

EIGHTH DAY - JANUARY 17, 2014
LEGISLATIVE JOURNAL
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 17, 2014

PRAYER

The prayer was offered by Senator Krist.

ROLL CALL

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

The roll was called and all members were present except Senator McGill who was excused; and Senators Ashford, Conrad, Harms, B. Harr, Karpisek, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Monday, January 27, 2014 1:30 p.m.

Jerome Fagerland - State Highway Commission
Doug Leafgreen - State Highway Commission
Ronald Books - State Highway Commission
E.J. Militti Jr. - State Highway Commission
LB911
LB736

(Signed) Annette Dubas, Chairperson

EXECUTIVE BOARD REPORT

Senator Wightman, Chairperson of the Executive Board, reported the appointment of the following member of the Legislature to the following special committee:

Homeland Security Policy Group

Senator Tommy L. Garrett

(Signed) John Wightman, Chairperson
Legislative Council, Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 16, 2014, 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
Manheims Omaha Auto Auction
Monsanto
Nebraska Agri-Business Association
Nebraska Hotel & Motel Association, Inc.
Omaha Police Officers Association
Vehicle and Truck Cleaning Tax Association
Babcock, Marsha L.
Mechanical Contractors Association of Omaha, Inc.
Blomstedt, Matthew L.
Educational Service Unit Coordinating Council (Withdrawn 1/16/2014)
Brashear, Kermit A.
Lutheran Home, The
Bromm, Curt/Bromm & Associates
Douglas County West Community Schools
Nebraska Medical Center
Clark, Jennifer
Brennan Center for Justice
Miller, Amy A.
ACLU Nebraska
O'Hara Lindsay & Associates, Inc.
City of Kearney
Institute of Scrap Recycling Industries, Inc., Northwest Chapter
Nebraskans for Rate Equity
Peterson, Chris
CP Strategies LLC
Radcliffe, Walter H. of Radcliffe and Associates
Bluestem Energy Solutions
Ragland, Jina
Nebraska Medical Association
Stitt, Carol
League of Nebraska Municipalities

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>

ANNOUNCEMENT

The Chair announced today is Senator Schilz's birthday.

GENERAL FILE

LEGISLATIVE BILL 399. Senator Chambers offered the following amendment:

FA172

Amend FA171

In line 4 after "attorney" add "with the approval of the county board".

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 his amendment.

Voting in the affirmative, 7:

Ashford	Campbell	Conrad	Lathrop
Brasch	Chambers	Haar, K.	

Voting in the negative, 32:

Adams	Crawford	Harms	McCoy	Seiler
Avery	Davis	Janssen	Mello	Sullivan
Bloomfield	Dubas	Johnson	Murante	Watermeier
Carlson	Garrett	Karpisek	Nelson	Wightman
Christensen	Gloor	Kintner	Nordquist	
Coash	Hadley	Larson	Pirsch	
Cook	Hansen	Lautenbaugh	Scheer	

Present and not voting, 9:

Bolz	Howard	Krist	Schumacher	Wallman
Harr, B.	Kolowski	Schilz	Smith	

Excused and not voting, 1:

McGill

The Chambers amendment lost with 7 ayes, 32 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA173

Amend FA171

On page 1, lines 4 and 5 after the word "attorney" insert "with the approval of the county board".

SENATOR WATERMEIER PRESIDING

SENATOR GLOOR PRESIDING

Pending.

MOTION - Escort Chief Justice

Senator Wightman 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 Ashford, Lathrop, Pirsch, Nelson, and Seiler 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, and fellow Justices of the Nebraska Supreme Court. I would like to thank the members of this legislative body, and specifically thank Speaker Greg Adams, for once again inviting me to address you.

As always, it is an honor for me to report on the Court's accomplishments during the last year and to discuss the Court's future. First, let me introduce my fellow Justices.

To my immediate right is Justice John Wright of Scottsbluff. Next to Justice Wright is Justice Kenneth Stephan of Lincoln. To the right of Justice Stephan is Justice Lindsey Miller-Lerman of Omaha.

To my immediate left is Justice Michael McCormack also of Omaha. And to Justice McCormack's left is Justice William Cassel of O'Neill. Justice William Connolly of Hastings is unable to be with us today.

