

FOURTEENTH DAY - JANUARY 28, 2014**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 28, 2014

PRAYER

The prayer was offered by Pastor Chip Winter, Christ Lutheran Church, Norfolk.

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 Senators Ashford, Christensen, Conrad, Harms, Karpisek, Lautenbaugh, Mello, Murante, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 272. Placed on Select File with amendment.
ER129

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 46-1101, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 46-1101 Sections 46-1101 to 46-1148 and section 3 of this
- 6 act shall be known and may be cited as the Nebraska Chemigation
- 7 Act.
- 8 Sec. 2. Section 46-1103, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 46-1103 For purposes of the Nebraska Chemigation Act,
- 11 unless the context otherwise requires, the definitions found in
- 12 sections 46-1104 to 46-1116 and section 3 of this act shall apply.
- 13 Sec. 3. Working day shall mean Monday through Friday but
- 14 shall not include Saturday, Sunday, or a federal or state holiday.

15 In computing two working days, the day of receipt of the permit is
16 not included and the last day of the two working days is included.

17 Sec. 4. Section 46-1119, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 46-1119 (1) A person may file an application with the
20 district for an emergency permit on forms provided by the district.
21 The district shall review each emergency application and approve
22 or deny the application within ~~forty-eight hours~~ two working days
23 after the application is filed. An emergency application shall be
1 approved and a permit issued by the district if the irrigation
2 distribution system complies with the equipment requirements of
3 section 46-1127 and the applicator has been certified under
4 sections 46-1128 and 46-1129. If the district has not denied
5 an emergency permit within ~~forty-eight hours~~ two working days, it
6 shall be deemed approved. Such permit shall be valid for a period
7 of forty-five days from the date of issuance.

8 ~~(2) The application for an emergency permit shall be~~
9 ~~accompanied by a fee of one hundred dollars payable to the~~
10 ~~district. Ninety dollars of the fee shall be retained by the~~
11 ~~district, and ten dollars shall be paid by the district to the~~
12 ~~department. The application shall contain the same information as~~
13 ~~required in section 46-1120.~~

14 (2) The application for an emergency permit shall be
15 accompanied by a fee as established in 46-1121 not to exceed
16 five hundred dollars payable to the district. For each permit,
17 ten dollars shall be paid by the district to the department.
18 The application shall contain the same information as required in
19 section 46-1120.

20 (3) Any holder of an emergency permit or an applicator
21 applying chemicals pursuant thereto who violates any of the
22 provisions of this section shall have such permit automatically
23 revoked without a hearing and shall be guilty of a Class II
24 misdemeanor.

25 Sec. 5. Section 46-1121, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 46-1121 ~~(1) The fee for initial application for a permit~~
1 ~~or special permit shall be thirty dollars payable to the district.~~
2 ~~Twenty-five dollars of the fee shall be retained by the district~~
3 ~~and five dollars paid by the district to the department.~~

4 ~~The annual fee for renewal of a permit or special permit~~
5 ~~shall be ten dollars paid to the district. Two dollars of the~~
6 ~~annual fee shall be paid by the district to the department.~~

7 (1) To aid in defraying the cost of administration
8 of the Nebraska Chemigation Act, the district shall collect an
9 initial application fee for a permit, a special permit fee,
10 an annual renewal fee, and an emergency permit fee. The fees
11 shall be established by the district and shall be sufficient to
12 cover the ongoing administrative costs and the costs of annual
13 inspection programs by the district and department. The fees

14 collected pursuant to this section shall be established by the
 15 district in the amount necessary to pay reasonable costs of
 16 administering the permit program pursuant to the act. The fee for
 17 a permit and special permit shall not exceed one hundred fifty
 18 dollars. The fee for a renewal permit shall not exceed one hundred
 19 dollars. The fees for an emergency permit under section 46-1119
 20 shall not exceed five hundred dollars. The district shall adopt and
 21 promulgate rules and regulations establishing a fee schedule to be
 22 paid to the district by a person or persons applying for a permit
 23 to operate a chemigation system.

24 (2) The fee for initial application for a permit or
 25 special permit shall be payable to the district. For each permit,
 26 five dollars shall be paid by the district to the department.

27 (3) The annual fee for renewal of a permit or special
 1 permit shall be payable to the district. For each permit, two
 2 dollars of the annual fee shall be paid by the district to the
 3 department.

4 (4) All fees shall be used by the district and the
 5 department to administer the Nebraska Chemigation Act. The
 6 department's fee shall be credited to the Chemigation Costs Fund
 7 which is hereby created. All fees collected by the department
 8 pursuant to the act shall be remitted to the State Treasurer for
 9 credit to the fund. Transfers may be made from the fund to the
 10 General Fund at the direction of the Legislature. Any money in the
 11 Chemigation Costs Fund available for investment shall be invested
 12 by the state investment officer pursuant to the Nebraska Capital
 13 Expansion Act and the Nebraska State Funds Investment Act.

