

EIGHTY-SECOND DAY - MAY 18, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****EIGHTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, May 18, 2015

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 Senator Craighead who was excused; and Senators Brasch, Davis, Ebke, Friesen, Kolowski, Kuehn, McCoy, Morfeld, Pansing Brooks, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-first day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 361. Placed on Select File with amendment.

ER137

- 1 1. On page 1, line 12, strike "special" and insert "road".
- 2 2. On page 4, line 10, strike "said", show as stricken, and insert
- 3 "the".
- 4 3. On page 12, line 3, after the last comma insert "and"; in line 4
- 5 strike the comma; and in line 5 strike the comma and show as stricken.
- 6 4. On page 19, line 25, strike "provided", show as stricken, and
- 7 insert "follows".
- 8 5. On page 22, line 11, strike the comma and show as stricken.
- 9 6. On page 25, line 6, reinstate the stricken matter.
- 10 7. On page 43, line 6, strike the first "to" and show as stricken.
- 11 8. On page 45, line 4, strike "as" and show as stricken.

LEGISLATIVE BILL 231. Placed on Select File with amendment.

ER135

- 1 1. In the Standing Committee amendments, AM296:
- 2 a. On page 21, line 22, strike "autocycles and motorcycles" and
- 3 insert "autocycles, motorcycles, or mopeds";
- 4 b. On page 24, line 23, strike "if" and show as stricken; and
- 5 c. On page 34, lines 11, 19, and 26, after "or" insert "a".
- 6 2. On page 1, strike lines 2 through 12 and insert "60-124, 60-340,
- 7 60-376, 60-3,118, 60-3,143, 60-4,123, 60-4,123.01, 60-639, 60-6,219,
- 8 60-6,226, 60-6,265, 60-6,266, 60-6,270, 60-6,272, 60-6,273, 60-1401.02,
- 9 and 60-1401.28, Reissue Revised Statutes of Nebraska, and sections
- 10 60-101, 60-102, 60-301, 60-302, 60-3,100, 60-3,104, 60-3,113,
- 11 60-3,135.01, 60-3,187, 60-3,190, 60-462, 60-463, 60-4,114, 60-4,124,
- 12 60-4,182, 60-601, 60-605, 60-6,267, 60-1401, and 71-1907, Revised
- 13 Statutes Cumulative Supplement, 2014; to define and redefine terms; to
- 14 provide for certificates of title, registration, and operating and
- 15 dealership regulations for autocycles; to harmonize provisions; and to
- 16 repeal the original sections."

LEGISLATIVE BILL 539. Placed on Select File with amendment.

ER136

- 1 1. In the Standing Committee amendments, AM487:
- 2 a. On page 1, lines 10 and 22, strike "the"; and in line 22 strike
- 3 "A", show as stricken, and insert "The"; and
- 4 b. On page 28, line 22, after "request" insert an underscored comma.
- 5 2. On page 1, strike lines 2 through 8 and insert "29-2011.02,
- 6 29-2011.03, 50-1215, 84-304, 84-304.02, 84-305, and 84-311, Reissue
- 7 Revised Statutes of Nebraska, and sections 50-1213, 50-1214, 77-2711, and
- 8 77-27,119, Revised Statutes Cumulative Supplement, 2014; to provide
- 9 subpoena powers as prescribed for the Auditor of Public Accounts; to
- 10 change provisions relating to access to information by the office of
- 11 Legislative Audit and the Auditor of Public Accounts, review of certain
- 12 reports, and access to certain documents by audited entities as
- 13 prescribed; to prohibit personnel actions in certain circumstances as
- 14 prescribed; to provide and change penalties; to provide and change powers
- 15 to audit certain entities; to define a term; to harmonize provisions; to
- 16 repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 200. Placed on Select File with amendment.

ER134

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. If the federal government passes a law that expands the
- 4 state's authority to require out-of-state retailers to collect and remit
- 5 the tax imposed under section 77-2703 on purchases by Nebraska residents
- 6 and the state collects additional revenue under section 77-2703 as a
- 7 result of such federal law, then the Department of Revenue shall
- 8 determine the amount of such additional revenue collected during the
- 9 first twelve months following the date on which the state begins

10 collecting such additional revenue. The department shall certify such
11 amount to the Governor, the Legislature, and the State Treasurer, and the
12 certified amount shall be used for purposes of subdivision (2)(d) of
13 section 77-27,132. This section terminates three years after the
14 effective date of this act.

15 Sec. 2. Section 77-27,132, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:

17 77-27,132 (1) There is hereby created a fund to be designated the
18 Revenue Distribution Fund which shall be set apart and maintained by the
19 Tax Commissioner. Revenue not required to be credited to the General Fund
20 or any other specified fund may be credited to the Revenue Distribution
21 Fund. Credits and refunds of such revenue shall be paid from the Revenue
22 Distribution Fund. The balance of the amount credited, after credits and
23 refunds, shall be allocated as provided by the statutes creating such
24 revenue.

25 (2) The Tax Commissioner shall pay to a depository bank designated
26 by the State Treasurer all amounts collected under the Nebraska Revenue
27 Act of 1967. The Tax Commissioner shall present to the State Treasurer
1 bank receipts showing amounts so deposited in the bank, and of the
2 amounts so deposited the State Treasurer shall:

3 (a) For transactions occurring on or after October 1, 2014, and
4 before October 1, 2019, credit to the Game and Parks Commission Capital
5 Maintenance Fund all of the proceeds of the sales and use taxes imposed
6 pursuant to section 77-2703 on the sale or lease of motorboats as defined
7 in section 37-1204, personal watercraft as defined in section 37-1204.01,
8 all-terrain vehicles as defined in section 60-103, and utility-type
9 vehicles as defined in section 60-135.01;

10 (b) Credit to the Highway Trust Fund all of the proceeds of the
11 sales and use taxes derived from the sale or lease for periods of more
12 than thirty-one days of motor vehicles, trailers, and semitrailers,
13 except that the proceeds equal to any sales tax rate provided for in
14 section 77-2701.02 that is in excess of five percent derived from the
15 sale or lease for periods of more than thirty-one days of motor vehicles,
16 trailers, and semitrailers shall be credited to the Highway Allocation
17 Fund; ~~and~~

18 (c) For transactions occurring on or after July 1, 2013, and before
19 July 1, 2033, of the proceeds of the sales and use taxes derived from
20 transactions other than those listed in subdivisions (2)(a) and (b) of
21 this section from a sales tax rate of one-quarter of one percent, credit
22 monthly eighty-five percent to the State Highway Capital Improvement Fund
23 and fifteen percent to the Highway Allocation Fund; ~~and~~ -

24 ~~(d) Of the proceeds of the sales and use taxes derived from~~
25 ~~transactions other than those listed in subdivisions (2)(a) and (b) of~~
26 ~~this section, credit to the Property Tax Credit Cash Fund the amount~~
27 ~~certified under section 1 of this act, if any such certification is made.~~

28 The balance of all amounts collected under the Nebraska Revenue Act
29 of 1967 shall be credited to the General Fund.

30 Sec. 3. Original section 77-27,132, Revised Statutes Cumulative
31 Supplement, 2014, is repealed.

1 2. On page 1, line 4, after the semicolon insert "to provide a
2 termination date;"

LEGISLATIVE BILL 200A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 268. Placed on Final Reading.

LEGISLATIVE BILL 320A. Placed on Final Reading Second.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB623:
AM1647 is available in the Bill Room.

SELECT FILE

LEGISLATIVE BILL 642. ER97, found on page 1292, was adopted.

Senator Smith offered his amendment, AM931, found on page 1111.

The Smith amendment was adopted with 26 ayes, 1 nay, 10 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 382. ER127, found on page 1612, was adopted.

Senator Cook offered her amendment, AM1638, found on page 1658.

The Cook amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Hansen offered the following amendment:
AM1653

(Amendments to E & R amendments, ER127)

1 1. Insert the following new sections:

2 Section 1. Section 79-1191, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-1191 The Legislature shall appropriate two hundred thousand
5 dollars for each fiscal year 2015-16 for three consecutive fiscal years
6 beginning with FY2012-13 to the department from the Job Training Cash
7 Education Innovation Fund to provide grants to establish or continue

8 bridge programs. Such programs shall:

- 9 (1) Provide English reading and writing and math skills required to
 10 succeed in a postsecondary educational credentialing or degree program;
 11 (2) Lead to the attainment of college credit and a recognized
 12 postsecondary educational credential or an industry-recognized
 13 credential;
 14 (3) Be open only to low-income participants who are co-enrolled in
 15 adult education, developmental education, or English as a second
 16 language;
 17 (4) Target the specific workforce needs of an occupational sector
 18 within the state and provide services aimed at improving education,
 19 skills, and employment prospects for low-income adults;
 20 (5) Use educational best practices, including, but not limited to,
 21 contextualized instructional strategies, team teaching, modularized
 22 learning, or reduced student-teacher ratios; and
 23 (6) Provide for supportive services needed for student educational
 24 and employment success, including, but not limited to, job coaching and
 25 personal needs.

26 Sec. 2. Section 79-1194, Reissue Revised Statutes of Nebraska, is
 1 amended to read:

2 79-1194 (1) The department may adopt and promulgate rules and
 3 regulations to carry out sections 79-1189 to 79-1193.

4 (2) The department shall annually file a report electronically with
 5 the Legislature on the bridge programs established pursuant to sections
 6 79-1189 to 79-1196, using the data provided pursuant to section 79-1193.

7 Sec. 3. Section 79-1196, Reissue Revised Statutes of Nebraska, is
 8 amended to read:

9 79-1196 Sections 79-1189 to 79-1195 terminate on June 30, ~~2020~~ 2015.

10 Sec. 7. Since an emergency exists, this act takes effect when
 11 passed and approved according to law.

12 2. On page 2, line 12, strike "or"; and in line 13 after "79-2306"

13 insert ", or (e) to carry out the purposes of section 79-1191".

14 3. Renumber the remaining sections and amend the repealer
 15 accordingly.

Senator Hansen withdrew his amendment.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 382A. Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 468A. Placed on Select File.**LEGISLATIVE BILL 643A.** Placed on Select File.