The core mission of our Judicial Branch is to do justice, resolve disputes, provide equal protection to all citizens, and ensure due process of law. That mission has not changed since Nebraska became a state in 1867, but how we carry out that mission has changed over the years. And 2013 was a year of especially significant change for Nebraska's courts.

Today I will speak to you about the change in the Judicial Branch's service to juveniles; sentencing alternatives in adult courts; guardianship

reform; evaluation of Nebraska's Parenting Act; Judicial Branch technology; and the ongoing challenge of providing language access in our courts.

Service to Juveniles

First, as you are aware, the Judicial Branch has embarked on one of its biggest challenges in recent years: The statewide expansion of juvenile justice within our probation system, which began with the passage of LB561 in May 2013.

Many people have been involved in this project. I would especially like to extend my gratitude to Senators Brad Ashford, Kathy Campbell, and Bob Krist for their considerable leadership efforts in seeing this reform materialize. I would also like to thank our probation staff. Upon passage of LB561, they immediately began working toward implementation of this important legislation.

To quote a long-time leader in juvenile justice in Nebraska, "LB561 is one of the most influential and forward [looking] pieces of legislation to be passed by our State Legislature [and] will be recognized as a 'game changer' in helping our youth."

To implement LB561, the Office of Probation Administration is focused on four core objectives in the supervision of juveniles:

1. Fewer kids will be in detention or in foster care;
2. There will be earlier identification of the rehabilitative services needed for children and families;
3. Probation officers will proactively provide meaningful supervision for children and families to ensure access to appropriate services; and finally,
4. If out-of-home child placement is necessary, successful transition back into the family home and community will be a priority.

The implementation of LB561 has required skillful planning, scheduling, and cooperation with many of our local community and State partners. In addition to hiring and training 171 new Probation staff across the State, we have encouraged local communities to provide additional services for juveniles and their families.

We constantly seek updates from our judges, our Through the Eyes of the Child teams, and the Department of Health and Human Services. We have also taken advantage of community justice forums such as the one held in North Platte by Voices for Children and have participated at meetings of the Nebraska Association of County Officials and the State's Regional Behavioral Health Administrators. We have found this community input to be a vital part of the system reform effort.

Likewise, I invite members of this Legislature, and all parties interested in assisting with the successful implementation of LB561, to contact our probation administration or local probation offices with comments, questions, or concerns.

The first year of the implementation process of LB561 is on schedule and will be completed by June.

Sentencing Alternatives

Now I will speak to you about adult sentencing alternatives. In Nebraska, adult community corrections programs are staffed by probation officers. These officers are employed by the Supreme Court using State tax dollars, but they are stationed in our local county courthouses. Community corrections alternatives to incarceration include drug and specialty courts and Probation's Specialized Substance Abuse Supervision programs, otherwise known as "SSAS."

Let me first call your attention to the Young Adult Court in Douglas County. Since 2004, the Young Adult Court has offered first-time, non-violent felons, who are between the ages of 16 and 22, a chance to avoid prison and work toward becoming productive citizens.

The program provides accountability through extensive supervision and frequent judicial oversight, while also offering a host of services such as employment, education, life-skills training, and adult mentors. The program's capacity was approximately 30 young adults, but because it was oversubscribed we have enlarged it to serve an additional 25 participants.

We are also working on improvements to Nebraska's drug courts. Since 1997, adult, juvenile, and family drug courts in Nebraska have served approximately 6,300 participants. At any given time, an average of 650 individuals and families are being supervised in drug courts across the State.

A recently completed statewide evaluation concluded that Nebraska's drug courts are cost-effective and are reducing crime and addiction. Additional information regarding problem-solving courts and our 5-year strategic plan for drug courts can be found on our Judicial Branch website.

We have also seen expansions and successes with other types of sentencing alternatives. As you may recall SSAS, a program I mentioned earlier, was initiated by our Probation staff. This program provides our courts with sentencing alternatives that combine intensive supervision with substance abuse treatment for felony probationers and parolees, but with less judicial involvement than drug courts.

A review of Probation's SSAS program in 2012 found that 91 percent of the individuals who successfully completed the program remained crime-free one year later. In 2013, 82 percent of SSAS probationers were gainfully employed upon successful completion of the program, up from a 78 percent rate in 2012.

SSAS programs utilize reporting centers in communities around the State. As of June 2013, reporting centers collectively offered 143 different rehabilitative and support services intended to promote behavior change and improve accountability. In the reporting centers alone, 65,925 drug tests were administered in 2013.

