
Cook	Hadley	Krist	Riepe	
Craighead	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Present and not voting, 9:

Coash	Haar, K.	Larson	Schilz	Williams
Groene	Kintner	Morfeld	Seiler	

Excused and not voting, 2:

Davis	Harr, B.
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The appointment was confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**MOTION - Withdraw LB884A**

Senator Scheer offered his motion, MO255, found on page 1428, to withdraw LB884A.

Senator Chambers offered the following motion:  
MO264

Bracket until April 20, 2016.

Senator Chambers withdrew his motion to bracket.

The Scheer motion to withdraw the bill prevailed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORT(S)**  
Enrollment and Review**LEGISLATIVE BILL 10.** Placed on Final Reading.  
ST84

The following changes, required to be reported for publication in the Journal, have been made:

1. Sections 1 and 5 have been struck and the following new sections inserted:

Section 1. Section 32-710, Revised Statutes Supplement, 2015 is amended to read:

32-710 Each political party shall hold a state convention biennially on a date to be fixed by the state central committee but not later than September 1. Candidates for elective offices may be nominated at such conventions pursuant to section 32-627 or 32-721. Such nominations shall be certified to the Secretary of State by the chairperson and secretary of the convention. The certificates shall have the same force and effect as nominations in primary elections. A political party may not nominate a candidate at the convention for an office for which the party did not nominate a candidate at the primary election except as provided for new political parties in section 32-621. The convention shall ~~formulate and promulgate a state platform~~, select a state central committee, select electors for President and Vice President of the United States, and transact the business which is properly before it. ~~One presidential elector shall be chosen from each congressional district, and two presidential electors shall be chosen at large.~~ The officers of the convention shall certify the names of the electors to the Governor and Secretary of State.

Sec. 5. Original section 32-1038, Reissue Revised Statutes of Nebraska, sections 32-713 and 32-714, Revised Statutes Cumulative Supplement, 2014, and section 32-710, Revised Statutes Supplement, 2015, are repealed.

2. On page 1, the matter beginning with "presidential" in line 1 through line 5 and all amendments thereto have been struck and "elections; to amend section 32-1038, Reissue Revised Statutes of Nebraska, sections 32-713 and 32-714, Revised Statutes Cumulative Supplement, 2014, and section 32-710, Revised Statutes Supplement, 2015; to change provisions relating to state political party conventions and selection of and ballots cast by presidential electors; and to repeal the original sections." inserted.

(Signed) Matt Hansen, Chairperson

**EASE**

The Legislature was at ease from 11:59 a.m. until 12:20 p.m.

**SENATOR SCHEER PRESIDING****SELECT FILE**

**LEGISLATIVE BILL 889A.** Advanced to Enrollment and Review for Engrossment.



**LEGISLATIVE BILL 745.** ER190, found on page 1013, was adopted.

Senator Chambers offered his amendment, AM2514, found on page 974.

Pending.

**MOTION - Recess**

Senator Chambers moved to recess until 7:30 p.m., April 5, 2016.

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

The Chambers motion to recess failed with 3 ayes, 37 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**SELECT FILE**

**LEGISLATIVE BILL 745.** The Chambers amendment, AM2514, found on page 974 and considered in this day's Journal, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 37:

Bloomfield	Friesen	Johnson	Mello	Smith
Bolz	Garrett	Kintner	Morfeld	Stinner
Brasch	Gloor	Kolterman	Murante	Sullivan
Campbell	Groene	Kuehn	Riepe	Watermeier
Coash	Hadley	Larson	Scheer	Williams
Craighead	Hansen	Lindstrom	Schilz	
Crawford	Hilkemann	McCollister	Schnoor	
Ebke	Hughes	McCoy	Seiler	

Present and not voting, 8:

Baker	Haar, K.	Kolowski	Pansing Brooks
Cook	Howard	Krist	Schumacher

Excused and not voting, 3:

Davis            Fox            Harr, B.

The Chambers amendment lost with 1 aye, 37 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, AM2501, found on page 974.

The Chambers amendment lost with 2 ayes, 24 nays, 15 present and not voting, and 8 excused and not voting.

Senator Chambers offered his amendment, AM2502, found on page 974.

Senator Chambers asked unanimous consent to withdraw his amendment, AM2502, found on page 974, and replace it with his reoffered substitute amendment, AM2499, found on page 965. No objections. So ordered.

### **SENATOR WATERMEIER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 9:

Bloomfield	Cook	Haar, K.	Krist	Schumacher
Chambers	Crawford	Hansen	Pansing Brooks	

Voting in the negative, 26:

Campbell	Hadley	Kuehn	Schilz	Watermeier
Coash	Hilkemann	Lindstrom	Schnoor	Williams
Craighead	Hughes	McCollister	Seiler	
Ebke	Johnson	McCoy	Smith	
Gloor	Kintner	Murante	Stinner	
Groene	Kolterman	Riepe	Sullivan	

Present and not voting, 6:

Baker	Brasch	Howard
Bolz	Harr, B.	Kolowski

Excused and not voting, 8:

Davis	Friesen	Larson	Morfeld
Fox	Garrett	Mello	Scheer

The Chambers amendment lost with 9 ayes, 26 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO265

Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

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

Voting in the affirmative, 3:

Bloomfield	Cook	Krist
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Voting in the negative, 34:

Campbell	Groene	Hughes	McCoy	Seiler
Coash	Haar, K.	Johnson	Murante	Smith
Crawford	Hadley	Kintner	Pansing Brooks	Stinner
Ebke	Hansen	Kolterman	Riepe	Sullivan
Fox	Harr, B.	Kuehn	Scheer	Watermeier
Friesen	Hilkemann	Lindstrom	Schilz	Williams
Gloor	Howard	McCollister	Schnoor	

Present and not voting, 6:

Baker	Chambers	Kolowski
Brasch	Craighead	Schumacher

Excused and not voting, 6:

Bolz	Garrett	Mello
Davis	Larson	Morfeld

The Chambers motion to bracket failed with 3 ayes, 34 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

M0267

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 4:

Bloomfield    Chambers    Cook            Harr, B.

Voting in the negative, 30:

Baker	Gloor	Johnson	Mello	Schnoor
Coash	Haar, K.	Kolterman	Murante	Seiler
Crawford	Hadley	Kuehn	Pansing Brooks	Smith
Ebke	Hansen	Lindstrom	Riepe	Stinner
Fox	Howard	McCollister	Scheer	Watermeier
Garrett	Hughes	McCoy	Schilz	Williams

Present and not voting, 4:

Brasch            Friesen            Kolowski            Schumacher

Excused and not voting, 11:

Bolz	Davis	Kintner	Morfeld
Campbell	Groene	Krist	Sullivan
Craighead	Hilkemann	Larson	

The Chambers motion to reconsider failed with 4 ayes, 30 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Pending.

### **COMMITTEE REPORT(S)**

#### Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jeffery Davis - Nebraska Accountability and Disclosure Commission  
Douglas Hegarty - Nebraska Accountability and Disclosure Commission

James J. Ziebarth - Nebraska Accountability and Disclosure Commission

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Kimberly Plouzek - State Emergency Response Commission

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 889A.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 617.** Introduced by Seiler, 33.

WHEREAS, Hawthorne Elementary School in Hastings was selected as a National Model Professional Learning Community School at Work by All Things PLC; and

WHEREAS, Hawthorne Elementary joins Morton Elementary, Alcott Elementary, Lincoln Elementary, and Hastings Middle School, all located in Hastings, in receiving this national distinction; and

WHEREAS, Hawthorne Elementary is one of only six schools located in Nebraska to receive recognition by All Things PLC; and

WHEREAS, the students of Hawthorne Elementary have been recognized for their exceptional academic performance; and

WHEREAS, the administrators and teachers of Hawthorne Elementary have been acknowledged for their extraordinary effectiveness; 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 students and teachers at Hawthorne Elementary School for gaining prestigious recognition as a National Model Professional Learning Community School at Work.

2. That a copy of this resolution be sent to Principal Amy Kelly of Hawthorne Elementary School and Superintendent Craig Kautz of Hastings Public Schools.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Coash filed the following amendment to LB716:  
AM2852

(Amendments to E&R amendments, ER250)

1 1. On page 3, line 31, after the stricken "(3)" insert "(4)" and  
2 reinstate the stricken matter beginning with "Except" through "path".  
3 2. On page 4, lines 1 and 2, reinstate the stricken matter; in line  
4 3 strike "(4)" and insert "(5)"; and in line 9 strike "(5)" and insert  
5 "(6)".

**SELECT FILE**

**LEGISLATIVE BILL 745.** Senator Chambers offered the following motion:

MO268

Recommit to the Natural Resources Committee.

Senator McCollister offered the following motion:

MO269

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCollister moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Chambers requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 44:

Baker	Friesen	Howard	McCollister	Schnoor
Bolz	Garrett	Hughes	McCoy	Schumacher
Brasch	Gloor	Johnson	Mello	Seiler
Campbell	Groene	Kintner	Morfeld	Smith
Coash	Haar, K.	Kolowski	Murante	Stinner
Craighead	Hadley	Kolterman	Pansing Brooks	Sullivan
Crawford	Hansen	Kuehn	Riepe	Watermeier
Ebke	Harr, B.	Larson	Scheer	Williams
Fox	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 4:

Bloomfield	Chambers	Cook	Krist
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Excused and not voting, 1:

Davis

The McCollister motion to invoke cloture prevailed with 44 ayes, 4 nays, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 4:

Bloomfield    Chambers    Cook            Krist

Voting in the negative, 44:

Baker	Friesen	Howard	McCollister	Schnoor
Bolz	Garrett	Hughes	McCoy	Schumacher
Brasch	Gloor	Johnson	Mello	Seiler
Campbell	Groene	Kintner	Morfeld	Smith
Coash	Haar, K.	Kolowski	Murante	Stinner
Craighead	Hadley	Kolterman	Pansing Brooks	Sullivan
Crawford	Hansen	Kuehn	Riepe	Watermeier
Ebke	Harr, B.	Larson	Scheer	Williams
Fox	Hilkemann	Lindstrom	Schilz	

Excused and not voting, 1:

Davis

The Chambers motion to recommit to committee failed with 4 ayes, 44 nays, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 43:

Baker	Garrett	Hughes	McCoy	Schumacher
Bolz	Gloor	Johnson	Mello	Seiler
Campbell	Groene	Kintner	Morfeld	Smith
Coash	Haar, K.	Kolowski	Murante	Stinner
Craighead	Hadley	Kolterman	Pansing Brooks	Sullivan
Crawford	Hansen	Kuehn	Riepe	Watermeier
Ebke	Harr, B.	Larson	Scheer	Williams
Fox	Hilkemann	Lindstrom	Schilz	
Friesen	Howard	McCollister	Schnoor	

Voting in the negative, 3:

Bloomfield Chambers Krist

Present and not voting, 2:

Brasch Cook

Excused and not voting, 1:

Davis

Advanced to Enrollment and Review for Engrossment with 43 ayes, 3 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 643.** Senator B. Harr withdrew his amendment, AM1722, found on page 1734, First Session, 2015.

Senator McCoy withdrew his amendments, FA75 and AM1726, found on pages 1734 and 1735, First Session, 2015.

Senator Garrett withdrew his amendment, AM1724, found on page 1883, First Session, 2015.

Senator Howard offered her amendment, AM2599, found on page 1000.

Senator Mello offered the following amendment to the Howard amendment: AM2844

(Amendments to Howard amendments, AM2599)

1 1. Insert the following new section:

2 Sec. 57. Section 71-7611, Revised Statutes Supplement, 2015, is

3 amended to read:

4 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
5 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
6 on or before July 15, 2014, (b) sixty million three hundred fifty  
7 thousand dollars on or before July 15, 2015, (c) sixty million three  
8 hundred fifty thousand dollars on or before July 15, 2016, (d) an  
9 additional one million four hundred thousand dollars on or before August  
10 1, 2016, (e) sixty million three hundred fifty thousand dollars on or  
11 before July 15, 2017, (f) ~~e~~ an additional one million dollars on or  
12 before July 15, 2017, (g) sixty million three hundred fifty thousand  
13 dollars on or before July 15, 2018, and (h) ~~f~~ sixty million one hundred  
14 thousand dollars on or before every July 15 thereafter from the Nebraska  
15 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement  
16 Trust Fund to the Nebraska Health Care Cash Fund, except that such amount  
17 shall be reduced by the amount of the unobligated balance in the Nebraska  
18 Health Care Cash Fund at the time the transfer is made. The state  
19 investment officer upon consultation with the Nebraska Investment Council  
20 shall advise the State Treasurer on the amounts to be transferred from



21 the Nebraska Medicaid Intergovernmental Trust Fund and from the Nebraska  
22 Tobacco Settlement Trust Fund under this section in order to sustain such  
23 transfers in perpetuity. The state investment officer shall report  
24 electronically to the Legislature on or before October 1 of every even-  
25 numbered year on the sustainability of such transfers. The Nebraska  
26 Health Care Cash Fund shall also include money received pursuant to  
1 section 77-2602. Except as otherwise provided by law, no more than the  
2 amounts specified in this subsection may be appropriated or transferred  
3 from the Nebraska Health Care Cash Fund in any fiscal year.

4 It is the intent of the Legislature that no additional programs are  
5 funded through the Nebraska Health Care Cash Fund until funding for all  
6 programs with an appropriation from the fund during FY2012-13 are  
7 restored to their FY2012-13 levels.

8 (2) Any money in the Nebraska Health Care Cash Fund available for  
9 investment shall be invested by the state investment officer pursuant to  
10 the Nebraska Capital Expansion Act and the Nebraska State Funds  
11 Investment Act.

12 (3) The University of Nebraska and postsecondary educational  
13 institutions having colleges of medicine in Nebraska and their affiliated  
14 research hospitals in Nebraska, as a condition of receiving any funds  
15 appropriated or transferred from the Nebraska Health Care Cash Fund,  
16 shall not discriminate against any person on the basis of sexual  
17 orientation.

18 (4) The State Treasurer shall transfer fifty thousand dollars on or  
19 before July 15, 2016, from the Nebraska Health Care Cash Fund to the  
20 Board of Regents of the University of Nebraska for the University of  
21 Nebraska Medical Center. It is the intent of the Legislature that these  
22 funds be used by the College of Public Health for workforce training.

23 (5) For fiscal year 2016-17, one million four hundred thousand  
24 dollars is available from the Nebraska Health Care Cash Fund for  
25 implementation of the Medical Cannabis Act. For fiscal year 2017-18, one  
26 million dollars is available from the Nebraska Health Care Cash Fund for  
27 implementation of the Medical Cannabis Act. The amounts made available  
28 from the Nebraska Health Care Cash Fund for implementation of the Medical  
29 Cannabis Act shall be repaid with interest on or before June 30, 2023, to  
30 the fund from fees and taxes collected pursuant to the Medical Cannabis  
31 Act. Interest shall begin accruing on the outstanding balance remaining  
1 to be repaid on July 1, 2017. The interest rate shall be five percent  
2 simple interest per year on the outstanding balance.

3 2. Renumber the remaining sections accordingly.

4 3. Correct the operative date and repealer sections so that the  
5 section added by this amendment becomes operative three calendar months  
6 after the adjournment of this legislative session.

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

Senator Garrett moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

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

Voting in the affirmative, 41:

Baker	Crawford	Harr, B.	Lindstrom	Schumacher
Bloomfield	Ebke	Hilkemann	McCollister	Seiler
Bolz	Fox	Howard	McCoy	Smith
Brasch	Friesen	Hughes	Mello	Sullivan
Campbell	Garrett	Johnson	Morfeld	Watermeier
Chambers	Groene	Kolowski	Murante	
Coash	Haar, K.	Kolterman	Pansing Brooks	
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	

Voting in the negative, 1:

Kintner

Present and not voting, 3:

Riepe            Stinner            Williams

Excused and not voting, 4:

Davis            Gloor            Larson            Schnoor

The motion to cease debate prevailed with 41 ayes, 1 nay, 3 present and not voting, and 4 excused and not voting.

The Mello amendment was adopted with 26 ayes, 12 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Krist offered the following amendment to the Howard amendment:  
AM2869

(Amendments to Howard amendments, AM2599)

- 1 1. Strike original sections 48 to 54 and 56 to 64 and insert the
- 2 following new sections:
- 3 Sec. 48. (1) Each manufacturer shall pay a tax equal to thirty-
- 4 three percent of its net revenue for each calendar year on or before
- 5 February 1 of the following calendar year. The Tax Commissioner shall
- 6 collect the taxes imposed under this section and shall remit them to the
- 7 State Treasurer for credit to the Medical Cannabis Regulation Fund.
- 8 (2) For purposes of this section, net revenue means the revenue
- 9 obtained by a manufacturer from the production and sale of cannabis
- 10 pursuant to the Medical Cannabis Act less normal business expenses as
- 11 determined by the Tax Commissioner.
- 12 Sec. 50. Section 77-2701.16, Revised Statutes Cumulative Supplement,

13 2014, is amended to read:

14 77-2701.16 (1) Gross receipts means the total amount of the sale or  
15 lease or rental price, as the case may be, of the retail sales of  
16 retailers.

17 (2) Gross receipts of every person engaged as a public utility  
18 specified in this subsection, as a community antenna television service  
19 operator, or as a satellite service operator or any person involved in  
20 connecting and installing services defined in subdivision (2)(a), (b), or  
21 (d) of this section means:

22 (a)(i) In the furnishing of telephone communication service, other  
23 than mobile telecommunications service as described in section  
24 77-2703.04, the gross income received from furnishing ancillary services,  
25 except for conference bridging services, and intrastate  
26 telecommunications services, except for value-added, nonvoice data  
1 service.

2 (ii) In the furnishing of mobile telecommunications service as  
3 described in section 77-2703.04, the gross income received from  
4 furnishing mobile telecommunications service that originates and  
5 terminates in the same state to a customer with a place of primary use in  
6 Nebraska;

7 (b) In the furnishing of telegraph service, the gross income  
8 received from the furnishing of intrastate telegraph services;

9 (c)(i) In the furnishing of gas, sewer, water, and electricity  
10 service, other than electricity service to a customer-generator as  
11 defined in section 70-2002, the gross income received from the furnishing  
12 of such services upon billings or statements rendered to consumers for  
13 such utility services.

14 (ii) In the furnishing of electricity service to a customer-  
15 generator as defined in section 70-2002, the net energy use upon billings  
16 or statements rendered to customer-generators for such electricity  
17 service;

18 (d) In the furnishing of community antenna television service or  
19 satellite service, the gross income received from the furnishing of such  
20 community antenna television service as regulated under sections 18-2201  
21 to 18-2205 or 23-383 to 23-388 or satellite service; and

22 (e) The gross income received from the provision, installation,  
23 construction, servicing, or removal of property used in conjunction with  
24 the furnishing, installing, or connecting of any public utility services  
25 specified in subdivision (2)(a) or (b) of this section or community  
26 antenna television service or satellite service specified in subdivision  
27 (2)(d) of this section, except when acting as a subcontractor for a  
28 public utility, this subdivision does not apply to the gross income  
29 received by a contractor electing to be treated as a consumer of building  
30 materials under subdivision (2) or (3) of section 77-2701.10 for any such  
31 services performed on the customer's side of the utility demarcation  
1 point.

2 (3) Gross receipts of every person engaged in selling, leasing, or  
3 otherwise providing intellectual or entertainment property means:

4 (a) In the furnishing of computer software, the gross income

5 received, including the charges for coding, punching, or otherwise  
6 producing any computer software and the charges for the tapes, disks,  
7 punched cards, or other properties furnished by the seller; and  
8 (b) In the furnishing of videotapes, movie film, satellite  
9 programming, satellite programming service, and satellite television  
10 signal descrambling or decoding devices, the gross income received from  
11 the license, franchise, or other method establishing the charge.  
12 (4) Gross receipts for providing a service means:  
13 (a) The gross income received for building cleaning and maintenance,  
14 pest control, and security;  
15 (b) The gross income received for motor vehicle washing, waxing,  
16 towing, and painting;  
17 (c) The gross income received for computer software training;  
18 (d) The gross income received for installing and applying tangible  
19 personal property if the sale of the property is subject to tax. If any  
20 or all of the charge for installation is free to the customer and is paid  
21 by a third-party service provider to the installer, any tax due on that  
22 part of the activation commission, finder's fee, installation charge, or  
23 similar payment made by the third-party service provider shall be paid  
24 and remitted by the third-party service provider;  
25 (e) The gross income received for services of recreational vehicle  
26 parks;  
27 (f) The gross income received for labor for repair or maintenance  
28 services performed with regard to tangible personal property the sale of  
29 which would be subject to sales and use taxes, excluding motor vehicles,  
30 except as otherwise provided in section 77-2704.26 or 77-2704.50;  
31 (g) The gross income received for animal specialty services except  
1 (i) veterinary services, (ii) specialty services performed on livestock  
2 as defined in section 54-183, and (iii) animal grooming performed by a  
3 licensed veterinarian or a licensed veterinary technician in conjunction  
4 with medical treatment; and  
5 (h) The gross income received for detective services.  
6 (5) Gross receipts includes the sale of admissions. When an  
7 admission to an activity or a membership constituting an admission is  
8 combined with the solicitation of a contribution, the portion or the  
9 amount charged representing the fair market price of the admission shall  
10 be considered a retail sale subject to the tax imposed by section  
11 77-2703. The organization conducting the activity shall determine the  
12 amount properly attributable to the purchase of the privilege, benefit,  
13 or other consideration in advance, and such amount shall be clearly  
14 indicated on any ticket, receipt, or other evidence issued in connection  
15 with the payment.  
16 (6) Gross receipts includes the sale of live plants incorporated  
17 into real estate except when such incorporation is incidental to the  
18 transfer of an improvement upon real estate or the real estate.  
19 (7) Gross receipts includes the sale of any building materials  
20 annexed to real estate by a person electing to be taxed as a retailer  
21 pursuant to subdivision (1) of section 77-2701.10.  
22 (8) Gross receipts includes the sale of and recharge of prepaid

23 calling service and prepaid wireless calling service.

24 (9) Gross receipts includes the retail sale of digital audio works,  
25 digital audiovisual works, digital codes, and digital books delivered  
26 electronically if the products are taxable when delivered on tangible  
27 storage media. A sale includes the transfer of a permanent right of use,  
28 the transfer of a right of use that terminates on some condition, and the  
29 transfer of a right of use conditioned upon the receipt of continued  
30 payments.

31 (10) Gross receipts does not include:

1 (a) The amount of any rebate granted by a motor vehicle or motorboat  
2 manufacturer or dealer at the time of sale of the motor vehicle or  
3 motorboat, which rebate functions as a discount from the sales price of  
4 the motor vehicle or motorboat; or

5 (b) The price of property or services returned or rejected by  
6 customers when the full sales price is refunded either in cash or credit.

7 (11) Gross receipts includes the retail sale of cannabis obtained

8 pursuant to the Medical Cannabis Act.

9 Sec. 51. Section 77-2701.32, Reissue Revised Statutes of Nebraska,  
10 is amended to read:

11 77-2701.32 (1) Retailer means any seller.

12 (2) To facilitate the proper administration of the Nebraska Revenue  
13 Act of 1967, the following persons have the duties and responsibilities  
14 of sellers for the purposes of sales and use taxes:

15 (a) Any person in the business of making sales subject to tax under  
16 section 77-2703 at auction of property owned by the person or others;

17 (b) Any person collecting the proceeds of the auction, other than  
18 the owner of the property, together with his or her principal, if any,  
19 when the person collecting the proceeds of the auction is not the  
20 auctioneer or an agent or employee of the auctioneer. The seller does not  
21 include the auctioneer in such case;

22 (c) Every person who has elected to be considered a retailer  
23 pursuant to subdivision (1) of section 77-2701.10;

24 (d) Every person operating, organizing, or promoting a flea market,  
25 craft show, fair, or similar event; ~~and~~

26 (e) Every person engaged in the business of providing any service  
27 defined in subsection (4) of section 77-2701.16; ~~and -~~

28 (f) Every person doing business as a compassion center pursuant to  
29 the Medical Cannabis Act.

30 (3) For the proper administration of the Nebraska Revenue Act of  
31 1967, the following persons do not have the duties and responsibilities  
1 of a seller for purposes of sales and use taxes:

2 (a) Any person who leases or rents films when an admission tax is  
3 charged under the Nebraska Revenue Act of 1967;

4 (b) Any person who leases or rents railroad rolling stock  
5 interchanged pursuant to the provisions of the federal Interstate  
6 Commerce Act;

7 (c) Any person engaged in the business of furnishing rooms in a  
8 facility licensed under the Health Care Facility Licensure Act in which  
9 rooms, lodgings, or accommodations are regularly furnished for a

10 consideration or a facility operated by an educational institution  
11 established under Chapter 79 or Chapter 85 in which rooms are regularly  
12 used to house students for a consideration for periods in excess of  
13 thirty days; or

14 (d) Any person making sales at a flea market, craft show, fair, or  
15 similar event when such person does not have a sales tax permit and has  
16 arranged to pay sales taxes collected to the person operating,  
17 organizing, or promoting such event.

18 Sec. 52. Section 77-2704.09, Reissue Revised Statutes of Nebraska,  
19 is amended to read:

20 77-2704.09 (1) Sales and use taxes shall not be imposed on the gross  
21 receipts from the sale, lease, or rental of and the storage, use, or  
22 other consumption in this state of (a) insulin, (b) mobility enhancing  
23 equipment and drugs, not including cannabis obtained pursuant to the  
24 Medical Cannabis Act or over-the-counter drugs, when sold for a patient's  
25 use under a prescription, and (c) the following when sold for a patient's  
26 use under a prescription and which are of the type eligible for coverage  
27 under the medical assistance program established pursuant to the Medical  
28 Assistance Act: Durable medical equipment; home medical supplies;  
29 prosthetic devices; oxygen; and oxygen equipment.