(Signed) Matt Hansen, 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.

Kelli Ackerman - Public Employees Retirement Board
 Denis Blank - Public Employees Retirement Board
 J. Russell Derr - Public Employees Retirement Board
 Dennis W. Leonard - Public Employees Retirement Board

Aye: 5 Davis, Kolowski, Kolterman, Mello, Nordquist. Nay: 0. Absent: 1
 Groene. Present and not voting: 0.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT(S) - Print in JournalSenator Bolz filed the following amendment to LB591A:

AM1663

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.
- 4 2. On page 2, line 2, strike each occurrence of "General" and insert
- 5 "Treasury Management Cash".

Senator Nordquist filed the following amendment to LB581:

AM1660

- 1 1. On page 3, strike lines 28 through 30 and insert the following
- 2 new subsection:
- 3 "(3) Within five days after the effective date of this act, the
- 4 State Treasurer shall transfer one million dollars from the General Fund
- 5 to the Clean-burning Motor Fuel Development Fund to carry out the
- 6 provisions of the Nebraska Clean-burning Motor Fuel Development Act.".

GENERAL FILE**LEGISLATIVE BILL 390.** Title read. Considered.

Committee AM1011, found on page 1006, was offered.

Senator Crawford withdrew her amendments, AM1144 and AM1627, found on pages 1539 and 1557.

Senator Crawford offered her amendment, AM1646, found on page 1638, to the committee amendment.

SPEAKER HADLEY PRESIDING

The Crawford amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Senator Morfeld offered his amendment, AM1651, found on page 1667, to the committee amendment.

The Morfeld amendment was adopted with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 1 nay, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 390A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 448. Title read. Considered.

Committee AM1555, found on page 1526, was offered.

Pending.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 173A. Placed on Final Reading.
LEGISLATIVE BILL 196. Placed on Final Reading.
LEGISLATIVE BILL 259. Placed on Final Reading.
LEGISLATIVE BILL 259A. Placed on Final Reading.
LEGISLATIVE BILL 325. Placed on Final Reading.
LEGISLATIVE BILL 547. Placed on Final Reading.
LEGISLATIVE BILL 547A. Placed on Final Reading.
LEGISLATIVE BILL 607. Placed on Final Reading.
LEGISLATIVE BILL 607A. Placed on Final Reading.
LEGISLATIVE BILL 629A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB500:
AM1668

(Amendments to Final Reading copy)

- 1 1. Strike section 2 and insert the following new section:
 2 Sec. 2. (1)(a) On or before May 1, 2016, the department shall
 3 submit an application to the Centers for Medicare and Medicaid Services
 4 of the United States Department of Health and Human Services to amend the
 5 medicaid state plan to provide for utilization of money to allow for
 6 payments for multisystemic therapy for youth who are eligible for the
 7 medical assistance program and CHIP pursuant to the federal Children's
 8 Health Insurance Program Reauthorization Act of 2009, Public Law 111-3,
 9 as such act existed on January 1, 2015.
 10 (b) On or before July 1, 2017, the department shall submit an
 11 application to the Centers for Medicare and Medicaid Services of the
 12 United States Department of Health and Human Services to amend the
 13 medicaid state plan to provide for utilization of money to allow for
 14 payments for functional family therapy for youth who are eligible for the
 15 medical assistance program and CHIP pursuant to the federal Children's
 16 Health Insurance Program Reauthorization Act of 2009, Public Law 111-3,
 17 as such act existed on January 1, 2015.
 18 (c) If in-home family services model has been listed as an evidence-
 19 based practice by a nationally recognized organization or registry which
 20 has standards at least as stringent as those existing on January 1, 2015,
 21 for designation as a model program for changing behavior and
 22 developmental outcomes, the department shall on or before July 1, 2017,
 23 submit an application to the Centers for Medicare and Medicaid Services
 24 of the United States Department of Health and Human Services to amend the
 25 medicaid state plan to provide for utilization of money to allow for
 26 payments for in-home family services model for youth who are eligible for
 1 the medical assistance program and CHIP pursuant to the federal
 2 Children's Health Insurance Program Reauthorization Act of 2009, Public
 3 Law 111-3, as such act existed on January 1, 2015.
 4 (2) For purposes of this section, CHIP means the Children's Health
 5 Insurance Program established pursuant to 42 U.S.C. 1397aa et seq., as
 6 such section existed on January 1, 2015.
 7 2. On page 1, line 3, strike "a" and strike "amendment" and insert
 8 "amendments".

EASE

The Legislature was at ease from 12:00 p.m. until 12:20 p.m.

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 448. Committee AM1555, found on page 1526 and considered in this day's Journal, was renewed.

SENATOR SCHEER PRESIDING

Senator Kolterman offered the following amendment to the committee amendment:

FA66

Amend AM1555

Page 9 strike new language in lines 16-17 and line 21 strike "(a)"

Page 10 strike lines 2 through 21

Page 59 strike beginning with "and" in line 15 through "79-966" in line 17

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

Senator Murante requested a roll call vote, in reverse order, on the amendment.

Voting in the affirmative, 21:

Bloomfield	Hughes	Larson	Schnoor	Williams
Brasch	Johnson	Lindstrom	Schumacher	
Coash	Kintner	McCoy	Smith	
Ebke	Kolterman	Murante	Stinner	
Hilkemann	Kuehn	Schilz	Watermeier	

Voting in the negative, 17:

Bolz	Haar, K.	Krist	Nordquist	Sullivan
Campbell	Harr, B.	McCollister	Pansing Brooks	
Chambers	Howard	Mello	Scheer	
Cook	Kolowski	Morfeld	Seiler	

Present and not voting, 9:

Baker	Davis	Gloor	Hadley	Riepe
Crawford	Friesen	Groene	Hansen	

Excused and not voting, 2:

Craighead Garrett

The Kolterman amendment lost with 21 ayes, 17 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 25 ayes, 17 nays, 5 present and not voting, and 2 excused and not voting.

Senator Nordquist moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

Senator Nordquist requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Baker	Cook	Hadley	Kolowski	Nordquist
Bolz	Crawford	Hansen	Krist	Pansing Brooks
Campbell	Davis	Harr, B.	McCollister	Scheer
Chambers	Gloor	Hilkemann	Mello	Schumacher
Coash	Haar, K.	Howard	Morfeld	Sullivan

Voting in the negative, 19:

Bloomfield	Johnson	Larson	Schilz	Stinner
Brasch	Kintner	Lindstrom	Schnoor	Watermeier
Ebke	Kolterman	McCoy	Seiler	Williams
Hughes	Kuehn	Murante	Smith	

Present and not voting, 3:

Friesen	Groene	Riepe
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Excused and not voting, 2:

Craighead	Garrett
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Advanced to Enrollment and Review Initial with 25 ayes, 19 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 448A. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 10 nays, 12 present and not voting, and 2 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 340. Introduced by Schumacher, 22.

WHEREAS, Creston, a town located in Platte County, is celebrating its 125th anniversary this year; and

WHEREAS, settlers began arriving in Platte County's Creston Township in the early 1880s and Creston was officially named on August 28, 1886. Some say it was named in honor of Ida Creston who rode horseback from the postal station near Columbus to deliver the mail in 1886, while others believe it is named Creston because of its location near the crest from which the waters flowed eastward to the Elkhorn River and westward to the Platte River; and

WHEREAS, the first train reached Creston in 1886 and a drugstore opened followed by a bank in 1887. In 1890, with a population of 200 residents, Creston was duly incorporated and went on to host hotels, grain elevators, a mill, meat markets, saloons, general stores, harness shops, a newspaper, a hospital, and a public swimming pool; and

WHEREAS, using local funds, Creston's swimming pool was built by volunteers and opened in 1919. It remains in use today and is believed to be the oldest operating outdoor swimming pool in the state; and

WHEREAS, situated in the park near the pool is a monument erected in 1946 to honor all veterans. It attracts many veterans to the annual Memorial Day services when local and former residents come home for the occasion; and

WHEREAS, a special fundraising tradition has been passed down from generation to generation in Creston where the local men trade their daily garb for fancy dresses, high heels, and wigs to hold events such as the Womenless Weddings which raised funds for a library in 1935, a basketball court in 1952, a rescue unit in 1971, the centennial celebration fund in 1990, and most recently the Miss Harvest Queen competition that raised funds in 2014 for Creston's Q125 Celebration; and

WHEREAS, spotlighting its veterans monument in the park near the swimming pool, and with funds raised in the traditional way, Creston will culminate its quasiquicentennial celebration beginning July 3 through July 5, 2015.

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

1. That the Legislature congratulates Creston on celebrating its 125th anniversary.
2. That a copy of this resolution be sent to the Village of Creston.

Laid over.

LEGISLATIVE RESOLUTION 341. Introduced by McCoy, 39.

WHEREAS, John E. Beeson, a member of Troop 494, 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, John has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a

community service project approved by the troop and the scout council. For his Eagle Scout community service project, John planned, conducted fundraisers for, and organized the construction of picnic tables and trail clean-up at Camp Fontanelle, leading 39 participants in approximately 180 hours of work; and

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

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

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

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

Laid over.

LEGISLATIVE RESOLUTION 342. Introduced by McCoy, 39.

WHEREAS, Ethan Cople of Elkhorn has been named the Nebraska Eagle Scout of the Year by the Nebraska Department of the American Legion; and

WHEREAS, Ethan received his Eagle Scout rank in 2012 and has earned a Bronze Eagle Palm, Gold Eagle Palm, Silver Eagle Palm, as well as over 40 merit badges; and

WHEREAS, Ethan's Eagle Scout project was the creation of the Douglas County Korean War Memorial. Ethan also raised money and dedicated the Douglas County Vietnam Memorial; and

WHEREAS, Ethan has also been named the Nebraska VFW Scout of the Year.

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

1. That the Legislature congratulates Ethan Cople on being named the Nebraska Eagle Scout of the Year and the Nebraska VFW Scout of the Year.
2. That a copy of this resolution be sent to the Ethan Cople.

Laid over.

LEGISLATIVE RESOLUTION 343. Introduced by McCoy, 39.