14 ~~(2)~~(5) All permits issued pursuant to sections 46-1117
 15 and 46-1117.01 shall be annual permits and shall expire each year
 16 on June 1. A permit may be renewed each year upon payment of
 17 the annual renewal fee and completion of a form provided by the
 18 district which lists the names of all chemicals used in chemigation
 19 the previous year. Once a permit has expired, it shall not be
 20 reinstated without meeting all of the requirements for a new permit
 21 including an inspection and payment of the initial application fee.

22 Sec. 6. Original sections 46-1101, 46-1103, 46-1119, and
 23 46-1121, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 514. Placed on Select File with amendment.
 ER130

1 1. Strike original section 4 and insert the following new
 2 section:

3 Sec. 4. Section 81-15,151, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 81-15,151 (1)(a) The Wastewater Treatment Facilities
 6 Construction Loan Fund is hereby created. The fund shall be
 7 held as a trust fund for the purposes and uses described in the
 8 Wastewater Treatment Facilities Construction Assistance Act.

9 (b) The fund shall consist of federal capitalization

10 grants, state matching appropriations, repayments of principal and
 11 interest on loans, and other money designated for the fund. The
 12 ~~Director of Environmental Quality~~ director may make loans from the
 13 fund pursuant to the act and may use up to four percent of all
 14 federal capitalization grant awards to the fund for the reasonable
 15 cost of administering the fund and conducting activities under
 16 Title VI of the federal Clean Water Act. The state investment
 17 officer shall invest any money in the fund available for investment
 18 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 19 State Funds Investment Act, except that (i) amounts designated
 20 by the director for use in the linked deposit program shall be
 21 deposited with eligible financial institutions by the director and
 22 (ii) any bond proceeds in the fund shall be invested in accordance
 23 with the terms of the documents under which the bonds are issued.

1 The state investment officer may direct that the bond proceeds
 2 shall be deposited with the bond trustee for investment. Investment
 3 earnings shall be credited to the fund.

4 (c) The department may create or direct the creation
 5 of accounts within the fund as the department determines to be
 6 appropriate and useful in administering the fund and in providing
 7 for the security, investment, and repayment of bonds.

8 (d) The fund and the assets thereof may be used, to
 9 the extent permitted by the Clean Water Act, as amended, and
 10 the regulations adopted and promulgated pursuant to such act,
 11 (i) to pay or to secure the payment of bonds and the interest
 12 thereon, except that amounts deposited into the fund from state
 13 appropriations and the earnings on such appropriations may not be
 14 used to pay or to secure the payment of bonds or the interest
 15 thereon, (ii) to deposit as provided by the linked deposit program,
 16 and (iii) to buy or refinance the debt obligation of municipalities
 17 for wastewater treatment works if the debt was incurred and
 18 construction was begun after March 7, 1985. Eligibility and terms
 19 of such refinancing shall be in accordance with the Wastewater
 20 Treatment Facilities Construction Assistance Act.

21 ~~Prior to December 31, 1996, money or obligations from the~~
 22 ~~Petroleum Release Remedial Action Cash Fund may be transferred to~~
 23 ~~or deposited in the Wastewater Treatment Facilities Construction~~
 24 ~~Loan Fund as designated by the Director of Environmental Quality.~~
 25 ~~Prior to December 31, 1996, the fund and the assets thereof,~~
 26 ~~including federal capitalization grants, not otherwise pledged for~~
 27 ~~inconsistent purposes may be, to the extent permitted by the Clean~~
 1 ~~Water Act, as amended, and the regulations adopted and promulgated~~
 2 ~~pursuant to such act, in whole or in part transferred to or~~
 3 ~~invested in obligations of the Petroleum Release Remedial Action~~
 4 ~~Cash Fund at the direction of the director in a manner consistent~~
 5 ~~with section 66-1519.01.~~

6 (2)(a) There is hereby created the Construction
 7 Administration Fund. Any funds available for administering loans
 8 or fees collected pursuant to the Wastewater Treatment Facilities

9 Construction Assistance Act shall be deposited in such fund. The
 10 fund shall be administered by the department for the purposes
 11 of the act. The state investment officer shall invest any money
 12 in the fund available for investment pursuant to the Nebraska
 13 Capital Expansion Act and the Nebraska State Funds Investment Act.
 14 Investment earnings shall be credited to the fund.