30 (2) For purposes of this section:

31 (a) Drug means a compound, substance, preparation, and component of  
1 a compound, substance, or preparation, other than food and food  
2 ingredients, dietary supplements, or alcoholic beverages:

3 (i) Recognized in the official United States Pharmacopoeia, official  
4 Homeopathic Pharmacopoeia of the United States, or official National  
5 Formulary, and any supplement to any of them;

6 (ii) Intended for use in the diagnosis, cure, mitigation, treatment,  
7 or prevention of disease; or

8 (iii) Intended to affect the structure or any function of the body;

9 (b) Durable medical equipment means equipment which can withstand  
10 repeated use, is primarily and customarily used to serve a medical  
11 purpose, generally is not useful to a person in the absence of illness or  
12 injury, is appropriate for use in the home, and is not worn in or on the  
13 body. Durable medical equipment includes repair and replacement parts for  
14 such equipment;

15 (c) Home medical supplies means supplies primarily and customarily  
16 used to serve a medical purpose which are appropriate for use in the home  
17 and are generally not useful to a person in the absence of illness or  
18 injury;

19 (d) Mobility enhancing equipment means equipment which is primarily  
20 and customarily used to provide or increase the ability to move from one  
21 place to another, which is not generally used by persons with normal  
22 mobility, and which is appropriate for use either in a home or a motor  
23 vehicle. Mobility enhancing equipment includes repair and replacement  
24 parts for such equipment. Mobility enhancing equipment does not include  
25 any motor vehicle or equipment on a motor vehicle normally provided by a  
26 motor vehicle manufacturer;

27 (e) Over-the-counter drug means a drug that contains a label that

28 identifies the product as a drug as required by 21 C.F.R. 201.66, as such  
29 regulation existed on January 1, 2003. The over-the-counter drug label  
30 includes a drug facts panel or a statement of the active ingredients with  
31 a list of those ingredients contained in the compound, substance, or  
1 preparation;

2 (f) Oxygen equipment means oxygen cylinders, cylinder transport  
3 devices including sheaths and carts, cylinder studs and support devices,  
4 regulators, flowmeters, tank wrenches, oxygen concentrators, liquid  
5 oxygen base dispensers, liquid oxygen portable dispensers, oxygen tubing,  
6 nasal cannulas, face masks, oxygen humidifiers, and oxygen fittings and  
7 accessories;

8 (g) Prescription means an order, formula, or recipe issued in any  
9 form of oral, written, electronic, or other means of transmission by a  
10 duly licensed practitioner authorized under the Uniform Credentialing  
11 Act; and

12 (h) Prosthetic devices means a replacement, corrective, or  
13 supportive device worn on or in the body to artificially replace a  
14 missing portion of the body, prevent or correct physical deformity or  
15 malfunction, or support a weak or deformed portion of the body, and  
16 includes any supplies used with such device and repair and replacement  
17 parts.

18 Sec. 53. Section 77-4303, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 77-4303 (1) A tax is hereby imposed on marijuana and controlled  
21 substances at the following rates:

22 (a) On each ounce of marijuana or each portion of an ounce, one  
23 hundred dollars;

24 (b) On each gram or portion of a gram of a controlled substance that  
25 is customarily sold by weight or volume, one hundred fifty dollars; or

26 (c) On each fifty dosage units or portion thereof of a controlled  
27 substance that is not customarily sold by weight, five hundred dollars.

28 (2) For purposes of calculating the tax under this section,  
29 marijuana or any controlled substance that is customarily sold by weight  
30 or volume shall be measured by the weight of the substance in the  
31 dealer's possession. The weight shall be the actual weight, if known, or  
1 the estimated weight as determined by the Nebraska State Patrol or other  
2 law enforcement agency. Such determination shall be presumed to be the  
3 weight of such marijuana or controlled substances for purposes of  
4 sections 77-4301 to 77-4316.

5 (3) The tax shall not be imposed upon a person registered or  
6 otherwise lawfully in possession of marijuana or a controlled substance  
7 pursuant to Chapter 28, article 4, or a person lawfully in possession of  
8 cannabis under the Medical Cannabis Act.

9 2. On page 1, line 3, strike "54" and insert "48".

10 3. On page 13, line 17, strike "Medical Cannabis Board" and insert  
11 "Director of Public Health".

12 4. On page 14, lines 2 and 3; and page 16, line 1, strike "Medical  
13 Cannabis Board" and insert "Director of Public Health".

14 5. On page 17, line 10, strike "Medical Cannabis Board" and insert

15 "Director of Public Health"; and in lines 13, 17, and 18 strike "board"  
 16 and insert "director".  
 17 6. Renumber the remaining sections and correct the repealer  
 18 accordingly.

### SENATOR SCHEER PRESIDING

Pending.

### AMENDMENT(S) - Print in Journal

Senator Seiler filed the following amendment to LB1094:  
 AM2845

(Amendments to E & R amendments, ER226)

- 1 1. Strike section 5.
- 2 2. On page 13, line 8, strike "Person", show as stricken, and insert  
 3 "Until January 1, 2017, person".
- 4 3. On page 17, line 26, strike the comma and after "or" insert  
 5 "except".
- 6 4. On page 25, line 19, after "arrest" insert "as provided in  
 7 sections 20 and 21 of this act" and after "or" insert "exercise the power  
 8 of"; and in lines 20 and 21 strike the new matter.
- 9 5. On page 30, line 7, after "and" insert "assuming"; and in line 12  
 10 strike "incarceration" and insert "imprisonment".
- 11 6. On page 32, line 20, strike the comma; in line 21 strike "by his  
 12 or her probation officer or the court"; in line 22 strike "violations of  
 13 conditions" and insert "a violation of a condition"; and strike beginning  
 14 with "A" in line 23 through "response" in line 26 and insert "A custodial  
 15 sanction may include up to thirty days in jail as the most severe  
 16 response and may include up to three days in jail as the second most  
 17 severe response".
- 18 7. On page 37, line 22, strike "(2)(b)" and insert "(1)(b)".
- 19 8. On page 38, line 9, strike "(1)" and insert "(2)"; and in line 16  
 20 after "probation" insert an underscored comma.
- 21 9. On page 40, line 4, after "sanction" insert "rests with the court  
 22 and"; and in line 13 strike "22" and insert "23".
- 23 10. On page 41, line 17, after "commitment" insert "order"; and in  
 24 line 23 strike "shall be" and insert "is".
- 25 11. On page 42, line 14, after "commitment" insert "order"; in line  
 26 16 after the last comma insert "and shall be made"; and in line 18 strike  
 1 "probation".
- 2 12. On page 43, strike beginning with "For" in line 30 through  
 3 "sanction" in line 31 and insert "A custodial sanction be imposed on a  
 4 probationer convicted of a felony".
- 5 13. On page 66, strike line 15 and insert "sections 28-105,  
 6 29-2204.02, 29-2260, 29-2262, 29-2263, 29-2266, 29-2267, 29-2268, 47-401,  
 7 47-502, 83-187, 83-1,119, 83-1,122, and 83-1,122.01 by"; and in line 16  
 8 strike "and 23" and insert "22, and 39".
- 9 14. Renumber the remaining sections and correct internal references  
 10 and the repealer accordingly.



Senator Scheer filed the following amendment to LB884:

FA117

Amend AM2828

On page 4, strike lines 8 through 13.

Senator Murante filed the following amendment to LB1067:

FA118

Add the emergency clause.

Senator Bloomfield filed the following amendment to LB716:

AM2841

(Amendments to E&R amendments, ER250)

- 1 1. On page 4, after line 8 insert the following new subsection:
- 2 "(5) Any person who is younger than sixteen years of age shall
- 3 dismount and walk his or her bicycle when crossing a highway by any
- 4 route, including, but not limited to, a bike path or a crosswalk."; and
- 5 in line 9 strike "(5)" and insert "(6)".

Senator Hilkemann filed the following amendment to LB804:

AM2848

- 1 1. On page 4, line 12, strike "No professional board" and insert
- 2 "Neither the Director of Public Health nor the chief medical officer
- 3 appointed pursuant to section 81-3115".

## RESOLUTION(S)

**LEGISLATIVE RESOLUTION 618.** Introduced by Bolz, 29.

WHEREAS, Marilyn Dongilli graduated magna cum laude from Wichita State University with a bachelor of science in physical therapy; and

WHEREAS, Ms. Dongilli has helped Nebraskans for over 35 years in a variety of settings, including Madonna Rehabilitation Hospital in Lincoln, skilled rehabilitation, long-term acute care, and home health; and

WHEREAS, over the past 19 years, Ms. Dongilli has been the inpatient clinical director of physical therapy at Madonna Rehabilitation Hospital; and

WHEREAS, in her capacity at Madonna, Ms. Dongilli has contributed to the healthcare of Nebraskans by overseeing staff hiring, orientation, staff competency assessment, and continuing improvement of the staff's clinical skills and professional development; and

WHEREAS, Ms. Dongilli has presented nationally at the American Physical Therapy Association's Combined Sections Meeting, the Annual Education Conference of the Association of Rehabilitation Nurses, and before the American Medical Rehabilitation Providers Association; and

WHEREAS, Ms. Dongilli has made contributions to the field of physical therapy through clinical instruction at the University of Nebraska's physical therapy program in the areas of documentation and neuro-developmental treatment; and

WHEREAS, Ms. Dongilli will be retiring this year.

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

1. That the Legislature congratulates Marilyn Dongilli and wishes her a happy retirement after her successful career at Madonna Rehabilitation Hospital.

2. That a copy of this resolution be sent to Ms. Dongilli and Madonna Rehabilitation Hospital.

Laid over.

#### SELECT FILE

**LEGISLATIVE BILL 643.** Senator Williams offered the following motion:

MO270

Recommit to the Judiciary Committee.

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

Senator Williams requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 12:

Brasch	Hilkemann	Kintner	Riepe
Fox	Hughes	Kolterman	Seiler
Friesen	Johnson	Kuehn	Watermeier

Voting in the negative, 24:

Baker	Coash	Garrett	Howard	Morfeld
Bloomfield	Cook	Groene	Kolowski	Pansing Brooks
Bolz	Craighead	Haar, K.	Krist	Schumacher
Campbell	Crawford	Hadley	Lindstrom	Sullivan
Chambers	Ebke	Hansen	Mello	

Present and not voting, 8:

Harr, B.	McCoy	Scheer	Stinner
McCollister	Murante	Smith	Williams

Excused and not voting, 5:

Davis	Gloor	Larson	Schilz	Schnoor
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The Williams motion to recommit to committee failed with 12 ayes, 24 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Williams offered the following motion:

MO271

Reconsider the vote taken to recommit to committee.

Senator Williams asked unanimous consent to withdraw his motion to reconsider.

No objections. So ordered.

Senator Krist withdrew his amendment, AM2869, found in this day's Journal.

The Howard amendment, AM2599, found on page 1000 and considered in this day's Journal, as amended, was renewed.

**SPEAKER HADLEY PRESIDING**

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Chambers requested a roll call vote on the Howard amendment, as amended.

Voting in the affirmative, 25:

Baker	Coash	Haar, K.	Kolowski	Morfeld
Bloomfield	Cook	Hadley	Krist	Pansing Brooks
Bolz	Craighead	Hansen	Lindstrom	Schilz
Campbell	Ebke	Harr, B.	McCollister	Schumacher
Chambers	Garrett	Howard	Mello	Sullivan

Voting in the negative, 12:

Brasch	Kintner	McCoy	Stinner
Hilkemann	Kolterman	Riepe	Watermeier
Hughes	Kuehn	Seiler	Williams

Present and not voting, 9:

Crawford	Fox	Groene	Murante	Smith
Davis	Friesen	Johnson	Scheer	

Excused and not voting, 3:

Gloor            Larson            Schnoor

The Howard amendment, as amended, was adopted with 25 ayes, 12 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Williams offered the following motion:

MO273

Bracket until April 20, 2016.

Senator Garrett offered the following motion:

MO274

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Garrett moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Garrett requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 30:

Baker	Cook	Hadley	Krist	Murante
Bloomfield	Craighead	Hansen	Larson	Pansing Brooks
Bolz	Crawford	Harr, B.	Lindstrom	Schilz
Campbell	Ebke	Hilkemann	McCollister	Schumacher
Chambers	Garrett	Howard	Mello	Smith
Coash	Haar, K.	Kolowski	Morfeld	Sullivan

Voting in the negative, 15:

Brasch	Groene	Kintner	McCoy	Stinner
Fox	Hughes	Kolterman	Riepe	Watermeier
Friesen	Johnson	Kuehn	Seiler	Williams

Present and not voting, 2:

Davis            Scheer

Excused and not voting, 2:

Gloor            Schnoor

The Garrett motion to invoke cloture failed with 30 ayes, 15 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**VISITOR(S)**

Visitors to the Chamber were 37 fourth-grade students from Northwest Feeder Schools, Grand Island; 39 fourth-grade students from St. Michael's Elementary, Hastings; a group from District 30 and the state of Washington; 9 fourth-grade students and teachers from Allen; Senator Larson's grandmother, Carolyn Larson, from O'Neill; 3 fourth-grade students and sponsors from Chase County Elementary, Imperial; 76 fourth-grade students from West Dodge Station, Elkhorn; and Chris, Everett, and Evelyn Stiffler from Omaha.

The Doctor of the Day was Dr. Chelsea Williams from Bellevue.

**ADJOURNMENT**

At 8:42 p.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Wednesday, April 6, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SIXTH DAY - APRIL 6, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 6, 2016

**PRAYER**

The prayer was offered by Pastor Rob Hockney, Brookside Church, Omaha.

**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 Coash, Craighead, Larson, Morfeld, Murante, Schilz, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fifth day was approved.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 745.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 606, 607, 608, 609, and 610 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 606, 607, 608, 609, and 610.

**GENERAL FILE**

**LEGISLATIVE BILL 901.** Title read. Considered.

Committee AM2024, found on page 563, was offered.

Senator Kolterman offered his amendment, AM2213, found on page 657, to the committee amendment.

Senator Chambers offered the following motion:

MO275

Bracket until April 20, 2016.

Senator Crawford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 44:

Baker	Davis	Hansen	Kuehn	Schnoor
Bloomfield	Ebke	Harr, B.	Larson	Schumacher
Bolz	Fox	Hilkemann	Lindstrom	Seiler
Brasch	Friesen	Howard	McCollister	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Coash	Gloor	Kintner	Morfeld	Sullivan
Cook	Groene	Kolowski	Pansing Brooks	Watermeier
Craighead	Haar, K.	Kolterman	Riepe	Williams
Crawford	Hadley	Krist	Scheer	

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Hughes      McCoy      Murante      Schilz

The Chambers motion to bracket failed with 0 ayes, 44 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.



Senator Chambers offered the following motion:

MO276

Reconsider the vote taken to bracket.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 619.** Introduced by Davis, 43.

WHEREAS, after twenty years of service, Pat Gould has stepped down as Fire Chief of the Chadron Volunteer Fire Department; and

WHEREAS, Mr. Gould continues to serve within the department; and

WHEREAS, the Chadron Volunteer Fire Department has protected the homes, farms, businesses, and natural resources of Chadron and the Nebraska Panhandle for many years, including years of harsh drought and intense wildfires; and

WHEREAS, the Chadron Volunteer Fire Department has served its community admirably under Mr. Gould's leadership, and the department continues to stand ready to protect its community.

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

1. That the Legislature recognizes Pat Gould for his many years of service as Fire Chief of the Chadron Volunteer Fire Department.

2. That the Legislature expresses its gratitude to Pat Gould and all the members of the Chadron Volunteer Fire Department for their work protecting their community.

3. That a copy of this resolution be sent to Pat Gould and the Chadron Volunteer Fire Department.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 959.** ER238, found on page 1361, was adopted.

Senator Chambers offered the following amendment:

AM2878

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 37-452, Revised Statutes Cumulative Supplement,

4 2014, is amended to read:

5 37-452 (1) No person shall hunt antelope, elk, or mountain sheep, ~~or~~

6 ~~mountain lions~~ unless such person is at least twelve years of age, and

7 any person who is twelve through fifteen years of age shall only hunt

8 antelope, elk, or mountain sheep, ~~or mountain lions~~ when supervised by a

9 person nineteen years of age or older having a valid hunting permit.

10 (2) No person shall hunt deer unless such person is at least ten

11 years of age, and any person who is ten through fifteen years of age  
12 shall only hunt deer when supervised by a person nineteen years of age or  
13 older having a valid hunting permit.

14 (3) A person nineteen years of age or older having a valid hunting  
15 permit shall not supervise more than two persons while hunting deer,  
16 antelope, elk, or mountain sheep, ~~or mountain lions~~ at the same time.

17 Sec. 2. Original section 37-452, Revised Statutes Cumulative

18 Supplement, 2014, is repealed.

19 Sec. 3. The following section is outright repealed: Section 37-473,

20 Revised Statutes Cumulative Supplement, 2014.

Senator Schnoor requested a ruling of the Chair on whether the Chambers  
amendment is germane to the bill.

The Chair ruled the Chambers amendment is not germane to the bill.

Senator Chambers challenged the ruling of the Chair. The question is, "Shall  
the Chair be overruled?"

### **SPEAKER HADLEY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with  
21 ayes, 2 nays, and 26 not voting.

Senator Chambers requested a roll call vote on the motion to overrule the  
Chair.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 46:

Baker	Ebke	Howard	McCollister	Seiler
Bloomfield	Fox	Hughes	McCoy	Smith
Bolz	Friesen	Johnson	Mello	Stinner
Brasch	Garrett	Kintner	Morfeld	Sullivan
Campbell	Gloor	Kolowski	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schnoor	
Davis	Hilkemann	Lindstrom	Schumacher	

Present and not voting, 1:

Harr, B.

Excused and not voting, 1:

Schilz

The Chambers motion to overrule the Chair failed with 1 aye, 46 nays, 1 present and not voting, and 1 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Pending.

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR540 was adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR540.

### SELECT FILE

**LEGISLATIVE BILL 959.** Senator Chambers offered the following motion:

MO277

Bracket until April 20, 2016.

### SENATOR SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 41:

Baker	Davis	Harr, B.	McCoy	Smith
Bloomfield	Ebke	Howard	Mello	Stinner
Bolz	Fox	Johnson	Morfeld	Sullivan
Brasch	Friesen	Kintner	Murante	Watermeier
Campbell	Garrett	Kolowski	Pansing Brooks	Williams
Coash	Gloor	Krist	Riepe	
Cook	Haar, K.	Kuehn	Scheer	
Craighead	Hadley	Lindstrom	Schnoor	
Crawford	Hansen	McCollister	Seiler	

Present and not voting, 2:

Chambers      Schumacher

Excused and not voting, 6:

Groene          Hughes          Larson  
Hilkemann      Kolterman      Schilz

The Chambers motion to bracket failed with 0 ayes, 41 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**

Dept. of Correctional Services Special Investigative Committee (LR34)

Room 1113

Monday, April 18, 2016 1:30 p.m.

Hearing To Discuss Issues Dealing With the Department Of Corrections

Note: Open to the Public, Invited Testimony Only

(Signed) Les Seiler, Chairperson

**EASE**

The Legislature was at ease from 12:04 p.m. until 12:25 p.m.

**SENATOR GLOOR PRESIDING**

**MOTION - Recess**

Senator Chambers moved to recess until 5:30 p.m., April 6, 2016.

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

The Chambers motion to recess failed with 1 aye, 37 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

**SELECT FILE**

**LEGISLATIVE BILL 959.** Senator Chambers offered the following motion:

MO278

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 40:

Baker	Crawford	Hadley	Kolterman	Riepe
Bloomfield	Davis	Hansen	Krist	Scheer
Bolz	Ebke	Harr, B.	Kuehn	Schnoor
Brasch	Friesen	Hilkemann	Lindstrom	Seiler
Campbell	Garrett	Howard	McCollister	Smith
Coash	Gloor	Johnson	McCoy	Stinner
Cook	Groene	Kintner	Murante	Sullivan
Craighead	Haar, K.	Kolowski	Pansing Brooks	Williams

Present and not voting, 1:

Schumacher

Excused and not voting, 7:

Fox	Larson	Morfeld	Watermeier
Hughes	Mello	Schilz	

The Chambers motion to reconsider failed with 1 aye, 40 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA119

Strike section 13.

**SENATOR SCHEER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 36:

Baker	Davis	Harr, B.	Lindstrom	Smith
Bloomfield	Ebke	Howard	McCollister	Stinner
Bolz	Friesen	Johnson	McCoy	Sullivan
Brasch	Garrett	Kintner	Pansing Brooks	Williams
Campbell	Gloor	Kolowski	Riepe	
Coash	Groene	Kolterman	Scheer	
Cook	Hadley	Krist	Schnoor	
Crawford	Hansen	Kuehn	Seiler	

Present and not voting, 3:

Chambers	Haar, K.	Schumacher
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Excused and not voting, 10:

Craighead	Hilkemann	Larson	Morfeld	Schilz
Fox	Hughes	Mello	Murante	Watermeier

The Chambers amendment lost with 0 ayes, 36 nays, 3 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT(S) Executive Board

**LEGISLATIVE RESOLUTION 601.** Reported to the Legislature for further consideration.

**LEGISLATIVE RESOLUTION 547.** Reported to the Legislature for further consideration with the following amendment:

AM2847

1 1. Strike the resolved clauses and insert:

2 1. That the Legislature hereby calls for the Executive Board of the  
3 Legislative Council to meet forthwith and appoint a special committee of  
4 the Legislature to be known as the Tribal Economic Development Committee  
5 of the Legislature. The special committee shall consist of five members:  
6 the chairperson of the State-Tribal Relations Committee of the  
7 Legislature or his or her designee, the chairperson of the Appropriations  
8 Committee of the Legislature or his or her designee, the chairperson of  
9 the Revenue Committee or his or her designee, and two members of the

10 Legislature selected by the Executive Board. The members of the special  
11 committee shall choose a chairperson from among the members of the  
12 committee.

13 2. That the Tribal Economic Development Committee shall conduct a  
14 study examining the policy tools available to the Legislature to enhance  
15 economic development for the Native American population of Nebraska.

16 3. That the Tribal Economic Development Committee shall consult with  
17 the members of the Education and Health and Human Services Committees of  
18 the Legislature in conducting this study.

19 4. That the Tribal Economic Development Committee shall formulate  
20 draft legislation and policy recommendations and issue a report with its  
21 findings and recommendations to the Legislature no later than December  
22 15, 2016.

(Signed) Bob Krist, Chairperson

### **MESSAGE(S) FROM THE GOVERNOR**

April 6, 2016

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 567, 677, 678, 679, 680e, 680Ae, 684, 694,  
712, 725, 726, 731e, 736, 750, 770e, 770Ae, 783, 783A, 784e, 790, 813,  
814, 814A, 816, 823e, 842, 865, and 875 were received in my office on  
March 31, 2016.

These bills were signed and delivered to the Secretary of State on April 6,  
2016.

Sincerely,  
(Signed) Pete Ricketts  
Governor

### **COMMITTEE REPORT(S)**

Health and Human Services

The Health and Human Services Committee desires to report favorably upon  
the appointment(s) listed below. The Committee suggests the  
appointments(s) be confirmed by the Legislature and suggests a record vote.

Alysson Renato Muotri - Stem Cell Research Advisory Committee

Aye: 6 Campbell, Crawford, Fox, Howard, Kolterman, Riepe. Nay: 0.  
Absent: 1 Baker. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

**MOTION - Print in Journal**

Senator Kintner filed the following motion to LB187:  
MO279  
Place on General File pursuant to Rule 3, Sec. 20(b).

**SELECT FILE**

**LEGISLATIVE BILL 959.** Senator Chambers offered the following motion:  
MO280  
Reconsider the vote taken on FA119.

**SPEAKER HADLEY PRESIDING**

Senator Sullivan offered the following motion:  
MO281  
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Sullivan moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Sullivan requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 44:

Baker	Ebke	Hilkemann	Lindstrom	Schnoor
Bloomfield	Fox	Howard	McCollister	Schumacher
Bolz	Friesen	Hughes	McCoy	Seiler
Brasch	Garrett	Johnson	Mello	Smith
Campbell	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Kuehn	Scheer	Williams
Crawford	Harr, B.	Larson	Schilz	

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Davis            Hansen            Krist            Riepe

The Sullivan motion to invoke cloture prevailed with 44 ayes, 1 nay, and 4 present and not voting.



Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 48:

Baker	Ebke	Hilkemann	Lindstrom	Schnoor
Bloomfield	Fox	Howard	McCollister	Schumacher
Bolz	Friesen	Hughes	McCoy	Seiler
Brasch	Garrett	Johnson	Mello	Smith
Campbell	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	
Davis	Harr, B.	Larson	Schilz	

Not voting, 0.

The Chambers motion to reconsider failed with 1 aye, 48 nays, and 0 not voting.

Senator Sullivan requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 45:

Baker	Davis	Hilkemann	Larson	Schilz
Bloomfield	Ebke	Howard	Lindstrom	Schnoor
Bolz	Fox	Hughes	McCollister	Schumacher
Brasch	Friesen	Johnson	McCoy	Seiler
Campbell	Garrett	Kintner	Mello	Smith
Coash	Gloor	Kolowski	Morfeld	Stinner
Cook	Groene	Kolterman	Murante	Sullivan
Craighead	Hadley	Krist	Pansing Brooks	Watermeier
Crawford	Harr, B.	Kuehn	Scheer	Williams

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Haar, K.      Hansen      Riepe

Advanced to Enrollment and Review for Engrossment with 45 ayes, 1 nay, and 3 present and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 959A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1067.** ER241, found on page 1430, was adopted.

Senator Murante withdrew his amendment, FA118, found on page 1489.

Senator Sullivan offered the following amendment:  
AM2875 is available in the Bill Room.

Senator Groene offered the following amendment to the Sullivan amendment:  
AM2897

(Amendments to AM2875)

1 1. On page 11, strike beginning with "0.4643" in line 5 through the  
2 first "community" in line 8 and insert "or be less than five million  
3 seven hundred thousand dollars".