WHEREAS, Cooper Knaak of Plainview has been named a member of the Omaha World-Herald's 2015 All State Academic Team; and

WHEREAS, Cooper is the first home-schooled student ever named to the All State Academic Team; and

WHEREAS, Cooper is fluent in five computer languages and received a perfect score of his SAT college admission exam.

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

1. That the Legislature congratulates Cooper Knaak on being named a member of the Omaha World-Herald's 2015 All State Academic Team.
2. That a copy of this resolution be sent to Cooper Knaak.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB605A:
AM1675

1 1. Insert the following new sections:

2 Section 1. Section 162, Legislative Bill 657, One Hundred Fourth

3 Legislature, First Session, 2015, is amended to read:

4 Sec. 162. AGENCY NO. 46 — DEPARTMENT OF CORRECTIONAL SERVICES

5 Program No. 200 - Operations

6	FY2015-16	FY2016-17
7 GENERAL FUND	200,525,132	201,266,791
8 GENERAL FUND	199,642,950	195,663,507
9 CASH FUND	2,126,000	2,126,000
10 FEDERAL FUND est.	1,758,021	1,762,858
11 REVOLVING FUND est.	18,780,835	18,935,977
12 PROGRAM TOTAL	223,189,988	224,091,626
13 PROGRAM TOTAL	222,307,806	218,488,342
14 SALARY LIMIT	105,370,686	107,556,955
15 SALARY LIMIT	105,614,418	107,800,687

16 The unexpended General Fund appropriation balance existing on June
17 30, 2015, is hereby reappropriated.

18 Included in the salary limitations provided by this section is

19 \$3,672,087 for FY2015-16 and \$3,672,087 for FY2016-17 for Revolving Fund

20 salaries for program classifications 390 and 563, that shall not be

21 limited to the amounts shown.

22 The Department of Administrative Services shall monitor the

23 appropriations and expenditures for this program according to the

24 following program classifications:

25 No. 260 - Nebraska Correctional Youth Facility

26 No. 300 - Tecumseh Correctional Center

27 No. 368 - Lincoln Community Corrections Center

1 No. 369 - Omaha Community Corrections Center

2 No. 370 - Central Office

3 No. 372 - Nebraska State Penitentiary

4 No. 373 - Nebraska Center for Women - York

5 No. 375 - Diagnostic and Evaluation Center

6 No. 376 - Lincoln Correctional Center

7 No. 377 - Omaha Correctional Center

8 No. 386 - McCook Incarceration Work Camp

9 No. 389 - Adult Parole Administration

10 No. 390 - Federal Surplus Property

11 No. 495 - Department Central Warehouse

12 No. 563 - Correctional Industries

13 Revolving Fund expenditures shall not be limited to the amounts
14 shown.

15 It is the intent of the Legislature that the Department of
16 Correctional Services investigate the feasibility of leasing the former
17 Lancaster County jail facility located in Air Park and owned by the
18 Airport Authority of the City of Lincoln, Nebraska, and consider making
19 this facility a community corrections facility instead of a minimum-
20 security facility. The department shall issue a report to the
21 Appropriations Committee of the Legislature electronically on this
22 subject by January 1, 2016.

23 It is the intent of the Legislature that the Department of
24 Correctional Services reduce mandatory overtime at the department's
25 facilities. The department shall examine reducing mandatory overtime by
26 studying its pay structure, including, but not limited to, adopting a pay
27 structure that allows employees to advance through the pay line, adopting
28 a step plan or a similar-type plan, or by adopting another method that
29 gives incentives for employees to remain employed by the department. The
30 department may conduct a salary survey to see if the department's
31 salaries are competitive with other entities which it competes with for
1 employees. The department shall issue a report to the Appropriations
2 Committee of the Legislature electronically on this subject by January 1,
3 2016.

4 It is the intent of the Legislature that the Department of
5 Correctional Services implement a needs assessment regarding behavioral
6 and mental health treatment and staffing. The needs assessment shall be
7 completed by appropriately trained mental health professionals. The
8 assessment shall include:

- 9 (1) Review and summary of relevant existing data sources;
- 10 (2) A detailed review of need factors in the Department of
11 Correctional Services population including risk behaviors, mental health
12 needs, behavioral health needs, and diagnosis;
- 13 (3) A detailed review of existing treatment and analysis of the
14 adequacy of that treatment based on:
 - 15 (a) Professional standards of care;
 - 16 (b) Best practices;
 - 17 (c) Availability of programming aligned with mental health needs and
18 diagnosis (using valid instrumentation); and
 - 19 (d) Availability in different facilities and levels of custody; and
- 20 (4) Analysis of needs, based on data gathered regarding:
 - 21 (a) Staffing needs to meet professional standards of care;
 - 22 (b) Needs related to developing new or different treatment based on
23 needs analysis; and
 - 24 (c) Needs related to achieving an appropriate level of service that
25 meets the goals of institutional and community safety and community

26 integration.

27 The department shall issue a report to the Appropriations Committee
28 of the Legislature electronically on this subject by January 1, 2016.

29 There is included in the appropriation to this program for FY2015-16
30 \$5,000,000 General Funds, which shall only be used to contract with
31 county jail facilities to house Department of Correctional Services
1 facilities inmates on a temporary basis. If the department estimates that
2 the need to contract with county jail facilities to house department
3 facilities inmates still exists in FY2016-17, the department may request
4 General Funds for this purpose. It is the intent of the Legislature that
5 no further funding be provided after FY2016-17 to contract with county
6 jail facilities to house Department of Correctional Services facilities
7 inmates.

8 It is intended that the Department of Correctional Services shall
9 maintain a Department Contingency Fund and a Department Equipment Fund.

10 Sec. 4. There is hereby appropriated (1) \$308,328 from the General
11 Fund for FY2015-16 and (2) \$422,651 from the General Fund for FY2016-17
12 to the Supreme Court, for Program 52, to aid in carrying out the
13 provisions of Legislative Bill 605, One Hundred Fourth Legislature, First
14 Session, 2015.

15 Total expenditures for permanent and temporary salaries and per
16 diems from funds appropriated in this section shall not exceed \$66,718
17 for FY2015-16 or \$122,624 for FY2016-17.

18 Sec. 5. There is hereby appropriated (1) \$22,500 from the Probation
19 Cash Fund for FY2015-16 and (2) \$260,500 from the Probation Cash Fund for
20 FY2016-17 to the Supreme Court, for Program 67, to aid in carrying out
21 the provisions of Legislative Bill 605, One Hundred Fourth Legislature,
22 First Session, 2015.

23 No expenditures for permanent and temporary salaries and per diems
24 for state employees shall be made from funds appropriated in this
25 section.

26 Sec. 6. There is hereby appropriated (1) \$2,336,900 from the General
27 Fund for FY2015-16 and (2) \$9,520,219 from the General Fund for FY2016-17
28 to the Supreme Court, for Program 435, to aid in carrying out the
29 provisions of Legislative Bill 605, One Hundred Fourth Legislature, First
30 Session, 2015.

31 Total expenditures for permanent and temporary salaries and per
1 diems from funds appropriated in this section shall not exceed \$1,865,583
2 for FY2015-16 or \$4,088,759 for FY2016-17.

3 Sec. 7. There is hereby appropriated (1) \$216,804 from the Supreme
4 Court Automation Cash Fund for FY2015-16 and (2) \$241,840 from the
5 Supreme Court Automation Cash Fund for FY2016-17 to the Supreme Court,
6 for Program 570, to aid in carrying out the provisions of Legislative
7 Bill 605, One Hundred Fourth Legislature, First Session, 2015.

8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed \$43,712
10 for FY2015-16 or \$59,740 for FY2016-17.

11 Sec. 8. There is hereby appropriated (1) \$-0- from the General Fund
12 for FY2015-16 and (2) \$600,109 from the General Fund for FY2016-17 to the

- 13 Nebraska Commission on Law Enforcement and Criminal Justice, for Program
 14 198, to aid in carrying out the provisions of Legislative Bill 605, One
 15 Hundred Fourth Legislature, First Session, 2015.
 16 Total expenditures for permanent and temporary salaries and per
 17 diems from funds appropriated in this section shall not exceed \$-0- for
 18 FY2015-16 or \$49,052 for FY2016-17.
 19 There is included in the appropriation to this program for FY2015-16
 20 \$-0- General Funds for state aid, which shall only be used for such
 21 purpose. There is included in the appropriation to this program for
 22 FY2016-17 \$500,000 General Funds for state aid, which shall only be used
 23 for such purpose.
 24 Sec. 9. Original section 162, Legislative Bill 657, One Hundred
 25 Fourth Legislature, First Session, 2015, is repealed.
 26 2. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 330. Senator Larson renewed his amendment, AM1479, found on page 1446 and considered on page 1474.

Senator Kolterman withdrew his amendment, AM1558, found on page 1449 and considered on page 1474.

Senator Kolterman offered his amendment, AM1614, found on page 1541, to the Larson amendment.

SPEAKER HADLEY PRESIDING

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Senator Kolterman moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Kolterman requested a roll call vote on the amendment.

Voting in the affirmative, 40:

Baker	Davis	Howard	McCollister	Scheer
Bloomfield	Friesen	Hughes	McCoy	Schnoor
Bolz	Groene	Johnson	Mello	Seiler
Campbell	Haar, K.	Kintner	Morfeld	Smith
Chambers	Hadley	Kolowski	Murante	Stinner
Coash	Hansen	Kolterman	Nordquist	Sullivan
Cook	Harr, B.	Krist	Pansing Brooks	Watermeier
Crawford	Hilkemann	Kuehn	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 6:

Brasch	Gloor	Schilz
Ebke	Larson	Schumacher

Excused and not voting, 3:

Craighead	Garrett	Lindstrom
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The Kolterman amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Larson amendment, as amended, was adopted with 32 ayes, 5 nays, 9 present and not voting, and 3 excused and not voting.

Senator Schumacher withdrew his amendment, FA57, found on page 1370.

Senator Davis offered his amendment, AM1546, found on page 1449.

Senator McCollister 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 Davis moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Davis requested a roll call vote on the amendment.