Last year this Legislature supported offering a "limited services" reporting center in Scotts Bluff County. You also supported adding a SSAS officer for the first time in Hall County -- and that officer's caseload reached capacity within 60 days.

SSAS currently has a capacity of 336 probationers statewide. Due to the demand in the program, we are now 20 percent over that capacity and without further resources will not be able to accept more participants.

Guardianships

Now I will speak to you about guardianship reform. A little over a year ago the Supreme Court established a Commission on Guardianships and Conservatorships. In spite of efforts by the Commission, our courts, and this Legislature, ensuring the protection of incapacitated adults continues to be a challenge.

In November the State Auditor released a report that included allegations of criminal activity by a person serving as guardian in a number of county courts across the State. These appointments were initiated by the State's Department of Health and Human Services, the Federal Veteran's Administration, family members, medical professionals, and nursing homes. The accused has since resigned or been removed from the over 200 active cases for which she had been appointed to serve as guardian.

I would like to thank our county court judges and staff for their responsiveness following the audit. I would also like to thank the many volunteer lawyers and community members across the State who stepped forward to meet the needs of protected individuals by accepting appointments as guardians ad litem and temporary guardians.

The judicial branch has identified these further reform actions:

- An internal alert system is being developed to notify all county courts when a guardian or conservator is removed for cause in any of our counties;
- County court staff will participate in further targeted judicial branch education on the implementation of additional safeguards;
- Government payors will be added as interested parties to receive copies of all reports filed by guardians and conservators in cases where those payors requested appointments; and
- Prospective guardians and conservators will be required to submit to the court, prior to appointment, a list of their other active guardian or conservatorship cases.

The lawyers, senators, judges, service providers, and accountants on our Supreme Court's Commission on Guardianships and Conservatorships have already begun to further review the issues that came to light during this most recent incident. It is crucial that we all continue to work together to create improved safeguards to protect those who might easily be harmed. We all have a responsibility to keep these individuals and their assets safe.

Finally, it is important to note that due to a rapidly aging population and smaller, geographically disbursed families, there are often no family members or interested individuals available to serve as guardians for our elderly, mentally ill, or developmentally challenged Nebraskans. Persons willing and able to serve as guardians are in very short supply. The courts, however, look forward to working with this legislative body and other interested parties to alleviate that shortage.

Service to Children and Families

I now turn to matters involving the court's service to children and families each year in divorce and child support cases. Nebraska's Parenting Act, which governs divorce, underwent a significant legislative revision in 2007.

Last year, a planned two-part evaluation of the Act was initiated to provide the Legislature, Judicial Branch, and the public with facts to determine whether the provisions of the Parenting Act are resulting in positive outcomes for children.

The first part of the evaluation began last May at the request of this Legislature. The Judicial Branch conducted a rigorous study of nearly 400 closed divorce and custody cases filed during the 10-year period from 2002 through 2012.

The study examined: rates of maternal and paternal custody and parenting time; whether mothers and fathers had lawyers; how many children were involved; rates of parental conflict; family income; court procedures; and the differences in custody before and after the 2007 Parenting Act revisions. This baseline study was released to the public on January 9th and is available on our Judicial Branch website.

This past October, the second and more in-depth part of the evaluation began. The results of this portion of the evaluation will provide us with an even more comprehensive analysis of program implementation, outcome results, and a cost-benefit study. Evaluators will seek input from legislators, family lawyers, parents, judges, and others as part of this intensive review.

Technology

As I do each year, I will now give you a brief update on technology in the Courts. I am pleased to report that there were significant improvements to Judicial Branch technology during the past year. Bandwidth increases to enhance speeds at which courts can send and receive Internet data continue to be a focus. This year the cost of improving bandwidth to rural Nebraska courts was shared by the Supreme Court and the Department of Motor Vehicles, the Department of Health and Human Services, and the Secretary of State.

Most recently, courts in Cherry and Cheyenne Counties received a bandwidth upgrade which increased Internet speeds by nearly 60 percent. The use of increased bandwidth is important because courts are able to use video conferencing in more locations. Among other things, video conferencing allows us to provide remote interpreters and allows incarcerated individuals to participate in hearings without leaving correctional facilities. This saves money, increases access to justice, and lowers the risks inherent in transporting inmates and juveniles.