### SENATOR WATERMEIER PRESIDING

Senator Groene moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Groene requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Bloomfield	Groene	Kintner	Schnoor	Watermeier
Brasch	Hughes	Kuehn	Schumacher	

Voting in the negative, 18:

Bolz	Cook	Hadley	Morfeld	Seiler
Campbell	Crawford	Hansen	Pansing Brooks	Sullivan
Chambers	Fox	Harr, B.	Riepe	
Coash	Haar, K.	Mello	Scheer	

Present and not voting, 19:

Baker	Friesen	Johnson	Lindstrom	Smith
Craighead	Garrett	Kolowski	McCollister	Stinner
Davis	Gloor	Kolterman	McCoy	Williams
Ebke	Hilkemann	Krist	Murante	

Excused and not voting, 3:

Howard	Larson	Schilz
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The Groene amendment lost with 9 ayes, 18 nays, 19 present and not voting,

and 3 excused and not voting.

The Chair declared the call raised.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Sullivan moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

The Sullivan amendment was adopted with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Krist offered the following amendment:  
AM2903 is available in the Bill Room.

### **SPEAKER HADLEY PRESIDING**

Senator McCollister moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Krist moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Krist requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Bolz	Ebke	Hansen	Morfeld	Seiler
Chambers	Gloor	Krist	Pansing Brooks	
Davis	Groene	Lindstrom	Schumacher	

Voting in the negative, 14:

Bloomfield	Cook	Garrett	McCollister	Sullivan
Brasch	Craighead	Hilkemann	Murante	Watermeier
Coash	Crawford	Kintner	Smith	

Present and not voting, 19:

Baker	Haar, K.	Johnson	McCoy	Schnoor
Campbell	Hadley	Kolowski	Mello	Stinner
Fox	Harr, B.	Kolterman	Riepe	Williams
Friesen	Hughes	Kuehn	Scheer	

Excused and not voting, 3:

Howard          Larson          Schilz

The Krist amendment lost with 13 ayes, 14 nays, 19 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

**AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to LB901:  
AM2873

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, ~~or~~ mountain sheep, ~~or~~
- 6 ~~mountain lions~~ unless such person is at least twelve years of age, and
- 7 any person who is twelve through fifteen years of age shall only hunt
- 8 antelope, elk, ~~or~~ mountain sheep, ~~or~~ mountain lions when supervised by a
- 9 person nineteen years of age or older having a valid hunting permit.
- 10 (2) No person shall hunt deer unless such person is at least ten
- 11 years of age, and any person who is ten through fifteen years of age
- 12 shall only hunt deer when supervised by a person nineteen years of age or
- 13 older having a valid hunting permit.
- 14 (3) A person nineteen years of age or older having a valid hunting
- 15 permit shall not supervise more than two persons while hunting deer,
- 16 antelope, elk, ~~or~~ mountain sheep, ~~or~~ mountain lions at the same time.
- 17 Sec. 2. Original section 37-452, Revised Statutes Cumulative
- 18 Supplement, 2014, is repealed.
- 19 Sec. 3. The following section is outright repealed: Section 37-473,
- 20 Revised Statutes Cumulative Supplement, 2014.

Senator Scheer filed the following amendment to LB884:  
AM2893 is available in the Bill Room.

Senator K. Haar filed the following amendment to LR455:  
AM2892

- 1 1. Strike the second resolved clause and insert "The committee
- 2 members shall select co-chairpersons from the membership of the
- 3 committee."

**COMMITTEE REPORT(S)**  
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Pamela E. Lancaster - Public Employees Retirement Board

Aye: 6 Davis, Groene, Kolowski, Kolterman, Lindstrom, Mello. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 1067.** Senator Davis offered the following amendment:  
AM2905

(Amendments to E and R amendments, ER241)

- 1 1. Insert the following new section:
- 2 Sec. 67. This act is a complete act and its provisions inseverable.
- 3 If any provision is declared unconstitutional, the entire act is invalid.
- 4 2. Renumber the remaining sections accordingly.

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

Senator Davis requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Chambers	Davis	Haar, K.
Cook	Groene	Seiler

Voting in the negative, 17:

Baker	Craighead	Hansen	Murante	Watermeier
Bloomfield	Crawford	Kintner	Riepe	
Bolz	Fox	Larson	Schnoor	
Campbell	Garrett	McCollister	Sullivan	

Present and not voting, 24:

Brasch	Hadley	Kolowski	Mello	Schumacher
Coash	Harr, B.	Kolterman	Morfeld	Smith
Ebke	Hilkemann	Kuehn	Pansing Brooks	Stinner
Friesen	Hughes	Lindstrom	Scheer	Williams
Gloor	Johnson	McCoy	Schilz	

Excused and not voting, 2:

Howard        Krist

The Davis amendment lost with 6 ayes, 17 nays, 24 present and not voting, and 2 excused and not voting.

Senator Sullivan offered the following motion:

MO282

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Sullivan requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 42:

Baker	Fox	Hughes	McCoy	Seiler
Bloomfield	Friesen	Johnson	Mello	Smith
Bolz	Garrett	Kintner	Morfeld	Stinner
Brasch	Gloor	Kolowski	Murante	Sullivan
Campbell	Groene	Kolterman	Pansing Brooks	Watermeier
Coash	Haar, K.	Kuehn	Riepe	Williams
Craighead	Hadley	Larson	Scheer	
Crawford	Harr, B.	Lindstrom	Schilz	
Ebke	Hilkemann	McCollister	Schnoor	

Voting in the negative, 2:

Chambers     Davis

Present and not voting, 3:

Cook        Hansen        Schumacher

Excused and not voting, 2:

Howard        Krist

The Sullivan motion to invoke cloture prevailed with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.

Senator Sullivan requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 40:

Baker	Ebke	Hughes	McCollister	Schilz
Bloomfield	Friesen	Johnson	McCoy	Schnoor
Bolz	Garrett	Kintner	Mello	Seiler
Brasch	Gloor	Kolowski	Morfeld	Smith
Campbell	Haar, K.	Kolterman	Murante	Stinner
Coash	Hadley	Kuehn	Pansing Brooks	Sullivan
Craighead	Harr, B.	Larson	Riepe	Watermeier
Crawford	Hilkemann	Lindstrom	Scheer	Williams

Voting in the negative, 5:

Chambers	Cook	Davis	Fox	Schumacher
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Present and not voting, 2:

Groene	Hansen
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Excused and not voting, 2:

Howard	Krist
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Advanced to Enrollment and Review for Engrossment with 40 ayes, 5 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1067A.** Senator Chambers offered the following motion:  
MO283  
Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

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

Voting in the affirmative, 1:

Cook
------

Voting in the negative, 40:

Bloomfield	Fox	Harr, B.	McCoy	Schnoor
Bolz	Friesen	Hilkemann	Mello	Schumacher
Brasch	Garrett	Hughes	Morfeld	Seiler
Campbell	Gloor	Johnson	Murante	Smith
Coash	Groene	Kintner	Pansing Brooks	Stinner
Craighead	Haar, K.	Kolterman	Riepe	Sullivan
Crawford	Hadley	Kuehn	Scheer	Watermeier
Ebke	Hansen	Lindstrom	Schilz	Williams

Present and not voting, 3:

Chambers      Davis      Kolowski

Excused and not voting, 5:

Baker      Howard      Krist      Larson      McCollister

The Chambers motion to bracket failed with 1 aye, 40 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO285

Reconsider the vote taken to bracket.

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

Senator McCoy moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 2:

Chambers      Cook

Voting in the negative, 35:



Bloomfield	Fox	Hilkemann	McCoy	Schnoor
Bolz	Garrett	Hughes	Mello	Seiler
Brasch	Gloor	Johnson	Morfeld	Smith
Campbell	Groene	Kintner	Murante	Stinner
Coash	Haar, K.	Kolterman	Riepe	Sullivan
Craighead	Hadley	Kuehn	Scheer	Watermeier
Crawford	Hansen	Lindstrom	Schilz	Williams

Present and not voting, 7:

Davis	Friesen	Kolowski	Schumacher
Ebke	Harr, B.	Pansing Brooks	

Excused and not voting, 5:

Baker	Howard	Krist	Larson	McCollister
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The Chambers motion to reconsider failed with 2 ayes, 35 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 959.** Placed on Final Reading.

**LEGISLATIVE BILL 959A.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB1067:  
AM2910

(Amendments to E and R amendments, ER241)

- 1 1. Insert the following new section:
- 2 Sec. 19. Section 79-409, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 79-409 Each incorporated city of the metropolitan class in the State
- 5 of Nebraska shall ~~constitute contain at least~~ one Class V school
- 6 district. A Class V school district shall be a body corporate and possess
- 7 all the usual powers of a corporation for public purposes and may sue and
- 8 be sued, purchase, hold, and sell such personal and real property, and
- 9 control such obligations as are authorized by law.
- 10 2. Renumber the remaining sections, correct internal references, and
- 11 amend the repealer accordingly.

Senator Mello filed the following amendment to LB947:

AM2899

(Amendments to Standing Committee amendments, AM2148)

- 1 1. On page 2, line 6, after the period insert "Such license shall be
- 2 valid only for the period of time during which such person's employment
- 3 authorization document is valid."; after line 9 insert the following new
- 4 subdivisions:
- 5 "(c) Nothing in this subsection shall be construed to grant
- 6 eligibility for any public benefits other than obtaining a professional
- 7 or commercial license.
- 8 (d) Any person who has complied with the requirements of this
- 9 subsection shall have his or her employment authorization document
- 10 verified through the Systematic Alien Verification for Entitlements
- 11 Program operated by the United States Department of Homeland Security or
- 12 an equivalent program designated by the United States Department of
- 13 Homeland Security."; in line 10 strike "(c)" and insert "(e)"; strike
- 14 beginning with "or" in line 15 through "4-111" in line 16; and in lines
- 15 21 and 22 strike the new matter and reinstate the stricken matter.
- 16 2. On page 3, line 14, after the period insert "Such credential
- 17 shall be valid only for the period of time during which such person's
- 18 employment authorization document is valid.".

Senator Sullivan filed the following amendment to LB1067A:

AM2889

- 1 1. On page 2, lines 1 and 5, strike "\$17,314,000" and insert
- 2 "\$13,443,988".

#### **MOTION - Print in Journal**

Senator Mello filed the following motion to LB1067A:

MO284

Indefinitely postpone.

#### **AMENDMENT(S) - Print in Journal**

Senator Chambers filed the following amendment to LB1067A:

FA120

Page 2, lines 10-12 strike all language.

Senator Chambers filed the following amendment to LB1067A:

FA121

Page 2, strike lines 5-9.

Senator Chambers filed the following amendment to LB1067A:

FA122

Page 2, strike lines 1-4.

**VISITOR(S)**

Visitors to the Chamber were Jill Brown from Omaha; 50 fourth-grade students from Conestoga Elementary, Murray; members of HomeTown Leadership Institute from O'Neill; 7 fifth- and sixth-grade students, teacher, and sponsors from St. Wenceslas School, Dodge; 50 fourth-grade students from North Bend Central; members of the NE Federation of Women's Clubs from across the state; 50 fourth-grade students and teachers from Two Springs Elementary, Bellevue; 22 members Omaha Student Voice Council from 7 OPS Schools; 23 fourth-grade students from Humphery; Senator Kolterman's brother-in-law, sister-in-law, and niece, Doug, Kim, and Caroline Geis, from Yorktown, VA; Blake Ristine from Gothenburg; Brynn Westenburg, Emily Oestmann, and Darren Oestmann from Johnson; 88 fourth-grade students from Pershing Elementary, Lexington; Senator Krist's daughter, Courtney, from Omaha; 7 FFA members, including Senator Williams' granddaughter, Ainsley, from Gothenburg; and Tim, Christopher, and Stephen Sullivan from Lincoln.

The Doctor of the Day was Dr. Eric Daharsh from Friend.

**ADJOURNMENT**

At 7:58 p.m., on a motion by Senator Craighead, the Legislature adjourned until 9:00 a.m., Thursday, April 7, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SEVENTH DAY - APRIL 7, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 7, 2016

**PRAYER**

The prayer was offered by Pastor Sarah Cordray, Luther Memorial Church, Syracuse.

**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 Craighead, Groene, Hilkemann, Kolowski, Morfeld, Pansing Brooks, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-sixth day was approved.

**MOTION(S) - Print in Journal**

Speaker Hadley filed the following motion:

Suspend the rules, Rule 6, Sections 6, 7, and 8 and Rule 7, Sections 3 and 7 and vote on the final passage without further amendments, motions, or debate on the following bills: LBs 400, 400A, 465, 465A, 467, 467A, 505, 505A, 683, 722, 722A, 754, 754A, 803, 830, 867, 867A, 919, 919A, 934, 934A, 960, 960A, 977, 977A, 1022, 1033, 1105, 1105A, 686, 744, 746, 746A, 774, 774A, 835, 843, 874, 886, 886A, 935, 938, 938A, 1000, 1012, 1038, 1038A, 1066, 1098, 1098A, 1110, 1110A, 889, and 889A.

Speaker Hadley filed the following motion:

Suspend the rules, Rule 6, Sections 6, 7, and 8, Rule 7, Sections 3 and 7, and Rule 5, Section 7 and vote on the final passage without further amendments, motions, or debate on the following bill: LB1067.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 6, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Karnes, David K.  
Nebraska Investment Finance Authority  
McKee, Nancy  
Sunovion Pharmaceuticals Inc.

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR611 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR611.

**SELECT FILE**

**LEGISLATIVE BILL 958.** ER240, found on page 1433, was adopted.

Senator Gloor withdrew his amendment, AM2617, found on page 1044.

Senator Gloor offered his amendment, AM2814, found on page 1378.

The Gloor amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Davis offered his amendment, AM2813, found on page 1378.

Senator Davis requested a roll call vote on his amendment.

The Davis amendment lost with 8 ayes, 18 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1094.** ER226, found on page 1244, was adopted.

Senator Seiler offered his amendment, AM2845, found on page 1488.

The Seiler amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 947.** ER229, found on page 1245, was adopted.

Senator Mello withdrew his amendment, AM2741, found on page 1368.

Senator Mello offered his amendment, AM2899, found on page 1514.

Senator Murante offered the following amendment to the Mello amendment:  
AM2842

(Amendments to Mello amendments, AM2741)

1 1. Insert the following new amendment:

2 1. On page 1, line 26; and page 3, line 8, strike "or Form I-688B".

3 2. Renumber the remaining amendments accordingly.

The Murante amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

The Mello amendment, as amended, was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 884.** ER237, found on page 1334, was adopted.

Senator Kintner withdrew his amendment, AM2819, found on page 1426.

Senator Scheer withdrew his amendments, AM2828 and FA117, found on pages 1449 and 1489.

Senator Scheer offered his amendment, AM2893, found on page 1508.

The Scheer amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 821.** ER239, found on page 1430, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 824.** ER230, found on page 1310, was adopted.

Senator K. Haar offered his amendment, AM2720, found on page 1204.

Senator Hughes offered the following motion:

MO286

Recommit to the Natural Resources Committee.

**SPEAKER HADLEY PRESIDING**

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 620.** Introduced by Hansen, 26; Baker, 30; Bolz, 29; Campbell, 25; Coash, 27; Haar, K., 21; Kolterman, 24; Morfeld, 46; Pansing Brooks, 28.

WHEREAS, Lincoln Northeast High School was founded on September 9, 1941, and is celebrating its 75th year; and

WHEREAS, Lincoln Northeast High School's first senior class was made up of 196 students from the historic neighborhoods of Bethany, Havelock, and University Place; and

WHEREAS, Lincoln Northeast High School has grown into a symbol of community pride for northeast Lincoln; and

WHEREAS, the Lincoln Northeast Rockets took their mascot from the Rock Island Rocket, the passenger train that once moved through northeast Lincoln's neighborhoods; and

WHEREAS, both students and alumni live by the motto: Once a Rocket, Always a Rocket; and

WHEREAS, Lincoln Northeast has continually produced graduates over 75 years with strong dedication to community service and their neighborhoods.

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

1. That the Legislature congratulates Lincoln Northeast High School on its 75th anniversary.

2. That a copy of this resolution be sent to Lincoln Northeast High School.

Laid over.

**EASE**

The Legislature was at ease from 11:58 a.m. until 12:25 p.m.

**SENATOR SCHEER PRESIDING**



**SELECT FILE**

**LEGISLATIVE BILL 824.** The Hughes motion, MO286, found in this day's Journal, to recommit to the Natural Resources Committee, was renewed.

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator McCollister moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator McCollister requested a roll call vote, in reverse order, on the motion to recommit to committee.

Voting in the affirmative, 12:

Baker	Groene	Kintner	Lindstrom
Bloomfield	Hughes	Kolterman	Schnoor
Friesen	Johnson	Kuehn	Sullivan

Voting in the negative, 21:

Bolz	Craighead	Hilkemann	Morfeld	Williams
Campbell	Crawford	Howard	Murante	
Chambers	Davis	Kolowski	Pansing Brooks	
Coash	Fox	McCollister	Schilz	
Cook	Haar, K.	Mello	Watermeier	

Present and not voting, 13:

Brasch	Gloor	McCoy	Schumacher	Stinner
Ebke	Hadley	Riepe	Seiler	
Garrett	Hansen	Scheer	Smith	

Excused and not voting, 3:

Harr, B.	Krist	Larson
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The Hughes motion to recommit to committee failed with 12 ayes, 21 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The K. Haar amendment, AM2720, found on page 1204 and considered in this day's Journal, was renewed.

Senator Friesen offered the following amendment to the K. Haar amendment:

AM2854

(Amendments to Haar amendments, AM2720)

1 1. On page 3, line 31, after "wind," insert "natural gas."

#### **SENATOR COASH PRESIDING**

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator McCollister moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Friesen amendment lost with 11 ayes, 22 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

#### **SENATOR SCHEER PRESIDING**

Senator Friesen offered the following amendment to the K. Haar amendment:

AM2855

(Amendments to Haar amendments, AM2720)

1 1. On page 4, line 25, strike the new matter; in line 26 after the  
2 stricken "(7)" insert "(8)"; reinstate the stricken matter beginning with  
3 "Stranded" in line 26 through "supplier" in line 27; and reinstate the  
4 stricken matter beginning with "which" in line 28 through line 31.  
5 2. On page 5, line 1, reinstate the stricken matter; and in line 2  
6 strike "(8)", show as stricken, and insert "(9)".

#### **SENATOR COASH PRESIDING**

Pending.

**MESSAGE(S) FROM THE GOVERNOR**

April 7, 2016

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 742, 837, 877, 881, 887e, 894, 895e, 899, 902, 908, 908A, 909, 913, 924, 942e, 948, 952, 973, 978, 1002, 1010, 1011, 1039, 1050, 1075, 1080, 1083, 1083A, 1086, 1093e, 1093Ae, and 1101 were received in my office on April 1, 2016.

These bills were signed and delivered to the Secretary of State on April 7, 2016.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 958.** Placed on Final Reading.

ST86

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER240, section 3 has been renumbered as section 1, and section 4 and all amendments thereto have been struck and the following new section inserted:

Sec. 2. Original section 77-4212, Revised Statutes Cumulative Supplement, 2014, is repealed.

2. On page 1, the matter beginning with "sections" in line 1 through line 8 and all amendments thereto has been struck and "section 77-4212, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to property tax credits; and to repeal the original section." inserted.

**LEGISLATIVE BILL 1067.** Placed on Final Reading.

ST85

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER241:

a. On page 22, line 13; page 26, line 17; page 27, line 6; page 28, lines 2, 14, and 18; page 31, line 31; page 32, line 25; page 34, line 16; and page 88, line 25, "14" has been struck and "15" inserted;

b. On page 71, line 24; and page 76, line 13, "31" has been struck and "33" inserted; and

c. On page 113, line 16, "79-703, 79-1005.01," has been inserted after "79-611,"; in line 23 "9-812," has been inserted after "sections"; and in line 24 "79-1007.06," has been struck.

2. On page 1, the matter beginning with "learning" in line 1 through line 21 and all amendments thereto have been struck and "education; to amend sections 79-233, 79-234, 79-235, 79-237, 79-238, 79-241, 79-245, 79-4,119, 79-4,121, 79-4,122, 79-4,123, 79-4,124, 79-4,125, 79-4,126, 79-4,128, 79-528, 79-611, 79-703, 79-1005.01, 79-1007.13, 79-1007.18, 79-1008.02, 79-1009, 79-1022, 79-1024, 79-1033, 79-1036, 79-1041, 79-1073, 79-1075, 79-1083, 79-1084, 79-1086, 79-10,120, 79-10,126, 79-10,126.01, 79-1140, 79-11,155, 79-1241.03, 79-1245, 79-2104, 79-2104.01, 79-2104.02, 79-2104.03, 79-2111, and 79-2117, Reissue Revised Statutes of Nebraska, sections 13-508, 32-546.01, 32-604, 43-2515, 70-651.04, 77-1704.01, and 77-1736.06, Revised Statutes Cumulative Supplement, 2014, and sections 9-812, 13-511, 77-3442, 79-215, 79-1001, 79-1003, 79-1007.11, 79-1017.01, 79-1018.01, and 79-2110, Revised Statutes Supplement, 2015; to adopt, change, and eliminate provisions relating to lottery proceeds, budget statements, property tax notices, levies, refunds, and distributions, the enrollment option program, open enrollment, accreditation standards, state aid, reorganization of school districts, learning community coordinating councils, the student achievement coordinator, community achievement plans, learning communities, advisory committees, and powers and duties; to change provisions relating to educational service units; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1007.22, 79-1073.01, and 79-2107, Reissue Revised Statutes of Nebraska." inserted.

(Signed) Matt Hansen, Chairperson

#### SELECT FILE

**LEGISLATIVE BILL 824.** The Friesen amendment, AM2855, found in this day's Journal, to the K. Haar amendment, AM2720, was renewed.

Senator McCollister offered the following motion:

MO287

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCollister moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator McCollister requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:

Bolz	Davis	Hansen	McCollister	Schilz
Brasch	Ebke	Harr, B.	McCoy	Schumacher
Campbell	Fox	Hilkemann	Mello	Smith
Chambers	Garrett	Howard	Morfeld	Stinner
Coash	Gloor	Kolowski	Murante	Watermeier
Cook	Haar, K.	Larson	Pansing Brooks	Williams
Crawford	Hadley	Lindstrom	Scheer	

Voting in the negative, 8:

Bloomfield	Groene	Kintner	Kuehn
Friesen	Hughes	Kolterman	Schnoor

Present and not voting, 5:

Baker	Johnson	Riepe	Seiler	Sullivan
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Excused and not voting, 2:

Craighead	Krist
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The McCollister motion to invoke cloture prevailed with 34 ayes, 8 nays, 5 present and not voting, and 2 excused and not voting.

The Friesen amendment lost with 12 ayes, 24 nays, 11 present and not voting, and 2 excused and not voting.

The K. Haar amendment, AM2720, was adopted with 32 ayes, 8 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

**LEGISLATIVE BILL 756.** ER242, found on page 1455, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 829.** ER243, found on page 1455, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 851.** ER246, found on page 1455, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 851A.** Senator McCollister offered the following amendment:

AM2898

1 1. Strike section 2.

The McCollister amendment was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Senator Mello offered the following amendment:

AM2915

1 1. Insert the following new section:

2 Sec. 3. There is hereby appropriated \$500,000 from the Sector

3 Partnership Program Fund for FY2016-17 to the Department of Labor, for

4 Program 31, to aid in carrying out the provisions of Legislative Bill

5 1110, One Hundred Fourth Legislature, Second Session, 2016.

6 Total expenditures for permanent and temporary salaries and per

7 diems from funds appropriated in this section shall not exceed \$139,197

8 for FY2016-17.

9 2. On page 1, line 3, after "2016" insert "; and to appropriate

10 funds to aid in carrying out the provisions of Legislative Bill 1110, One

11 Hundred Fourth Legislature, Second Session, 2016".

The Mello amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 930.** ER244, found on page 1456, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 721.** ER248, found on page 1466, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 235.** ER245, found on page 1466, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 580.** ER247, found on page 1459, was adopted.

Advanced to Enrollment and Review for Engrossment.

**SENATOR SCHEER PRESIDING**

**LEGISLATIVE BILL 1106.** ER251, found on page 1466, was adopted.

Senator Garrett offered the following amendment:  
AM2840 is available in the Bill Room.

**SPEAKER HADLEY PRESIDING**

Senator Mello offered the following amendment to the Garrett amendment:  
AM2920

(Amendments to AM2840)

- 1 1. Insert the following new section:
- 2 Sec. 13. No law enforcement agency or prosecuting authority of this
- 3 state or its political subdivisions shall transfer or refer any money or
- 4 property to a federal law enforcement authority or other federal agency
- 5 by any means unless:
- 6 (1) The money or property seized exceeds twenty-five thousand
- 7 dollars in currency or value;
- 8 (2) The money or property is physically seized by a federal agent
- 9 who is employed by the federal government; or
- 10 (3) The person from whom the money or property was seized is the
- 11 subject of a federal prosecution or the facts and circumstances
- 12 surrounding the money or property seized are the subject of a federal
- 13 prosecution.
- 14 2. On page 7, line 11, strike "and property" and insert " ,
- 15 securities, negotiable instruments, firearms, conveyances, or real
- 16 estate".
- 17 3. On page 8, line 14; and page 23, line 16, strike "a quarterly"
- 18 and insert "an annual".
- 19 4. On page 8, line 30, strike "and 12" and insert "to 13".
- 20 5. On page 17, strike lines 3 through 10; and in line 11 strike "20"
- 21 and insert "19".
- 22 6. On page 22, line 17, strike "and property" and insert " ,
- 23 securities, negotiable instruments, conveyances, or real estate"; and in
- 24 lines 23 and 24 strike ", currency, or a firearm" and insert "or
- 25 currency".
- 26 7. Renumber the remaining sections accordingly.

The Mello amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

The Garrett amendment, as amended, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 716.** ER250, found on page 1468, was adopted.

Senator Coash withdrew his amendment, AM2360, found on page 1465.

Senator Coash offered his amendment, AM2852, found on page 1478.

Senator Coash withdrew his amendment.

Senator Bloomfield offered the following amendment:

AM2914

(Amendments to E and R amendments, ER250)

1 1. On page 4, strike beginning with "A" in line 3 through the period  
 2 in line 6 and insert "A bicyclist riding a bicycle on a sidewalk or  
 3 across a roadway or shoulder in a crosswalk shall have all the rights and  
 4 duties applicable to a pedestrian under the same circumstances but shall  
 5 yield the right-of-way to pedestrians.".