Voting in the affirmative, 17:

Bloomfield	Friesen	Howard	Riepe	Watermeier
Chambers	Gloor	Johnson	Schnoor	
Cook	Groene	Kuehn	Seiler	
Davis	Hadley	McCoy	Sullivan	

Voting in the negative, 10:

Coash	Haar, K.	Hughes	Larson	Murante
Ebke	Hilkemann	Kolterman	McCollister	Stinner

Present and not voting, 16:

Baker	Hansen	Lindstrom	Scheer
Bolz	Harr, B.	Morfeld	Schumacher
Campbell	Kolowski	Nordquist	Smith
Crawford	Krist	Pansing Brooks	Williams

Excused and not voting, 6:

Brasch	Garrett	Mello
Craighead	Kintner	Schilz

The Davis amendment lost with 17 ayes, 10 nays, 16 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following amendment:

FA67

On page 13, lines 11 and 12, strike the new language "and a written request by the church for a hearing."

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

Senator B. Harr moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 20 not voting.

The McCoy amendment lost with 13 ayes, 22 nays, 10 present and not voting, and 4 excused and not voting.

Senator Larson offered the following motion:

MO122

Invoke cloture pursuant to Rule 7, Sec. 10.

The Larson motion to invoke cloture prevailed with 35 ayes, 5 nays, 5 present and not voting, and 4 excused and not voting.

Senator McCoy requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 40:

Baker	Friesen	Hughes	McCollister	Schilz
Bolz	Gloor	Johnson	Mello	Schumacher
Campbell	Groene	Kintner	Morfeld	Seiler
Coash	Haar, K.	Kolterman	Murante	Smith
Cook	Hadley	Krist	Nordquist	Stinner
Crawford	Hansen	Kuehn	Pansing Brooks	Sullivan
Davis	Harr, B.	Larson	Riepe	Watermeier
Ebke	Hilkemann	Lindstrom	Scheer	Williams

Voting in the negative, 3:

Bloomfield McCoy Schnoor

Present and not voting, 3:

Chambers Howard Kolowski

Excused and not voting, 3:

Brasch Craighead Garrett

Advanced to Enrollment and Review for Engrossment with 40 ayes, 3 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 330A. Considered.

SENATOR KRIST PRESIDING

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 382. Placed on Final Reading.
ST46

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER127:
 - a. On page 2, line 13, "79-2306" has been struck and "2 of this act" inserted; and
 - b. On page 3, line 2, "79-2306" has been struck and "79-2301" inserted.
2. On page 1, the matter beginning with "79-2306" in line 2 through line 5 and all amendments thereto have been struck and "79-2301 and 81-1201.21, Reissue Revised Statutes of Nebraska; to provide for grants to entities offering high school equivalency programs as prescribed; to create a fund; to state intent relating to transfers; to provide for use of the Job Training Cash Fund; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 382A. Placed on Final Reading.

LEGISLATIVE BILL 642. Placed on Final Reading.
ST44

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM402, on page 6, line 28, "sections 60-3,122 and 60-3,124, Reissue Revised Statutes of Nebraska, and" has been inserted after "Original".

2. On page 1, line 1, "sections 60-3,122 and 60-3,124, Reissue Revised Statutes of Nebraska, and" has been inserted after "amend"; and in line 4 "to eliminate a fee for certain license plates;" has been inserted after the semicolon.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB320A:
AM1683

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$390,887 from the
4 General Fund for FY2015-16 and (2) \$321,182 from the General Fund for
5 FY2016-17 to the Department of Health and Human Services, for Program 33,
6 to aid in carrying out the provisions of Legislative Bill 320, One
7 Hundred Fourth Legislature, First Session, 2015.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed \$78,690
10 for FY2015-16 or \$104,919 for FY2016-17.
11 Sec. 2. There is hereby appropriated (1) \$215,978 from the General
12 Fund for FY2015-16 and (2) \$603,912 from the General Fund for FY2016-17
13 to the Department of Health and Human Services, for Program 571, to aid
14 in carrying out the provisions of Legislative Bill 320, One Hundred
15 Fourth Legislature, First Session, 2015.
16 No expenditures for permanent and temporary salaries and per diems
17 for state employees shall be made from funds appropriated in this
18 section.

Senator Bolz filed the following amendment to LB243A:
AM1657

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$120,476 from the
4 General Fund for FY2015-16 and (2) \$151,716 from the General Fund for
5 FY2016-17 to the Department of Health and Human Services, for Program 33,
6 to aid in carrying out the provisions of Legislative Bill 243, One
7 Hundred Fourth Legislature, First Session, 2015.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed \$37,295
10 for FY2015-16 or \$37,295 for FY2016-17.
11 Sec. 2. There is hereby appropriated (1) \$9,871 from the General
12 Fund and \$10,561 from federal funds for FY2015-16 and (2) \$16,216 from
13 the General Fund and \$16,986 from federal funds for FY2016-17 to the
14 Department of Health and Human Services, for Program 348, to aid in
15 carrying out the provisions of Legislative Bill 243, One Hundred Fourth

16 Legislature, First Session, 2015.

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) \$597,799 from the General
21 Fund for FY2015-16 and (2) \$567,559 from the General Fund for FY2016-17
22 to the Department of Health and Human Services, for Program 354, to aid
23 in carrying out the provisions of Legislative Bill 243, One Hundred
24 Fourth Legislature, First Session, 2015.

25 No expenditures for permanent and temporary salaries and per diems
26 for state employees shall be made from funds appropriated in this
1 section.

2 Sec. 4. There is hereby appropriated (1) \$173,997 from the General
3 Fund and \$65,952 from federal funds for FY2015-16 and (2) \$172,997 from
4 the General Fund and \$65,952 from federal funds for FY2016-17 to the
5 Department of Health and Human Services, for Program 359, to aid in
6 carrying out the provisions of Legislative Bill 243, One Hundred Fourth
7 Legislature, First Session, 2015.

8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed \$93,236
10 for FY2015-16 or \$93,236 for FY2016-17.

Senator Bolz filed the following amendment to LB598A:
AM1676 is available in the Bill Room.

Senator Campbell filed the following amendment to LB265A:
AM1678

(Amendments to Final Reading copy)

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

3 Section 1. Section 236, Legislative Bill 657, One Hundred Fourth
4 Legislature, First Session, 2015, is amended to read:

5 Sec. 236. AGENCY NO. 78 — NEBRASKA COMMISSION ON LAW ENFORCEMENT AND
6 CRIMINAL JUSTICE

7 Program No. 155 - County Juvenile Services Aid

	FY2015-16	FY2016-17
8 GENERAL FUND	7,401,271	7,406,931
9 PROGRAM TOTAL	7,401,271	7,406,931
10 SALARY LIMIT	173,783	177,081
11 SALARY LIMIT	<u>220,370</u>	<u>224,786</u>

12 There is included in the appropriation to this program for FY2015-16
13 ~~\$6,300,000~~ ~~\$7,000,000~~ General Funds for state aid, which shall only be
14 used for such purpose. There is included in the appropriation to this
15 program for FY2016-17 ~~\$6,300,000~~ ~~\$7,000,000~~ General Funds for state aid,
16 which shall only be used for such purpose.

17 The unexpended General Fund appropriation balance, less aid, on June
18 30, 2015, is hereby reappropriated.

19 The Nebraska Commission on Law Enforcement and Criminal Justice
20 shall contract with the University of Nebraska at Omaha, Juvenile Justice
21 and

22 Institute for \$210,000 in FY2015-16 and \$280,000 in FY2016-17. These
 23 amounts represent the percentages that the University of Nebraska at
 24 Omaha, Juvenile Justice Institute, is to receive as specified in
 25 Legislative Bill 265, One Hundred Fourth Legislature, First Session,
 26 2015.
 1 Sec. 2. There is hereby appropriated (1) \$263,732 from the General
 2 Fund and \$87,911 from federal funds for FY2015-16 and (2) \$259,232 from
 3 the General Fund and \$86,411 from federal funds for FY2016-17 to the
 4 Foster Care Review Office, for Program 116, to aid in carrying out the
 5 provisions of Legislative Bill 265, One Hundred Fourth Legislature, First
 6 Session, 2015.
 7 Total expenditures for permanent and temporary salaries and per
 8 diems from funds appropriated in this section shall not exceed \$178,875
 9 for FY2015-16 or \$178,875 for FY2016-17.
 10 Sec. 3. Original section 236, Legislative Bill 657, One Hundred
 11 Fourth Legislature, First Session, 2015, is repealed.
 12 2. On page 1, strike beginning with "appropriate" in line 1 through
 13 line 4 and insert "amend section 236, Legislative Bill 657, One Hundred
 14 Fourth Legislature, First Session, 2015; to appropriate funds to aid in
 15 carrying out the provisions of Legislative Bill 265, One Hundred Fourth
 16 Legislature, First Session, 2015; to change an appropriation; and to
 17 repeal the original section."

Senator B. Harr filed the following amendment to LB173:
 AM1641

(Amendments to Final Reading copy)

1 1. Strike section 2.
 2 2. On page 1, strike lines 2 through 5 and insert "28-105, Revised
 3 Statutes Cumulative Supplement, 2014; to eliminate certain mandatory
 4 minimum penalties; and to repeal the original section."
 5 3. On page 5, strike beginning with "29-2221" in line 3 through
 6 "section" in line 4; and in line 5 strike "are" and insert "is".
 7 4. Renumber the remaining section accordingly.