15 (b) ~~The fund Construction Administration Fund~~ and assets
 16 thereof may be used, to the extent permitted by the Clean Water
 17 Act and the regulations adopted and promulgated pursuant to such
 18 act, to fund subdivisions ~~(9), (10), and (11), (12), and (13)~~
 19 of section 81-15,153. The annual obligation of the state pursuant
 20 to subdivisions ~~(9) and (11) and (13)~~ of such section shall not
 21 exceed sixty-five percent of the revenue from administrative fees
 22 collected pursuant to this section in the prior fiscal year.

23 (c) The director may transfer any money in the
 24 Construction Administration Fund to the Wastewater Treatment
 25 Facilities Construction Loan Fund to meet the nonfederal match
 26 requirements of any applicable federal capitalization grants or to
 27 meet the purposes of subdivision ~~(9)-(11)~~ of section 81-15,153.

1 2. On page 1, line 5, after the semicolon insert
 2 "to state findings; to define terms; to eliminate obsolete
 3 provisions;".

LEGISLATIVE BILL 597. Placed on Select File.

LEGISLATIVE BILL 513. Placed on Select File.

LEGISLATIVE BILL 278. Placed on Select File.

LEGISLATIVE BILL 588. Placed on Select File with amendment.

ER131

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 23-2529, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 23-2529 ~~Veterans preference shall be granted to all~~
 6 ~~applicants who are otherwise eligible for employment and who~~
 7 ~~request such preference on their applications. In order to receive~~
 8 ~~preference, the veteran must submit a copy of his or her discharge~~
 9 ~~papers and, for disability credit, proof from the United States~~
 10 ~~Department of Veterans Affairs that the disability is at least ten~~
 11 ~~percent. To the passing score of veteran candidates, ten points~~
 12 ~~shall be added for a disabled veteran and five points for all other~~
 13 ~~veterans.~~

14 Veterans preference shall be given in accordance with
 15 sections 48-225 to 48-231.

16 Sec. 2. Section 48-225, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 48-225 ~~As used in For purposes of~~ sections 48-225 to
 19 48-231; ~~unless the context otherwise requires:~~

20 (1) Veteran means

21 (a) ~~A~~ ~~any~~ person who served full-time duty with military
22 pay and allowances in the armed forces of the United States,
23 except for training or for determining physical fitness, and
1 was discharged or otherwise separated with a characterization of
2 honorable or general (under honorable conditions); or

3 (b) The spouse of a veteran who has a one hundred percent
4 permanent disability as determined by the United States Department
5 of Veterans Affairs;

6 (2) Full-time duty means duty during time of war or
7 during a period recognized by the United States Department of
8 Veterans Affairs as qualifying for veterans benefits administered
9 by the department and that such duty from January 31, 1955, to
10 February 28, 1961, exceeded one hundred eighty days unless lesser
11 duty was the result of a service-connected or service-aggravated
12 disability;

13 (3) Disabled veteran means an individual who has served
14 on active duty in the armed forces of the United States, has
15 been discharged or otherwise separated with a characterization
16 of honorable or general (under honorable conditions) therefrom,
17 and has established the present existence of a service-connected
18 disability or is receiving compensation, disability retirement
19 benefits, or pension because of a public statute administered by
20 the United States Department of Veterans Affairs or a military
21 department; and

22 (4) Preference eligible means any veteran as defined in
23 this section.

24 Sec. 3. Section 48-227, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 48-227 (1) Veterans who obtain passing scores on all
27 parts or phases of an examination or numerical scoring shall have
1 five percent added to their passing score if a claim for such
2 preference is made on the application. An additional five percent
3 shall be added to the passing score or numerical scoring of any
4 disabled veteran.

5 (2) When no examination or numerical scoring is used, the
6 preference shall be given to the qualifying veteran if two or more
7 equally qualified candidates are being considered for the position.

8 (3) All notices of positions of employment available for
9 veterans preference and all applications for such positions by
10 the state or its governmental subdivisions shall state that the
11 position is subject to a veterans preference.

12 (4) A veteran desiring to use a veterans preference
13 shall provide the hiring authority with a copy of the veteran's
14 Department of Defense Form 214, also known as the DD Form 214.
15 A spouse of a veteran desiring to use a veterans preference
16 shall provide the hiring authority with a copy of the veteran's
17 Department of Defense Form 214, a copy of the veteran's disability
18 verification from the United States Department of Veterans Affairs
19 demonstrating a one hundred percent permanent disability rating.

20 and proof of marriage to the veteran. Any marriage claimed for
 21 veteran preference must be valid under Nebraska law.
 22 (5) Within thirty days after filling a position, veterans
 23 who have applied and are not hired shall be notified by regular
 24 mail, electronic mail, telephone call, or personal service that
 25 they have not been hired. Such notice also shall advise the veteran
 26 of any administrative appeal available.