The Bloomfield amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Senator Bloomfield offered his amendment, AM2841, found on page 1489.

Senator Bloomfield moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Bloomfield requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bloomfield	Ebke	Johnson	Scheer	Schumacher
Brasch	Groene	Kintner	Schnoor	Watermeier

Voting in the negative, 27:

Baker	Davis	Harr, B.	McCollister	Stinner
Bolz	Fox	Hilkemann	Mello	Sullivan
Campbell	Gloor	Hughes	Morfeld	Williams
Chambers	Haar, K.	Kolowski	Pansing Brooks	
Cook	Hadley	Kolterman	Schilz	
Crawford	Hansen	Lindstrom	Smith	

Present and not voting, 9:

Coash	Friesen	Howard	McCoy	Riepe
Craighead	Garrett	Kuehn	Murante	

Excused and not voting, 3:

Krist	Larson	Seiler
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The Bloomfield amendment lost with 10 ayes, 27 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

**LEGISLATIVE BILL 1067A.** Senator Sullivan withdrew her amendment, AM2889, found on page 1514.

Senator Mello withdrew his motion, MO284, found on page 1514, to indefinitely postpone.

Senator Chambers withdrew his amendments, FA120, FA121, and FA122, found on page 1514.

Advanced to Enrollment and Review for Engrossment.

**MOTION - Return LB1022 to Select File**

Senator Groene moved to return LB1022 to Select File for his specific amendment, AM2676, found on page 1204.

Senator Groene withdrew his motion to return.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 686.**

A BILL FOR AN ACT relating to law; to amend section 49-501.01, Reissue Revised Statutes of Nebraska; to provide for the publication and distribution of the Constitution of Nebraska; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 45:

Baker	Davis	Hansen	Kuehn	Scheer
Bloomfield	Ebke	Harr, B.	Lindstrom	Schilz
Bolz	Fox	Hilkemann	McCollister	Schnoor
Brasch	Friesen	Howard	McCoy	Schumacher
Campbell	Garrett	Hughes	Mello	Smith
Chambers	Gloor	Johnson	Morfeld	Stinner
Coash	Groene	Kintner	Murante	Sullivan
Cook	Haar, K.	Kolowski	Pansing Brooks	Watermeier
Crawford	Hadley	Kolterman	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 1:

Craighead

Excused and not voting, 3:

Krist            Larson            Seiler

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

#### **LEGISLATIVE BILL 744.**

A BILL FOR AN ACT relating to adoptions; to provide for written communication and contact agreements in private and agency adoptions as prescribed; to authorize enforcement, modification, or termination of agreements in a civil action as prescribed; and to require certain agreement disclosures.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	McCollister	Schumacher
Bloomfield	Ebke	Hilkemann	McCoy	Smith
Bolz	Fox	Howard	Mello	Stinner
Brasch	Friesen	Hughes	Morfeld	Sullivan
Campbell	Garrett	Johnson	Murante	Watermeier
Chambers	Gloor	Kintner	Pansing Brooks	Williams
Coash	Groene	Kolowski	Riepe	
Cook	Haar, K.	Kolterman	Scheer	
Craighead	Hadley	Kuehn	Schilz	
Crawford	Hansen	Lindstrom	Schnoor	

Voting in the negative, 0.

Excused and not voting, 3:

Krist            Larson            Seiler

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB835 with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 835.**

A BILL FOR AN ACT relating to consumer protection; to amend sections 8-2601, 8-2602, 8-2603, 8-2604, 8-2605, 8-2606, 8-2608, 8-2609, 8-2610, 8-2611, 8-2612, 8-2613, 8-2614, 8-2615, 20-149, 59-1611, 59-1614, 87-301, 87-302, 87-303, 87-802, 87-803, and 87-804, Reissue Revised Statutes of Nebraska; to change provisions relating to the Credit Report Protection Act, Consumer Protection Act, Uniform Deceptive Trade Practices Act, and Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006; to harmonize provisions; to provide operative dates; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	McCollister	Schumacher
Bloomfield	Ebke	Hilkemann	McCoy	Smith
Bolz	Fox	Howard	Mello	Stinner
Brasch	Friesen	Hughes	Morfeld	Sullivan
Campbell	Garrett	Johnson	Murante	Watermeier
Chambers	Gloor	Kintner	Pansing Brooks	Williams
Coash	Groene	Kolowski	Riepe	
Cook	Haar, K.	Kolterman	Scheer	
Craighead	Hadley	Kuehn	Schilz	
Crawford	Hansen	Lindstrom	Schnoor	

Voting in the negative, 0.

Excused and not voting, 3:

Krist            Larson            Seiler

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 843.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 81-2010.03, Reissue Revised Statutes of Nebraska, section 28-801, Revised Statutes Cumulative Supplement, 2014, and sections 81-1415, 81-1416, and 81-1423, Revised Statutes Supplement, 2015; to provide immunity from prosecution for prostitution; to transfer, change, and eliminate provisions relating to payment for sexual assault forensic medical examinations; to create a fund and a program; to provide for an administrator; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 13-607 and 13-608, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 42:

Baker	Davis	Hilkemann	McCollister	Schnoor
Bolz	Ebke	Howard	McCoy	Smith
Brasch	Fox	Hughes	Mello	Stinner
Campbell	Friesen	Johnson	Morfeld	Sullivan
Chambers	Garrett	Kintner	Murante	Watermeier
Coash	Gloor	Kolowski	Pansing Brooks	Williams
Cook	Haar, K.	Kolterman	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Lindstrom	Schilz	

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield	Harr, B.	Schumacher
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Excused and not voting, 4:

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB874 with 40 ayes, 2 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 874.** With Emergency Clause.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-1524 and 32-1527, Reissue Revised Statutes of Nebraska, sections 32-570, 32-618, and 32-949.01, Revised Statutes Cumulative Supplement, 2014, and sections 32-941, 32-947, and 32-953, Revised Statutes Supplement, 2015; to change procedures for filling vacancies on school boards, requirements for certain petition candidates, deadlines for ballots for early voting and special elections by mail, and prohibitions related to yard signs; to allow a voter to photograph and reveal a marked ballot as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 45:

Baker	Crawford	Hansen	Kuehn	Scheer
Bloomfield	Davis	Harr, B.	Lindstrom	Schilz
Bolz	Ebke	Hilkemann	McCollister	Schnoor
Brasch	Fox	Howard	McCoy	Schumacher
Campbell	Friesen	Hughes	Mello	Smith
Chambers	Garrett	Johnson	Morfeld	Stinner
Coash	Gloor	Kintner	Murante	Sullivan
Cook	Haar, K.	Kolowski	Pansing Brooks	Watermeier
Craighead	Hadley	Kolterman	Riepe	Williams

Voting in the negative, 0.

Excused and not voting, 4:

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1000 with 37 ayes, 1 nay, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1000.**

A BILL FOR AN ACT relating to law enforcement; to amend sections 29-1404, 29-1406, 29-1407.01, and 29-1420, Reissue Revised Statutes of Nebraska, and section 29-1401, Revised Statutes Cumulative Supplement, 2014; to provide for adoption of policies relating to body-worn cameras and eyewitness suspect identifications; to provide and change provisions relating to grand juries; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 45:

Baker	Crawford	Hansen	Kuehn	Scheer
Bloomfield	Davis	Harr, B.	Lindstrom	Schilz
Bolz	Ebke	Hilkemann	McCollister	Schnoor
Brasch	Fox	Howard	McCoy	Schumacher
Campbell	Friesen	Hughes	Mello	Smith
Chambers	Garrett	Johnson	Morfeld	Stinner
Coash	Gloor	Kintner	Murante	Sullivan
Cook	Haar, K.	Kolowski	Pansing Brooks	Watermeier
Craighead	Hadley	Kolterman	Riepe	Williams

Voting in the negative, 0.

Excused and not voting, 4:

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1012 with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1012.**

A BILL FOR AN ACT relating to municipalities; to adopt the Property Assessed Clean Energy Act; and to provide a duty for the Revisor of Statutes.

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

Voting in the affirmative, 45:

Baker	Crawford	Hansen	Kuehn	Scheer
Bloomfield	Davis	Harr, B.	Lindstrom	Schilz
Bolz	Ebke	Hilkemann	McCollister	Schnoor
Brasch	Fox	Howard	McCoy	Schumacher
Campbell	Friesen	Hughes	Mello	Smith
Chambers	Garrett	Johnson	Morfeld	Stinner
Coash	Gloor	Kintner	Murante	Sullivan
Cook	Haar, K.	Kolowski	Pansing Brooks	Watermeier
Craighead	Hadley	Kolterman	Riepe	Williams

Voting in the negative, 0.

Excused and not voting, 4:

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1066 with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1066.**

A BILL FOR AN ACT relating to education; to amend sections 79-234,

79-237, 79-238, 79-576, 79-607, 79-734, 79-760.03, 79-772, 79-773, 79-774, 79-775, 79-1005.01, and 79-1065.01, Reissue Revised Statutes of Nebraska, section 71-1958, Revised Statutes Cumulative Supplement, 2014, and sections 79-8,137.01, 79-8,137.03, 79-8,137.04, 79-1003, 79-1028.01, 79-10,143, 79-2110, and 79-2120, Revised Statutes Supplement, 2015; to change provisions relating to the Step Up to Quality Child Care Act, the enrollment option program, school district secretaries, penalties involving school transportation, the textbook loan program, state assessments, expanded-learning experiences, student loan repayment assistance, the Excellence in Teaching Act, the Tax Equity and Educational Opportunities Support Act, free and reduced-price lunches, and learning communities; to rename an act; to provide duties for the State Department of Education; to eliminate support grants for consolidation, a fund, and obsolete provisions relating to the American Recovery and Reinvestment Act percentage; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1011, 79-1012, 79-1028.02, and 79-1028.04, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 44:

Baker	Davis	Harr, B.	Lindstrom	Schilz
Bloomfield	Ebke	Hilkemann	McCollister	Schnoor
Bolz	Fox	Howard	McCoy	Schumacher
Brasch	Friesen	Hughes	Mello	Smith
Chambers	Garrett	Johnson	Morfeld	Sinner
Coash	Gloor	Kintner	Murante	Sullivan
Cook	Haar, K.	Kolowski	Pansing Brooks	Watermeier
Craighead	Hadley	Kolterman	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Campbell

Excused and not voting, 4:

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



The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1098.**

A BILL FOR AN ACT relating to fees; to amend section 33-107.01, Reissue Revised Statutes of Nebraska; to increase legal services fees as prescribed; and to repeal the original section.

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

Voting in the affirmative, 40:

Baker	Ebke	Hilkemann	Lindstrom	Schilz
Bolz	Fox	Howard	McCollister	Schnoor
Campbell	Friesen	Hughes	McCoy	Schumacher
Chambers	Garrett	Johnson	Mello	Smith
Cook	Haar, K.	Kintner	Morfeld	Stinner
Craighead	Hadley	Kolowski	Pansing Brooks	Sullivan
Crawford	Hansen	Kolterman	Riepe	Watermeier
Davis	Harr, B.	Kuehn	Scheer	Williams

Voting in the negative, 0.

Present and not voting, 5:

Bloomfield	Brasch	Coash	Gloor	Murante
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Excused and not voting, 4:

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

**LEGISLATIVE BILL 1098A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1098, One Hundred Fourth Legislature, Second Session, 2016.

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

Voting in the affirmative, 40:

Baker	Crawford	Hansen	Kuehn	Schilz
Bolz	Ebke	Harr, B.	Lindstrom	Schnoor
Brasch	Fox	Howard	McCollister	Schumacher
Campbell	Friesen	Hughes	McCoy	Smith
Chambers	Garrett	Johnson	Mello	Stinner
Coash	Gloor	Kintner	Pansing Brooks	Sullivan
Cook	Haar, K.	Kolowski	Riepe	Watermeier
Craighead	Hadley	Kolterman	Scheer	Williams

Voting in the negative, 0.

Present and not voting, 5:

Bloomfield	Davis	Hilkemann	Morfeld	Murante
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Excused and not voting, 4:

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1110 with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 1110.** With Emergency Clause.

A BILL FOR AN ACT relating to labor; to amend section 48-622.02, Revised Statutes Cumulative Supplement, 2014, and section 81-1201.21, Revised Statutes Supplement, 2015; to adopt the Nebraska Workforce Innovation and Opportunity Act and the Sector Partnership Program Act; to create a fund; to transfer funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Baker	Crawford	Hansen	Lindstrom	Schilz
Bloomfield	Davis	Harr, B.	McCollister	Schnoor
Bolz	Ebke	Hilkemann	McCoy	Schumacher
Brasch	Fox	Howard	Mello	Smith
Campbell	Friesen	Hughes	Morfeld	Stinner
Chambers	Garrett	Johnson	Murante	Sullivan
Coash	Gloor	Kintner	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolowski	Riepe	Williams
Craighead	Hadley	Kuehn	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Kolterman

Excused and not voting, 4:

Groene          Krist          Larson          Seiler

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

**MOTION - Return LB1110A to Select File**

Senator Mello moved to return LB1110A to Select File for the following specific amendment:

FA123

Strike the enacting clause.

Senator Mello withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1110A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1110, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

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

Voting in the affirmative, 0.

Voting in the negative, 44:

Baker	Crawford	Hansen	Kuehn	Scheer
Bloomfield	Davis	Harr, B.	Lindstrom	Schilz
Bolz	Ebke	Hilkemann	McCollister	Schnoor
Brasch	Fox	Howard	McCoy	Schumacher
Campbell	Friesen	Hughes	Mello	Smith
Chambers	Garrett	Johnson	Morfeld	Stinner
Coash	Gloor	Kintner	Murante	Sullivan
Cook	Haar, K.	Kolowski	Pansing Brooks	Williams
Craighead	Hadley	Kolterman	Riepe	

Present and not voting, 1:

Watermeier

Excused and not voting, 4:

Groene          Krist          Larson          Seiler

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass.

#### **MOTION - Return LB824 to Select File**

Senator McCollister moved to return LB824 to Select File for the following specific amendment:

AM2921

- 1 1. Insert the following new section:
- 2 Sec. 15. There is hereby appropriated (1) \$19,000 from the Nebraska
- 3 Power Review Fund for FY2016-17 and (2) \$19,000 from the Nebraska Power
- 4 Review Fund for FY2017-18 to the Nebraska Power Review Board, for Program
- 5 72, to aid in carrying out the provisions of this act.
- 6 Total expenditures for permanent and temporary salaries and per
- 7 diems from funds appropriated in this section shall not exceed \$19,000
- 8 for FY2016-17 or \$19,000 for FY2017-18.

The McCollister motion to return prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 824.** The McCollister specific amendment, AM2921, found in this day's Journal, was adopted with 34 ayes, 3 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 686, 744, 835, 843, 874, 1000, 1012, 1066, 1098, 1098A, and 1110.

**MESSAGE(S) FROM THE GOVERNOR**

April 7, 2016

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 891 was received in my office on April 1, 2016.

This bill was signed and delivered to the Secretary of State on April 7, 2016.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 621.** Introduced by Garrett, 3; Ebke, 32.

WHEREAS, the late Okie from Muskogee, Merle "The Pearl" Haggard, an embodiment of the American dream, was born in a boxcar in Oildale, California, on April 6, 1937; and

WHEREAS, Merle's mama, Flossie Mae Haggard, tried to raise him better. Flossie worked as a bookkeeper during the Great Depression and encouraged Merle's interest in the guitar while ensuring that he got some "Sunday Learning" after her husband, James Haggard, died of a brain hemorrhage when Merle was only nine; and

WHEREAS, despite all his Sunday learning, toward the bad Merle kept on turning, until the night the bottle let Merle down and he ended up in a juvenile detention facility; and

WHEREAS, after leaving the juvenile detention facility, the lonesome fugitive started his love affair with trains by running away and riding freight trains to Texas to live out the legend of Bonnie and Clyde; and

WHEREAS, the legend ended when Merle was picked up for attempted robbery and sent to jail; and

WHEREAS, yet again one night the bottle let Merle down, and after being caught drunk in prison he was sent to spend a week in solitary confinement where, like Hank Williams before him, he said, "I saw the light"; and

WHEREAS, Merle eventually made it through December, was released from prison, and caught the rambling fever-the type that can't be measured in degrees-and started a successful career in the country music business; and

WHEREAS, in 1972, Governor Ronald Reagan expunged the Lonesome Fugitive Kentucky Gambler's criminal record after Merle remembered the roots of his raising; and

WHEREAS, ever since his pardon, Merle has rode the freedom train, until passing away on his 79th birthday; and

WHEREAS, If We Make It Through December, or the end of session, Someday We'll Look Back on the Old Man from the Mountain and he won't ever have to ask "I Wonder If They Ever Think of Me?"; and

WHEREAS, right now Things Aren't Funny Anymore, but we'll be Movin' On and If We're Not Back in Love by Monday, we can agree we all shared My Favorite Memory of Merle Haggard over Rainbow Stew, making us say It's Been a Great Afternoon; and

WHEREAS, Leonard in the Red Bandana in the Big City is asking, "Are the Good Times Really Over?"; and

WHEREAS, Just Between the Two of Us, we had A Friend in California who is now Out Among the Stars, up above Walking the Floor Over You, now himself a Twinkle, Twinkle Lucky Star enjoying Yesterday's Wine and a Natural High, and reminding us from Graceland to the Promised Land that Someday When Things Are Good, We'll Chase Each Other Around the Room, and When It Rains It Pours from above over the Amber Waves of Grain we'll all meet again on the never-ending Freedom Train.

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

1. That even though he was born in California and known as an Okie from Muskogee, the State of Nebraska appreciates Merle Ronald Haggard's contributions to American culture and commends him for riding his freedom train to the Ralston Arena in February 2015.

Laid over.

**LEGISLATIVE RESOLUTION 622.** Introduced by Garrett, 3; Craighead, 6.

WHEREAS, the Army Reserve Officers' Training Corps (ROTC), as it exists today, began with President Wilson signing the National Defense Act of 1916; and

WHEREAS, the signing of the National Defense Act brought military training under a single, federally controlled entity: The Reserve Officers' Training Corps; and

WHEREAS, the Air Force ROTC grew out of the Army ROTC created under the National Defense Act; and

WHEREAS, the collegiate ROTC program in Nebraska's colleges and universities has produced leaders for America for over a century; and

WHEREAS, the National Defense Act also created the Junior Reserve Officers' Training Corps (JROTC) which fulfills the mission of instilling in

students in United States secondary educational institutions the value of citizenship, service to the United States, personal responsibility, and a sense of accomplishment; and

WHEREAS, the JROTC program in Nebraska's high schools has encouraged the moral, physical, and educational development of Nebraska youth.

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

1. That the Legislature commends the ROTC and JROTC programs for their over 100 years of service building leaders of character in Nebraska.

Laid over.

**AMENDMENT(S) - Print in Journal**

Senator Friesen filed the following amendments to LB824:  
AM2856

(Amendments to Haar amendments, AM2720)

1 1. On page 7, lines 3, 19, and 20, strike the new matter.

AM2857

(Amendments to Haar amendments, AM2720)

1 1. On page 7, lines 25 and 26, reinstate the stricken matter.

AM2858

(Amendments to Haar amendments, AM2720)

1 1. On page 8, strike lines 9 and 10.

AM2859

(Amendments to Haar amendments, AM2720)

1 1. On page 8, line 19, after "wind," insert "natural gas".

AM2860

(Amendments to Haar amendments, AM2720)

1 1. On page 10, line 22, strike "thirty" and insert "one hundred  
2 twenty".

AM2861

(Amendments to Haar amendments, AM2720)

1 1. On page 11, strike beginning with the first comma in line 20  
2 through "construction" in line 21.

AM2862

(Amendments to Haar amendments, AM2720)

1 1. On page 1, line 22; page 2, line 26; page 9, lines 4, 8, 17, 18,  
2 26, and 31; page 10, line 2; page 24, lines 18, 20, and 23; page 25,  
3 lines 1, 3, 11, 16, 25, 26, 28, and 31; page 26, lines 3, 5, 6, 7, 9, and  
4 17; and page 27, line 1, strike each occurrence of "renewable", show as

5 stricken, and insert "clean".

6 2. On page 1, line 26; page 3, lines 25 and 30; page 6, lines 3 and 7 30; page 7, line 19; page 8, line 9; page 10, lines 15, 20, 25, and 28; 8 page 11, lines 2, 5, 15, and 31; page 12, lines 5, 11, 17, 20, 25, and 9 31; and page 13, lines 2, 7, and 16, strike "renewable" and insert 10 "clean".

#### **MOTION(S) - Print in Journal**

Speaker Hadley filed the following motion:

Suspend the rules, Rule 6, Sections 6, 7, and 8 and Rule 7, Sections 3 and 7 and vote on the final passage without further amendments, motions, or debate on the following bills: LBs 1094, 884, 821, 756, 829, 851, 851A, 930, 721, 235, 580, 1106, and 716.

#### **AMENDMENT(S) - Print in Journal**

Senator Kintner filed the following amendment to LB580:

FA124

Amend ER247

On page 5, line 5, strike "five" and insert "six".

Senator Kintner filed the following amendment to LB716:

FA125

On page 1, strike lines 17 to 21.

#### **EASE**

The Legislature was at ease from 5:40 p.m. until 7:37 p.m.

#### **SENATOR MURANTE PRESIDING**

#### **SPEAKER HADLEY PRESIDING**

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 7, 2016, at 5:51 p.m. were the following: LBs 686, 744, 835, 843, 874e, 1000, 1012, 1066, 1098, 1098A, and 1110e.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 235.** Placed on Final Reading.

**LEGISLATIVE BILL 580.** Placed on Final Reading.

**LEGISLATIVE BILL 716.** Placed on Final Reading.



**LEGISLATIVE BILL 721.** Placed on Final Reading.

**LEGISLATIVE BILL 756.** Placed on Final Reading.

**LEGISLATIVE BILL 821.** Placed on Final Reading.

**LEGISLATIVE BILL 824.** Placed on Final Reading.

ST90

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "public" in line 1 through line 11 and all amendments thereto have been struck and "power generation; to amend sections 70-670, 70-1012, and 70-1012.01, Reissue Revised Statutes of Nebraska, sections 70-1001, 70-1001.01, 70-1003, 70-1013, 70-1014, 70-1014.01, 70-1014.02, 70-1015, and 70-1028, Revised Statutes Cumulative Supplement, 2014, and sections 70-1903 and 77-6203, Revised Statutes Supplement, 2015; to prohibit the use of eminent domain as prescribed; to change provisions relating to private developers; to provide, change, and eliminate definitions; to change provisions relating to compensation for certain members of the Nebraska Power Review Board as prescribed; to exempt certain privately developed renewable energy generation facilities from regulation as prescribed; to eliminate provisions related to certified renewable export facilities; to harmonize provisions; to appropriate funds to aid in carrying out the provisions of this legislative bill; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 829.** Placed on Final Reading.

**LEGISLATIVE BILL 851.** Placed on Final Reading.

**LEGISLATIVE BILL 851A.** Placed on Final Reading.

**LEGISLATIVE BILL 884.** Placed on Final Reading.

ST89

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER237, on page 1, line 3, "13-2609," has been struck.

**LEGISLATIVE BILL 930.** Placed on Final Reading.

**LEGISLATIVE BILL 947.** Placed on Final Reading.

ST88

The following changes, required to be reported for publication in the Journal, have been made:

1. The Murante amendment, AM2842, has been incorporated into the Mello amendment, AM2899.

**LEGISLATIVE BILL 1067A.** Placed on Final Reading.

**LEGISLATIVE BILL 1094.** Placed on Final Reading.

ST87

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER226:
  - a. On page 3, line 20, "22" has been struck and "21" inserted;
  - b. On page 31, lines 14 and 15, "21 and 22" has been struck and "20 and 21" inserted; and in line 26 "21 to 23" has been struck and "20 to 22" inserted;
  - c. On page 40, line 11, "23" has been struck and "22" inserted; and in line 13 "22" and all amendments thereto have been struck and "22" inserted;
  - d. On page 43, line 31, "23" has been struck and "22" inserted;
  - e. On page 44, line 5, "21 to 23" has been struck and "20 to 22" inserted;
  - f. On page 45, line 29, "32" has been struck and "31" inserted;
  - g. On page 65, line 29, "40" has been struck and "39" inserted;
  - h. On page 66, line 16, "21, 22" has been struck and "20, 21" inserted;
  - i. On page 68, line 20, "28-116," has been struck; and
  - j. On page 69, line 1, "28-116," has been struck.

**LEGISLATIVE BILL 1106.** Placed on Final Reading.

ST91

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER251, on page 1, line 7, "to provide restrictions on the disposition of money or property seized as prescribed;" has been inserted after the semicolon.

(Signed) Matt Hansen, Chairperson

**VISITOR(S)**

Visitors to the Chamber were 16 high school students and teachers from Norris High School, Firth; 90 fourth-grade students from St. Stephen the Martyr, Omaha; 9 FFA students and teacher from Wood River; 40 fourth-grade students from St. Cecilia, Omaha; 25 fourth-grade students and teachers from Arapahoe; 65 fourth-grade students from Ackerman Elementary, Omaha; 65 fourth-grade students from Ackerman Elementary; Jocelyn Bradley from London, UK, and Alessia and Adrienne Bradley; 47 fourth-grade students from Hawthorne Elementary, Hastings; 6 FFA students from Sutherland; 20 high school students and teachers from Allen; Kailey Kumm from O'Neill and Elizabeth Clancy from Fort Collins, CO; and Brody Weber from Lincoln.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

**ADJOURNMENT**

At 7:38 p.m., on a motion by Senator Murante, the Legislature adjourned until 9:00 a.m., Tuesday, April 12, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-EIGHTH DAY - APRIL 12, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 12, 2016

**PRAYER**

The prayer was offered by Reverend Matt Bahmfleth, Christ the Servant, Norfolk.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Fox and Larson who were excused until they arrive.

**SENATOR GLOOR PRESIDING**

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-seventh day was approved.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 623.** Introduced by Bolz, 29.