Senator B. Harr filed the following amendment to LB543:
 AM153

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 38-1201, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 38-1201 Sections 38-1201 to 38-1237 and section 3 of this act shall
 6 be known and may be cited as the Emergency Medical Services Practice Act.
 7 Sec. 2. 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
1 licensure classification enumerated in subdivision (1)(b) of this section
2 but has not completed the testing requirements for licensure under such
3 subdivision. Temporary licensure shall be valid for one year or until a
4 license is issued under such subdivision and shall not be subject to
5 renewal. The rules and regulations shall include qualifications and
6 training necessary for issuance of a temporary license, the practices and
7 procedures authorized for a temporary licensee, and supervision required
8 for a temporary licensee;

9 (3) Set standards for the licensure of basic life support services
10 and advanced life support services. The rules and regulations providing
11 for licensure shall include standards and requirements for: Vehicles,
12 equipment, maintenance, sanitation, inspections, personnel, training,
13 medical direction, records maintenance, practices and procedures to be
14 provided by employees or members of each classification of service, and
15 other criteria for licensure established by the board;

16 (4) Authorize emergency medical services to provide differing
17 practices and procedures depending upon the qualifications of out-of-
18 hospital emergency care providers available at the time of service
19 delivery. No emergency medical service shall be licensed to provide
20 practices or procedures without the use of personnel licensed to provide
21 the practices or procedures;

22 (5) Authorize out-of-hospital emergency care providers to perform
23 any practice or procedure which they are authorized to perform with an
24 emergency medical service other than the service with which they are
25 affiliated when requested by the other service and when the patient for
26 whom they are to render services is in danger of loss of life;

27 (6) Provide for the approval of training agencies and establish
28 minimum standards for services provided by training agencies;

29 (7) Provide for the minimum qualifications of a physician medical
30 director in addition to the licensure required by section 38-1212;

31 (8) Provide for the use of physician medical directors, qualified
1 physician surrogates, model protocols, standing orders, operating
2 procedures, and guidelines which may be necessary or appropriate to carry
3 out the purposes of the Emergency Medical Services Practice Act. The
4 model protocols, standing orders, operating procedures, and guidelines

5 may be modified by the physician medical director for use by any out-of-
6 hospital emergency care provider or emergency medical service before or
7 after adoption;

8 (9) Establish criteria for approval of organizations issuing
9 cardiopulmonary resuscitation certification which shall include criteria
10 for instructors, establishment of certification periods and minimum
11 curricula, and other aspects of training and certification;

12 (10) Establish renewal and reinstatement requirements for out-of-
13 hospital emergency care providers and emergency medical services and
14 establish continuing competency requirements. Continuing education is
15 sufficient to meet continuing competency requirements. The requirements
16 may also include, but not be limited to, one or more of the continuing
17 competency activities listed in section 38-145 which a licensed person
18 may select as an alternative to continuing education. The requirements
19 shall include twelve additional hours of continuing education in clinical
20 topics for community paramedics. A person who is licensed under a
21 licensure classification in subdivision (1)(b) of this section may
22 practice as a community paramedic as provided in section 3 of this act.

23 The reinstatement requirements for out-of-hospital emergency care
24 providers shall allow reinstatement at the same or any lower level of
25 licensure for which the out-of-hospital emergency care provider is
26 determined to be qualified;

27 (11) Establish criteria for deployment and use of automated external
28 defibrillators as necessary for the protection of the public health and
29 safety;

30 (12) Create licensure, renewal, and reinstatement requirements for
31 emergency medical service instructors. The rules and regulations shall
1 include the practices and procedures for licensure, renewal, and
2 reinstatement;

3 (13) Establish criteria for emergency medical technicians-
4 intermediate, advanced emergency medical technicians, emergency medical
5 technicians-paramedic, or paramedics performing activities within their
6 scope of practice at a hospital or health clinic under subsection (3) of
7 section 38-1224. Such criteria shall include, but not be limited to: (a)
8 Requirements for the orientation of registered nurses, physician
9 assistants, and physicians involved in the supervision of such personnel;
10 (b) supervisory and training requirements for the physician medical
11 director or other person in charge of the medical staff at such hospital
12 or health clinic; and (c) a requirement that such activities shall only
13 be performed at the discretion of, and with the approval of, the
14 governing authority of such hospital or health clinic. For purposes of
15 this subdivision, health clinic has the definition found in section
16 71-416 and hospital has the definition found in section 71-419; and

17 (14) Establish criteria and requirements for emergency medical
18 technicians-intermediate to renew licenses issued prior to September 1,
19 2010, and continue to practice after such classification has otherwise
20 terminated under subdivision (1) of this section. The rules and
21 regulations shall include the qualifications necessary to renew emergency
22 medical technicians-intermediate licenses after September 1, 2010, the

23 practices and procedures authorized for persons holding and renewing such
24 licenses, and the renewal and reinstatement requirements for holders of
25 such licenses.

26 Sec. 3. A community paramedic shall practice in accordance with
27 protocols and supervisory standards established by the physician medical
28 director in accordance with section 38-1217. A community paramedic may
29 provide services as directed by a patient care plan if the plan has been
30 developed by the patient's primary physician or by an advanced practice
31 registered nurse or a physician assistant, in conjunction with the
1 physician medical director and relevant local health care providers. The
2 care plan shall ensure that the services provided by the community
3 paramedic are consistent with the services offered by the patient's
4 health care home, if one exists, that the patient receives the necessary
5 services, and that there is no duplication of services to the patient.

6 Sec. 4. Section 68-901, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 68-901 Sections 68-901 to 68-974 and section 5 of this act shall be
9 known and may be cited as the Medical Assistance Act.

10 Sec. 5. (1) The department shall apply for a waiver to implement
11 this section.

12 (2) For purposes of this section:

13 (a) Community paramedic means a person licensed under a licensure
14 classification in subdivision (1)(b) of section 38-1217 and providing
15 community paramedic services in accordance with section 3 of this act;

16 (b) Community paramedic services includes health assessment, chronic
17 disease monitoring and education, medication compliance, immunizations
18 and vaccinations, laboratory specimen collection, hospital discharge
19 followup care, and minor medical procedures approved by the physician
20 medical director of the emergency medical service licensed under the
21 Emergency Medical Services Practice Act; and

22 (c) Eligible recipient means an individual who has received services
23 at a hospital emergency department three or more times in a period of
24 four consecutive months in the past twelve months or an individual who
25 has been identified by the individual's primary health care provider for
26 whom community paramedic services would likely prevent admission to or
27 would allow discharge from a nursing facility as defined in section
28 71-424 or would likely prevent readmission to a hospital as defined in
29 section 71-419 or a nursing facility.

30 (3) The medical assistance program shall cover community paramedic
31 services provided by community paramedics when the community paramedic
1 services are provided in accordance with this section and section 3 of
2 this act to an eligible recipient.

3 (4) Payment for community paramedic services provided by a community
4 paramedic under this section shall be a part of a care plan ordered by a
5 primary health care provider in consultation with the physician medical
6 director of an emergency medical service licensed under the Emergency
7 Medical Services Practice Act and shall be billed by an eligible provider
8 enrolled in the medical assistance program that employs or contracts with
9 the community paramedic. The care plan shall ensure that the community

10 paramedic services provided by a community paramedic are coordinated with
11 other community health providers and local public health agencies and
12 that community paramedic services do not duplicate services already
13 provided to the patient, including home health and waiver services.
14 (5) Community paramedic services provided by a community paramedic
15 to an eligible recipient who is also receiving care coordination services
16 shall be in consultation with the providers of the recipient's care
17 coordination services.
18 Sec. 6. Original section 38-1201, Reissue Revised Statutes of
19 Nebraska, and sections 38-1217 and 68-901, Revised Statutes Cumulative
20 Supplement, 2014, are repealed.

Senator Schumacher filed the following amendment to LB591:
AM1682

(Amendments to E and R amendments, ER128)

1 1. Insert the following new sections:
2 Sec. 12. Section 77-2715.07, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:
4 77-2715.07 (1) There shall be allowed to qualified resident
5 individuals as a nonrefundable credit against the income tax imposed by
6 the Nebraska Revenue Act of 1967:
7 (a) A credit equal to the federal credit allowed under section 22 of
8 the Internal Revenue Code; and
9 (b) A credit for taxes paid to another state as provided in section
10 77-2730.
11 (2) There shall be allowed to qualified resident individuals against
12 the income tax imposed by the Nebraska Revenue Act of 1967:
13 (a) For returns filed reporting federal adjusted gross incomes of
14 greater than twenty-nine thousand dollars, a nonrefundable credit equal
15 to twenty-five percent of the federal credit allowed under section 21 of
16 the Internal Revenue Code of 1986, as amended, except that for taxable
17 years beginning or deemed to begin on or after January 1, 2015, such
18 nonrefundable credit shall be allowed only if the individual would have
19 received the federal credit allowed under section 21 of the code after
20 adding back in any carryforward of a net operating loss that was deducted
21 pursuant to such section in determining eligibility for the federal
22 credit;
23 (b) For returns filed reporting federal adjusted gross income of
24 twenty-nine thousand dollars or less, a refundable credit equal to a
25 percentage of the federal credit allowable under section 21 of the
26 Internal Revenue Code of 1986, as amended, whether or not the federal
1 credit was limited by the federal tax liability. The percentage of the
2 federal credit shall be one hundred percent for incomes not greater than
3 twenty-two thousand dollars, and the percentage shall be reduced by ten
4 percent for each one thousand dollars, or fraction thereof, by which the
5 reported federal adjusted gross income exceeds twenty-two thousand
6 dollars, except that for taxable years beginning or deemed to begin on or
7 after January 1, 2015, such refundable credit shall be allowed only if
8 the individual would have received the federal credit allowed under

9 section 21 of the code after adding back in any carryforward of a net
10 operating loss that was deducted pursuant to such section in determining
11 eligibility for the federal credit;

12 (c) A refundable credit as provided in section 77-5209.01 for
13 individuals who qualify for an income tax credit as a qualified beginning
14 farmer or livestock producer under the Beginning Farmer Tax Credit Act
15 for all taxable years beginning or deemed to begin on or after January 1,
16 2006, under the Internal Revenue Code of 1986, as amended;

17 (d) A refundable credit for individuals who qualify for an income
18 tax credit under the Angel Investment Tax Credit Act, the Nebraska
19 Advantage Microenterprise Tax Credit Act, or the Nebraska Advantage
20 Research and Development Act; and

21 (e) A refundable credit equal to ten percent of the federal credit
22 allowed under section 32 of the Internal Revenue Code of 1986, as
23 amended, except that for taxable years beginning or deemed to begin on or
24 after January 1, 2015, such refundable credit shall be allowed only if
25 the individual would have received the federal credit allowed under
26 section 32 of the code after adding back in any carryforward of a net
27 operating loss that was deducted pursuant to such section in determining
28 eligibility for the federal credit.