27 Sec. 4. This act becomes operative on January 1, 2015.

1 Sec. 5. Original sections 23-2529, 48-225, and 48-227,

2 Reissue Revised Statutes of Nebraska, are repealed.

3 2. On page 1, strike lines 2 through 6 and insert "and

4 48-227, Reissue Revised Statutes of Nebraska; to change employment

5 preference provisions; to provide an operative date; and to repeal

6 the original sections."

LEGISLATIVE BILL 96. Placed on Select File with amendment.

ER132

1 1. On page 2, line 22, strike "2013" and insert "2014".

2 2. On page 3, line 3, strike "2013" and insert "2014".

(Signed) John Murante, Chairperson

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 681. Placed on General File.

(Signed) Galen Hadley, Chairperson

NOTICE OF COMMITTEE HEARING

Transportation and Telecommunications

Room 1113

Tuesday, February 4, 2014 1:30 p.m.

LB701

LB727

LB816

LB910

(Signed) Annette Dubas, Chairperson

GENERAL FILE

LEGISLATIVE BILL 144. Senator Davis renewed his amendment, FA183, found on page 368.

Senator Chambers offered the following motion:

MO120

Bracket until April 17, 2014.

SENATOR GLOOR PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers motion to bracket failed with 13 ayes, 20 nays, 14 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Davis withdrew his amendment.

Senator Brasch moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Brasch requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 28:

Avery	Coash	Harms	McCoy	Sullivan
Bloomfield	Crawford	Janssen	Murante	Wallman
Bolz	Garrett	Johnson	Nelson	Watermeier
Brasch	Gloor	Kintner	Pirsch	Wightman
Carlson	Hadley	Larson	Schilz	
Christensen	Hansen	Lautenbaugh	Seiler	

Voting in the negative, 6:

Chambers	Cook	Kolowski
Conrad	Karpisek	Schumacher

Present and not voting, 13:

Adams	Davis	Harr, B.	Lathrop	Nordquist
Ashford	Dubas	Howard	McGill	
Campbell	Haar, K.	Krist	Mello	

Excused and not voting, 2:

Scheer Smith

Advanced to Enrollment and Review Initial with 28 ayes, 6 nays, 13 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 739. Placed on General File.

LEGISLATIVE BILL 150. Placed on General File with amendment.

AM1711

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 14-2138, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 14-2138 The metropolitan utilities district shall pay to
- 6 the city of the metropolitan class a sum equivalent to two percent
- 7 of the annual gross revenue derived from all retail sales of water
- 8 and gas sold by such district within such city, except that until
- 9 January 1, 2020, retail sales of gas shall not include the retail
- 10 sale of natural gas used as vehicular fuel. Such sum shall be paid
- 11 on a quarterly basis, the last quarterly payment to be made not
- 12 later than the thirtieth day of January of the next succeeding
- 13 year, except that annual payments to such city shall not be less
- 14 than five hundred thousand dollars. Such city shall not levy or
- 15 collect any license, occupation, or excise tax upon or from such
- 16 district. All payments provided by this section shall be allocated
- 17 by the district among the several utilities operated by it upon
- 18 such basis as the district shall determine.
- 19 Sec. 2. Section 14-2139, Reissue Revised Statutes of
- 20 Nebraska, is amended to read:
- 21 14-2139 A metropolitan utilities district shall pay to
- 22 every city or village of any class, other than metropolitan, in
- 23 which such district sells water or gas, or both, at retail, a sum
- 1 equivalent to two percent of the annual gross revenue derived from
- 2 all retail sales of water or gas, or both, sold by such district
- 3 within the city or village, except that until January 1, 2020,
- 4 retail sales of gas shall not include the retail sale of natural
- 5 gas used as vehicular fuel. Such sums shall be paid not later
- 6 than the thirtieth day of January of the next succeeding year.
- 7 Such cities or villages shall not levy or collect any license,
- 8 occupation, or excise tax upon or from such district. All payments
- 9 provided by this section shall be allocated by the district among
- 10 the several utilities operated by it upon such basis as the
- 11 district shall determine.
- 12 Sec. 3. Section 66-6,102, Reissue Revised Statutes of

13 Nebraska, is amended to read:

14 66-6,102 Gallon equivalent means: ~~the~~

15 (1) For compressed natural gas, the amount of any
 16 ~~nonliquid compressed fuel compressed natural gas~~ that is deemed
 17 to be the energy equivalent of a gallon of gasoline according to
 18 the National Institute of Standards and Technology Handbook 130
 19 entitled Uniform Regulation for the Method of Sale of Commodities,
 20 ~~Regulation, Paragraph 2.27.1.3; or;~~

21 (2) For liquefied natural gas, the amount of liquefied
 22 natural gas that is deemed to be the energy equivalent of a gallon
 23 of diesel fuel at diesel fuel's lower heating value of one hundred
 24 twenty-eight thousand seven hundred British thermal units, which
 25 amount shall be equal to six and six-hundredths pounds of liquefied
 26 natural gas.