WHEREAS, ENCOR has served individuals with developmental disabilities since 1968, and was the nation's first comprehensive provider of community-based services; and

WHEREAS, ENCOR provides specialized and crucial support services for Cass, Dodge, Douglas, Sarpy, and Washington counties, including residential and day services and support, specialized support, and employment opportunities for those with developmental disabilities; and

WHEREAS, Bob Brinker has served as Director of ENCOR for over a decade; and

WHEREAS, during this time, Mr. Brinker has ensured that ENCOR has continued to make an impact in the lives of persons with disabilities; and

WHEREAS, Mr. Brinker oversaw the opening of a second Medical Support Unit, a home that provides full-time licensed registered nurse staff

support for children, adolescents, and adults with complex medical needs; and

WHEREAS, Mr. Brinker has shown a deep dedication to helping others throughout his tenure at ENCOR; and

WHEREAS, Mr. Brinker recently announced his upcoming retirement.

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

1. That the Legislature thanks Bob Brinker for his service to Nebraska and wishes him a happy retirement after his successful career at ENCOR.

2. That a copy of this resolution be sent to Bob Brinker and ENCOR.

Laid over.

#### **MOTION(S) - Suspend Rules**

Speaker Hadley offered his motion, found on page 1517, to suspend the rules, Rule 6, Sections 6, 7, and 8 and Rule 7, Sections 3 and 7 and vote on the final passage without further amendments, motions, or debate on the following bills: LBs 400, 400A, 465, 465A, 467, 467A, 505, 505A, 683, 722, 722A, 754, 754A, 803, 830, 867, 867A, 919, 919A, 934, 934A, 960, 960A, 977, 977A, 1022, 1033, 1105, 1105A, 686, 744, 746, 746A, 774, 774A, 835, 843, 874, 886, 886A, 935, 938, 938A, 1000, 1012, 1038, 1038A, 1066, 1098, 1098A, 1110, 1110A, 889, and 889A.

Speaker Hadley withdrew his motion to suspend the rules.

#### **SPEAKER HADLEY PRESIDING**

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 400.**

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1493 and 49-1494, Reissue Revised Statutes of Nebraska; to change requirements for statements of financial interest; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Davis	Hilkemann	McCoy	Seiler
Bloomfield	Ebke	Howard	Mello	Smith
Bolz	Friesen	Johnson	Morfeld	Stinner
Brasch	Garrett	Kintner	Murante	Sullivan
Campbell	Gloor	Kolowski	Pansing Brooks	Watermeier
Chambers	Groene	Kolterman	Riepe	Williams
Coash	Haar, K.	Krist	Scheer	
Cook	Hadley	Kuehn	Schilz	
Craighead	Hansen	Lindstrom	Schnoor	
Crawford	Harr, B.	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Hughes

Excused and not voting, 2:

Fox            Larson

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

#### **LEGISLATIVE BILL 400A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 400, One Hundred Fourth Legislature, Second Session, 2016.

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

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	McCollister	Schumacher
Bloomfield	Ebke	Howard	McCoy	Seiler
Bolz	Friesen	Hughes	Mello	Smith
Brasch	Garrett	Johnson	Morfeld	Stinner
Campbell	Gloor	Kintner	Murante	Sullivan
Chambers	Groene	Kolowski	Pansing Brooks	Watermeier
Coash	Haar, K.	Kolterman	Riepe	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Lindstrom	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Fox            Larson

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

**LEGISLATIVE BILL 465.**

A BILL FOR AN ACT relating to notaries public; to adopt the Electronic Notary Public Act; and to provide an operative date.

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

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	McCollister	Schumacher
Bloomfield	Ebke	Howard	McCoy	Seiler
Bolz	Friesen	Hughes	Mello	Smith
Brasch	Garrett	Johnson	Morfeld	Stinner
Campbell	Gloor	Kintner	Murante	Sullivan
Chambers	Groene	Kolowski	Pansing Brooks	Watermeier
Coash	Haar, K.	Kolterman	Riepe	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Lindstrom	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Fox            Larson

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

**LEGISLATIVE BILL 465A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 465, One Hundred Fourth Legislature, Second Session, 2016.

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

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	McCollister	Schumacher
Bloomfield	Ebke	Howard	McCoy	Seiler
Bolz	Friesen	Hughes	Mello	Smith
Brasch	Garrett	Johnson	Morfeld	Stinner
Campbell	Gloor	Kintner	Murante	Sullivan
Chambers	Groene	Kolowski	Pansing Brooks	Watermeier
Coash	Haar, K.	Kolterman	Riepe	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Lindstrom	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Fox                      Larson

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB467 with 40 ayes, 2 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 467.** With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend sections 81-2014, 81-2014.01, 81-2017, 81-2026, 81-2027.08, and 81-2041, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to contributions, benefit calculations, benefit adjustments, and DROP participation; to provide for cost-of-living payments as prescribed; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	McCollister	Schumacher
Bloomfield	Ebke	Howard	McCoy	Seiler
Bolz	Friesen	Hughes	Mello	Smith
Brasch	Garrett	Johnson	Morfeld	Stinner
Campbell	Gloor	Kintner	Murante	Sullivan
Chambers	Groene	Kolowski	Pansing Brooks	Watermeier
Coash	Haar, K.	Kolterman	Riepe	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Lindstrom	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:

Fox                      Larson

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 467A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 467, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

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

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	McCollister	Schumacher
Bloomfield	Ebke	Howard	McCoy	Seiler
Bolz	Friesen	Hughes	Mello	Smith
Brasch	Garrett	Johnson	Morfeld	Stinner
Campbell	Gloor	Kintner	Murante	Sullivan
Chambers	Groene	Kolowski	Pansing Brooks	Watermeier
Coash	Haar, K.	Kolterman	Riepe	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Lindstrom	Schnoor	

Voting in the negative, 0.

Excused and not voting, 2:



Fox Larson

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

**LEGISLATIVE BILL 505.**

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3523, Revised Statutes Supplement, 2015; to change provisions relating to the Security, Privacy, and Dissemination of Criminal History Information Act; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 48:

Baker	Davis	Hilkemann	Lindstrom	Schnoor
Bloomfield	Ebke	Howard	McCollister	Schumacher
Bolz	Friesen	Hughes	McCoy	Seiler
Brasch	Garrett	Johnson	Mello	Smith
Campbell	Gloor	Kintner	Morfeld	Stinner
Chambers	Groene	Kolowski	Murante	Sullivan
Coash	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Cook	Hadley	Krist	Riepe	Williams
Craighead	Hansen	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Fox

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

**LEGISLATIVE BILL 505A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 505, One Hundred Fourth Legislature, Second Session, 2016.

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

Voting in the affirmative, 48:

Baker	Davis	Hilkemann	Lindstrom	Schnoor
Bloomfield	Ebke	Howard	McCollister	Schumacher
Bolz	Friesen	Hughes	McCoy	Seiler
Brasch	Garrett	Johnson	Mello	Smith
Campbell	Gloor	Kintner	Morfeld	Stinner
Chambers	Groene	Kolowski	Murante	Sullivan
Coash	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Cook	Hadley	Krist	Riepe	Williams
Craighead	Hansen	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Fox

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

### **LEGISLATIVE BILL 683.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3506, Revised Statutes Cumulative Supplement, 2014, and section 77-3509, Revised Statutes Supplement, 2015; to change provisions relating to homestead exemptions for certain surviving spouses as prescribed; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	Lindstrom	Schnoor
Bloomfield	Ebke	Howard	McCollister	Schumacher
Bolz	Friesen	Hughes	McCoy	Seiler
Brasch	Garrett	Johnson	Mello	Smith
Campbell	Gloor	Kintner	Morfeld	Stinner
Chambers	Groene	Kolowski	Murante	Watermeier
Coash	Haar, K.	Kolterman	Pansing Brooks	Williams
Cook	Hadley	Krist	Riepe	
Craighead	Hansen	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Sullivan

Excused and not voting, 1:

Fox

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

**LEGISLATIVE BILL 722.**

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-1217 and 38-1221, Revised Statutes Cumulative Supplement, 2014, and section 71-401, Revised Statutes Supplement, 2015; to adopt the Stroke System of Care Act; to provide for establishment of model protocols under the Emergency Medical Services Practice Act; to restrict advertising by hospitals; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Baker	Crawford	Harr, B.	Larson	Schilz
Bloomfield	Davis	Hilkemann	Lindstrom	Schnoor
Bolz	Ebke	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kolowski	Morfeld	Stinner
Coash	Haar, K.	Kolterman	Murante	Sullivan
Cook	Hadley	Krist	Pansing Brooks	Watermeier
Craighead	Hansen	Kuehn	Scheer	Williams

Voting in the negative, 2:

Groene          Kintner

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 722A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 722, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Baker	Davis	Howard	McCollister	Schumacher
Bolz	Ebke	Hughes	McCoy	Smith
Brasch	Garrett	Johnson	Mello	Stinner
Campbell	Gloor	Kolowski	Morfeld	Sullivan
Chambers	Haar, K.	Kolterman	Murante	Watermeier
Coash	Hadley	Krist	Pansing Brooks	Williams
Cook	Hansen	Kuehn	Scheer	
Craighead	Harr, B.	Larson	Schilz	
Crawford	Hilkemann	Lindstrom	Schnoor	

Voting in the negative, 2:

Groene      Kintner

Present and not voting, 4:

Bloomfield    Friesen      Riepe      Seiler

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB754 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 754.**

A BILL FOR AN ACT relating to the military; to amend sections 55-401, 55-402, 55-416, 55-418, 55-419, 55-427, 55-428, and 55-452, Reissue Revised Statutes of Nebraska; to create the Commission on Military and

Veteran Affairs; to provide for membership, terms, duties, expenses, and staff; to require a report; to authorize summary discipline under the Nebraska Code of Military Justice for minor offenses as prescribed; to change certain references to the code; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Friesen	Hughes	McCoy	Smith
Brasch	Garrett	Johnson	Mello	Stinner
Campbell	Gloor	Kintner	Morfeld	Sullivan
Chambers	Groene	Kolowski	Murante	Watermeier
Coash	Haar, K.	Kolterman	Pansing Brooks	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 754A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 754, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Friesen	Hughes	McCoy	Smith
Brasch	Garrett	Johnson	Mello	Stinner
Campbell	Gloor	Kintner	Morfeld	Sullivan
Chambers	Groene	Kolowski	Murante	Watermeier
Coash	Haar, K.	Kolterman	Pansing Brooks	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 803.** With Emergency Clause.

A BILL FOR AN ACT relating to fees; to amend section 33-106.02, Reissue Revised Statutes of Nebraska; to change disposition of docket fees as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Baker	Davis	Howard	McCollister	Schumacher
Bloomfield	Ebke	Hughes	McCoy	Seiler
Bolz	Friesen	Johnson	Mello	Smith
Brasch	Garrett	Kintner	Morfeld	Stinner
Campbell	Gloor	Kolowski	Murante	Sullivan
Chambers	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Coash	Hadley	Krist	Riepe	Williams
Cook	Hansen	Kuehn	Scheer	
Craighead	Harr, B.	Larson	Schilz	
Crawford	Hilkemann	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Fox

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB830 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 830.**

A BILL FOR AN ACT relating to employment law; to amend section 81-1328, Reissue Revised Statutes of Nebraska, and section 48-604, Revised Statutes Cumulative Supplement, 2014; to redefine employment under the Employment Security Law; to change provisions relating to vacation leave and to authorize payment for unused vacation leave for state employees as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Baker	Davis	Hilkemann	Lindstrom	Schnoor
Bloomfield	Ebke	Howard	McCollister	Schumacher
Bolz	Friesen	Hughes	McCoy	Seiler
Brasch	Garrett	Johnson	Mello	Smith
Campbell	Gloor	Kintner	Morfeld	Stinner
Chambers	Groene	Kolowski	Murante	Sullivan
Coash	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Cook	Hadley	Krist	Riepe	Williams
Craighead	Hansen	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB867 with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 867.**

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-901, 84-902, 84-906, 84-906.03, 84-906.04, 84-907, 84-907.06, 84-907.07, 84-907.09, 84-908, and 84-920, Reissue Revised Statutes of Nebraska, and sections 83-173.03 and 83-1,135, Revised Statutes Supplement, 2015; to state intent; to define and redefine terms; to provide for issuance of guidance documents; to allow for emergency rules and regulations; to provide, change, and eliminate requirements for guidance documents, rules, and regulations; to exempt security policies and procedures; to change powers and duties of the Secretary of State; to require the Department of Correctional Services to adopt and promulgate rules and regulations; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 84-907.01 and 84-907.02, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Baker	Davis	Howard	McCollister	Schumacher
Bloomfield	Ebke	Hughes	McCoy	Seiler
Bolz	Friesen	Johnson	Mello	Smith
Brasch	Garrett	Kintner	Morfeld	Stinner
Campbell	Gloor	Kolowski	Murante	Sullivan
Chambers	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Coash	Hadley	Krist	Riepe	Williams
Cook	Hansen	Kuehn	Scheer	
Craighead	Harr, B.	Larson	Schilz	
Crawford	Hilkemann	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Groene



Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 867A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 867, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Friesen	Hughes	McCoy	Smith
Brasch	Garrett	Johnson	Mello	Stinner
Campbell	Gloor	Kintner	Morfeld	Sullivan
Chambers	Groene	Kolowski	Murante	Watermeier
Coash	Haar, K.	Kolterman	Pansing Brooks	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 919.**

A BILL FOR AN ACT relating to courts; to amend sections 24-1301 and 24-1302, Reissue Revised Statutes of Nebraska, and section 29-2246, Revised Statutes Supplement, 2015; to change legislative intent regarding problem solving courts and appropriations for such courts; to require the Supreme Court to promulgate rules; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Friesen	Hughes	McCoy	Smith
Brasch	Garrett	Johnson	Mello	Stinner
Campbell	Gloor	Kintner	Morfeld	Sullivan
Chambers	Groene	Kolowski	Murante	Watermeier
Coash	Haar, K.	Kolterman	Pansing Brooks	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 919A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 919, One Hundred Fourth Legislature, Second Session, 2016; and to state intent.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Friesen	Hughes	McCoy	Smith
Brasch	Garrett	Johnson	Mello	Stinner
Campbell	Gloor	Kintner	Morfeld	Sullivan
Chambers	Groene	Kolowski	Murante	Watermeier
Coash	Haar, K.	Kolterman	Pansing Brooks	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Kuehn	Schilz	
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB934 with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 934.** With Emergency Clause.

A BILL FOR AN ACT relating to public health and safety; to amend sections 28-371, 30-2222, 30-2636, and 83-174.02, Reissue Revised Statutes of Nebraska, sections 28-348, 28-350, 28-358, 28-374, 28-386, 29-110, 29-4003, 29-4103, 30-2601, 30-4103, 30-4104, 30-4115, and 30-4116, Revised Statutes Cumulative Supplement, 2014, and sections 28-101, 30-2201, and 30-2619, Revised Statutes Supplement, 2015; to change provisions relating to vulnerable adults and senior adults under the Adult Protective Services Act; to define and redefine terms; to change the statute of limitations for knowing and intentional abuse, neglect, or exploitation of a vulnerable adult; to change penalty provisions; to provide qualification requirements, powers, duties, and limitations for guardians ad litem in guardianship, conservatorship, and other protective proceedings; to state legislative findings; to require reports; to allow payment for costs of evaluations; to change provisions relating to the Public Guardianship Act; to harmonize provisions; to repeal the original sections; and to declare an

emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Baker	Davis	Hilkemann	Lindstrom	Schnoor
Bloomfield	Ebke	Howard	McCollister	Schumacher
Bolz	Friesen	Hughes	McCoy	Seiler
Brasch	Garrett	Johnson	Mello	Smith
Campbell	Gloor	Kintner	Morfeld	Stinner
Chambers	Groene	Kolowski	Murante	Sullivan
Coash	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Cook	Hadley	Krist	Riepe	Williams
Craighead	Hansen	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Fox

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 934A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 934, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Friesen	Hughes	McCoy	Smith
Brasch	Garrett	Johnson	Mello	Stinner
Campbell	Gloor	Kintner	Morfeld	Sullivan
Chambers	Groene	Kolowski	Murante	Watermeier
Coash	Haar, K.	Kolterman	Pansing Brooks	Williams
Cook	Hadley	Krist	Riepe	
Craighead	Hansen	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Schnoor

Excused and not voting, 1:

Fox

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 400, 400A, 465, 465A, 467, 467A, 505, 505A, 683, 722, 722A, 754, 754A, 803, 830, 867, 867A, 919, 919A, 934, and 934A.

#### **BILLS ON FINAL READING**

##### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB960 with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 960.** With Emergency Clause.

A BILL FOR AN ACT relating to transportation; to amend sections 39-1365 and 73-101, Reissue Revised Statutes of Nebraska, sections 39-1365.02 and 73-307, Revised Statutes Cumulative Supplement, 2014, and sections 39-1348, 81-1701, and 84-612, Revised Statutes Supplement, 2015; to adopt the Transportation Innovation Act; to change provisions relating to road and bridge construction projects; to restate intent; to change reporting requirements; to exempt certain projects from public bidding and contracting requirements as prescribed; to provide for a transfer from the

Cash Reserve Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Baker	Davis	Hilkemann	Lindstrom	Schnoor
Bloomfield	Ebke	Howard	McCollister	Schumacher
Bolz	Friesen	Hughes	McCoy	Seiler
Brasch	Garrett	Johnson	Mello	Smith
Campbell	Gloor	Kintner	Morfeld	Stinner
Chambers	Groene	Kolowski	Murante	Sullivan
Coash	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Cook	Hadley	Krist	Riepe	Williams
Craighead	Hansen	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 1:

Fox

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 960A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 960, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Baker	Ebke	Hughes	McCoy	Seiler
Bloomfield	Friesen	Johnson	Mello	Smith
Bolz	Garrett	Kintner	Morfeld	Stinner
Brasch	Gloor	Kolowski	Murante	Sullivan
Campbell	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Chambers	Hadley	Krist	Riepe	Williams
Coash	Hansen	Kuehn	Scheer	
Cook	Harr, B.	Larson	Schilz	
Crawford	Hilkemann	Lindstrom	Schnoor	
Davis	Howard	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 2:

Craighead Groene

Excused and not voting, 1:

Fox

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB977 with 40 ayes, 1 nay, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 977. With Emergency Clause.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 13-1209, 13-1210, 13-1212, 60-3,104.02, 60-4,148, 60-681, 60-6,144, 60-6,294, and 60-1403, Reissue Revised Statutes of Nebraska, sections 60-3,186, 60-3,202, 60-4,131, 60-4,146, 60-4,149, 60-4,150, 60-1438.01, and 60-1505, Revised Statutes Cumulative Supplement, 2014, and sections 23-187, 60-301, 60-3,104, 60-3,130.04, 60-462, 60-601, and 60-6,230, Revised Statutes Supplement, 2015; to authorize state financial assistance for capital acquisition costs for public transportation as prescribed; to provide and change ordinance and resolution powers regarding weight restrictions; to provide for Breast Cancer Awareness Plates; to change provisions relating to specialty license plates; to change the use of motor vehicle tax proceeds; to provide for placement of taxes and fees in the Vehicle Title and Registration System Replacement and Maintenance Cash Fund as prescribed; to change provisions relating to distribution of the Motor Vehicle Tax Fund; to eliminate obsolete provisions; to provide for

electronic issuance of commercial drivers' licenses and electronic application for renewal and replacement of commercial drivers' licenses and CLP-commercial learners' permits; to change provisions relating to the operation of implements of husbandry on highways, use of rotating or flashing blue and amber lights, and powers and duties of the Nebraska Motor Vehicle Industry Licensing Board; to change provisions relating to the Motor Vehicle Industry Regulation Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 977A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 977, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:



Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1022 with 41 ayes, 1 nay, and 7 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1022.** With Emergency Clause.

A BILL FOR AN ACT relating to the office of Legislative Audit; to amend sections 50-1212, 50-1213, 77-1116, 77-2711, 77-27,119, 77-27,187.02, 77-2912, 77-5208, 77-5725, 77-5806, 77-5905, and 77-6306, Revised Statutes Supplement, 2015; to require a report; to change provisions relating to access to records, sharing of confidential information, and notifying the Tax Commissioner of the intent to conduct an audit; to change dates for application of incentives; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Baker	Davis	Hilkemann	Lindstrom	Schnoor
Bolz	Ebke	Howard	McCollister	Schumacher
Brasch	Fox	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kolowski	Morfeld	Stinner
Coash	Haar, K.	Kolterman	Murante	Sullivan
Cook	Hadley	Krist	Pansing Brooks	Watermeier
Craighead	Hansen	Kuehn	Scheer	Williams
Crawford	Harr, B.	Larson	Schilz	

Voting in the negative, 4:

Bloomfield	Friesen	Groene	Kintner
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Present and not voting, 1:

Riepe

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1033.** With Emergency Clause.

A BILL FOR AN ACT relating to persons with disabilities; to provide legislative intent; to create an advisory committee within the Department of Health and Human Services and provide powers and duties to the department; to require reports; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**WITHDRAW - Amendment to LB1105**

Senator Larson withdrew his amendment, AM1928, found on page 473, to LB1105.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1105 with 41 ayes, 1 nay, and 7 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1105.** With Emergency Clause.

A BILL FOR AN ACT relating to beverage regulation; to amend sections 53-103.09, 53-103.18, 53-103.20, 53-103.41, 53-123.01, 53-124.11, 53-125, 53-129, 53-131.01, 53-132, 53-168.06, 53-169, 53-171, 53-175, 53-178, 53-187, 53-194.03, and 53-1,100, Reissue Revised Statutes of Nebraska, sections 53-123.14, 53-123.17, and 53-124.12, Revised Statutes Cumulative Supplement, 2014, and sections 53-103.44, 53-123.15, 53-124, 53-124.01, and 53-135, Revised Statutes Supplement, 2015; to create and provide powers and duties for the Nebraska Craft Brewery Board; to create the Nebraska Beer Industry Promotional Fund; to impose and provide for fees; to require reports; to redefine terms; to provide for and change licensure provisions for certain manufacturers and retailers; to change disposition of manufacturers' license fees as prescribed; to eliminate provisions regarding licensure in annexed areas; to change prohibitions related to selling and serving alcoholic liquor; to eliminate provisions relating to purchases by retailers as prescribed; to place restrictions on manufacturing and sales at wholesale; to change penalty provisions related to nonbeverage users and manufacturing spirits without a license; to eliminate the prohibition and penalty on the sale of carbonated soft drink or beer cans with removable, disposable tabs or grips as prescribed; to change provisions relating to limits on bringing alcoholic liquor into the state for personal consumption; to change a requirement for eligibility to obtain a license; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal section 28-1479, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the

emergency clause attached?' "

Voting in the affirmative, 45:

Baker	Ebke	Hilkemann	Lindstrom	Schilz
Bolz	Fox	Howard	McCollister	Schnoor
Brasch	Friesen	Hughes	McCoy	Schumacher
Campbell	Garrett	Kintner	Mello	Seiler
Coash	Gloor	Kolowski	Morfeld	Smith
Cook	Haar, K.	Kolterman	Murante	Stinner
Craighead	Hadley	Krist	Pansing Brooks	Sullivan
Crawford	Hansen	Kuehn	Riepe	Watermeier
Davis	Harr, B.	Larson	Scheer	Williams

Voting in the negative, 2:

Chambers Johnson

Present and not voting, 2:

Bloomfield Groene

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1105A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1105, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Baker	Fox	Howard	McCoy	Schumacher
Bolz	Friesen	Hughes	Mello	Seiler
Brasch	Garrett	Kintner	Morfeld	Smith
Campbell	Gloor	Kolowski	Murante	Stinner
Coash	Haar, K.	Kolterman	Pansing Brooks	Sullivan
Cook	Hadley	Kuehn	Riepe	Watermeier
Craighead	Hansen	Larson	Scheer	Williams
Crawford	Harr, B.	Lindstrom	Schilz	
Ebke	Hilkemann	McCollister	Schnoor	

Voting in the negative, 0.

Present and not voting, 6:

Bloomfield	Davis	Johnson
Chambers	Groene	Krist

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB746 with 39 ayes, 1 nay, and 9 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 746.** With Emergency Clause.

A BILL FOR AN ACT relating to children and families; to amend sections 43-532, 43-535, and 43-2502, Reissue Revised Statutes of Nebraska, sections 43-1311.03, 43-1312, 43-2404.01, and 43-4203, Revised Statutes Cumulative Supplement, 2014, and sections 43-272.01, 43-285, and 43-4202, Revised Statutes Supplement, 2015; to adopt the Nebraska Strengthening Families Act; to change reporting requirements for guardians ad litem; to change provisions relating to independent living transition proposals and permanency plans, foster child plans, and comprehensive juvenile services plans; to create the Normalcy Task Force; to change provisions relating to the Nebraska Children's Commission; to state intent to reduce a cash fund appropriation; to eliminate a reporting requirement; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 43-534, Revised Statutes Cumulative Supplement, 2014, and section 50-424, Revised Statutes Supplement, 2015; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Lindstrom	Schnoor
Bloomfield	Ebke	Hilkemann	McCollister	Schumacher
Bolz	Fox	Howard	McCoy	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Stinner
Chambers	Gloor	Kolowski	Murante	Sullivan
Coash	Groene	Kolterman	Pansing Brooks	Watermeier
Cook	Haar, K.	Krist	Riepe	Williams
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Kintner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 746A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, section 10; to appropriate funds to aid in carrying out the provisions of Legislative Bill 746, One Hundred Fourth Legislature, Second Session, 2016; to change an appropriation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Baker	Davis	Hilkemann	McCoy	Seiler
Bloomfield	Ebke	Howard	Mello	Smith
Bolz	Fox	Hughes	Morfeld	Stinner
Brasch	Friesen	Johnson	Murante	Sullivan
Campbell	Garrett	Kolterman	Pansing Brooks	Watermeier
Chambers	Gloor	Krist	Riepe	Williams
Coash	Haar, K.	Kuehn	Scheer	
Cook	Hadley	Larson	Schilz	
Craighead	Hansen	Lindstrom	Schnoor	
Crawford	Harr, B.	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 3:

Groene          Kintner          Kolowski

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION - Return LB774 to Select File**

Senator Scheer moved to return LB774 to Select File for the following specific amendment:

FA129

Strike the enacting clause.