29 (3) There shall be allowed to all individuals as a nonrefundable
30 credit against the income tax imposed by the Nebraska Revenue Act of
31 1967:

1 (a) A credit for personal exemptions allowed under section
2 77-2716.01;

3 (b) A credit for contributions to certified community betterment
4 programs as provided in the Community Development Assistance Act. Each
5 partner, each shareholder of an electing subchapter S corporation, each
6 beneficiary of an estate or trust, or each member of a limited liability
7 company shall report his or her share of the credit in the same manner
8 and proportion as he or she reports the partnership, subchapter S
9 corporation, estate, trust, or limited liability company income;

10 (c) A credit for investment in a biodiesel facility as provided in
11 section 77-27,236;

12 (d) A credit as provided in the New Markets Job Growth Investment
13 Act; and

14 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
15 Revitalization Act.

16 (4) There shall be allowed as a credit against the income tax
17 imposed by the Nebraska Revenue Act of 1967:

18 (a) A credit to all resident estates and trusts for taxes paid to
19 another state as provided in section 77-2730;

20 (b) A credit to all estates and trusts for contributions to
21 certified community betterment programs as provided in the Community
22 Development Assistance Act; and

23 (c) A refundable credit for individuals who qualify for an income
24 tax credit as an owner of agricultural assets under the Beginning Farmer
25 Tax Credit Act for all taxable years beginning or deemed to begin on or
26 after January 1, 2009, under the Internal Revenue Code of 1986, as

27 amended. The credit allowed for each partner, shareholder, member, or
28 beneficiary of a partnership, corporation, limited liability company, or
29 estate or trust qualifying for an income tax credit as an owner of
30 agricultural assets under the Beginning Farmer Tax Credit Act shall be
31 equal to the partner's, shareholder's, member's, or beneficiary's portion
1 of the amount of tax credit distributed pursuant to subsection (4) of
2 section 77-5211.

3 (5)(a) For all taxable years beginning on or after January 1, 2007,
4 and before January 1, 2009, under the Internal Revenue Code of 1986, as
5 amended, there shall be allowed to each partner, shareholder, member, or
6 beneficiary of a partnership, subchapter S corporation, limited liability
7 company, or estate or trust a nonrefundable credit against the income tax
8 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the
9 partner's, shareholder's, member's, or beneficiary's portion of the
10 amount of franchise tax paid to the state under sections 77-3801 to
11 77-3807 by a financial institution.

12 (b) For all taxable years beginning on or after January 1, 2009,
13 under the Internal Revenue Code of 1986, as amended, there shall be
14 allowed to each partner, shareholder, member, or beneficiary of a
15 partnership, subchapter S corporation, limited liability company, or
16 estate or trust a nonrefundable credit against the income tax imposed by
17 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,
18 member's, or beneficiary's portion of the amount of franchise tax paid to
19 the state under sections 77-3801 to 77-3807 by a financial institution.

20 (c) Each partner, shareholder, member, or beneficiary shall report
21 his or her share of the credit in the same manner and proportion as he or
22 she reports the partnership, subchapter S corporation, limited liability
23 company, or estate or trust income. If any partner, shareholder, member,
24 or beneficiary cannot fully utilize the credit for that year, the credit
25 may not be carried forward or back.

26 Sec. 14. Section 77-3504, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 77-3504 Household income means the total federal adjusted gross
29 income, as defined in the Internal Revenue Code, plus (1) any Nebraska
30 adjustments increasing the total federal adjusted gross income, (2) any
31 interest or dividends received by the owner regarding obligations of the
1 State of Nebraska or any political subdivision, authority, commission, or
2 instrumentality thereof to the extent excluded in the computation of
3 gross income for federal income tax purposes, ~~and~~ (3) any social security
4 or railroad retirement benefit to the extent excluded in the computation
5 of gross income for federal income tax purposes, and (4) any carryforward
6 of a net operating loss to the extent deducted for federal income tax
7 purposes, of the claimant and spouse, and any additional owners who are
8 natural persons and who occupy the homestead, for the taxable year of the
9 claimant immediately prior to the year for which the claim for exemption
10 is made, less all medical expenses actually incurred and paid by the
11 claimant, his or her spouse, or any owner-occupant which are in excess of
12 four percent of household income calculated prior to the deduction for
13 medical expenses. For purposes of this section, medical expenses means

14 the costs of health insurance premiums and the costs of goods and
 15 services purchased from a person licensed under the Uniform Credentialing
 16 Act or a health care facility or health care service licensed under the
 17 Health Care Facility Licensure Act for purposes of restoring or
 18 maintaining health, including insulin and prescription medicine, but not
 19 including nonprescription medicine.
 20 Sec. 16. Sections 14 and 17 of this act become operative on January
 21 1, 2016. The other sections of this act become operative on their
 22 effective date.
 23 Sec. 17. Original section 77-3504, Reissue Revised Statutes of
 24 Nebraska, is repealed.
 25 2. On page 13, line 8, after the second "trust" insert "or in the
 26 achieving a better life experience program as provided in sections 1 to 9
 27 of this act, if applicable".
 28 3. On page 17, line 8, after "68-1201" insert ", 77-2715.07,".
 29 4. Renumber the remaining sections accordingly.

Senator Kintner filed the following amendment to LB330:
 AM1690

(Amendments to E & R amendments, ER92)

1 1. Insert the following new section:
 2 Sec. 22. Section 53-160, Revised Statutes Cumulative Supplement,
 3 2014, is amended to read:
 4 53-160 (1) For the purpose of raising revenue, a tax is imposed upon
 5 the privilege of engaging in business as a manufacturer or a wholesaler
 6 at a rate of ~~twenty three~~ ~~one~~ cents per gallon on all beer; ~~eighty-five~~
 7 ~~ninety-five~~ cents per gallon for wine, except for wines produced and
 8 released from bond in farm wineries; six cents per gallon for wine
 9 produced and released from bond in farm wineries; and three dollars and
 10 seventy-five cents per gallon on alcohol and spirits manufactured and
 11 sold by such manufacturer or shipped for sale in this state by such
 12 wholesaler in the course of such business. The gallonage tax imposed by
 13 this subsection shall be imposed only on alcoholic liquor upon which a
 14 federal excise tax is imposed.
 15 (2) Manufacturers or wholesalers of alcoholic liquor shall be exempt
 16 from the payment of the gallonage tax on such alcoholic liquor upon
 17 satisfactory proof, including bills of lading furnished to the commission
 18 by affidavit or otherwise as the commission may require, that such
 19 alcoholic liquor was manufactured in this state but shipped out of the
 20 state for sale and consumption outside this state.
 21 (3) Dry wines or fortified wines manufactured or shipped into this
 22 state solely and exclusively for sacramental purposes and uses shall not
 23 be subject to the gallonage tax.
 24 (4) The gallonage tax shall not be imposed upon any alcoholic
 25 liquor, whether manufactured in or shipped into this state, when sold to
 26 a licensed nonbeverage user for use in the manufacture of any of the
 1 following when such products are unfit for beverage purposes: Patent and
 2 proprietary medicines and medicinal, antiseptic, and toilet preparations;
 3 flavoring extracts, syrups, food products, and confections or candy;

4 scientific, industrial, and chemical products, except denatured alcohol;
5 or products for scientific, chemical, experimental, or mechanical
6 purposes.

7 (5) The gallonage tax shall not be imposed upon the privilege of
8 engaging in any business in interstate commerce or otherwise, which
9 business may not, under the Constitution and statutes of the United
10 States, be made the subject of taxation by this state.

11 (6) The gallonage tax shall be in addition to all other occupation
12 or privilege taxes imposed by this state or by any municipal corporation
13 or political subdivision thereof.

14 (7) The commission shall collect the gallonage tax and shall account
15 for and remit to the State Treasurer at least once each week all money
16 collected pursuant to this section. If any alcoholic liquor manufactured
17 in or shipped into this state is sold to a licensed manufacturer or
18 wholesaler of this state to be used solely as an ingredient in the
19 manufacture of any beverage for human consumption, the tax imposed upon
20 such manufacturer or wholesaler shall be reduced by the amount of the
21 taxes which have been paid as to such alcoholic liquor so used under the
22 Nebraska Liquor Control Act. The net proceeds of all revenue arising
23 under this section shall be credited to the General Fund.

24 2. Renumber the remaining sections, correct internal references, and
25 amend the repealer accordingly.

Senator McCoy filed the following amendment to LB330:

FA69

Page 13, lines 11 and 12; page 16, lines 25 and 26, strike the new language.

Senator Larson filed the following amendment to LB330:

AM1565

(Amendments to E & R amendments, ER92)

1 1. Insert the following new sections:

2 Sec. 24. Section 53-169, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 53-169 (1) No manufacturer or wholesaler shall directly or
5 indirectly: (a) Pay for any license to sell alcoholic liquor at retail or
6 advance, furnish, lend, or give money for payment of such license; (b)
7 purchase or become the owner of any note, mortgage, or other evidence of
8 indebtedness of such licensee or any form of security therefor; (c) be
9 interested in the ownership, conduct, or operation of the business of any
10 licensee authorized to sell alcoholic liquor at retail; or (d) be
11 interested directly or indirectly or as owner, part owner, lessee, or
12 lessor thereof in any premises upon which alcoholic liquor is sold at
13 retail.