27 Sec. 4. Section 77-2704.13, Reissue Revised Statutes of
 1 Nebraska, is amended to read:

2 77-2704.13 Sales and use taxes shall not be imposed on
 3 the gross receipts from the sale, lease, or rental of and the
 4 storage, use, or other consumption in this state of:

5 (1) Sales and purchases of electricity, coal, gas, fuel
 6 oil, diesel fuel, tractor fuel, propane, gasoline, coke, nuclear
 7 fuel, butane, wood as fuel, and corn as fuel when more than fifty
 8 percent of the amount purchased is for use directly in irrigation
 9 or farming;

10 (2) Sales and purchases of such energy sources or fuels
 11 ~~made before April 1, 1993, or after March 31, 1994,~~ when more
 12 than fifty percent of the amount purchased is for use directly
 13 in processing, manufacturing, or refining, in the generation of
 14 electricity, in the compression of natural gas for retail sale
 15 as a vehicle fuel, or by any hospital; and ~~The state tax paid~~
 16 ~~on purchases of such energy sources or fuels during the period~~
 17 ~~beginning April 1, 1993, and ending March 31, 1994, shall not~~
 18 ~~exceed one hundred thousand dollars for any one location when more~~
 19 ~~than fifty percent of the amount purchased is for use directly~~
 20 ~~in processing, manufacturing, or refining or by any hospital. All~~
 21 ~~purchases of such energy sources or fuels for use in the generation~~
 22 ~~of electricity during the period beginning April 1, 1993, and~~
 23 ~~ending March 31, 1994, shall be taxable. Any taxpayer who has paid~~
 24 ~~the limit of state tax on such energy sources or fuels at one~~
 25 ~~location shall be exempt on all other qualifying purchases at such~~
 26 ~~location. Such taxpayer shall be entitled to a refund of any amount~~
 27 ~~of state or local option tax paid on an energy source or fuel~~
 1 ~~exempt under this subdivision. A refund shall be made pursuant to~~
 2 ~~section 77-2708; and~~

3 (3) Sales and purchases of water used for irrigation of
 4 agricultural lands and manufacturing purposes.

5 Sec. 5. This act becomes operative on January 1, 2015.

6 Sec. 6. Original sections 14-2138, 14-2139, 66-6,102, and
 7 77-2704.13, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Galen Hadley, Chairperson

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 2102

Tuesday, February 4, 2014 1:30 p.m.

LB1008

(Signed) Ken Schilz, Chairperson

Health and Human Services

Room 1510

Wednesday, February 5, 2014 1:30 p.m.

LB854

LB1076

LB994

Thursday, February 6, 2014 1:30 p.m.

LB898

LB1088

LB1050

Wednesday, February 12, 2014 1:30 p.m.

LB1072

LB1078

LB1017

Wednesday, February 19, 2014 1:30 p.m.

LB1054

LB1107

LB852

Friday, February 21, 2014 1:30 p.m.

LR422

(Signed) Kathy Campbell, Chairperson

Urban Affairs

Room 1510

Tuesday, February 4, 2014 1:30 p.m.

LB1095 (cancel)

Tuesday, February 11, 2014 1:30 p.m.

LB1095

(Signed) Amanda McGill, Chairperson

Judiciary

Room 1113

Wednesday, February 5, 2014 1:30 p.m.

LB677

LR399

AM1674 - LB464

(Signed) Brad Ashford, Chairperson

Executive Board

Room 2102

Monday, February 10, 2014 12:00 p.m.

LR400

LR424

(Signed) John Wightman, Chairperson

COMMITTEE REPORTS

Revenue

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.

Nancy Salmon - Tax Equalization and Review Commission

Aye: 8 Hadley, Hansen, B. Harr, Janssen, McCoy, Pirsch, Schumacher, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

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.

Kim Conroy - Tax Commissioner, Department of Revenue

Aye: 8 Hadley, Hansen, B. Harr, Janssen, McCoy, Pirsch, Schumacher, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Galen Hadley, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 425. Introduced by Avery, 28.