Senator Scheer withdrew his motion to return.

**MOTION - Return LB774 to Select File**

Senator Groene moved to return LB774 to Select File for the following specific amendment:

FA136

Strike the enacting clause.

Senator Groene withdrew his motion to return.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB774 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 774.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 3-613 and 77-2704.56, Reissue Revised Statutes of Nebraska, sections 77-2704.12, 77-2704.13, 77-2717, 77-2734.03, 77-2905, and 77-2909, Revised Statutes Cumulative Supplement, 2014, and sections 77-2701, 77-2704.15, 77-2715.07, and 77-2904, Revised Statutes Supplement, 2015; to change provisions relating to levy limitations for certain airport authorities; to provide a sales and use tax exemption for purchases by nonprofit centers for independent living and substance abuse treatment centers and county agricultural societies; to change sales tax exemption provisions relating to certain purchases of energy and fuels and purchases by museums; to provide an income tax credit to employers of recipients of certain public assistance as prescribed; to change the Nebraska Job Creation and Mainstreet Revitalization Act; to harmonize provisions; to provide

operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Baker	Fox	Howard	Mello	Smith
Bolz	Garrett	Johnson	Morfeld	Stinner
Brasch	Gloor	Kolowski	Murante	Sullivan
Campbell	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Cook	Hadley	Krist	Scheer	Williams
Craighead	Hansen	Larson	Schilz	
Crawford	Harr, B.	Lindstrom	Schumacher	
Davis	Hilkemann	McCoy	Seiler	

Voting in the negative, 10:

Bloomfield	Ebke	Groene	Kintner	Riepe
Chambers	Friesen	Hughes	Kuehn	Schnoor

Present and not voting, 2:

Coash            McCollister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 774A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 774, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:



Baker	Davis	Harr, B.	McCoy	Schumacher
Bolz	Ebke	Howard	Mello	Seiler
Brasch	Fox	Johnson	Morfeld	Smith
Campbell	Garrett	Kolowski	Murante	Stinner
Coash	Gloor	Kolterman	Pansing Brooks	Sullivan
Cook	Haar, K.	Krist	Scheer	Watermeier
Craighead	Hadley	Larson	Schilz	Williams
Crawford	Hansen	McCollister	Schnoor	

Voting in the negative, 6:

Bloomfield	Groene	Kintner
Friesen	Hughes	Riepe

Present and not voting, 4:

Chambers	Hilkemann	Kuehn	Lindstrom
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB886 with 41 ayes, 1 nay, and 7 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 886.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2015; to adopt the Volunteer Emergency Responders Incentive Act; to provide income tax credits; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Baker	Ebke	Hilkemann	McCoy	Seiler
Bloomfield	Fox	Howard	Mello	Smith
Bolz	Friesen	Hughes	Morfeld	Stinner
Brasch	Garrett	Johnson	Murante	Sullivan
Campbell	Gloor	Kolowski	Pansing Brooks	Watermeier
Chambers	Groene	Kolterman	Riepe	Williams
Coash	Haar, K.	Krist	Scheer	
Craighead	Hadley	Kuehn	Schilz	
Crawford	Hansen	Lindstrom	Schnoor	
Davis	Harr, B.	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 3:

Cook            Kintner            Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 613, 614, 615, and 616 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 613, 614, 615, and 616.

### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 886A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 886, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Lindstrom	Schnoor
Bloomfield	Ebke	Hilkemann	McCollister	Schumacher
Bolz	Fox	Howard	McCoy	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Stinner
Chambers	Gloor	Kintner	Murante	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION - Return LB935 to Select File**

Senator Groene moved to return LB935 to Select File for the following specific amendment:

FA137

Strike the enacting clause.

Senator Groene withdrew his motion to return.

#### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 935.**

A BILL FOR AN ACT relating to state and local government; to amend sections 81-1118, 81-1174, 81-1175, 81-1176, 81-1180, 81-1348, and 84-321, Reissue Revised Statutes of Nebraska, sections 13-513 and 73-506, Revised Statutes Cumulative Supplement, 2014, and sections 84-304 and 84-311, Revised Statutes Supplement, 2015; to change provisions relating to the Nebraska Budget Act; to provide for late fees and remedial fees; to change provisions relating to the duration of certain state agency contracts, procedures and rates for reimbursement for expenses incurred in the line of duty, and membership of the Suggestion Award Board; to authorize additional assistant deputies for and sharing of working papers by the Auditor of Public Accounts; to provide the rate of interest on and liability for certain delinquent payments; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Baker	Garrett	Hughes	McCoy	Smith
Bolz	Gloor	Johnson	Mello	Stinner
Campbell	Haar, K.	Kolowski	Morfeld	Sullivan
Coash	Hadley	Kolterman	Murante	Watermeier
Cook	Hansen	Krist	Pansing Brooks	Williams
Crawford	Harr, B.	Kuehn	Scheer	
Ebke	Hilkemann	Larson	Schilz	
Fox	Howard	Lindstrom	Seiler	

Voting in the negative, 8:

Bloomfield	Craighead	Groene	Riepe
Brasch	Davis	Kintner	Schnoor

Present and not voting, 4:

Chambers	Friesen	McCollister	Schumacher
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB938 with 39 ayes, 1 nay, and 9 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 938.** With Emergency Clause.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-163, 86-458, and 86-463, Reissue Revised Statutes of Nebraska; to adopt the 911 Service System Act; to change a reporting requirement; to provide for the transfer of funds; to remove obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Murante	Watermeier
Cook	Haar, K.	Kolterman	Pansing Brooks	Williams
Craighead	Hadley	Krist	Riepe	
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 938A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB657, section 63; to appropriate funds to aid in carrying out the provisions of Legislative Bill 938, One Hundred Fourth Legislature, Second Session, 2016; to change an appropriation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1038 with 43 ayes, 1 nay, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1038.**

A BILL FOR AN ACT relating to natural resources; to amend sections 2-945.01, 2-958.02, 39-891, 39-893, 39-1301, 39-1302, 39-1309, 39-1320, 46-290, 70-668, 70-669, and 72-2008, Reissue Revised Statutes of Nebraska, and section 72-2007, Revised Statutes Supplement, 2015; to change provisions relating to grants for certain vegetation management programs; to create the Riparian Vegetation Management Task Force; to provide powers and duties; to require an annual report; to provide for the issuance of permits to control vegetation obscuring advertising signage along highways as prescribed; to provide duties for the Department of Roads; to change provisions relating to water appropriations; to require legislative confirmation of certain appointments to the Niobrara Council; to change provisions relating to support by the Game and Parks Commission under the Niobrara Scenic River Act; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-967 and 2-968, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Baker	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	
Davis	Harr, B.	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1038A.**

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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Baker	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Mello	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	
Davis	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB889 with 40 ayes, 1 nay, and 8 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 889.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2717 and 77-2734.03, Revised Statutes Cumulative Supplement, 2014, and sections 68-1201, 71-1962, and 77-2715.07, Revised Statutes Supplement, 2015; to adopt the School Readiness Tax Credit Act; to provide income tax credits; to exclude tax credits from certain eligibility determinations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Baker	Davis	Hilkemann	McCollister	Schumacher
Bolz	Ebke	Howard	McCoy	Seiler
Brasch	Fox	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Stinner
Chambers	Gloor	Kolowski	Pansing Brooks	Sullivan
Coash	Haar, K.	Kolterman	Riepe	Williams
Cook	Hadley	Krist	Scheer	
Craighead	Hansen	Larson	Schilz	
Crawford	Harr, B.	Lindstrom	Schnoor	

Voting in the negative, 5:

Bloomfield	Friesen	Groene	Kintner	Watermeier
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Present and not voting, 2:

Kuehn	Murante
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.



The following bill was read and put upon final passage:

**LEGISLATIVE BILL 889A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 889, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Baker	Davis	Hilkemann	McCollister	Schnoor
Bolz	Ebke	Howard	McCoy	Schumacher
Brasch	Fox	Hughes	Mello	Seiler
Campbell	Garrett	Johnson	Morfeld	Smith
Chambers	Gloor	Kolowski	Murante	Stinner
Coash	Haar, K.	Kolterman	Pansing Brooks	Sullivan
Cook	Hadley	Krist	Riepe	Williams
Craighead	Hansen	Larson	Scheer	
Crawford	Harr, B.	Lindstrom	Schilz	

Voting in the negative, 3:

Friesen	Groene	Kintner
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Present and not voting, 3:

Bloomfield	Kuehn	Watermeier
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB959 with 43 ayes, 1 nay, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 959.** With Emergency Clause.

A BILL FOR AN ACT relating to education; to amend sections 79-1005.01, 79-1007.18, 79-1008.01, 79-1008.02, 79-1075, 79-10,110, and 79-10,110.01, Reissue Revised Statutes of Nebraska, and sections 77-3442, 79-1003, and 79-1017.01, Revised Statutes Supplement, 2015; to change provisions relating to minimum levy adjustments and averaging adjustments under the Tax Equity and Educational Opportunities Support Act; to change

provisions relating to and provide for school district levy and bonding authority for certain projects as prescribed; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Baker	Ebke	Howard	McCollister	Schumacher
Bloomfield	Fox	Hughes	McCoy	Seiler
Bolz	Friesen	Johnson	Mello	Smith
Brasch	Gloor	Kintner	Morfeld	Stinner
Campbell	Groene	Kolowski	Murante	Sullivan
Coash	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Cook	Hadley	Krist	Riepe	Williams
Craighead	Hansen	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	
Davis	Hilkemann	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 2:

Chambers      Garrett

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 959A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 959, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Baker	Ebke	Hilkemann	Lindstrom	Schnoor
Bloomfield	Fox	Howard	McCollister	Schumacher
Bolz	Friesen	Hughes	McCoy	Seiler
Brasch	Garrett	Johnson	Mello	Smith
Campbell	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	
Davis	Harr, B.	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **WITHDRAW - Amendments to LB745**

Senator Chambers withdrew his amendments, AM2503, AM2504, AM2505, AM2506, AM2507, AM2508, AM2509, AM2510, AM2511, AM2512, AM2515, AM2516, AM2517, and AM2518, found on pages 974, 975, 976, and 977, to LB745.

#### **BILL ON FINAL READING**

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB745 with 44 ayes, 2 nays, and 3 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 745.**

A BILL FOR AN ACT relating to game and parks; to amend section 37-406, Reissue Revised Statutes of Nebraska, and sections 37-327, 37-405, 37-407, 37-415, 37-420, 37-421, 37-421.01, 37-426, 37-438, 37-447, 37-449, 37-450, 37-451, 37-457, 37-484, 37-490, 37-497, and 37-4,111, Revised Statutes Cumulative Supplement, 2014; to change the limit for increasing fees by the Game and Parks Commission; to change provisions relating to permits, permit applications, and game breeding and controlled shooting areas; to change license, permit, stamp, and application fees as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Baker	Fox	Hilkemann	Larson	Schilz
Bolz	Friesen	Howard	Lindstrom	Schnoor
Brasch	Garrett	Hughes	McCollister	Schumacher
Campbell	Gloor	Johnson	McCoy	Seiler
Coash	Groene	Kintner	Mello	Smith
Craighead	Haar, K.	Kolowski	Morfeld	Stinner
Crawford	Hadley	Kolterman	Pansing Brooks	Sullivan
Davis	Hansen	Krist	Riepe	Watermeier
Ebke	Harr, B.	Kuehn	Scheer	Williams

Voting in the negative, 3:

Bloomfield    Chambers    Cook

Present and not voting, 1:

Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 960, 960A, 977, 977A, 1022, 1033, 1105, 1105A, 746, 746A, 774, 774A, 886, 886A, 935, 938, 938A, 1038, 1038A, 889, 889A, 959, 959A, and 745.

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 12, 2016, at 10:06 a.m. were the following: LBs 400, 400A, 465, 465A, 467e, 467Ae, 505, 505A, 683, 722, 722A, 754, 754A, 803e, 830, 867, 867A, 919, 919A, 934e, and 934A.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

#### **VISITOR(S)**

Visitors to the Chamber were 39 fourth-grade students and sponsors from Plattsmouth; and 66 fourth-grade students from Mary Our Queen, Omaha.

**RECESS**

At 11:17 a.m., on a motion by Senator Campbell, the Legislature recessed until 12:15 p.m.

**AFTER RECESS**

The Legislature reconvened at 12:15 p.m., Senator Krist presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Groene, B. Harr, Howard, Kuehn, Mello, Schilz, and Watermeier who were excused until they arrive.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 624.** Introduced by McCoy, 39.

WHEREAS, Douglas County West Elementary School in Valley was recognized as a 2015 National Blue Ribbon School by the United States Department of Education; and

WHEREAS, the Blue Ribbon Schools Program honors public and private elementary, middle, and high schools that are exemplary, high-performing schools or that have improved student achievement to high levels, especially among disadvantaged and minority students; and

WHEREAS, these achievements are a testament to the dedication of the students of Douglas County West Elementary School, as well as the commitment of the faculty and staff to providing the best educational opportunities for their students.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the students, faculty, and staff of Douglas County West Elementary School on their admirable achievement and applauds their dedication to a high standard of education.

2. That the Legislature recognizes the work of Principal Duane Krusemark and thanks him for his commitment to his students.

3. That a copy of this resolution be sent to Douglas County West Elementary School and Principal Duane Krusemark.

Laid over.

**LEGISLATIVE RESOLUTION 625.** Introduced by McCoy, 39.

WHEREAS, the Elkhorn South High School cheer and dance teams were victorious at the 2016 Class B Nebraska State Cheer and Dance Championships; and

WHEREAS, the Elkhorn South cheer team won first place in the Tumbling division for the third consecutive year and earned second place in the Sideline Division; and

WHEREAS, the Elkhorn South dance team won first place in the Hip Hop division for the fifth consecutive year and placed second in the Jazz division; and

WHEREAS, both teams showed outstanding determination, perseverance, and skill throughout the competition; 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 Elkhorn South High School cheer and dance teams on their victories at the 2016 Class B State Cheer and Dance Championships.

2. That a copy of this resolution be sent to the Elkhorn South High School cheer and dance teams.

Laid over.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 12, 2016, at 11:28 a.m. were the following: LBs 960e, 960Ae, 977e, 977Ae, 1022e, 1033e, 1105e, 1105Ae, 746e, 746Ae, 774e, 774Ae, 886, 886A, 935, 938e, 938Ae, 1038, 1038A, 889, 889A, 959e, 959Ae, and 745.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 601.** Read. Considered.

LR601 was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**LEGISLATIVE RESOLUTION 547.** Read. Considered.

### **SPEAKER HADLEY PRESIDING**

Committee AM2847, found on page 1502, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LR547, as amended, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

### **SENATOR KRIST PRESIDING**

**MOTION - Return LB10 to Select File**

Senator Cook moved to return LB10 to Select File for her specific amendment, AM333, found on page 691, First Session, 2015.

**SPEAKER HADLEY PRESIDING**

Senator McCoy offered the following motion:

MO288

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCoy requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 32:

Baker	Fox	Johnson	McCoy	Smith
Bloomfield	Friesen	Kintner	Murante	Stinner
Brasch	Gloor	Kolterman	Riepe	Watermeier
Coash	Groene	Kuehn	Scheer	Williams
Craighead	Hadley	Larson	Schilz	
Davis	Hilkemann	Lindstrom	Schnoor	
Ebke	Hughes	McCollister	Seiler	

Voting in the negative, 17:

Bolz	Crawford	Harr, B.	Mello	Sullivan
Campbell	Garrett	Howard	Morfeld	
Chambers	Haar, K.	Kolowski	Pansing Brooks	
Cook	Hansen	Krist	Schumacher	

Not voting, 0.

The McCoy motion to invoke cloture failed with 32 ayes, 17 nays, and 0 not voting.

**COMMITTEE REPORT**

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR547.

(Signed) Matt Hansen, Chairperson

**ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 547.** Introduced by Larson, 40.

WHEREAS, the Legislature has a variety of tools that it can utilize to enhance economic development for the Native American population of Nebraska; and

WHEREAS, these tools include tax incentives, housing opportunities, grants, special education policies, and access to health care; and

WHEREAS, the Legislature would benefit from the advice and recommendations of the State-Tribal Relations Committee of the Legislature regarding the development of policies and refinements to existing laws that can be made to encourage and enhance economic development for the Native American population of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Tribal Economic Development Committee of the Legislature. The special committee shall consist of five members: The chairperson of the State-Tribal Relations Committee of the Legislature or his or her designee, the chairperson of the Appropriations Committee of the Legislature or his or her designee, the chairperson of the Revenue Committee or his or her designee, and two members of the Legislature selected by the Executive Board. The members of the special committee shall choose a chairperson from among the members of the committee.

2. That the Tribal Economic Development Committee shall conduct a study examining the policy tools available to the Legislature to enhance economic development for the Native American population of Nebraska.

3. That the Tribal Economic Development Committee shall consult with the members of the Education and Health and Human Services Committees of the Legislature in conducting this study.

4. That the Tribal Economic Development Committee shall formulate draft legislation and policy recommendations and issue a report with its findings and recommendations to the Legislature no later than December 15, 2016.

### **VISITOR(S)**

Visitors to the Chamber were 31 fourth-grade students from Ponca; and John Ross from Bancroft.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

### **ADJOURNMENT**

At 2:42 p.m., on a motion by Senator Kolterman, the Legislature adjourned until 9:00 a.m., Wednesday, April 13, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-NINTH DAY - APRIL 13, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 13, 2016

**PRAYER**

The prayer was offered by Reverend Jim Miller, Retired Methodist Minister, Lincoln.

**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 Davis, Garrett, Groene, Hansen, Mello, Morfeld, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-eighth day was approved.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 626.** Introduced by Seiler, 33.

WHEREAS, William M. Connolly is a judge on the Nebraska Supreme Court; and

WHEREAS, Judge Connolly began his distinguished legal career after graduating from Creighton University in 1960 and Creighton University School of Law in 1963; and

WHEREAS, Judge Connolly served the residents of Adams County as Deputy County Attorney from 1964 to 1967 and as County Attorney from 1967 to 1973; and

WHEREAS, Judge Connolly worked in private practice in Hastings from 1973 to 1991; and

WHEREAS, Judge Connolly served on the Court of Appeals from 1992 to 1994 and the Supreme Court from 1994 to the present; and

WHEREAS, Judge Connolly has announced his decision to retire from the high court on August 1, 2016; and

WHEREAS, Judge Connolly is a well-respected jurist and is known for his keen legal mind and exceptional writing skills.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Judge William M. Connolly on his upcoming retirement after many years of public service on behalf of the citizens of this state.
2. That a copy of this resolution be sent to Judge William M. Connolly.

Laid over.

#### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 12, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Padilla, Julie  
Renovate America, Inc.  
Rountree, Cory  
College Board (Withdrawn 04/11/2016)

#### **REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

#### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 617, 618, and 619 were adopted.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 617, 618, and 619.

**MOTION(S) - Confirmation Report(s)**

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1452:

Nebraska Commission on Problem Gambling  
 Mark Canada  
 Susan Lutz  
 James D. Patterson

Voting in the affirmative, 34:

Baker	Craighead	Johnson	McCollister	Seiler
Bolz	Crawford	Kolowski	McCoy	Smith
Brasch	Ebke	Kolterman	Pansing Brooks	Stinner
Campbell	Fox	Krist	Riepe	Sullivan
Chambers	Haar, K.	Kuehn	Scheer	Watermeier
Coash	Hadley	Larson	Schilz	Williams
Cook	Howard	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 8:

Bloomfield	Gloor	Hilkemann	Kintner
Friesen	Harr, B.	Hughes	Schnoor

Excused and not voting, 7:

Davis	Groene	Mello	Murante
Garrett	Hansen	Morfeld	

The appointments were confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1465:

Nebraska Natural Resources Commission  
 Brian Barels  
 Joel Christensen  
 Stanley A. Clouse  
 Brad B. Dunbar  
 Thomas Knutson  
 Scott Smathers  
 Chad Wright

Voting in the affirmative, 39:

Baker	Crawford	Harr, B.	Larson	Schumacher
Bolz	Fox	Hilkemann	Lindstrom	Seiler
Brasch	Friesen	Howard	McCollister	Smith
Campbell	Garrett	Hughes	McCoy	Stinner
Chambers	Gloor	Johnson	Pansing Brooks	Sullivan
Coash	Haar, K.	Kolowski	Riepe	Watermeier
Cook	Hadley	Kolterman	Schilz	Williams
Craighead	Hansen	Krist	Schnoor	

Voting in the negative, 0.

Present and not voting, 5:

Bloomfield	Ebke	Kintner	Kuehn	Scheer
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Excused and not voting, 5:

Davis	Groene	Mello	Morfeld	Murante
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The appointments were confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1465:

Nebraska Game and Parks Commission  
Patrick Berggren

Voting in the affirmative, 39:

Baker	Ebke	Hilkemann	Lindstrom	Schumacher
Bolz	Fox	Howard	McCollister	Seiler
Brasch	Friesen	Hughes	McCoy	Smith
Campbell	Garrett	Johnson	Pansing Brooks	Stinner
Chambers	Gloor	Kolowski	Riepe	Sullivan
Coash	Haar, K.	Kolterman	Scheer	Watermeier
Cook	Hansen	Kuehn	Schilz	Williams
Crawford	Harr, B.	Larson	Schnoor	

Voting in the negative, 0.

Present and not voting, 6:

Bloomfield	Groene	Kintner
Craighead	Hadley	Krist

Excused and not voting, 4:

Davis	Mello	Morfeld	Murante
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The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Garrett moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1477:

State Emergency Response Commission  
Kimberly Plouzek

Voting in the affirmative, 36:

Baker	Crawford	Harr, B.	McCollister	Stinner
Bloomfield	Ebke	Howard	McCoy	Sullivan
Bolz	Fox	Hughes	Pansing Brooks	Watermeier
Brasch	Garrett	Johnson	Scheer	Williams
Campbell	Gloor	Kolowski	Schilz	
Chambers	Haar, K.	Kolterman	Schumacher	
Cook	Hadley	Larson	Seiler	
Craighead	Hansen	Lindstrom	Smith	

Voting in the negative, 0.

Present and not voting, 9:

Coash	Groene	Kintner	Kuehn	Schnoor
Friesen	Hilkemann	Krist	Riepe	

Excused and not voting, 4:

Davis	Mello	Morfeld	Murante
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The appointment was confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Garrett moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on pages 1476 and 1477:

Nebraska Accountability and Disclosure Commission  
Jeffery Davis  
Douglas Hegarty  
James J. Ziebarth

Voting in the affirmative, 42:

Baker	Crawford	Howard	McCoy	Seiler
Bloomfield	Ebke	Hughes	Morfeld	Smith
Bolz	Fox	Johnson	Murante	Stinner
Brasch	Garrett	Kolowski	Pansing Brooks	Sullivan
Campbell	Gloor	Kolterman	Riepe	Watermeier
Chambers	Haar, K.	Kuehn	Scheer	Williams
Coash	Hadley	Larson	Schilz	
Cook	Hansen	Lindstrom	Schnoor	
Craighead	Hilkemann	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 5:

Friesen	Groene	Harr, B.	Kintner	Krist
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Excused and not voting, 2:

Davis	Mello
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The appointments were confirmed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1503:

Stem Cell Research Advisory Committee  
Alysson Renato Muotri

Voting in the affirmative, 41:

Baker	Ebke	Hughes	Morfeld	Smith
Bolz	Garrett	Johnson	Murante	Stinner
Brasch	Gloor	Kolowski	Pansing Brooks	Sullivan
Campbell	Groene	Kolterman	Riepe	Watermeier
Chambers	Haar, K.	Kuehn	Scheer	Williams
Coash	Hadley	Larson	Schilz	
Cook	Hansen	Lindstrom	Schnoor	
Craighead	Hilkemann	McCollister	Schumacher	
Crawford	Howard	McCoy	Seiler	

Voting in the negative, 0.

Present and not voting, 6:

Bloomfield	Friesen	Kintner
Fox	Harr, B.	Krist

Excused and not voting, 2:

Davis Mello

The appointment was confirmed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1509:

Public Employees Retirement Board  
Pamela E. Lancaster

Voting in the affirmative, 42:

Baker	Ebke	Hilkemann	McCoy	Seiler
Bloomfield	Fox	Howard	Mello	Smith
Bolz	Friesen	Hughes	Morfeld	Stinner
Campbell	Garrett	Johnson	Murante	Sullivan
Chambers	Gloor	Kolowski	Pansing Brooks	Watermeier
Coash	Groene	Kolterman	Riepe	Williams
Cook	Haar, K.	Larson	Scheer	
Craighead	Hadley	Lindstrom	Schilz	
Crawford	Hansen	McCollister	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Brasch	Kintner	Kuehn
Harr, B.	Krist	Schnoor

Excused and not voting, 1:

Davis

The appointment was confirmed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

#### **MOTION(S) - Suspend Rules**

Speaker Hadley offered his motion, found on page 1517, to suspend the rules, Rule 6, Sections 6, 7, and 8, Rule 7, Sections 3 and 7, and Rule 5, Section 7 and vote on the final passage without further amendments, motions, or debate on the following bill: LB1067.

Speaker Hadley withdrew his motion to suspend the rules.

Speaker Hadley offered his motion, found on page 1544, to suspend the rules, Rule 6, Sections 6, 7, and 8 and Rule 7, Sections 3 and 7 and vote on the final passage without further amendments, motions, or debate on the following bills: LBs 1094, 884, 821, 756, 829, 851, 851A, 930, 721, 235, 580, 1106, and 716.

Speaker Hadley withdrew his motion to suspend the rules.

### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 235.**

A BILL FOR AN ACT relating to public health and welfare; to adopt the Consumer Protection in Eye Care Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.