Good bandwidth is also necessary as we continue to expand our electronic filing system. Almost 65 percent of our 2012 county court civil filings were made electronically. By the end of 2013, that number was up to 70% of the nearly 91,000 civil cases filed.

Finally, over \$15 million in filing fees, fines, court costs, and other funds were electronically deposited in the courts last year. That represents over 195,000 financial transactions processed instantly, saving both time and money for the courts and our citizens.

Language Access

I also annually report on language access issues in the courts. Ensuring justice to people with limited English language proficiency continues to be a

challenge for Nebraska's courts. In 2013, the Judicial Branch provided interpreters in 38 languages for 21,000 persons in courts and probation offices across the State. We have hired two new interpreter coordinators to assist courts and probation officers in identifying, educating, and scheduling interpreters in hard to find languages.

Through video conferencing we provided Spanish interpreters for over 450 hearings, saving Nebraska taxpayers more than \$63,000 in travel and other expenses.

Conclusion

In conclusion, Nebraska's Judicial Branch is growing, it's dynamic, and it's busy. Our dedicated judges, support staff, and probation employees are carrying out the Court's long-term mission to do justice, resolve disputes, provide equal protection to all citizens, and ensure due process of law in all 93 of Nebraska's counties.

The Supreme Court is very proud of the many accomplishments of our court family in the last year. We truly appreciate the support the Legislature has provided to the judiciary and we look forward to working with you in serving Nebraska's citizens in the coming year.

Again, thank you for the opportunity to speak with you today.

The committee escorted the Chief Justice from the Chamber.

NOTICE OF COMMITTEE HEARING

Business and Labor

Room 2102

Monday, January 27, 2014 1:30 p.m.

LB932
LB895
LB820
LB824

(Signed) Steve Lathrop, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 972. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to schools; to amend section 13-903, Reissue Revised Statutes of Nebraska, and sections 48-801 and 79-978, Revised Statutes Cumulative Supplement, 2012; to adopt the Independent Public Schools Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 973. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to schools; to amend sections 4-108, 10-704, 10-716.01, 13-2903, 23-1601, 23-3302, 32-541, 32-553, 32-555, 32-609, 77-3444, 77-3523, 79-2,126, 79-401, 79-402, 79-403, 79-406, 79-411, 79-415, 79-416, 79-418, 79-419, 79-423, 79-424, 79-425, 79-431, 79-434, 79-443, 79-447, 79-450, 79-451, 79-452, 79-454, 79-455, 79-458, 79-470, 79-472, 79-473, 79-474, 79-477, 79-478, 79-479, 79-492, 79-493, 79-494, 79-495, 79-496, 79-499, 79-4,100, 79-4,101, 79-4,102, 79-4,103, 79-4,109, 79-4,110, 79-4,111, 79-4,123, 79-4,128, 79-501, 79-506, 79-519, 79-520, 79-521, 79-523, 79-524, 79-525, 79-526, 79-534, 79-540, 79-543, 79-547, 79-548, 79-549, 79-550, 79-554, 79-557, 79-558, 79-565, 79-567, 79-570, 79-572, 79-576, 79-577, 79-578, 79-579, 79-580, 79-581, 79-584, 79-586, 79-587, 79-588, 79-590, 79-593, 79-5,104, 79-5,105, 79-5,107, 79-5,108, 79-716, 79-717, 79-728, 79-734, 79-824, 79-840, 79-841, 79-850, 79-8,110, 79-939, 79-979, 79-981, 79-983, 79-985, 79-986, 79-988, 79-994, 79-995, 79-997, 79-9,107, 79-9,108, 79-9,109, 79-9,115, 79-1027.01, 79-1043, 79-1045, 79-1065.02, 79-1070, 79-1072, 79-1075, 79-1077, 79-1078, 79-1080, 79-1081, 79-1082, 79-1083.02, 79-1087, 79-1089, 79-1090, 79-1092, 79-1093, 79-1098, 79-1099, 79-10,103, 79-10,111, 79-10,113, 79-10,114, 79-10,116, 79-10,117, 79-10,118, 79-10,119, 79-10,120, 79-10,121, 79-10,122, 79-10,124, 79-10,126, 79-10,126.01, 79-10,127, 79-1217.01, and 79-1504, Reissue Revised Statutes of Nebraska, sections 32-618, 32-811, 32-1303, 48-816, 68-621, 79-101, 79-408, 79-413, 79-4,108, 79-528, 79-569, 79-828, 79-942, 79-944, 79-947, 79-978, 79-978.01, 79-980, 79-988.01, 79-998, 79-9,104, 79-1005.01, 79-1011, 79-1025, 79-1029, 79-1030, 79-1036, 79-1084, 79-10,110, 79-1108.02, 79-1217, 79-1225, and 79-2116, Revised Statutes Cumulative Supplement, 2012, and sections 13-508, 32-101, 32-552, 32-554, 32-570, 32-606, 32-1007, 79-234, 79-4,129, 79-611, 79-902, 79-916, 79-966, 79-984, 79-991, 79-992, 79-9,100, 79-9,102, 79-9,103, 79-9,113, 79-1003, and 79-1028.01, Revised Statutes Supplement, 2013; to change and eliminate provisions relating to classification of school districts; to require training as prescribed; to rename an act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-542, 32-543, 32-544, 32-546, 79-102, 79-103, 79-104, 79-404, 79-407, 79-409, 79-410, 79-417, 79-426, 79-475, 79-476, 79-522, 79-535, 79-537, 79-551, 79-553, 79-555, 79-556, 79-560, 79-561, 79-562, 79-563, 79-564, 79-566, 79-568, 79-573, 79-574, 79-582, 79-583, 79-585, 79-589, 79-591, 79-594, 79-595, 79-596, 79-597, 79-5,106, 79-1085, and 79-10,115, Reissue Revised Statutes of Nebraska, sections 79-592 and 79-1086, Revised Statutes Cumulative Supplement, 2012, and sections 32-545, 79-552, and 79-559, Revised Statutes Supplement, 2013.