WHEREAS, Troop 16 of the Boy Scouts of America in Lincoln, Nebraska, will celebrate its 100th anniversary on April 25, 2014; and

WHEREAS, on May 19, 1914, Southview Christian Church at 22nd & South Streets in Lincoln took out a charter to sponsor Boy Scout Troop 16; and

WHEREAS, the sponsorship of Troop 16 by Southview Christian Church represents the longest consecutive charter in the Cornhusker Council of the Boy Scouts of America; and

WHEREAS, the Cornhusker Council provides scouting services to over 11,000 youth in southeast Nebraska, including the counties of Lancaster, Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, Gage, Jefferson, Thayer, Saline, Fillmore, Seward, York, Polk, and Butler; and

WHEREAS, Troop 16 has a rather unique record in that there have only been ten scoutmasters since original inception: Bruce Yoho, Ward Betzer, Howard Wilbur, Kenneth Alles, Barney McLaughlin, Jim Hedrick, John Mahaney, John Salistean, Eric Schoen, and Ron Souliere; and

WHEREAS, Troop 16 has produced more than sixty Eagle Scouts which is the highest rank attainable in the Boy Scouts. The title is held for life, thus giving rise to the saying: "Once an Eagle, always an Eagle"; and

WHEREAS, the mission of the Boy Scouts of America is to prepare young boys to make ethical and moral choices in their lifetimes by instilling in them the values of the scout oath and law; and

WHEREAS, the mission of Troop 16 is to offer responsible fun and adventure, instill lifetime values, develop ethical character, provide training in citizenship, service, and leadership, and serve America's communities and families through its quality, value-based program; and

WHEREAS, Troop 16 has produced many young men who have demonstrated charisma, personal integrity, and high moral and ethical character and who have become community and business leaders in Nebraska.

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

1. That the Legislature congratulates Southview Christian Church and Boy Scout Troop 16 of Lincoln on the celebration of the 100th anniversary of Troop 16.

2. That a copy of this resolution be sent to Southview Christian Church and Boy Scout Troop 16.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 687A. Introduced by Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 687, One Hundred Third Legislature, Second Session, 2014.

LEGISLATIVE BILL 725A. 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 725, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 382. Title read. Considered.

Senator Chambers offered his amendment, FA178, found on page 370.

SENATOR WATERMEIER PRESIDING

SPEAKER ADAMS PRESIDING

Pending.

AMENDMENTS - Print in Journal

Senator K. Haar filed the following amendment to LB382:
AM1700

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 32-710, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 32-710 Each political party shall hold a state
- 6 postprimary convention biennially on a date to be fixed by the
- 7 state central committee but not later than September 1. Candidates
- 8 for elective offices may be nominated at such conventions pursuant
- 9 to section 32-627 or 32-721. Such nominations shall be certified

10 to the Secretary of State by the chairperson and secretary of the
 11 convention. The certificates shall have the same force and effect
 12 as nominations in primary elections. A political party may not
 13 nominate a candidate at the convention for an office for which
 14 the party did not nominate a candidate at the primary election
 15 except as provided for new political parties in section 32-621. The
 16 convention shall formulate and promulgate a state platform, select
 17 a state central committee, select electors for President and Vice
 18 President of the United States, and transact the business which is
 19 properly before it. One presidential elector shall be chosen from
 20 each ~~congressional public service commissioner district, and two~~
 21 ~~presidential electors shall be chosen at large.~~ The officers of the
 22 convention shall certify the names of the electors to the Governor
 23 and Secretary of State.

1 Sec. 2. Section 32-714, Reissue Revised Statutes of
 2 Nebraska, is amended to read:

3 32-714 The Governor shall provide each presidential
 4 elector with a list of all the electors. If any elector is absent
 5 or if there is a deficiency in the proper number of electors, those
 6 present shall elect from the citizens of the state so many persons
 7 as will supply the deficiency and immediately issue a certificate
 8 of election, signed by those present or a majority of them, to the
 9 person or persons so chosen. In case of failure to elect by 3 p.m.
 10 of such day, the Governor shall fill the vacancies by appointment.
 11 After all vacancies are filled, the college of electors shall
 12 proceed with the election of a President of the United States and
 13 a Vice President of the United States and certify their votes in
 14 conformity with the Constitution and laws of the United States.
 15 ~~Each at large presidential elector shall cast his or her ballot~~
 16 ~~for the presidential and vice presidential candidates who received~~
 17 ~~the highest number of votes in the state. Each congressional~~
 18 ~~district presidential elector shall cast his or her ballot for~~
 19 the presidential and vice-presidential candidates who received the
 20 highest number of votes in his or her ~~congressional~~ district.