14 (2) ~~The This section shall not apply to the holder of a farm winery~~
15 ~~license shall have the privileges and duties listed in section 53-123.11~~
16 ~~with respect to the manufacture, distribution, and retail sale of wine,~~
17 ~~and the Nebraska Liquor Control Act shall not be construed to permit the~~
18 ~~holder of a farm winery license to engage in the wholesale distribution~~
19 ~~of wine.~~ The holder of a craft brewery license shall have the privileges

20 and duties listed in section 53-123.14 with respect to the manufacture,
 21 distribution, and retail sale of beer, and the Nebraska Liquor Control
 22 Act shall not be construed to permit the holder of a craft brewery
 23 license to engage in the wholesale distribution of beer. The holder of a
 24 microdistillery license shall have the privileges and duties listed in
 25 section 53-123.16 with respect to the manufacture of alcoholic liquor,
 26 and the Nebraska Liquor Control Act shall not be construed to permit the
 1 holder of a microdistillery license to engage in the wholesale
 2 distribution of alcoholic liquor.
 3 Sec. 25. Section 53-171, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 53-171 No person licensed as a manufacturer or wholesaler of
 6 alcoholic liquor shall be permitted to receive any retail license at the
 7 same time. No person licensed as a retailer of alcoholic liquor shall be
 8 permitted to receive any manufacturer's or wholesale license at the same
 9 time. ~~The This section shall not apply to the~~ holder of a farm winery
 10 license shall have the privileges and duties listed in section 53-123.11
 11 with respect to the manufacture, distribution, and retail sale of wine,
 12 and the Nebraska Liquor Control Act shall not be construed to permit the
 13 holder of a farm winery license to engage in the wholesale distribution
 14 of wine. The holder of a craft brewery license shall have the privileges
 15 and duties listed in section 53-123.14 with respect to the manufacture,
 16 distribution, and retail sale of beer, and the Nebraska Liquor Control
 17 Act shall not be construed to permit the holder of a craft brewery
 18 license to engage in the wholesale distribution of beer. The holder of a
 19 microdistillery license shall have the privileges and duties listed in
 20 section 53-123.16 with respect to the manufacture of alcoholic liquor,
 21 and the Nebraska Liquor Control Act shall not be construed to permit the
 22 holder of a microdistillery license to engage in the wholesale
 23 distribution of alcoholic liquor.
 24 2. On page 5, line 17, strike "wholesale and" and show as stricken.
 25 3. Renumber the remaining sections and correct the repealer
 26 accordingly.

Senator McCoy filed the following amendment to LB330:

FA70

Page 16, line 11 - add the stricken language back in "aged or".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 344. Introduced by Education Committee: Sullivan, 41, Chairperson; Baker, 30; Cook, 13; Groene, 42; Kolowski, 31; Morfeld, 46; Pansing Brooks, 28; Schnoor, 15.

PURPOSE: The purpose of this resolution is to examine the financing of public education and develop recommendations for improving school funding in Nebraska. Providing quality education through Nebraska's public schools is essential to the quality of life for all citizens of the state. In addition, 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. Therefore, the study committee is encouraged to work with the Revenue 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) Fairness and equity for public school students in all parts of the state;
- (2) Efficiency and effectiveness in the use of tax resources to educate the public school students of Nebraska;
- (3) Stability in the resources available to school districts, particularly in times of economic volatility; and
- (4) Competitiveness for the state in terms of the state's ability to attract and keep well-paying jobs and investments based on a workforce educated for success.

The study committee shall examine school finance policy 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.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST 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 345. Introduced by Ebke, 32.

WHEREAS, Robert Frederick "Fritz" Kluge and Judith Lynnette Conway were married on May 29, 1965; and

WHEREAS, Robert worked for the Technical Community College in Milford, now known as Southeast Community College, and Judith worked as a domestic engineer and professional parent; and

WHEREAS, by their 5th wedding anniversary, Robert and Judith had three children, Kerianne Sue, Kendra Lynn, and Kaurene Rei; and

WHEREAS, by their 10th wedding anniversary, Robert was transferred to Fairbury where the couple have spent the majority of their married life; and

WHEREAS, by their 15th wedding anniversary, the couple had opened their home and hearts to numerous foster children, with 19 children referring to the couple as "mom and dad"; and

WHEREAS, by their 25th wedding anniversary, the family had grown to include three additional children, Kreg Robert, Kiera Virae, and Kailen Jo; and

WHEREAS, by their 40th wedding anniversary, the couple had become grandparents to five grandchildren, Ashlyn Rei, Patrick Peter, Sierra Reeve, Kyle Red, and Lily Mae; and

WHEREAS, Robert and Judith will celebrate their 50th wedding anniversary on May 29, 2015, in Denton where they are still active in service to the youth of the state, the Benevolent and Protective Order of Elks, and Optimist International.

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

1. That the Legislature congratulates Robert and Judith Kluge on their 50th wedding anniversary.
2. That a copy of this resolution be sent to Robert and Judith Kluge.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs

Room 1507

Tuesday, May 26, 2015 12:00 p.m.

Richard Grauerholz - State Emergency Response Commission
Patrick Guinan - State Personnel Board
Timothy G. Hruza - Nebraska Accountability and Disclosure Commission
Matt Enenbach - Nebraska Accountability and Disclosure Commission

(Signed) John Murante, Chairperson

SELECT FILE

LEGISLATIVE BILL 468. ER119, found on page 1456, was adopted.

Senator Nordquist offered his amendment, AM1582, found on page 1507.

The Nordquist amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 468A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 480. ER121, found on page 1457, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 525. ER120, found on page 1457, was adopted.

Senator Sullivan asked unanimous consent to withdraw her amendment, AM1487, found on page 1505, and replace it with her substitute amendment, AM1645, found on page 1630. No objections. So ordered.

The Sullivan amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Schnoor offered his amendment, AM1575, found on page 1550.

The Schnoor amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Senator Kintner offered the following amendment:
AM1572 is available in the Bill Room.

SPEAKER HADLEY PRESIDING

Senator Kintner offered the following amendment to his amendment:
AM1697

(Amendments to AM1572)

- 1 1. Strike sections 1 and 49 and all amendments thereto.
- 2 2. Renumber the remaining sections and amend the repealer
- 3 accordingly.

Senator Hansen 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 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 the amendment.

Voting in the affirmative, 13:

Brasch	Garrett	Larson	Murante	Watermeier
Crawford	Hilkemann	Lindstrom	Schilz	
Ebke	Kintner	McCoy	Smith	

Voting in the negative, 32:

Baker	Davis	Harr, B.	Kuehn	Seiler
Bloomfield	Friesen	Howard	McCollister	Stinner
Bolz	Gloor	Hughes	Mello	Sullivan
Campbell	Groene	Johnson	Morfeld	Williams
Chambers	Haar, K.	Kolowski	Nordquist	
Coash	Hadley	Kolterman	Pansing Brooks	
Cook	Hansen	Krist	Scheer	

Present and not voting, 3:

Riepe Schnoor Schumacher

Excused and not voting, 1:

Craighead

The Kintner amendment lost with 13 ayes, 32 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Kintner offered the following amendment to his amendment:
AM1699

(Amendments to AM1572)

1 1. On page 46, line 12, strike "the Omaha and Ralston" and after
2 "districts" insert "in Nebraska".

SENATOR KRIST PRESIDING

Senator Davis 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 Kintner withdrew his amendment.

Pending.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 390. Placed on Select File with amendment.
ER138 is available in the Bill Room.

LEGISLATIVE BILL 390A. Placed on Select File.

LEGISLATIVE BILL 448. Placed on Select File with amendment.
ER139

1 1. In the Standing Committee amendments, AM1555:
2 a. On page 6, line 14, before "Management" insert "(4)";
3 b. On page 9, line 16, strike "(2)" and insert "(1)";
4 c. On page 10, line 20; and page 43, line 1, strike "subdivision"
5 and insert "subsection";
6 d. On page 13, line 8, after the last comma insert "at"; in line 16
7 after "means" insert an underscored comma; and in line 31 strike the
8 semicolon;
9 e. On page 17, lines 2 and 3; and page 20, lines 15 and 16, after
10 "as" insert "an";

11 f. On page 18, line 20; and page 21, line 20, strike "trustee" and
 12 insert "board of trustees";
 13 g. On page 20, line 18, strike "is not a member" and insert "are not
 14 members";
 15 h. On page 25, line 9, strike "phone" and insert "telephone";
 16 i. On page 25, line 30; and page 62, line 19, strike "the act" and
 17 insert "this act";
 18 j. On page 35, line 26; page 40, line 31; page 54, lines 8, 17, and
 19 26; page 55, lines 3, 7, and 28; page 56, line 2; page 59, line 9, before
 20 "trustees" insert "board of";
 21 k. On page 42, line 31, after "act" insert an underscored comma;
 22 l. On page 44, line 31, strike "retirement fund" and insert "Class V
 23 School Employees Retirement Fund.";
 24 m. On page 45, strike line 1; and
 25 n. On page 64, line 7, strike "System" and insert "Systems"; and in
 26 line 14 strike "agency" and insert "agencies".
 27 2. On page 1, strike lines 2 through 7 and insert "sections 72-1237,
 1 72-1239, 72-1239.01, 72-1249, 72-1249.02, 79-916, 79-966, 79-978,
 2 79-978.01, 79-979, 79-980, 79-981, 79-982, 79-983, 79-984, 79-985,
 3 79-986, 79-987, 79-989, 79-990, 79-991, 79-992, 79-996, 79-998, 79-9,100,
 4 79-9,102, 79-9,103, 79-9,104, 79-9,107, 79-9,108, 79-9,109, 79-9,111,
 5 79-9,113, 79-9,115, 79-9,117, and 84-1503, Reissue Revised Statutes of
 6 Nebraska, and section 72-1243, Revised Statutes Cumulative Supplement,
 7 2014; to change the membership of the Nebraska Investment Council; to
 8 change administration, governance, investment, contribution, benefit, and
 9 funding provisions related to the Class V School Employees Retirement
 10 Act; to provide duties for the Nebraska Investment Council and the Public
 11 Employees Retirement Board; to harmonize provisions; to provide
 12 severability; to repeal the original sections; to outright repeal section
 13 79-988.01, Reissue Revised Statutes of Nebraska; and to declare an
 14 emergency."

LEGISLATIVE BILL 448A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB500:
 AM1694

(Amendments to Final Reading copy)

1 1. Strike section 2 and insert the following new section:
 2 Sec. 2. (1) On or before May 1, 2016, the department shall submit
 3 an application to the Centers for Medicare and Medicaid Services of the
 4 United States Department of Health and Human Services to amend the
 5 medicaid state plan to provide for utilization of money to allow for
 6 payments for multisystemic therapy for youth who are eligible for the
 7 medical assistance program and CHIP pursuant to the federal Children's
 8 Health Insurance Program Reauthorization Act of 2009, Public Law 111-3,

9 as such act existed on January 1, 2015.