GENERAL FILE

LEGISLATIVE BILL 399. The Chambers amendment, FA173, found in this day's Journal, was renewed.

Senator Lautenbaugh 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 Chambers moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Ashford	Campbell	Crawford	Harr, B.
Avery	Conrad	Haar, K.	Lathrop

Voting in the negative, 26:

Adams	Hadley	Kintner	Nelson	Sullivan
Carlson	Hansen	Larson	Nordquist	Wightman
Christensen	Harms	Lautenbaugh	Pirsch	
Coash	Janssen	McCoy	Scheer	
Cook	Johnson	Mello	Schilz	
Gloor	Karpisek	Murante	Seiler	

Present and not voting, 12:

Bloomfield	Chambers	Howard	Schumacher
Bolz	Davis	Kolowski	Smith
Brasch	Dubas	Krist	Wallman

Excused and not voting, 3:

Garrett	McGill	Watermeier
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The Chambers amendment lost with 8 ayes, 26 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO114

Reconsider the vote taken on FA173.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Chambers motion to reconsider failed with 5 ayes, 32 nays, 10 present and not voting, and 2 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARINGS

General Affairs

Room 1510

Monday, January 27, 2014 1:30 p.m.

LB680

LB771

LB855

LB861

(Signed) Russ Karpisek, Chairperson

Natural Resources

Room 1525

Friday, January 24, 2014 1:30 p.m.

Mohamed F. Dahab - Environmental Quality Council

John Edward Dilsaver - Environmental Quality Council

LB844

(Signed) Tom Carlson, Chairperson

Education

Room 1525

Monday, January 27, 2014 1:30 p.m.

LB741

LB782

LB923

LB872

(Signed) Kate Sullivan, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 174. Placed on Select File.**LEGISLATIVE BILL 446.** Placed on Select File with amendment.

ER116

- 1 1. On page 1, strike beginning with "60-174" in line
- 2 2 through line 6 and insert "60-171, Reissue Revised Statutes
- 3 of Nebraska; to redefine salvage to include flood damage; and to
- 4 repeal the original section."

LEGISLATIVE RESOLUTION 29CA. Placed on Select File with amendment.

ER117

- 1 1. On page 1, line 2, strike "FIRST" and insert "SECOND".

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARING

Revenue

Room 1524

Friday, January 24, 2014 1:30 p.m.

Nancy Salmon - Tax Equalization and Review Commission
LB675

(Signed) Galen Hadley, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 413.** Introduced by Davis, 43.