21 Sec. 3. Section 32-1038, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 32-1038 (1) The board of state canvassers shall authorize
 24 the Secretary of State to open the abstracts of votes from the
 25 various counties and prepare an abstract stating the number of
 26 ballots cast for each office, the names of all the persons voted
 27 for, for what office they respectively received the votes, and
 1 the number of votes each received. The abstract shall be signed
 2 by the members of the board and shall have the seal of the state
 3 affixed by the Secretary of State. The canvass of the votes for
 4 candidates for President and Vice President of the United States
 5 and the return thereof shall be a canvass and return of the votes
 6 cast for the presidential electors of the same party or group of
 7 petitioners respectively, and the certificate of such election made
 8 by the Governor shall be in accord with such return. ~~Receipt by~~

9 ~~the presidential electors of a party or a group of petitioners~~
 10 ~~of the highest number of votes statewide shall constitute election~~
 11 ~~of the two at large presidential electors of that party or group~~
 12 ~~of petitioners. Receipt by the presidential electors of a party~~
 13 ~~or a group of petitioners of the highest number of votes in a~~
 14 ~~congressional public service commissioner district shall constitute~~
 15 ~~election of the congressional district presidential elector of that~~
 16 party or group of petitioners.

17 (2) The board of state canvassers shall determine from
 18 the completed abstract the names of those candidates who have been
 19 nominated or elected. If any two or more persons are returned
 20 with an equal and the highest number of votes, the board of state
 21 canvassers shall decide by lot which of such persons is elected
 22 except for officers elected to the executive branch. The board of
 23 state canvassers shall also declare those measures carried which
 24 have received the required percentage of votes as provided by law.

25 Sec. 4. Original sections 32-714 and 32-1038, Reissue
 26 Revised Statutes of Nebraska, and section 32-710, Revised Statutes
 27 Cumulative Supplement, 2012, are repealed.

Senator K. Haar filed the following amendment to LB382:
 AM1701

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 32-710, Revised Statutes Cumulative
 4 Supplement, 2012, is amended to read:
 5 32-710 Each political party shall hold a state
 6 postprimary convention biennially on a date to be fixed by the
 7 state central committee but not later than September 1. Candidates
 8 for elective offices may be nominated at such conventions pursuant
 9 to section 32-627 or 32-721. Such nominations shall be certified
 10 to the Secretary of State by the chairperson and secretary of the
 11 convention. The certificates shall have the same force and effect
 12 as nominations in primary elections. A political party may not
 13 nominate a candidate at the convention for an office for which
 14 the party did not nominate a candidate at the primary election
 15 except as provided for new political parties in section 32-621. The
 16 convention shall formulate and promulgate a state platform, select
 17 a state central committee, select electors for President and Vice
 18 President of the United States, and transact the business which is
 19 properly before it. ~~One presidential elector shall be chosen from~~
 20 ~~each congressional district, and two~~ Five presidential electors
 21 shall be chosen at large. The officers of the convention shall
 22 certify the names of the electors to the Governor and Secretary
 23 of State.

1 Sec. 2. Section 32-714, Reissue Revised Statutes of
 2 Nebraska, is amended to read:
 3 32-714 The Governor shall provide each presidential
 4 elector with a list of all the electors. If any elector is

5 absent or if there is a deficiency in the proper number of
 6 electors, those present shall elect from the citizens of the state
 7 so many persons as will supply the deficiency and immediately issue
 8 a certificate of election, signed by those present or a majority
 9 of them, to the person or persons so chosen. In case of failure to
 10 elect by 3 p.m. of such day, the Governor shall fill the vacancies
 11 by appointment. After all vacancies are filled, the college of
 12 electors shall proceed with the election of a President of the
 13 United States and a Vice President of the United States and certify
 14 their votes in conformity with the Constitution and laws of the
 15 United States. ~~Each at large presidential elector shall cast his~~
 16 ~~or her ballot for the presidential and vice presidential candidates~~
 17 ~~who received the highest number of votes in the state. Each~~
 18 ~~congressional district presidential elector shall cast his or her~~
 19 ~~ballot for the presidential and vice presidential candidates who~~
 20 ~~received the highest number of votes in his or her congressional~~
 21 ~~district. The presidential electors shall be divided among nominees~~
 22 for President of the United States by multiplying the number of
 23 presidential electors by the percentage of the statewide popular
 24 vote received by a nominee for President of the United States and
 25 rounding up to the nearest whole number, subject to the following:

26 (1) If the total number of presidential electors
 27 allocated to all candidates is greater than the number of available
 1 electors, the number of presidential electors allocated to the
 2 nominee with the smallest percentage of the statewide popular vote
 3 shall be reduced by one; and

4 (2) If necessary, the process in subdivision (1) of this
 5 section shall be repeated, starting with the nominee for President
 6 of the United States who finished next to last in the statewide
 7 popular vote and ending with the nominee for President of the
 8 United States who finished second in the statewide popular vote.