10 (2) For purposes of this section, CHIP means the Children's Health
11 Insurance Program established pursuant to 42 U.S.C. 1397aa et seq., as
12 such section existed on January 1, 2015.

13 2. On page 1, strike beginning with the first comma in line 4
14 through "model" in line 5.

Senator Friesen filed the following amendment to LB581:

AM1666

1 1. On page 2, after line 4, insert the following new subdivision:
2 "(1) Flex fuel dispenser means a fuel dispenser that is certified by
3 the manufacturer for use with ethanol blended fuels containing at least
4 fifteen percent by volume ethanol."; in line 5 strike "(1)" and insert
5 "(2)"; in line 8 strike "(2)" and insert "(3)"; in line 10 before the
6 semicolon insert "or gasoline containing at least fifteen percent by
7 volume ethanol"; in line 11 strike "(3)" and insert "(4)"; and in line 30
8 after the semicolon insert
9 "(iv) Flex fuel dispenser.".
10 2. On page 3, line 1, after "to" insert "the dispensing of ethanol-
11 blended fuels containing at least fifteen percent by volume ethanol or";
12 and in line 12, after "vehicle" add "or ethanol flex fuel dispenser".

Senator McCoy filed the following amendment to LB173:

AM1687

(Amendments to Final Reading copy)

1 1. Strike section 1 and insert the following new section:
2 Section 1. Section 28-105, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:
4 28-105 (1) For purposes of the Nebraska Criminal Code and any
5 statute passed by the Legislature after the date of passage of the code,
6 felonies are divided into ~~ten~~ nine classes which are distinguished from
7 one another by the following penalties which are authorized upon
8 conviction:
9 Class I felony Death
10 Class IA felony Life imprisonment
11 Class IB felony Maximum — life imprisonment
12 Minimum — twenty years imprisonment
13 Class IC felony Maximum — fifty years imprisonment
14 Mandatory minimum — five years imprisonment
15 Class ID felony Maximum — fifty years imprisonment
16 Mandatory minimum — three years imprisonment
17 Class II felony Maximum — fifty years imprisonment
18 Minimum — one year imprisonment
19 Class IIA felony Maximum — twenty years imprisonment
20 Minimum — none
21 Class III felony Maximum — four years imprisonment and two years
22 post-release supervision or
23 twenty-five thousand dollars fine, or both
24 Minimum — none for imprisonment and nine months

25 post-release supervision if imprisonment is imposed
 1 Class IIIA felony Maximum — three years imprisonment
 2 and eighteen months post-release supervision or
 3 ten thousand dollars fine, or both
 4 Minimum — none for imprisonment and nine months
 5 post-release supervision if imprisonment is imposed
 6 Class IV felony Maximum — two years imprisonment and twelve
 7 months post-release supervision or
 8 ten thousand dollars fine, or both
 9 Minimum — none for imprisonment and nine months
 10 post-release supervision if imprisonment is imposed
 11 Class III felony Maximum — twenty years imprisonment, or
 12 twenty five thousand dollars fine, or both
 13 Minimum — one year imprisonment
 14 Class IIIA felony Maximum — five years imprisonment, or
 15 ten thousand dollars fine, or both
 16 Minimum — none
 17 Class IV felony Maximum — five years imprisonment, or
 18 ten thousand dollars fine, or both
 19 Minimum — none
 20 (2) All sentences for maximum terms of imprisonment for Class IA,
 21 IB, IC, ID, II, and III felonies and sentences of one year or more for
 22 Class IIIA and IV felonies shall be served in institutions under the
 23 jurisdiction of the Department of Correctional Services. All sentences
 24 for maximum terms of imprisonment Sentences of less than one year shall
 25 be served in the county jail except as provided in this subsection. If
 26 the department certifies that it has programs and facilities available
 27 for persons sentenced to terms of less than one year, the court may order
 28 that any sentence of six months or more be served in any institution
 29 under the jurisdiction of the department. Any such certification shall be
 30 given by the department to the State Court Administrator, who shall
 1 forward copies thereof to each judge having jurisdiction to sentence in
 2 felony cases.
 3 (3) Nothing in this section shall limit the authority granted in
 4 sections 29-2221 and 29-2222 to increase sentences for habitual
 5 criminals.
 6 (4) A person convicted of a felony for which a mandatory minimum
 7 sentence is prescribed shall not be eligible for probation.
 8 (5) All sentences of post-release supervision shall be served under
 9 the jurisdiction of the Office of Probation Administration and shall be
 10 subject to conditions imposed pursuant to section 29-2262 and subject to
 11 sanctions authorized pursuant to section 29-2266.
 12 (6) Any person who is sentenced to imprisonment for a Class I, IA,
 13 IB, IC, ID, II, or IIA felony and sentenced concurrently or consecutively
 14 to imprisonment for a Class III, IIIA, or IV felony shall not be subject
 15 to post-release supervision pursuant to subsection (1) of this section.
 16 (7) The changes made to the penalties for Class III, IIIA, and IV
 17 felonies by this legislative bill do not apply to any offense committed
 18 prior to the effective date of this act.

Senator Garrett filed the following amendment to LB643A:
AM1693

- 1 1. On page 2, line 2, strike each occurrence of "General" and insert
- 2 "Nebraska Health Care Cash".

Senator Howard filed the following amendment to LB500A:
AM1696

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. There is hereby appropriated \$11,750 from the General
- 4 Fund and \$11,750 from federal funds for FY2015-16 to the Department of
- 5 Health and Human Services, for Program 33, to aid in carrying out the
- 6 provisions of Legislative Bill 500, One Hundred Fourth Legislature, First
- 7 Session, 2015.
- 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 \$425,405 from the General Fund
- 12 and \$451,177 from federal funds for FY2016-17 to the Department of Health
- 13 and Human Services, for Program 348, to aid in carrying out the
- 14 provisions of Legislative Bill 500, One Hundred Fourth Legislature, First
- 15 Session, 2015.
- 16 No expenditures for permanent and temporary salaries and per diems
- 17 for state employees shall be made from funds appropriated in this
- 18 section.
- 19 Sec. 3. The General Fund appropriation for FY2016-17 to the Supreme
- 20 Court, for Program 435, is hereby reduced by \$250,000.
- 21 Sec. 4. There is hereby appropriated \$129,516 from the General Fund
- 22 and \$251,749 from federal funds for FY2016-17 to the Department of Health
- 23 and Human Services, for Program 344, to aid in carrying out the
- 24 provisions of Legislative Bill 500, One Hundred Fourth Legislature, First
- 25 Session, 2015.
- 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.

Senator Schnoor filed the following amendment to LB176:
AM1633

(Amendments to Standing Committee amendments, AM495)

- 1 1. On page 2, line 15, strike "one million" and insert "two hundred
- 2 fifty thousand".

Senator Schnoor filed the following amendment to LB176:
AM1672

(Amendments to Standing Committee amendments, AM495)

- 1 1. On page 1, line 4, strike beginning with "Except" through "a" and
- 2 insert "A"; in line 10 strike "fourteen" and insert "five"; strike lines
- 3 12 through 18; and in line 19 strike "(3)" and insert "(2)".

Senator Davis filed the following amendment to LB176:
AM1635

1 1. On page 2, line 8, strike "between" and insert "that does not
2 contain a confidentiality clause and that is agreed to by".

Senator McCoy filed the following amendment to LB176:
AM1685

(Amendments to Standing Committee amendments, AM495)

1 1. On page 1, line 18, after the period insert "This subsection
2 terminates on June 1, 2020.".

SELECT FILE

LEGISLATIVE BILL 525. The Kintner amendment, AM1572, 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 25 ayes, 0 nays, and 24 not voting.

Senator Kintner withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 175. ER122, found on page 1457, was adopted.

Senator B. Harr offered his amendment, AM1513, found on page 1393.

The B. Harr amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Schilz offered the following amendment:
AM1648

(Amendments to E and R amendments, ER122)

1 1. On page 7, line 27, strike "one million five hundred thousand
2 dollars" and insert ": For calendar year 2016, five hundred thousand
3 dollars; for calendar years 2017 and 2018, seven hundred fifty thousand
4 dollars; and for calendar year 2019 and each calendar year thereafter,
5 one million dollars".

The Schilz amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 329. ER123, found on page 1511, was adopted.

Senator Schilz offered the following amendment:

AM1700

(Amendments to AM1580)

- 1 1. On page 2, line 17, strike the period and insert a semicolon; and
- 2 strike lines 18 through 22.
- 3 2. On page 3, lines 10 and 15, strike "solely"; after line 19 insert
- 4 the following new subdivision:
- 5 "(1) Who fails to exercise reasonable care to protect against the
- 6 particular dangers of structures or equipment used or kept on the owner's
- 7 premises;"; in line 20 strike "(1)" and insert "(2)"; in line 24 strike
- 8 "(2)" and insert "(3)"; and in line 29 strike "(3)" and insert "(4)".
- 9 3. On page 4, line 4, strike "(4)" and insert "(5)"; in line 9
- 10 strike "or"; in line 10 strike the period and insert a semicolon; after
- 11 line 10 insert the following new subdivisions:
- 12 "(d) Did not constitute an inherent risk;
- 13 (e) Occurred while the owner or the owner's employees were under the
- 14 influence of alcohol or illegal drugs; or
- 15 (f) Would otherwise be a violation of any other statute or rule or
- 16 regulation of the State of Nebraska, a state regulatory body, or a
- 17 political subdivision."; and in line 26 strike "solely".
- 18 4. Strike E and R Amendment, ER123.

The Schilz amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

VISITORS

Visitors to the Chamber were Lisa Kramer from Kennard; 12 eighth-grade students and teacher from Wausa; 49 fourth-grade students and teachers from Lincoln Christian Elementary; 80 fourth-grade students and teachers from York; 40 fourth-grade students and teachers from Blessed Sacrament School, Lincoln; 75 third-grade students, teachers, and sponsors from Kooser Elementary, Lincoln; 160 students, teachers, and sponsors from Gomez Heritage Elementary, Omaha; and Heather and Henry Circo from Lincoln.

ADJOURNMENT

At 9:12 p.m., on a motion by Senator Seiler, the Legislature adjourned until 9:00 a.m., Tuesday, May 19, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