WHEREAS, the Nebraska cattle industry is vital to the economic and social well-being of the state; and

WHEREAS, foot-and-mouth disease (FMD) is one of the most contagious diseases known to cloven-hooved animals including cattle, hogs, and sheep, and an outbreak of FMD could significantly harm Nebraska livestock producers and the state's economy; and

WHEREAS, the United States has not had an outbreak of FMD since 1929 when the disease was inadvertently introduced into California via contaminated animal products imported from Argentina; and

WHEREAS, the United States has successfully prevented any further reintroductions of FMD by strictly prohibiting the importation of livestock and fresh and chilled meat originating in countries where FMD has not been eradicated and where a risk of outbreaks persists; and

WHEREAS, the United States Department of Agriculture (USDA) is proposing a rule to allow the importation of fresh and chilled beef from fourteen states in Brazil, including states where widespread outbreaks of FMD occurred as recently as 2005 and 2006, where vaccination is attempted to control FMD, and which states are geographically adjacent to Paraguay which had an outbreak of FMD as recently as 2011; and

WHEREAS, the USDA admits there is an increased risk of introducing FMD into the United States under its proposed rule by acknowledging that "as long as FMD is endemic in the overall region in South America, there is a risk of reintroduction from adjacent areas into the proposed exporting region"; and

WHEREAS, the USDA further admits that reintroduction of FMD into the United States would reduce financial returns to cattle producers and beef processors, the result of which would also harm rural communities and the entire Nebraska economy.

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

1. That the Legislature requests that the United States Department of Agriculture immediately withdraw its proposed rule entitled "Importation of Beef from a Region in Brazil" and not allow the importation of fresh and chilled beef from fourteen states in Brazil.

2. That the Legislature further requests the United States Department of Agriculture adopt a rule to strictly prohibit the importation of fresh and chilled beef from Brazil until the United States Secretary of Agriculture certifies to Congress that every region of Brazil is free of foot-and-mouth disease without vaccination.

3. That a copy of this resolution be sent to President Barack Obama, to United States Secretary of Agriculture Tom Vilsack, and to each member of the Nebraska congressional delegation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR413 was referred to the Reference Committee.

SPEAKER ADAMS PRESIDING

GENERAL FILE

LEGISLATIVE BILL 399. Senator Lautenbaugh offered the following motion:

MO115

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lautenbaugh requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 36:

Adams	Davis	Johnson	Murante	Smith
Avery	Dubas	Karpisek	Nelson	Wallman
Bolz	Gloor	Kintner	Nordquist	Watermeier
Brasch	Hadley	Kolowski	Pirsch	Wightman
Carlson	Hansen	Larson	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Howard	McCoy	Schumacher	
Crawford	Janssen	Mello	Seiler	

Voting in the negative, 7:

Ashford	Conrad	Harr, B.	Sullivan
Chambers	Haar, K.	Lathrop	

Present and not voting, 4:

Bloomfield	Campbell	Cook	Krist
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Excused and not voting, 2:

Garrett	McGill
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The Lautenbaugh motion to invoke cloture prevailed with 36 ayes, 7 nays, 4 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, 25:

Brasch	Gloor	Karpisek	Mello	Scheer
Carlson	Hadley	Kintner	Murante	Schilz
Christensen	Hansen	Larson	Nelson	Smith
Coash	Janssen	Lautenbaugh	Nordquist	Watermeier
Dubas	Johnson	McCoy	Pirsch	Wightman

Voting in the negative, 20:

Adams	Bolz	Cook	Harms	Schumacher
Ashford	Campbell	Crawford	Harr, B.	Seiler
Avery	Chambers	Davis	Kolowski	Sullivan
Bloomfield	Conrad	Haar, K.	Lathrop	Wallman

Present and not voting, 2:

Howard	Krist
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Excused and not voting, 2:

Garrett McGill

Advanced to Enrollment and Review Initial with 25 ayes, 20 nays, 2 present and not voting, and 2 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 974. Introduced by Mello, 5; Campbell, 25; Harms, 48; Krist, 10.

A BILL FOR AN ACT relating to agency budgeting; to amend section 81-3110, Reissue Revised Statutes of Nebraska, sections 81-132 and 81-1113, Revised Statutes Cumulative Supplement, 2012, and section 81-3133, Revised Statutes Supplement, 2013; to provide strategic duties for divisions of the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 975. Introduced by Murante, 49.