9 Sec. 3. Section 32-1038, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 32-1038 (1) The board of state canvassers shall authorize
 12 the Secretary of State to open the abstracts of votes from the
 13 various counties and prepare an abstract stating the number of
 14 ballots cast for each office, the names of all the persons voted
 15 for, for what office they respectively received the votes, and
 16 the number of votes each received. The abstract shall be signed
 17 by the members of the board and shall have the seal of the
 18 state affixed by the Secretary of State. The canvass of the votes
 19 for candidates for President and Vice President of the United
 20 States and the return thereof shall be a canvass and return of
 21 the votes cast for the presidential electors of the same party
 22 or group of petitioners respectively, and the certificate of
 23 such election made by the Governor shall be in accord with such
 24 return. ~~Receipt by the presidential electors of a party or a group~~
 25 ~~of petitioners of the highest number of votes statewide shall~~
 26 ~~constitute election of the two at large presidential electors of~~

27 ~~that party or group of petitioners. Receipt by the presidential~~
 1 ~~electors of a party or a group of petitioners of the highest number~~
 2 ~~of votes in a congressional district shall constitute election of~~
 3 ~~the congressional district presidential elector of that party or~~
 4 ~~group of petitioners.~~
 5 (2) The board of state canvassers shall determine from
 6 the completed abstract the names of those candidates who have been
 7 nominated or elected. If any two or more persons are returned
 8 with an equal and the highest number of votes, the board of state
 9 canvassers shall decide by lot which of such persons is elected
 10 except for officers elected to the executive branch. The board of
 11 state canvassers shall also declare those measures carried which
 12 have received the required percentage of votes as provided by law.
 13 Sec. 4. Original sections 32-714 and 32-1038, Reissue
 14 Revised Statutes of Nebraska, and section 32-710, Revised Statutes
 15 Cumulative Supplement, 2012, are repealed.

Senator Schilz filed the following amendment to LB942:
 AM1721

- 1 1. On page 2, lines 5, 14 and 15, and 21, strike "beef or
- 2 dairy"; and in lines 6 and 7 strike "or milk or dairy products".

RESOLUTION

LEGISLATIVE RESOLUTION 426. Introduced by Sullivan, 41; Carlson, 38; Dubas, 34; K. Haar, 21; Hansen, 42; Wallman, 30; Wightman, 36.

WHEREAS, the first two components of the land grant mission, teaching and research, were created by the federal Morrill Act in 1862 and the federal Hatch Act of 1887; and

WHEREAS, the development of the integrated land grant mission of teaching, research, and extension grew out of a need to secure and expand the economic, social, and environmental resources of the young and growing nation; and

WHEREAS, the Smith-Lever Act, also known as the Agriculture Extension Act, was passed by Congress in 1914 and provided for vocational education in the areas of agriculture and home economics for individuals not attending college; and

WHEREAS, Congress also passed the Smith-Lever Act in an effort to support the troops abroad and conserve resources at home while extending the philosophy of farmers' cooperative demonstration work; and

WHEREAS, the Smith-Lever Act established cooperative agriculture extension at the county, state, and federal levels for the purpose of sharing useful and practical information with the American homemaker and farmer, and solidified an educational partnership between the United States Department of Agriculture and the land grant universities in creating the Cooperative Extension System; and

WHEREAS, on May 8, 2014, the University of Nebraska-Lincoln Extension, a component of the Cooperative Extension System, will celebrate 100 years of elevating youth, families, farms, and communities in Nebraska; and

WHEREAS, to celebrate 100 years of service, University of Nebraska-Lincoln Extension is planning 100 celebrations across Nebraska in 2014 at each county extension office and research center, and at every campus in the University of Nebraska system; and

WHEREAS, festivities will begin on February 6, 2014, at the annual extension meeting in Lincoln and will conclude on August 30, 2014, at the Nebraska State Fair in Grand Island.

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

1. That the Legislature recognizes May 8, 2014, as the 100th anniversary of passage of the federal Smith-Lever Act, and congratulates University of Nebraska-Lincoln Extension on its 100 years of service to Nebraska.

2. That the Legislature acknowledges the wide range of services that University of Nebraska-Lincoln Extension provides to Nebraska youth, families, farms, and communities throughout the state, and appreciates the great work of Extension professionals and volunteers across Nebraska and their contributions to the lives and livelihoods of Nebraskans.

3. That a copy of this resolution be sent to University of Nebraska-Lincoln Extension.

Laid over.

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senators Conrad and Bolz have filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

UNANIMOUS CONSENT - Add Cointroducers

Senator Conrad asked unanimous consent to add her name as cointroducer to LB1085. No objections. So ordered.

Senators Lautenbaugh, Murante, and Schilz asked unanimous consent to add their names as cointroducers to LB382. No objections. So ordered.

VISITORS

Visitors to the Chamber were Michael McCabe, Director of Midwestern Region Council of State Governments; and John Surman from Eagle.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Wednesday, January 29, 2014.

Patrick J. O'Donnell
Clerk of the Legislature