**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB721 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 721.**

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-2025, Reissue Revised Statutes of Nebraska, section 38-121, Revised Statutes Cumulative Supplement, 2014, and section 38-101, Revised Statutes Supplement, 2015; to adopt the Surgical First Assistant Practice Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Baker	Davis	Hilkemann	Lindstrom	Schnoor
Bloomfield	Ebke	Howard	McCollister	Schumacher
Bolz	Fox	Hughes	McCoy	Seiler
Brasch	Friesen	Johnson	Mello	Smith
Campbell	Garrett	Kintner	Morfeld	Stinner
Chambers	Gloor	Kolowski	Murante	Sullivan
Coash	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Cook	Hadley	Krist	Riepe	Williams
Craighead	Hansen	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 756.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-6101 and 77-6105, Reissue Revised Statutes of Nebraska, and section 77-2716, Revised Statutes Supplement, 2015; to terminate the Long-Term Care Savings Plan Act; to harmonize provisions; and to repeal the original

sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 821.**

A BILL FOR AN ACT relating to employment; to adopt the Workplace Privacy Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Baker	Davis	Harr, B.	McCoy	Seiler
Bloomfield	Ebke	Hilkemann	Mello	Smith
Bolz	Fox	Howard	Morfeld	Stinner
Brasch	Friesen	Hughes	Murante	Sullivan
Campbell	Garrett	Johnson	Pansing Brooks	Watermeier
Chambers	Gloor	Kolterman	Riepe	Williams
Coash	Groene	Krist	Scheer	
Cook	Haar, K.	Kuehn	Schilz	
Craighead	Hadley	Larson	Schnoor	
Crawford	Hansen	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 3:

Kintner      Kolowski      McCollister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB829 with 40 ayes, 2 nays, and 7 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 829.**

A BILL FOR AN ACT relating to fiduciaries; to adopt the Revised Uniform Fiduciary Access to Digital Assets Act (2015); to provide an operative date; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Baker	Davis	Harr, B.	Larson	Schilz
Bloomfield	Ebke	Hilkemann	Lindstrom	Schnoor
Bolz	Fox	Howard	McCollister	Schumacher
Brasch	Friesen	Hughes	McCoy	Seiler
Campbell	Garrett	Johnson	Mello	Smith
Chambers	Gloor	Kintner	Morfeld	Stinner
Coash	Groene	Kolowski	Murante	Sullivan
Cook	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	Williams
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 851.**

A BILL FOR AN ACT relating to state government; to amend sections 84-602 and 84-602.01, Reissue Revised Statutes of Nebraska, and section

84-602.02, Revised Statutes Supplement, 2015; to change the Taxpayer Transparency Act; to define and redefine terms; to change provisions relating to exempt contracts; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Baker	Davis	Hilkemann	Lindstrom	Schnoor
Bloomfield	Ebke	Howard	McCollister	Schumacher
Bolz	Fox	Hughes	McCoy	Seiler
Brasch	Friesen	Johnson	Mello	Smith
Campbell	Garrett	Kintner	Morfeld	Stinner
Chambers	Gloor	Kolowski	Murante	Sullivan
Coash	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Cook	Hadley	Krist	Riepe	Williams
Craighead	Hansen	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 851A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 851, One Hundred Fourth Legislature, Second Session, 2016; and to appropriate funds to aid in carrying out the provisions of Legislative Bill 1110, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Baker	Davis	Hilkemann	Lindstrom	Schnoor
Bloomfield	Ebke	Howard	McCollister	Schumacher
Bolz	Fox	Hughes	McCoy	Seiler
Brasch	Friesen	Johnson	Mello	Smith
Campbell	Garrett	Kintner	Morfeld	Stinner
Chambers	Gloor	Kolowski	Murante	Sullivan
Coash	Haar, K.	Kolterman	Pansing Brooks	Watermeier
Cook	Hadley	Krist	Riepe	Williams
Craighead	Hansen	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB884 to Select File**

Senator Groene moved to return LB884 to Select File for the following specific amendment:

FA139

Strike the enacting clause.

Senator Groene withdrew his motion to return.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 235, 721, 756, 821, 829, 851, and 851A.

**MOTION - Return LB884 to Select File**

Senator Chambers moved to return LB884 to Select File for the following specific amendment:

FA143

Strike section 1.

Senator Chambers withdrew his motion to return.

**SPEAKER HADLEY PRESIDING**

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB884 with 43 ayes, 1 nay, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 884.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2603, 13-2604, 13-2605, 13-3102, 13-3103, 13-3104, and 13-3106, Reissue Revised Statutes of Nebraska, sections 13-2709, 77-908, 77-2717, 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2014, and sections 13-2610, 13-3108, and 77-2715.07, Revised Statutes Supplement, 2015; to change provisions of the Convention Center Facility Financing Assistance Act and the Sports Arena Facility Financing Assistance Act; to adopt the Affordable Housing Tax Credit Act; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Baker	Ebke	Howard	McCoy	Schumacher
Bolz	Fox	Johnson	Mello	Seiler
Brasch	Friesen	Kolowski	Morfeld	Smith
Campbell	Garrett	Kolterman	Murante	Stinner
Chambers	Gloor	Krist	Pansing Brooks	Sullivan
Coash	Haar, K.	Kuehn	Riepe	Watermeier
Cook	Hadley	Larson	Scheer	Williams
Craighead	Harr, B.	Lindstrom	Schilz	
Crawford	Hilkemann	McCollister	Schnoor	

Voting in the negative, 4:

Davis	Groene	Hughes	Kintner
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Present and not voting, 2:

Bloomfield	Hansen
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB930 with 41 ayes, 4 nays, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 930.**

A BILL FOR AN ACT relating to education; to amend sections 79-759 and 79-760.03, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 2015; to change provisions relating to statewide assessments and college admission testing as prescribed; to provide powers and duties for the State Board of Education as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Baker	Davis	Hilkemann	Lindstrom	Schumacher
Bloomfield	Ebke	Howard	McCollister	Seiler
Bolz	Fox	Hughes	McCoy	Smith
Brasch	Friesen	Johnson	Mello	Sullivan
Campbell	Garrett	Kintner	Morfeld	Watermeier
Chambers	Gloor	Kolowski	Murante	Williams
Coash	Haar, K.	Kolterman	Pansing Brooks	
Cook	Hadley	Krist	Riepe	
Craighead	Hansen	Kuehn	Scheer	
Crawford	Harr, B.	Larson	Schilz	

Voting in the negative, 1:

Groene

Present and not voting, 2:

Schnoor      Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1094 with 40 ayes, 3 nays, and 6 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1094.** With Emergency Clause.

A BILL FOR AN ACT relating to criminal law; to amend sections 27-1101, 28-605, 28-626, 29-2256, 29-2267, 47-401, 47-502, 83-187, and 83-1,101, Reissue Revised Statutes of Nebraska, sections 28-115, 28-1354, 29-2258, and 29-2269, Revised Statutes Cumulative Supplement, 2014, sections 28-106, 28-204, 28-394, 28-514, 29-2204.02, 29-2252, 29-2252.01, 29-2260, 29-2262, 29-2263, 29-2266, 29-2268, 47-901, 47-903, 47-908, 60-6,197.03, 71-2482, 83-1,100.02, 83-1,119, 83-1,122, 83-1,122.01, 83-1,135, 83-1,135.02, and 83-4,114, Revised Statutes Supplement, 2015, and section 28-105, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB605, section 6; to exempt certain proceedings from the Nebraska Evidence Rules; to change sentencing provisions; to provide and change penalties for certain offenses; to provide for applicability of certain changes; to change provisions relating to certain offenses; to change provisions relating to post-release supervision, probation, and parole; to change reporting requirements regarding probation and restrictive housing; to require cooperation by and access to information from the Office of Parole Administration; to provide a minimum sentence of imprisonment for certain offenses; to change provisions relating to the Office of Inspector General of the Nebraska Correctional System Act; to change training requirements for certain parole officers; to change appointment and qualification provisions for the Parole Administrator; to change membership of a restrictive housing work group; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:



Baker	Davis	Harr, B.	Lindstrom	Schnoor
Bloomfield	Ebke	Hilkemann	McCollister	Schumacher
Bolz	Fox	Howard	McCoy	Seiler
Brasch	Friesen	Hughes	Mello	Smith
Campbell	Garrett	Johnson	Morfeld	Sullivan
Chambers	Gloor	Kintner	Murante	Watermeier
Coash	Groene	Kolterman	Pansing Brooks	Williams
Cook	Haar, K.	Krist	Riepe	
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 2:

Kolowski      Stinner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1106 with 37 ayes, 2 nays, and 10 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 1106.**

A BILL FOR AN ACT relating to forfeiture of property; to amend sections 28-431, 28-1111, and 28-1463.01, Reissue Revised Statutes of Nebraska, and sections 25-21,302, 28-101, 28-109, 28-416, and 28-813.01, Revised Statutes Supplement, 2015; to change and provide forfeiture provisions for certain offenses as prescribed; to provide for reports regarding forfeitures; to provide duties for a prosecuting attorney seeking forfeiture; to provide restrictions on the disposition of money or property seized as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Baker	Crawford	Hansen	McCollister	Seiler
Bolz	Davis	Harr, B.	Mello	Smith
Brasch	Ebke	Howard	Morfeld	Stinner
Campbell	Friesen	Hughes	Pansing Brooks	Sullivan
Chambers	Garrett	Kolowski	Scheer	Watermeier
Coash	Gloor	Kolterman	Schilz	Williams
Cook	Haar, K.	Krist	Schnoor	
Craighead	Hadley	Lindstrom	Schumacher	

Voting in the negative, 8:

Bloomfield	Groene	Kintner	McCoy
Fox	Johnson	Larson	Riepe

Present and not voting, 3:

Hilkemann	Kuehn	Murante
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **WITHDRAW - Amendment to LB1067**

Senator Chambers withdrew his amendment, AM2910, found on page 1513, to LB1067.

#### **BILLS ON FINAL READING**

##### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1067 with 39 ayes, 4 nays, and 6 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 1067.**

A BILL FOR AN ACT relating to education; to amend sections 79-233, 79-234, 79-235, 79-237, 79-238, 79-241, 79-245, 79-4,119, 79-4,121, 79-4,122, 79-4,123, 79-4,124, 79-4,125, 79-4,126, 79-4,128, 79-528, 79-611, 79-703, 79-1005.01, 79-1007.13, 79-1007.18, 79-1008.02, 79-1009, 79-1022, 79-1024, 79-1033, 79-1036, 79-1041, 79-1073, 79-1075, 79-1083, 79-1084, 79-1086, 79-10,120, 79-10,126, 79-10,126.01, 79-1140, 79-11,155, 79-1241.03, 79-1245, 79-2104, 79-2104.01, 79-2104.02, 79-2104.03, 79-2111, and 79-2117, Reissue Revised Statutes of Nebraska, sections 13-508, 32-546.01, 32-604, 43-2515, 70-651.04, 77-1704.01, and 77-1736.06, Revised Statutes Cumulative Supplement, 2014, and sections 9-812, 13-511, 77-3442, 79-215, 79-1001, 79-1003, 79-1007.11, 79-1017.01, 79-1018.01, and 79-2110, Revised Statutes Supplement, 2015;

to adopt, change, and eliminate provisions relating to lottery proceeds, budget statements, property tax notices, levies, refunds, and distributions, the enrollment option program, open enrollment, accreditation standards, state aid, reorganization of school districts, learning community coordinating councils, the student achievement coordinator, community achievement plans, learning communities, advisory committees, and powers and duties; to change provisions relating to educational service units; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1007.22, 79-1073.01, and 79-2107, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Baker	Ebke	Hughes	McCollister	Schnoor
Bloomfield	Friesen	Johnson	McCoy	Schumacher
Bolz	Garrett	Kintner	Mello	Seiler
Brasch	Gloor	Kolowski	Morfeld	Smith
Campbell	Haar, K.	Kolterman	Murante	Stinner
Coash	Hadley	Kuehn	Riepe	Sullivan
Craighead	Harr, B.	Larson	Scheer	Watermeier
Crawford	Hilkemann	Lindstrom	Schilz	Williams

Voting in the negative, 7:

Chambers	Davis	Groene	Krist
Cook	Fox	Hansen	

Present and not voting, 2:

Howard          Pansing Brooks

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1067A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1067, One Hundred Fourth Legislature, Second Session, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Baker	Garrett	Johnson	Mello	Smith
Bloomfield	Gloor	Kintner	Morfeld	Stinner
Bolz	Haar, K.	Kolowski	Murante	Sullivan
Brasch	Hadley	Kolterman	Riepe	Watermeier
Campbell	Hansen	Kuehn	Scheer	Williams
Craighead	Harr, B.	Larson	Schilz	
Crawford	Hilkemann	Lindstrom	Schnoor	
Ebke	Howard	McCollister	Schumacher	
Friesen	Hughes	McCoy	Seiler	

Voting in the negative, 5:

Chambers	Cook	Fox	Groene	Krist
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Present and not voting, 3:

Coash	Davis	Pansing Brooks
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION - Return LB958 to Select File**

Senator Davis moved to return LB958 to Select File for the following specific amendment:

FA142

Strike the enacting clause.

Senator Davis withdrew his motion to return.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 958.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4212, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to property tax credits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Baker	Ebke	Hilkemann	McCollister	Schumacher
Bloomfield	Fox	Howard	McCoy	Seiler
Bolz	Friesen	Hughes	Mello	Smith
Brasch	Garrett	Johnson	Morfeld	Stinner
Campbell	Gloor	Kintner	Murante	Sullivan
Chambers	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams
Craighead	Hadley	Kuehn	Scheer	
Crawford	Hansen	Larson	Schilz	
Davis	Harr, B.	Lindstrom	Schnoor	

Voting in the negative, 1:

Krist

Present and not voting, 1:

Coash

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 884, 930, 1094, 1106, 1067, 1067A, and 958.

#### **MOTIONS - Return LB947 to Select File**

Senator Kintner moved to return LB947 to Select File for the following specific amendment:

FA138

Strike section 1.

Senator Kintner withdrew his motion to return.

Senator Kintner moved to return LB947 to Select File for the following specific amendment:

FA140

On page 4, line 9, after "(d)" insert "Beginning January 1, 2018".

Senator Kintner withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 947.** With Emergency Clause.

A BILL FOR AN ACT relating to aliens; to amend sections 4-111 and 4-112, Reissue Revised Statutes of Nebraska, and section 38-129, Revised Statutes Cumulative Supplement, 2014; to state intent relating to professional or commercial licenses; to provide for issuance of credentials as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Baker	Ebke	Harr, B.	McCollister	Seiler
Bolz	Friesen	Hilkemann	Mello	Smith
Campbell	Garrett	Howard	Morfeld	Stinner
Chambers	Gloor	Hughes	Pansing Brooks	Sullivan
Coash	Haar, K.	Kolowski	Scheer	Williams
Cook	Hadley	Krist	Schilz	
Crawford	Hansen	Lindstrom	Schumacher	

Voting in the negative, 11:

Bloomfield	Fox	Kuehn	Murante
Brasch	Groene	Larson	Riepe
Davis	Kintner	McCoy	

Present and not voting, 5:

Craighead	Johnson	Kolterman	Schnoor	Watermeier
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**WITHDRAW - Amendments to LB824**

Senator Friesen withdrew his amendments, AM2856, AM2857, AM2858, and AM2859, found on page 1543, to LB824.

**MOTION - Return LB824 to Select File**

Senator Friesen moved to return LB824 to Select File for his specific amendment, AM2860, found on page 1543.

Pending.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 547 and 601.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 627.** Introduced by Hadley, 37.

WHEREAS, nationally renowned wildlife and landscape photographers Joel Sartore and Michael Forsberg are lifelong Nebraskans living in Lincoln; and

WHEREAS, Joel Sartore's photographs from the Photo Ark project grace the cover and several pages of the April 2016 issue of National Geographic; and

WHEREAS, an article on wildlife photography by Michael Forsberg, along with several of his photographs, are featured in the April 2016 issue of Outdoor Photographer; and

WHEREAS, both Joel Sartore and Michael Forsberg bring the beauty of the Nebraska landscape and the bounty of Nebraska's wildlife to the attention of an international audience.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature applauds and commends both of these supremely talented individuals and encourages both to continue to dedicate their efforts to documenting and conserving our natural resources.

2. That a copy of this resolution be sent to Joel Sartore and Michael Forsberg.

Laid over.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 13, 2016, at 10:24 a.m. were the following: LBs 235, 721, 756, 821, 829, 851, and 851A.

Presented to the Governor on April 13, 2016, at 11:05 a.m. were the following: LBs 884, 930, 1094e, 1106, 1067, 1067A, and 958.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**VISITOR(S)**

Visitors to the Chamber were Senator Schnoor's wife, Nickie, and nephews, Jake and Shawn, from Scribner; Pastor Dwayne Hawkins of Billy Graham Evangelistic Association and Antioch Baptist Church and Reverend Perry Gauthier of Capitol Ministries; 46 fourth-grade students from Ft. Calhoun; 20 leaders and volunteers from Young Nebraskans in Action and the Heartland Workers Center; and 55 fourth-grade students from Betz Elementary, Bellevue.

**RECESS**

At 11:57 a.m., on a motion by Senator Krist, the Legislature recessed until 1:00 p.m.

**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 Senators Fox, Larson, Scheer, and Stinner who were excused until they arrive.

**MOTION - Return LB824 to Select File**

Senator Friesen renewed his motion, found in this day's Journal, to return LB824 to Select File for his specific amendment, AM2860, found on page 1543.

Senator McCollister offered the following motion:

MO289

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCollister requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 34:

Bolz	Crawford	Hansen	Lindstrom	Schilz
Brasch	Davis	Harr, B.	McCollister	Seiler
Campbell	Fox	Hilkemann	McCoy	Smith
Chambers	Garrett	Howard	Mello	Stinner
Coash	Gloor	Kolowski	Morfeld	Watermeier
Cook	Haar, K.	Krist	Murante	Williams
Craighead	Hadley	Larson	Pansing Brooks	

Voting in the negative, 11:



Bloomfield	Hughes	Kolterman	Schumacher
Friesen	Johnson	Kuehn	Sullivan
Groene	Kintner	Schnoor	

Present and not voting, 4:

Baker	Ebke	Riepe	Scheer
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The McCollister motion to invoke cloture prevailed with 34 ayes, 11 nays, and 4 present and not voting.

The Friesen motion to return to Select File for his specific amendment, AM2860, failed with 11 ayes, 33 nays, and 5 present and not voting.

### **BILL ON FINAL READING**

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB824 with 37 ayes, 4 nays, and 8 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 824.**

A BILL FOR AN ACT relating to power generation; to amend sections 70-670, 70-1012, and 70-1012.01, Reissue Revised Statutes of Nebraska, sections 70-1001, 70-1001.01, 70-1003, 70-1013, 70-1014, 70-1014.01, 70-1014.02, 70-1015, and 70-1028, Revised Statutes Cumulative Supplement, 2014, and sections 70-1903 and 77-6203, Revised Statutes Supplement, 2015; to prohibit the use of eminent domain as prescribed; to change provisions relating to private developers; to provide, change, and eliminate definitions; to change provisions relating to compensation for certain members of the Nebraska Power Review Board as prescribed; to exempt certain privately developed renewable energy generation facilities from regulation as prescribed; to eliminate provisions related to certified renewable export facilities; to harmonize provisions; to appropriate funds to aid in carrying out the provisions of this legislative bill; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Bolz	Crawford	Hadley	Larson	Riepe
Brasch	Davis	Hansen	Lindstrom	Seiler
Campbell	Ebke	Harr, B.	McCollister	Smith
Chambers	Fox	Hilkemann	Mello	Stinner
Coash	Garrett	Howard	Morfeld	Watermeier
Cook	Gloor	Kolowski	Murante	Williams
Craighead	Haar, K.	Krist	Pansing Brooks	

Voting in the negative, 10:

Bloomfield	Groene	Johnson	Kolterman	Schnoor
Friesen	Hughes	Kintner	Kuehn	Sullivan

Present and not voting, 5:

Baker	McCoy	Scheer	Schilz	Schumacher
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB580 to Select File**

Senator Kintner moved to return LB580 to Select File for his specific amendment, FA124, found on page 1544.

Senator Kintner withdrew his motion to return.

**SPEAKER HADLEY PRESIDING**

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 947 and 824.

**MOTION - Return LB580 to Select File**

Senator Bloomfield moved to return LB580 to Select File for the following specific amendment:

AM2925

(Amendments to Final Reading copy)

1 1. Strike original section 35 and insert the following new sections:  
 2 Sec. 32. Section 32-710, Revised Statutes Supplement, 2015, is  
 3 amended to read:  
 4 32-710 Each political party shall hold a state convention biennially  
 5 on a date to be fixed by the state central committee but not later than  
 6 September 1. Candidates for elective offices may be nominated at such  
 7 conventions pursuant to section 32-627 or 32-721. Such nominations shall  
 8 be certified to the Secretary of State by the chairperson and secretary  
 9 of the convention. The certificates shall have the same force and effect

10 as nominations in primary elections. A political party may not nominate a  
11 candidate at the convention for an office for which the party did not  
12 nominate a candidate at the primary election except as provided for new  
13 political parties in section 32-621. The convention shall ~~formulate and~~  
14 ~~promulgate a state platform~~, select a state central committee, select  
15 electors for President and Vice President of the United States, and  
16 transact the business which is properly before it. ~~One presidential~~  
17 ~~elector shall be chosen from each congressional district, and two~~  
18 ~~presidential electors shall be chosen at large.~~ The officers of the  
19 convention shall certify the names of the electors to the Governor and  
20 Secretary of State.

21 Sec. 33. Section 32-713, Revised Statutes Cumulative Supplement,  
22 2014, is amended to read:

23 32-713 (1) The certificates of appointment for presidential electors  
24 shall be served by the Governor on each person appointed. The Governor  
25 shall notify the presidential electors to be at the State Capitol at noon  
26 on the first Monday after the second Wednesday in December after  
1 appointment and report to the Governor at his or her office in the  
2 capitol as being in attendance. The Governor shall serve the certificates  
3 of appointment by registered or certified mail. In submitting this  
4 state's certificate of ascertainment as required by 3 U.S.C. 6, the  
5 Governor shall certify this state's presidential electors and state in  
6 the certificate that:

7 (a) The presidential electors will serve as presidential electors  
8 unless a vacancy occurs in the office of presidential elector before the  
9 end of the meeting at which the presidential electors cast their votes,  
10 in which case a substitute presidential elector will fill the vacancy;  
11 and

12 (b) If a substitute presidential elector is appointed to fill a  
13 vacancy, the Governor will submit an amended certificate of ascertainment  
14 stating the names on the final list of this state's presidential  
15 electors.

16 (2) The presidential electors shall convene at 2 p.m. of such Monday  
17 at the Governor's office in the capitol. Each presidential elector shall  
18 execute the following pledge: As a presidential elector duly selected (or  
19 appointed) for this position, I agree to serve and to mark my ballots for  
20 President and Vice President for the presidential and vice-presidential  
21 candidates who received the highest number of votes in the state ~~if I am~~  
22 ~~an at large presidential elector or the highest number of votes in my~~  
23 ~~congressional district if I am a congressional district presidential~~  
24 ~~elector.~~

25 Sec. 34. Section 32-714, Revised Statutes Cumulative Supplement,  
26 2014, is amended to read:

27 32-714 (1) The Governor shall provide each presidential elector with  
28 a list of all the presidential electors. If any presidential elector is  
29 absent or if there is a deficiency in the proper number of presidential  
30 electors, those present shall elect from the citizens of the state so  
31 many persons as will supply the deficiency and immediately issue a  
1 certificate of election, signed by those present or a majority of them,

2 to the person or persons so chosen. In case of failure to elect as  
3 required in this subsection by 3 p.m. of such day or in case of a vacancy  
4 created under subsection (4) of this section, the Governor shall fill the  
5 vacancies by appointment. Each appointee shall execute the pledge in  
6 section 32-713. After all vacancies are filled, the presidential electors  
7 shall proceed with the election of a President of the United States and a  
8 Vice President of the United States and certify their votes in conformity  
9 with the Constitution and laws of the United States.

10 (2) The Secretary of State shall provide each presidential elector  
11 with a presidential and vice-presidential ballot. Each ~~at large~~  
12 presidential elector shall mark his or her ballot for the presidential  
13 and vice-presidential candidates who received the highest number of votes  
14 in the state and consistent with his or her pledge. ~~Each congressional~~  
15 ~~district presidential elector shall mark his or her ballot for the~~  
16 ~~presidential and vice-presidential candidates who received the highest~~  
17 ~~number of votes in his or her congressional district and consistent with~~  
18 ~~his or her pledge.~~

19 (3) Each presidential elector shall present the completed ballot to  
20 the Secretary of State. The Secretary of State shall examine each ballot  
21 and accept as cast each ballot marked by a presidential elector  
22 consistent with his or her pledge. The Secretary of State shall not  
23 accept and shall not count the ballot if the presidential elector has not  
24 marked the ballot or has marked the ballot in violation of his or her  
25 pledge.

26 (4) A presidential elector who refuses to present a ballot, who  
27 attempts to present an unmarked ballot, or who attempts to present a  
28 ballot marked in violation of his or her pledge vacates the office of  
29 presidential elector.

30 Sec. 35. Section 32-1038, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1 32-1038 (1) The board of state canvassers shall authorize the  
2 Secretary of State to open the abstracts of votes from the various  
3 counties and prepare an abstract stating the number of ballots cast for  
4 each office, the names of all the persons voted for, for what office they  
5 respectively received the votes, and the number of votes each received.  
6 The abstract shall be signed by the members of the board and shall have  
7 the seal of the state affixed by the Secretary of State. The canvass of  
8 the votes for candidates for President and Vice President of the United  
9 States and the return thereof shall be a canvass and return of the votes  
10 cast for the presidential electors of the same party or group of  
11 petitioners respectively, and the certificate of such election made by  
12 the Governor shall be in accord with such return. Receipt by the  
13 presidential electors of a party or a group of petitioners of the highest  
14 number of votes statewide shall constitute election of the ~~two at large~~  
15 ~~presidential electors of that party or group of petitioners. Receipt by~~  
16 ~~the presidential electors of a party or a group of petitioners of the~~  
17 ~~highest number of votes in a congressional district shall constitute~~  
18 ~~election of the congressional district presidential elector of that party~~  
19 ~~or group of petitioners.~~

20 (2) The board of state canvassers shall determine from the completed  
 21 abstract the names of those candidates who have been nominated or  
 22 elected. If any two or more persons are returned with an equal and the  
 23 highest number of votes, the board of state canvassers shall decide by  
 24 lot which of such persons is elected except for officers elected to the  
 25 executive branch. The board of state canvassers shall also declare those  
 26 measures carried which have received the required percentage of votes as  
 27 provided by law.