A BILL FOR AN ACT relating to constitutional officers; to amend sections 32-566 and 32-573, Reissue Revised Statutes of Nebraska; to change provisions relating to filling a vacancy in the Legislature and on the Board of Regents of the University of Nebraska; and to repeal the original sections.

LEGISLATIVE BILL 976. Introduced by Karpisek, 32.

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 provide severability; and to repeal the original sections.

LEGISLATIVE BILL 977. Introduced by Conrad, 46.

A BILL FOR AN ACT relating to governmental retirement and pension funds; to amend section 30-3209, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to fiduciary duties in cities of the primary class and public power districts; and to repeal the original section.

LEGISLATIVE BILL 978. Introduced by B. Harr, 8; K. Haar, 21; Kolowski, 31; Mello, 5.

A BILL FOR AN ACT relating to the Low-Income Home Energy Conservation Act; to amend sections 66-1017 and 66-1018, Reissue Revised Statutes of Nebraska, and sections 66-1012, 66-1014, and 66-1015, Revised

Statutes Cumulative Supplement, 2012; to authorize funding for on-bill payment programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 979. Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1829, 77-1840, and 77-1917, Reissue Revised Statutes of Nebraska, section 77-1837.01, Revised Statutes Cumulative Supplement, 2012, and sections 77-1822, 77-1823, 77-1824, 77-1825, and 77-1831, Revised Statutes Supplement, 2013; to change provisions relating to tax sales for delinquent property taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 980. 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 981. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to commercial motor vehicles; to amend section 60-465, Reissue Revised Statutes of Nebraska, and sections 60-487, 60-4,144.01, 60-4,168, 60-4,182, and 60-6,179.02, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change provisions relating to falsified information; to require medical examinations by medical examiners listed on the National Registry of Certified Medical Examiners; to prohibit texting and the use of a handheld mobile telephone and provide for penalties and disqualification as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 982. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-103 and 60-305, Reissue Revised Statutes of Nebraska, and sections 60-135.01, 60-358.01, and 60-6,355, Revised Statutes Supplement, 2013; to redefine the terms all-terrain vehicle and utility-type vehicle; and to repeal the original sections.

LEGISLATIVE BILL 983. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-464, 60-480, 60-4,118.05, 60-4,141, 60-4,147.01, 60-4,149.01, 60-4,157, 60-4,158, 60-4,159, 60-4,160, 60-4,162, 60-4,169, 60-4,172, 60-2905, 60-2907, and 75-369.03, Reissue Revised Statutes of Nebraska, sections 29-3608, 60-484.03, 60-484.04, 60-484.05, 60-484.06, 60-487, 60-4,112, 60-4,115, 60-4,116, 60-4,131, 60-4,137, 60-4,138, 60-4,139, 60-4,142,

60-4,143, 60-4,144, 60-4,144.01, 60-4,144.02, 60-4,146, 60-4,149, 60-4,150, 60-4,151, 60-4,153, 60-4,154, 60-4,167, 60-4,168, 60-4,170, 60-4,171, and 60-2909.01, Revised Statutes Cumulative Supplement, 2012, and sections 60-462, 60-462.01, and 60-484, Revised Statutes Supplement, 2013; to change and eliminate commercial driver's licensing provisions; to provide for commercial learners' permits; to provide for compliance with certain federal regulations regarding commercial drivers' licenses and commercial learners' permits; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 60-4,156, Reissue Revised Statutes of Nebraska, and section 60-4,145, Revised Statutes Cumulative Supplement, 2012.

LEGISLATIVE BILL 984. Introduced by Sullivan, 41; Mello, 5.

A BILL FOR AN ACT relating to schools; to amend section 79-1101, Reissue Revised Statutes of Nebraska, and sections 9-812 and 79-2306, Revised Statutes Supplement, 2013; to change allocations from the Education Innovation Fund; to state intent relating to early childhood education programs and appropriations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 985. Introduced by Davis, 43.

A BILL FOR AN ACT relating to water; to amend section 46-233, Reissue Revised Statutes of Nebraska; to grant standing to natural resources districts; to provide requirements for certain water appropriation applications; to provide a duty for the Revisor of Statutes; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducer

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB913. No objections. So ordered.

ADJOURNMENT

At 11:41 a.m., on a motion by Senator B. Harr, the Legislature adjourned until 10:00 a.m., Tuesday, January 21, 2014.

Patrick J. O'Donnell
Clerk of the Legislature