28 Sec. 39. Original sections 32-1038, 49-1493, and 49-1499.03,  
 29 Reissue Revised Statutes of Nebraska, sections 32-713 and 32-714, Revised  
 30 Statutes Cumulative Supplement, 2014, and section 32-710, Revised  
 31 Statutes Supplement, 2015, are repealed.

1 2. On page 1, strike beginning with "redistricting" in line 1  
 2 through line 6 and insert "elections; to amend sections 32-1038, 49-1493,  
 3 and 49-1499.03, Reissue Revised Statutes of Nebraska, sections 32-713 and  
 4 32-714, Revised Statutes Cumulative Supplement, 2014, and section 32-710,  
 5 Revised Statutes Supplement, 2015; to adopt the Redistricting Act; to  
 6 change provisions relating to state political party conventions and  
 7 selection of and ballots cast by presidential electors; to require  
 8 statements of financial interest and conflict of interest statements as  
 9 prescribed; to harmonize provisions; to provide severability; and to  
 10 repeal the original sections."

11 3. Renumber the remaining sections accordingly.

Senator Murante offered the following motion:

MO290

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Bloomfield requested a roll call vote on the motion to invoke  
 cloture.

Voting in the affirmative, 35:

Baker	Crawford	Haar, K.	Larson	Schilz
Bolz	Davis	Hadley	McCollister	Schumacher
Campbell	Ebke	Hansen	Mello	Seiler
Chambers	Fox	Harr, B.	Morfeld	Stinner
Coash	Friesen	Kolowski	Murante	Sullivan
Cook	Garrett	Kolterman	Pansing Brooks	Watermeier
Craighead	Gloor	Krist	Scheer	Williams

Voting in the negative, 11:

Bloomfield	Hilkemann	Kintner	McCoy
Brasch	Hughes	Kuehn	Riepe
Groene	Johnson	Lindstrom	

Present and not voting, 2:

Schnoor      Smith

Excused and not voting, 1:

Howard

The Murante motion to invoke cloture prevailed with 35 ayes, 11 nays, 2 present and not voting, and 1 excused and not voting.

The Bloomfield motion to return to Select File for his specific amendment, AM2925, failed with 16 ayes, 27 nays, 5 present and not voting, and 1 excused and not voting.

### **BILL ON FINAL READING**

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB580 with 38 ayes, 2 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 580.**

A BILL FOR AN ACT relating to redistricting; to amend sections 49-1493 and 49-1499.03, Reissue Revised Statutes of Nebraska; to adopt the Redistricting Act; to require statements of financial interest and conflict of interest statements as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Baker	Crawford	Hansen	Mello	Schumacher
Bolz	Davis	Harr, B.	Morfeld	Seiler
Campbell	Garrett	Kolowski	Murante	Stinner
Chambers	Gloor	Kolterman	Pansing Brooks	Sullivan
Coash	Haar, K.	Krist	Scheer	Williams
Cook	Hadley	McCollister	Schilz	

Voting in the negative, 15:

Bloomfield	Ebke	Groene	Johnson	Lindstrom
Brasch	Fox	Hilkemann	Kintner	McCoy
Craighead	Friesen	Hughes	Kuehn	Smith

Present and not voting, 4:

Larson          Riepe          Schnoor          Watermeier

Excused and not voting, 1:

Howard

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**WITHDRAW - Amendment to LB716**

Senator Kintner withdrew his amendment, FA125, found on page 1544, to LB716.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 716.**

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,153, 60-6,154, and 60-6,317, Reissue Revised Statutes of Nebraska; to provide for the right-of-way for pedestrians; to provide and eliminate requirements for persons operating bicycles; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Baker	Davis	Harr, B.	Lindstrom	Schumacher
Bolz	Ebke	Hilkemann	McCollister	Seiler
Campbell	Friesen	Johnson	Mello	Smith
Chambers	Garrett	Kintner	Morfeld	Stinner
Coash	Gloor	Kolowski	Pansing Brooks	Sullivan
Cook	Haar, K.	Kolterman	Scheer	Williams
Craighead	Hadley	Krist	Schilz	
Crawford	Hansen	Kuehn	Schnoor	

Voting in the negative, 3:

Bloomfield      Groene          McCoy

Present and not voting, 7:

Brasch        Hughes        Murante        Watermeier  
Fox            Larson        Riepe

Excused and not voting, 1:

Howard

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 580 and 716.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 455.** Read. Considered.

**SENATOR KRIST PRESIDING**

Committee AM2521, found on page 945, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator K. Haar offered his amendment, AM2892, found on page 1508.

The K. Haar amendment was adopted with 29 ayes, 2 nays, 16 present and not voting, and 2 excused and not voting.

LR455, as amended, was adopted with 28 ayes, 3 nays, 16 present and not voting, and 2 excused and not voting.

**LEGISLATIVE RESOLUTION 414.** Read. Considered.

Pending.

**LEGISLATIVE RESOLUTION 415.** Read. Considered.

LR415 was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.



**MESSAGE(S) FROM THE GOVERNOR**

April 13, 2016

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 686, 744, 835, 843, 874e, 1000, 1012, 1066, 1098, 1098A, and 1110e were received in my office on April 7, 2016.

These bills were signed and delivered to the Secretary of State on April 13, 2016.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 13, 2016, at 2:50 p.m. were the following: LBs 947e and 824.

Presented to the Governor on April 13, 2016, at 4:52 p.m. were the following: LBs 580 and 716.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**ANNOUNCEMENT**

The Building Maintenance Committee will meet Wednesday, April 20, 2016, at 8:00 a.m. in Senator Watermeier's office.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 1048.** Placed on General File with amendment.  
AM2930

1 1. On page 6, line 20, strike "seventy" and insert "five" and after  
2 "dollars" insert "per year".

(Signed) Mike Gloor, Chairperson

**COMMITTEE REPORT**

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR455.

(Signed) Matt Hansen, Chairperson

**ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 455.** Introduced by Haar, K., 21; Mello, 5.

WHEREAS, climate change presents serious, diverse, and ongoing issues for Nebraska. Many sectors are impacted, including water resources, agriculture, health care, energy generation and use, ecosystems, forestry, rural and urban communities, and insurance. Nebraska's life-giving water and soil resources will be subject to new stresses and risks. The impacts of climate change are projected to become far more serious for future generations; and

WHEREAS, the 2014 report by the University of Nebraska-Lincoln (UNL) entitled "Understanding and Assessing Climate Change: Implications for Nebraska" provides a compilation of the scientific basis for understanding the impacts of climate change for our state; and

WHEREAS, stakeholder roundtables on the impacts of climate change representing the various sectors impacted by climate change were conducted in 2015 as a followup to the UNL report; and

WHEREAS, both the UNL report and the report from the stakeholder roundtables recommended the creation of a climate action plan. As the UNL report stated, "Action now is preferable and more cost effective than reaction later"; and

WHEREAS, the 2015 Nebraska Rural Poll found that 61 percent of rural Nebraskans agree or strongly agree that the state should develop a plan to address the impacts of climate change; and

WHEREAS, an effective plan is needed both to reduce the potential negative impacts of climate change and to enable the state and its communities to take advantage of opportunities from adaptation and mitigation strategies, including attracting new businesses and investment to Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature calls for the Executive Board of the Legislative Council to appoint a special committee to examine issues related to the impacts of climate change on the State of Nebraska and its residents, including assessments of vulnerability, risks, and economic impacts. The committee shall also examine opportunities, including methods of producing food, generating power, or protecting land and water, that can be used to

adapt and mitigate the impacts of climate change and that will provide jobs and economic benefits to Nebraskans. The committee shall consist of the following members:

(a) The chairperson of the Appropriations Committee of the Legislature or his or her designee;

(b) The chairperson of the Natural Resources Committee of the Legislature or his or her designee; and

(c) Five at-large members of the Legislature appointed by the Executive Board of the Legislative Council.

2. The committee members shall select co-chairpersons from the membership of the committee.

3. The committee shall gather, share, examine, and analyze data and information related to the impacts of climate change on the State of Nebraska and its resources and people.

4. The committee shall examine laws, policies, and planning efforts related to climate change in other states, and current laws, programs, and policies in the State of Nebraska that are related to climate change.

5. The committee shall examine funding opportunities including grant programs and opportunities to work with state agencies, political subdivisions, and educational institutions.

6. The committee shall establish a framework for a plan for the State of Nebraska related to the impacts of climate change on Nebraskans that includes:

(a) Measurable goals for addressing the negative impacts of climate change and opportunities to benefit Nebraskans, including strategies for adaptation and mitigation; and

(b) Recommendations for new policies and changes to policies and programs that support such goals based on the information and data collected and generated, as well as funding needs and recommendations for legislation.

7. The committee shall seek information and encourage participation from state agencies, political subdivisions, educational institutions, academic experts, advocacy organizations, and members of the public in exploring methods to address issues of climate change as well as opportunities to adapt, mitigate, and create resiliency related to climate change. The committee may conduct one or more public hearings to gather such information.

8. The committee shall submit a framework for a climate plan together with its findings and recommendations to the Legislature on or before December 31, 2016.

### **VISITOR(S)**

Visitors to the Chamber were 52 fourth-grade students from Birchcrest Elementary, Bellevue; Senator Gloor's fiancée, Marie de Martinez, from Grand Island; and 16 fourth-grade students from Omaha Christian.

The Doctor of the Day was Dr. David Minnick from Broken Bow.

**ADJOURNMENT**

At 5:45 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Wednesday, April 20, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTIETH DAY - APRIL 20, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 20, 2016

**PRAYER**

The prayer was offered by Senator Campbell.

**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 Senator Fox who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-ninth day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

April 15, 2016

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 935 without my signature and with my objections.

LB 935 includes many provisions that would operationally assist the Auditor of Public Accounts. I do not object to those policy changes. Unfortunately, the new proposal to convert the reimbursement of state employee travel costs from the current system of paying based on the submission of actual receipts to a new system based upon the federal government's per diem rate will increase costs to the State, decrease taxpayer transparency, and open the door for the misuse of taxpayer dollars.

I am pleased to let you know that I have reached an agreement with Auditor Janssen to work with him on a new proposal for next year. With additional vetting, I believe we can achieve the policy objective of LB 935 and reduce bureaucratic paperwork. There were several good government measures in this bill, and we will work on this issue before the next legislative session to come up with a solution that both respects the taxpayer and reduces bureaucratic audit processes.

For these reasons, I respectfully urge you to sustain my veto of LB 935.

Sincerely,  
(Signed) Pete Ricketts  
Governor

April 15, 2016

Mr. President, Mr. Speaker, and  
Members of the Nebraska Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 947e without my signature and with my objections.

As I wrote to you earlier this week, not only is the bill unfair but I have serious concerns on the breadth and scope of LB 947. While proponents of this legislation have artfully focused only on the DACA youth, the bill, in its current form, would provide business licenses to a much broader group of illegal immigrants than just the young adults under the federal DACA program.

LB 947 clearly will require state agencies to issue Nebraska business licenses to multiple classes of non-qualified aliens, including those persons who have a pending application for asylum, those who have, or are pending review for, temporary protected status, and those individuals granted temporary deferred action status – a status which is much more expansive than covering only DACA youth.

I understand the desire to help these individuals, but first let's review how we got to this point and what passing LB 947 will ultimately mean for the State of Nebraska.

On June 15, 2012, President Obama usurped congressional authority and created the "Deferred Action for Childhood Arrivals ("DACA")" initiative. Deferred action, by federal definition, does not provide anyone with lawful permanent resident status or any legal status in the United States. It confers no legal immigration status, nor a pathway to citizenship.

DACA status does not confer any right or ability to remain permanently in the United States. It is merely an indication that deportation proceedings for illegal immigrants will not occur within a time specified by the federal government.

The President's unilateral executive action created a temporary status that placed a large group of illegal immigrants in limbo. There are currently estimated to be over 3,000 individuals in Nebraska with DACA status.

On November 20, 2014, President Obama once again usurped congressional authority and unilaterally announced his "Deferred Action for Parents of Americans and Lawful Permanent Residents ("DAPA")" initiative. There are an estimated 18,000 individuals in Nebraska with this status and with the proposed extended DACA status.

Last year, the U.S. District Court for the Southern District of Texas issued a preliminary injunction against implementation of DAPA and further expansion of the DACA status. The federal court agreed with Nebraska and 25 other states which sued the federal government challenging the lack of the President's authority to create an immigration status out of thin air.

A federal circuit court then agreed that the DACA and DAPA temporary stay of deportation status conferred by the President was not lawful.

Next week, the U.S. Supreme Court will consider arguments and review the legality of the DACA and DAPA initiatives. A decision is expected within the next several months. Depending on the Supreme Court's decision, or a new president's policy, or further action taken by the states, there could be a reversal or complete elimination of the DACA and DAPA deferred action status.

LB 947 is premature and exacerbates the uncertain situation of individuals in a deferred action status. It is also an attempt to codify benefits in state law at the same time as there are serious legal challenges to the federal government's extension of the temporary deferred status to the DACA and DAPA groups.

The extension of business licenses proposed in this bill is not a policy that has long-term solutions in mind. It is poorly conceived policy that does not consider what happens when the deferred status is removed – by federal court order or by a change in federal policy.

LB 947 is an affront to the individuals who are observing our laws and navigating proper immigration channels to obtain jobs and legal status. The enactment of this bill would unjustly allow individuals who are here illegally to be ahead of those who have been waiting years to be granted a proper permanent or legal status in our country.

For each of these reasons, I urge you to sustain my veto of LB 947.

Sincerely,  
(Signed) Pete Ricketts  
Governor

April 18, 2016

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 400, 400A, 465, 465A, 467e, 467Ae, 505, 505A, 683, 722, 722A, 745, 746e, 746Ae, 754, 754A, 774e, 774Ae, 803e, 830, 867, 886, 886A, 889, 889A, 919, 919A, 934e, 934A, 938e, 977e, 977Ae, 1022e, 1033e, 1038, 1038A, 1105e, and 1105Ae were received in my office on April 12, 2016.

These bills were signed and delivered to the Secretary of State on April 18, 2016.

Sincerely,  
(Signed) Pete Ricketts  
Governor

April 18, 2016

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 959e and 959Ae were received in my office on April 12, 2016.

These bills were signed and delivered to the Secretary of State on April 18, 2016.

Sincerely,  
(Signed) Pete Ricketts  
Governor



April 18, 2016

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 960e and 960Ae were received in my office on April 12, 2016.

These bills were signed and delivered to the Secretary of State on April 18, 2016.

Sincerely,  
(Signed) Pete Ricketts  
Governor

April 18, 2016

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 580 without my signature and with my objections.

The legislation has been described as an effort to remove partisanship from the redistricting process by creating and authorizing a so-called "Independent Redistricting Citizen's Advisory Commission" to perform this constitutionally required function.

LB 580 presents serious concerns regarding the partisan political nature of the newly created commission and raises significant constitutional questions. The bill creates what could become a hyper-partisan, unelected advisory commission that will likely be comprised of former political party activists and former elected officials.

Under the Nebraska Constitution, the people's elected representatives in our non-partisan Legislature are required to redistrict every ten years. While redistricting can be a tough process, handing this vital authority over to an unelected board -- which will be appointed by legislative caucuses based upon partisan political party affiliation -- is outside the spirit and tradition of our non-partisan Unicameral Legislature.

Article III, Section 5 of Nebraska's Constitution requires the Legislature to conduct legislative redistricting; not anyone else. The bill does not merely

delegate details of the redistricting process to an administrative advisory agency, rather it improperly delegates nearly all of the actual aspects of redistricting authority to an "advisory commission."

Under LB 580, only the unelected advisory commission can draft redistricting bills. Those bills do not receive a formal public hearing by a legislative committee -- a requirement for all other legislative bills. Instead, the highly substantive and politically sensitive redistricting plans are placed immediately on General File for the first round of debate.

While there is no bar in the Constitution precluding the Legislature from seeking input or advice, the bill presents an improper delegation of legislative power in violation of Article III, Section 1 of the Nebraska Constitution.

The Legislature may not properly delegate to an advisory commission power that is solely conferred upon the Legislature by the Constitution. The Legislature is granted the explicit authority to draw district boundaries for the U.S. House of Representatives, the Legislature, State Supreme Court, Board of Regents, Public Service Commission, and the State Board of Education.

Another constitutional problem with LB 580 is its requirement to have the Secretary of State provide formal opinions regarding the constitutionality of the proposed maps. This is clearly a legal function; therefore, the bill infringes on the actual and inherent duties of the Nebraska Attorney General as set forth in Article IV, Section 1 of the Constitution. The Legislature may not delegate duties or powers of one constitutional officer to another officer or agency.

Pragmatic considerations also exist with the actual structure of the bill. The timeline in it presents challenges and increases the likelihood of a needing a special session to be called for the purpose of enacting redistricting plans.

LB 580 proposes a major policy shift that violates several provisions of Nebraska's Constitution. At stake are the voting rights of all Nebraskans. Contemplating a better way to do redistricting than has been done in the past is not a bad thing. Doing redistricting as proposed in LB 580 is unworkable.

For each of these reasons, I respectfully urge you to sustain my veto of LB 580.

Sincerely,  
(Signed) Pete Ricketts  
Governor

April 18, 2016

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I have signed LB 867 but am returning LB 867A with line-item reductions. My vetoes in LB 867A, Section 2, total \$43,621 General Funds and \$21,489 Salary Limit in FY 2016-17.

LB 867A, Section 2, appropriates the incorrect amounts to the Department of Corrections in FY 2016-17 and FY 2017-18 to implement LB 867.

My line-item reductions correct LB 867A to comport with the costs of LB 867 for FY 2016-17 according to the fiscal note prepared by the Legislative Fiscal Office.

I urge you to sustain these technical reductions to LB 867A.

Sincerely,  
(Signed) Pete Ricketts  
Governor

April 18, 2016

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I have signed LB 938 but am returning LB 938A with line-item reductions. My vetoes in LB 938A, Section 1, total a \$1,000,000 Cash Fund reduction in FY 2015-2016, a \$1,267,833 Cash Fund reduction in FY 2016-17, and a PSL reduction of \$165,741 in FY 2016-17.

LB 938A does not correctly appropriate the funds necessary to implement the provisions of LB 938.

My line-item reductions correct LB 938A to comport with the costs of LB 938 according to the fiscal note prepared by the Public Service Commission and the Legislative Fiscal Office.

I urge you to sustain my technical line-item reductions in LB 938A.

Sincerely,  
(Signed) Pete Ricketts  
Governor

April 19, 2016

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 235, 716, 721, 756, 821, 824, 829, 851, 851A, 884, 930, 958, 1067, 1094e, and 1106 were received in my office on April 13, 2016.

These bills were signed and delivered to the Secretary of State on April 19, 2016.

Sincerely,  
(Signed) Pete Ricketts  
Governor

April 19, 2016

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I have signed LB 1067 but am returning LB 1067A with line-item reductions. My vetoes in LB 1067A total a \$3,855,627 General Fund appropriation reduction and a \$3,855,627 earmark reduction in FY 2017-18.

LB 1067 was passed by the Legislature with several adopted amendments which changed the financial requirements of the bill. My line-item reductions merely reflect the final cost estimates of LB 1067 provided by the Legislative Fiscal Office on final passage and reflected on the Legislature's General Fund Financial Status.

I urge the Legislature to sustain my technical line-item reductions in LB 1067A.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 19, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

American Communications Group, Inc.  
Nebraska Psychological Association

**PRESENTED TO THE SECRETARY OF STATE**

Presented to the Secretary of State on April 4, 2016, was the following:  
LR381.

(Signed) Jamie Leishman  
Clerk of the Legislature's Office

**MOTION - Override Veto on LB947**

Senator Mello offered the following motion to LB947:  
MO291  
Becomes law notwithstanding the objections of the Governor.

Senator Davis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Senator Mello moved for a call of the house. The motion prevailed with 48 ayes, 0 nays, and 1 not voting.

Senator Mello requested a roll call vote on the motion to override the Governor's veto.

Voting in the affirmative, 31:

Baker	Ebke	Hilkemann	Morfeld	Stinner
Bolz	Garrett	Howard	Pansing Brooks	Sullivan
Campbell	Gloor	Kolowski	Scheer	Williams
Chambers	Haar, K.	Krist	Schilz	
Coash	Hadley	Lindstrom	Schumacher	
Cook	Hansen	McCollister	Seiler	
Crawford	Harr, B.	Mello	Smith	

Voting in the negative, 13:

Bloomfield	Davis	Kintner	Murante	Watermeier
Brasch	Fox	Kuehn	Riepe	
Craighead	Groene	McCoy	Schnoor	

Present and not voting, 5:

Friesen	Hughes	Johnson	Kolterman	Larson
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 626.** Read. Considered.

LR626 was adopted with 37 ayes, 0 nays, and 12 present and not voting.

**LEGISLATIVE RESOLUTION 627.** Read. Considered.

LR627 was adopted with 34 ayes, 0 nays, and 15 present and not voting.

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 620, 621, 622, 623, 624, and 625 were adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 620, 621, 622, 623, 624, and 625.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 415, 455, 626, and 627.

**COMMUNICATION**

April 20, 2016

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB947e with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB947e, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jl  
Enc.

**CERTIFICATE**

Legislative Bill 947e, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 20th day of April 2016.

(Signed) Mike Foley  
President of the Legislature

**COMMUNICATION(S)**

April 20, 2016

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Ricketts of LB935, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jl

April 20, 2016

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Ricketts of LB580, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jl

April 20, 2016

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Ricketts of LB867A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jl

April 20, 2016

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by



Governor Ricketts of LB938A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jl

April 20, 2016

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Ricketts of LB1067A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jl

#### **EXECUTIVE BOARD REPORT**

Senator Krist, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

LB1083 – Venture Development and Innovation Task Force:

Senators Davis, Kolterman, Schumacher, Stinner, Watermeier, and Williams.

In addition, the Executive Board appointed Senator Watermeier as the Chairperson and Senator Williams as the Vice Chairperson of the committee.

LB1093 – Bioscience Steering Committee:

Senators Johnson, Kuehn, and Morfeld;  
Senator Schumacher as the designee from the Revenue Committee; and  
Senator Mello, Chairperson of the Appropriations Committee.

In addition, the Executive Board appointed Senator Morfeld as the Chairperson and Senator Kuehn as the Vice Chairperson of the committee.

LR547 – Tribal Economic Development Committee:

Senators Larson and Schilz;  
Senator Lindstrom, Chairperson of the State-Tribal Relations Committee;  
Senator Mello, Chairperson of the Appropriations Committee; and  
Senator Smith, as the designee from the Revenue Committee.

LR601 – Special committee to review present facilities and determine the needs and options for developing a regional certified crime laboratory in the Omaha area:

Senators Chambers, Kolowski, and McCollister;  
Senator Mello, Chairperson of the Appropriations Committee;  
Senator Hilkemann, member of the Appropriations Committee;  
Senator Seiler, Chairperson of the Judiciary Committee; and  
Senator Williams, member of the Judiciary Committee.

LR455 – Special committee to examine issues relating to the impacts of climate change on the State of Nebraska.

Senators K. Haar, Mello, Pansing Brooks, Stinner, Kuehn, Schilz, and Larson.

(Signed) Bob Krist, Chairperson  
Legislative Council, Executive Board

**MOTION - Notify Governor**

Senator Bloomfield moved that a committee of five be appointed to notify the Governor that the One Hundred Fourth Legislature, Second Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Cook, K. Haar, Coash, McCoy, and Schilz to serve on said committee.

The committee returned and escorted Governor Pete Ricketts to the rostrum where he delivered a message to the members.

The committee escorted Governor Pete Ricketts from the Chamber.

**SPEAKER HADLEY PRESIDING**

**SENATOR COASH PRESIDING**

**MOTION - Disposition of Bills**

Senator Sullivan moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed.

The motion prevailed.

**MOTION - Committee Records**

Senator Gloor moved that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

**MOTION - Legislative Journal, Session Laws, and Indexes**

Senator Campbell moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the permanent Legislative Journal and Session Laws.

The motion prevailed.

**MOTION - Sixtieth Day Journal**

Senator Mello moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

**VISITOR(S)**

Visitors to the Chamber were Senator Johnson's wife, Arlene, from Wahoo; Joel and Kathy Sartore from Lincoln; Senator Sullivan's husband, Mike, grandchildren, River, Clara, and Nora, daughters, Jill and Molly, and son-in-law, John Morrow; Senator Mello's wife, Catherine, daughter, Angelina, and son, John, from Omaha; 22 fourth-grade students from Freeman Public, Adams; 8 fourth-grade students from Howells-Dodge Consolidated, Dodge; Senator McCoy's father and mother, John and Tracy, from Omaha; Senator Gloor's wife, Marie de Martinez-Gloor, from Grand Island; Senator Coash's wife and son, Rhonda and Cole, from Lincoln; Senator Seiler's wife, Jo; Senator McCoy's wife and children, Shauna, Audrey, Ryan, Nora, Tess, and Millie; members of South Omaha High School, Young Nebraskans in Action, Heartland Worker Center, Justice for Our Neighbors, and Nebraska Appleseed, from Lincoln and Omaha; 30 fourth-grade students from Southern Elementary, Blue Springs; Kathy Utter

from Hastings and Denise Ott from Gretna; Senator Schilz's wife, son, and daughter, Deb, Jake, and Libby, from Ogallala; Taylor Finke from Malcolm and Jack Borden from Naperville, IL.

The Doctor of the Day was Dr. Patrick Hotovy from York.

**MOTION - Adjourn Sine Die**

Speaker Hadley moved that the One Hundred Fourth Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 1:32 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell  
Clerk of the Legislature